

New South Wales.



ANNO TERTIO DECIMO

GEORGII VI REGIS.

Act No. 44, 1948.

An Act to amend the Local Government Act, 1919, the Local Government (Areas) Act, 1948, the Gas and Electricity Act, 1935-1946, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 24th December, 1948.]

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:—

1. This Act may be cited as the "Local Government (Further Amendment) Act, 1948." Short title.

Local Government (Further Amendment).

Amendment
of Act No.
41, 1919.

Sec. 90A.
(Electrical
engineers.)

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

(a) (i) by omitting subsection one of section 90A and by inserting in lieu thereof the following subsection:—

(1) Where after the commencement of the Local Government (Further Amendment) Act, 1948—

(a) a vacancy occurs in the position of the servant having the principal oversight of an electricity trading undertaking conducted by the council; or

(b) the council establishes or acquires an electricity trading undertaking; the council shall employ in that position an electrical engineer who shall hold a certificate as prescribed:

Provided that the Minister on the occurrence of a vacancy as aforesaid or upon the establishment or acquisition of an electricity trading undertaking may grant the council an exemption from this provision.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Subsection one of this section shall apply only—

(a) where the total estimated annual income from all sources of the electricity trading undertaking exceeds the sum of four thousand pounds; or

(b) where two or more councils, each conducting its own electricity trading undertaking, employ the same electrical

Local Government (Further Amendment).

electrical engineer, and where the combined total estimated annual income from all sources of such undertakings exceeds the sum of four thousand pounds.

- (b) by inserting at the end of section one hundred and nineteen the following proviso:—

Sec. 119.
(Suspension
of land tax.)

Provided further that any land tax due and payable at the commencement of the Local Government (Further Amendment) Act, 1948, in pursuance of the foregoing provisions of this section is hereby waived.

- (c) by omitting section one hundred and forty-one.

Sec. 141.
(Rating of
Crown
leases.)

- (d) by inserting next after section one hundred and forty-eight the following new section:—

New sec.
148A.

148A. (1) This section shall apply only to land valued under the Valuation of Land Act, 1916.

Liability
where land
is subdivided.

(2) Where any land has been subdivided, and a portion sold or let, any unpaid rates may be apportioned accordingly by the council on the recommendation of the Valuer-General.

cf. Sch.
Three,
s. 16 (2).

- (e) by inserting next after section four hundred and seventeen the following new section:—

New sec.
417A.

417A. (1) (a) Where any person is supplying gas or electricity to the public otherwise than under the authority of an agreement conferring upon the council an option to purchase the undertaking of the supplier the council may acquire such undertaking by resumption in accordance with the provisions of this section.

Acquisition
of gas and
electricity
undertakings.

(b)

Local Government (Further Amendment).

(b) The provisions of Part XXV of this Act shall apply, mutatis mutandis, to and in respect of any resumption pursuant to this subsection.

(c) Any plant, equipment, machinery or apparatus used or capable of being used for the purposes of such undertaking and vested in the supplier at the date of any such resumption shall vest in the council.

The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment, machinery or apparatus vested in the council pursuant to this subsection and of the goodwill of any undertaking so resumed. Such value shall be the value agreed upon between the council and the supplier and in default of agreement the value as determined by the Land and Valuation Court.

(2) The right of acquisition conferred upon the council under subsection one of this section shall not extend to any case where the person supplying gas or electricity to the public also manufactures, generates or distributes gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

In any such case the council may with the approval of the Governor give notice in writing to the supplier that it is desirous of acquiring the plant, equipment, machinery or apparatus of the supplier, other than that which is used for or in connection with the manufacture, generation or distribution of gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

If after the expiration of a period of six months, or such further period as the Minister may allow, from the giving of such notice the council and the supplier fail to agree upon terms
for

Local Government (Further Amendment).

for the acquisition by the council of such plant, equipment, machinery or apparatus, such plant, equipment, machinery or apparatus shall thereupon vest in the council.

Compensation payable in respect of such plant, equipment, machinery or apparatus shall be the value, as agreed upon between the council and the supplier, of such plant, equipment, machinery or apparatus at the date of such vesting.

In default of agreement the value shall be as determined by the Land and Valuation Court.

(3) The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this section and its determination shall be final and conclusive.

(4) Where the Council exercises the right of acquisition conferred upon it by this section every person who, immediately before the day upon which the undertaking or part thereof is vested in the council, was wholly or principally employed on or in connection with the undertaking or that part thereof vested in the council, shall on such day (subject to any agreement which may be entered into between the council, the supplier and the employee)—

- (a) be transferred to the service of the council;
- (b) become a servant of the council;
- (c) be paid salary or wages not less than at the rate at which he was employed immediately before such day until such salary or wages is or are varied or altered by the council: Provided that such salary or wages shall not be reduced nor the services of the servant terminated (except for misconduct) for a period of two years from the date of such transfer; and

Local Government (Further Amendment).

- (d) be deemed to have been appointed and employed by the council under the provisions of this Act.

The person so transferred shall on and from such day until otherwise directed by the council continue to perform the duties which attached to his employment immediately before such day.

Sec. 418.
(Trading undertakings.)

- (f) by inserting at the end of subsection four of section four hundred and eighteen the following new paragraph:—

- (b) (i) Any such agreement for the extension of a trading undertaking referred to in paragraph (a) of subsection one of this section may include provisions whereby the council of the area into which such extension is to be made may pay to the council proposing to extend its undertaking the whole or any part of the annual liability of such council incurred in connection with such extension.

- (ii) The council of the area into which such extension is made may pay any sums falling due under any such agreement from the general fund or, if it considers that such extension is of direct benefit to portion only of the area, may make and levy a local rate on the unimproved capital value or on the improved capital value of ratable land within such portion.

New sec.
420A.

- (g) by inserting next after section four hundred and twenty the following new section:—

420A. Where, after the commencement of the Local Government (Further Amendment) Act, 1948, a vacancy occurs in the position of an employee having the principal oversight of an electricity supply undertaking carried on by any person

Employment
of certified
electrical
engineer.
cf. s. 90A.

Local Government (Further Amendment).

person supplying electricity to the public under any agreement with any council or councils made in pursuance of section four hundred and twenty of this Act the total estimated annual income of which from all sources exceeds the sum of four thousand pounds, or where any person commences to supply electricity to the public under such an agreement and the total estimated annual income of the undertaking exceeds that sum, such person shall employ an electrical engineer who shall hold a certificate as prescribed:

Provided that the Minister, on the occurrence of a vacancy as aforesaid, or upon the commencement of the supply of electricity as aforesaid, may grant such person an exemption from this provision.

3. The Local Government (Areas) Act, 1948, is amended—

- (a) by omitting from paragraph (c) of subsection five of section seventeen the words “made under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force immediately before the appointed day” and by inserting in lieu thereof the words “which the Municipal Council of Sydney directed or caused to be made during the years one thousand nine hundred and forty-seven and one thousand nine hundred and forty-eight”;
- (b) by inserting at the end of the same paragraph the words “and shall come into force on the appointed day.

Amendment
of Act No.
30, 1948.

Sec. 17.
(Valuation
of land.)

Any appeal against any such assessment or valuation pending before the appointed day in accordance with the provisions of the Sydney Corporation Act, 1932, as amended by subsequent Acts, may be continued and determined in accordance with the provisions of that Act, as so amended, in force immediately before the appointed day.

The

Local Government (Further Amendment).

The provisions of subsection four of section eighteen of Schedule Three of the Principal Act shall apply to and in respect of any such assessment or valuation and for the purposes of such application any such appeal shall be deemed to be an objection."

Amendment of Act No. 42, 1935. Sec. 55A. (Inscribed stock.) cf. Act No. 58, 1932, s. 262F (4).

4. The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended by inserting in subsection three of section 55A after the word "shall" the words "both as regards the issue and any transfer thereof for full consideration in money or money's worth."

Expenditure by councils in connection with Royal visit.

5. Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, and each municipal, shire or county council is hereby and shall be deemed always to have been empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function, entertainment, pageant or display arranged in connection with the visit which Their Majesties propose to make to New South Wales.

Validation of certain payments by the Municipal Council of Sydney.

6. (1) The payment of the sum of one thousand pounds made by the Municipal Council of Sydney on the seventeenth day of June, one thousand nine hundred and forty-eight, as a subsidy to the City of Sydney Eisteddfod 1948 is hereby validated.

(2) The Municipal Council of Sydney is hereby empowered and shall be deemed always to have been empowered to subsidise the Sydney Symphony Orchestra and for that purpose to enter into any agreement with any person or body whether corporate or unincorporate.

Salaries of certain servants.

7. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the salary or wages payable by the council of an area constituted under the Local Government (Areas) Act, 1948, to a servant who by virtue of that Act is transferred to the service of the council so constituted shall, from the first day of January, one thousand nine hundred and forty-nine, until such time as the salary

or

Local Government (Further Amendment).

or wages of such servant is altered by such council in accordance with the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, be at the rate at which such servant was paid on the first day of July, one thousand nine hundred and forty-eight.

Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in accordance with the provisions of any award of a competent tribunal or of any industrial agreement.

8. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the period of service with one or more municipalities, shires or county districts existing under the Local Government Act, 1919, as so amended, at any time before the first day of January, one thousand nine hundred and forty-nine, of any person who by virtue of the Local Government (Areas) Act, 1948, is transferred to the service of the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a gratuity payable by that Council under any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, to or in respect of a servant of that Council upon his retirement or death.

Period of
service of
certain
servants.

By Authority:

ALFRED HENRY PETTIFER, Government Printer, Sydney, 1949.

[6d.]

Local Government (Further Amendment)

in wages of such servant is allowed by such board in accordance with the provisions of section 20c of the Local Government Act, 1915, as amended by subsequent Acts, in the case of such servant, and in the first day of July, one thousand nine hundred and forty-eight.

Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in an offence with the provisions of any award of a competent tribunal or of any industrial agreement.

8. Notwithstanding the provisions of section 20c of the Local Government Act, 1915, as amended by subsequent Acts or the provisions of the Local Government (Rates) Act, 1915, the period of service with one or more municipalities, shires or county districts existing under the Local Government Act, 1915, as amended, at any time before the first day of January, one thousand nine hundred and forty-eight of any person who by virtue of the Local Government (Rates) Act, 1918, is transferred to the service of the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a rateable property tax that Council may award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, in or in respect of a servant of that Council upon the expiration of the

Section 20c of Act No. 44, 1918

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 9 December, 1948.*

New South Wales.



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GEORGII VI REGIS.

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An Act to amend the Local Government Act, 1919, the Local Government (Areas) Act, 1948, the Gas and Electricity Act, 1935-1946, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith. [Assented to, 24th December, 1948.]

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:—

1. This Act may be cited as the "Local Government (Further Amendment) Act, 1948." Short title.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,

Chairman of Committees of the Legislative Assembly.

Local Government (Further Amendment).

Amendment
of Act No.
41, 1919.

Sec. 90A.
(Electrical
engineers.)

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

(a) (i) by omitting subsection one of section 90A and by inserting in lieu thereof the following subsection:—

(1) Where after the commencement of the Local Government (Further Amendment) Act, 1948—

(a) a vacancy occurs in the position of the servant having the principal oversight of an electricity trading undertaking conducted by the council; or

(b) the council establishes or acquires an electricity trading undertaking;

the council shall employ in that position an electrical engineer who shall hold a certificate as prescribed:

Provided that the Minister on the occurrence of a vacancy as aforesaid or upon the establishment or acquisition of an electricity trading undertaking may grant the council an exemption from this provision.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Subsection one of this section shall apply only—

(a) where the total estimated annual income from all sources of the electricity trading undertaking exceeds the sum of four thousand pounds; or

(b) where two or more councils, each conducting its own electricity trading undertaking, employ the same electrical

Local Government (Further Amendment).

electrical engineer, and where the combined total estimated annual income from all sources of such undertakings exceeds the sum of four thousand pounds.

- (b) by inserting at the end of section one hundred and nineteen the following proviso:—

Sec. 119.
(Suspension
of land tax.)

Provided further that any land tax due and payable at the commencement of the Local Government (Further Amendment) Act, 1948, in pursuance of the foregoing provisions of this section is hereby waived.

- (c) by omitting section one hundred and forty-one.

Sec. 141.
(Rating of
Crown
leases.)

- (d) by inserting next after section one hundred and forty-eight the following new section:—

New sec.
148A.

148A. (1) This section shall apply only to land valued under the Valuation of Land Act, 1916.

Liability
where land
is subdivided.

(2) Where any land has been subdivided, and a portion sold or let, any unpaid rates may be apportioned accordingly by the council on the recommendation of the Valuer-General.

cf. Sch.
Three,
s. 16 (2).

- (e) by inserting next after section four hundred and seventeen the following new section:—

New sec.
417A.

417A. (1) (a) Where any person is supplying gas or electricity to the public otherwise than under the authority of an agreement conferring upon the council an option to purchase the undertaking of the supplier the council may acquire such undertaking by resumption in accordance with the provisions of this section.

Acquisition
of gas and
electricity
undertakings.

(b)

Local Government (Further Amendment).

(b) The provisions of Part XXV of this Act shall apply, mutatis mutandis, to and in respect of any resumption pursuant to this subsection.

(c) Any plant, equipment, machinery or apparatus used or capable of being used for the purposes of such undertaking and vested in the supplier at the date of any such resumption shall vest in the council.

The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment, machinery or apparatus vested in the council pursuant to this subsection and of the goodwill of any undertaking so resumed. Such value shall be the value agreed upon between the council and the supplier and in default of agreement the value as determined by the Land and Valuation Court.

(2) The right of acquisition conferred upon the council under subsection one of this section shall not extend to any case where the person supplying gas or electricity to the public also manufactures, generates or distributes gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

In any such case the council may with the approval of the Governor give notice in writing to the supplier that it is desirous of acquiring the plant, equipment, machinery or apparatus of the supplier, other than that which is used for or in connection with the manufacture, generation or distribution of gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

If after the expiration of a period of six months, or such further period as the Minister may allow, from the giving of such notice the council and the supplier fail to agree upon terms
for

Local Government (Further Amendment).

for the acquisition by the council of such plant, equipment, machinery or apparatus, such plant, equipment, machinery or apparatus shall thereupon vest in the council.

Compensation payable in respect of such plant, equipment, machinery or apparatus shall be the value, as agreed upon between the council and the supplier, of such plant, equipment, machinery or apparatus at the date of such vesting.

In default of agreement the value shall be as determined by the Land and Valuation Court.

(3) The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this section and its determination shall be final and conclusive.

(4) Where the Council exercises the right of acquisition conferred upon it by this section every person who, immediately before the day upon which the undertaking or part thereof is vested in the council, was wholly or principally employed on or in connection with the undertaking or that part thereof vested in the council, shall on such day (subject to any agreement which may be entered into between the council, the supplier and the employee)—

- (a) be transferred to the service of the council;
- (b) become a servant of the council;
- (c) be paid salary or wages not less than at the rate at which he was employed immediately before such day until such salary or wages is or are varied or altered by the council: Provided that such salary or wages shall not be reduced nor the services of the servant terminated (except for misconduct) for a period of two years from the date of such transfer; and

(d)

Local Government (Further Amendment).

- (d) be deemed to have been appointed and employed by the council under the provisions of this Act.

The person so transferred shall on and from such day until otherwise directed by the council continue to perform the duties which attached to his employment immediately before such day.

Sec. 418.
(Trading
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- (f) by inserting at the end of subsection four of section four hundred and eighteen the following new paragraph:—

- (b) (i) Any such agreement for the extension of a trading undertaking referred to in paragraph (a) of subsection one of this section may include provisions whereby the council of the area into which such extension is to be made may pay to the council proposing to extend its undertaking the whole or any part of the annual liability of such council incurred in connection with such extension.

- (ii) The council of the area into which such extension is made may pay any sums falling due under any such agreement from the general fund or, if it considers that such extension is of direct benefit to portion only of the area, may make and levy a local rate on the unimproved capital value or on the improved capital value of ratable land within such portion.

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- (g) by inserting next after section four hundred and twenty the following new section:—

Employment
of certifi-
cated
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engineer.
cf. s. 90A.

420A. Where, after the commencement of the Local Government (Further Amendment) Act, 1948, a vacancy occurs in the position of an employee having the principal oversight of an electricity supply undertaking carried on by any person

Local Government (Further Amendment).

person supplying electricity to the public under any agreement with any council or councils made in pursuance of section four hundred and twenty of this Act the total estimated annual income of which from all sources exceeds the sum of four thousand pounds, or where any person commences to supply electricity to the public under such an agreement and the total estimated annual income of the undertaking exceeds that sum, such person shall employ an electrical engineer who shall hold a certificate as prescribed:

Provided that the Minister, on the occurrence of a vacancy as aforesaid, or upon the commencement of the supply of electricity as aforesaid, may grant such person an exemption from this provision.

3. The Local Government (Areas) Act, 1948, is amended—

- Amendment
of Act No.
30, 1948.

Sec. 17.
(Valuation
of land.)
- (a) by omitting from paragraph (c) of subsection five of section seventeen the words "made under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force immediately before the appointed day" and by inserting in lieu thereof the words "which the Municipal Council of Sydney directed or caused to be made during the years one thousand nine hundred and forty-seven and one thousand nine hundred and forty-eight";
- (b) by inserting at the end of the same paragraph the words "and shall come into force on the appointed day."

Any appeal against any such assessment or valuation pending before the appointed day in accordance with the provisions of the Sydney Corporation Act, 1932, as amended by subsequent Acts, may be continued and determined in accordance with the provisions of that Act, as so amended, in force immediately before the appointed day.

The

Local Government (Further Amendment).

The provisions of subsection four of section eighteen of Schedule Three of the Principal Act shall apply to and in respect of any such assessment or valuation and for the purposes of such application any such appeal shall be deemed to be an objection."

Amendment
of Act No.
42, 1935.
Sec. 55A.
(Inscribed
stock.)
cf. Act No.
58, 1932,
s. 262F (4).

4. The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended by inserting in subsection three of section 55A after the word "shall" the words "both as regards the issue and any transfer thereof for full consideration in money or money's worth."

Expenditure
by councils
in connec-
tion
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visit.

5. Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, and each municipal, shire or county council is hereby and shall be deemed always to have been empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function, entertainment, pageant or display arranged in connection with the visit which Their Majesties propose to make to New South Wales.

Validation
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payments by
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cipal Council
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6. (1) The payment of the sum of one thousand pounds made by the Municipal Council of Sydney on the seventeenth day of June, one thousand nine hundred and forty-eight, as a subsidy to the City of Sydney Eisteddfod 1948 is hereby validated.

(2) The Municipal Council of Sydney is hereby empowered and shall be deemed always to have been empowered to subsidise the Sydney Symphony Orchestra and for that purpose to enter into any agreement with any person or body whether corporate or unincorporate.

Salaries of
certain
servants.

7. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the salary or wages payable by the council of an area constituted under the Local Government (Areas) Act, 1948, to a servant who by virtue of that Act is transferred to the service of the council so constituted shall, from the first day of January, one thousand nine hundred and forty-nine, until such time as the salary

or

Local Government (Further Amendment).

or wages of such servant is altered by such council in accordance with the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, be at the rate at which such servant was paid on the first day of July, one thousand nine hundred and forty-eight.

Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in accordance with the provisions of any award of a competent tribunal or of any industrial agreement.

8. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the period of service with one or more municipalities, shires or county districts existing under the Local Government Act, 1919, as so amended, at any time before the first day of January, one thousand nine hundred and forty-nine, of any person who by virtue of the Local Government (Areas) Act, 1948, is transferred to the service of the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a gratuity payable by that Council under any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, to or in respect of a servant of that Council upon his retirement or death.

Period of
service of
certain
servants.

*In the name and on behalf of His Majesty I assent to
this Act.*

J. NORTHCOTT,
Governor.

*Government House,
Sydney, 24th December, 1948.*

LOCAL GOVERNMENT (FURTHER AMENDMENT) BILL.

Schedule of the amendments referred to in Legislative Council's Message of

- 1.—Page 2, clause 2, line 16. *After* “employ” *insert* **“in that position”**.
- 2.—Pages 6 and 7, clause 2. From line 34 on page 6 down to line 9 on page 7. *Omit* all words on these lines.
- 3.—Page 8, clause 5, line 32. *After* “hereby” *insert* **“and shall be deemed always to have been”**.

THE HISTORY OF THE UNITED STATES

CHAPTER I
THE EARLY HISTORY OF THE UNITED STATES
The first European settlement in North America was established by the English in 1607 at Jamestown, Virginia. The colony was founded by a group of men led by Captain John Rolfe, who had been sent to the colony by the Virginia Company of London. The colony was initially a failure, but it was saved by the discovery of tobacco as a cash crop. The tobacco trade led to the growth of the colony and the development of a plantation system. The colony was eventually absorbed into the Virginia colony in 1624.

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.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 2 December, 1948.

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

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 9th December, 1948.

New South Wales.



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Act No. , 1948.

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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.
(Further Amendment) Act, 1948."

92917 321—A

2.

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

Local Government (Further Amendment).

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

Amendment
of Act No.
41, 1919.

5 (a) (i) by omitting subsection one of section 90A and by inserting in lieu thereof the following subsection:—

Sec. 90A.
(Electrical
engineers.)

(1) Where after the commencement of the Local Government (Further Amendment) Act, 1948—

10 (a) a vacancy occurs in the position of the servant having the principal oversight of an electricity trading undertaking conducted by the council; or

15 (b) the council establishes or acquires an electricity trading undertaking; the council shall employ **in that position** an electrical engineer who shall hold a certificate as prescribed:

20 Provided that the Minister on the occurrence of a vacancy as aforesaid or upon the establishment or acquisition of an electricity trading undertaking may grant the council an exemption from this provision.

25 (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Subsection one of this section shall apply only—

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Local Government (Further Amendment).

- 5 electrical engineer, and where the combined total estimated annual income from all sources of such undertakings exceeds the sum of four thousand pounds.
- (b) by inserting at the end of section one hundred and nineteen the following proviso:— Sec. 119.
(Suspension of land tax.)
- 10 Provided further that any land tax due and payable at the commencement of the Local Government (Further Amendment) Act, 1948, in pursuance of the foregoing provisions of this section is hereby waived.
- (c) by omitting section one hundred and forty-one. Sec. 141.
(Rating of Crown leases.)
- 15 (d) by inserting next after section one hundred and forty-eight the following new section:— New sec. 148A.
- 148A. (1) This section shall apply only to land valued under the Valuation of Land Act, 1916. Liability where land is subdivided.
cf. Sch. Three, s. 16 (2).
- 20 (2) Where any land has been subdivided, and a portion sold or let, any unpaid rates may be apportioned accordingly by the council on the recommendation of the Valuer-General.
- 25 (e) by inserting next after section four hundred and seventeen the following new section:— New sec. 417A.
- 30 417A. (1) (a) Where any person is supplying gas or electricity to the public otherwise than under the authority of an agreement conferring upon the council an option to purchase the undertaking of the supplier the council may acquire such undertaking by resumption in accordance with the provisions of this section. Acquisition of gas and electricity undertakings.
- (b)

Local Government (Further Amendment).

(b) The provisions of Part XXV of this Act shall apply, mutatis mutandis, to and in respect of any resumption pursuant to this subsection.

5 (c) Any plant, equipment, machinery or apparatus used or capable of being used for the purposes of such undertaking and vested in the supplier at the date of any such resumption shall vest in the council.

10 The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment, machinery or apparatus vested in the council pursuant to this subsection and of the
15 goodwill of any undertaking so resumed. Such value shall be the value agreed upon between the council and the supplier and in default of agreement the value as determined by the Land and Valuation Court.

20 (2) The right of acquisition conferred upon the council under subsection one of this section shall not extend to any case where the person supplying gas or electricity to the public also manufactures, generates or distributes gas
25 or electricity for or in connection with any industry, business or undertaking carried on by such person.

In any such case the council may with the
30 approval of the Governor give notice in writing to the supplier that it is desirous of acquiring the plant, equipment, machinery or apparatus of the supplier, other than that which is used for
35 or in connection with the manufacture, generation or distribution of gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

If after the expiration of a period of six
40 months, or such further period as the Minister may allow, from the giving of such notice the council and the supplier fail to agree upon terms
for

Local Government (Further Amendment).

for the acquisition by the council of such plant, equipment, machinery or apparatus, such plant, equipment, machinery or apparatus shall thereupon vest in the council.

5 Compensation payable in respect of such plant, equipment, machinery or apparatus shall be the value, as agreed upon between the council and the supplier, of such plant, equipment, machinery or apparatus at the date of such vesting.

10 In default of agreement the value shall be as determined by the Land and Valuation Court.

15 (3) The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this section and its determination shall be final and conclusive.

20 (4) Where the Council exercises the right of acquisition conferred upon it by this section every person who, immediately before the day upon which the undertaking or part thereof is vested in the council, was wholly or principally employed on or in connection with the undertaking or that part thereof vested in the council, shall on such day (subject to any agreement which may be entered into between the council, the supplier and the employee)—

- 25 (a) be transferred to the service of the council;
- (b) become a servant of the council;
- 30 (c) be paid salary or wages not less than at the rate at which he was employed immediately before such day until such salary or wages is or are varied or altered by the council: Provided that
- 35 such salary or wages shall not be reduced nor the services of the servant terminated (except for misconduct) for a period of two years from the date of such transfer; and

(d)

Local Government (Further Amendment).

(d) be deemed to have been appointed and employed by the council under the provisions of this Act.

5 The person so transferred shall on and from such day until otherwise directed by the council continue to perform the duties which attached to his employment immediately before such day.

(f) by inserting at the end of subsection four of section four hundred and eighteen the following new paragraph:—

Sec. 418.
(Trading undertakings.)

10 (b) (i) Any such agreement for the extension of a trading undertaking referred to in paragraph (a) of subsection one of this section may include provisions whereby the council of the area into which such extension is to be made may pay to the council proposing to extend its undertaking the whole or any part of the annual liability of such council incurred in connection with such extension.

15 (ii) The council of the area into which such extension is made may pay any sums falling due under any such agreement from the general fund or, if it considers that such extension is of direct benefit to portion only of the area, may make and levy a local rate on the unimproved capital value or on the improved capital value of ratable land within such portion.

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35 (iii) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this subsection may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund.

Where—

cf. 493
(4)

Local Government (Further Amendment).

Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

5

The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

10

(g) by inserting next after section four hundred and twenty the following new section:—

New sec.
420A.

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420A. Where, after the commencement of the Local Government (Further Amendment) Act, 1948, a vacancy occurs in the position of an employee having the principal oversight of an electricity supply undertaking carried on by any person supplying electricity to the public under any agreement with any council or councils made in pursuance of section four hundred and twenty of this Act the total estimated annual income of which from all sources exceeds the sum of four thousand pounds, or where any person commences to supply electricity to the public under such an agreement and the total estimated annual income of the undertaking exceeds that sum, such person shall employ an electrical engineer who shall hold a certificate as prescribed:

Employment
of certifi-
cated
electrical
engineer.
cf. s. 90A.

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Provided that the Minister, on the occurrence of a vacancy as aforesaid, or upon the commencement of the supply of electricity as aforesaid, may grant such person an exemption from this provision.

3. The Local Government (Areas) Act, 1948, is amended—

Amendment
of Act No.
30, 1948.

(a) by omitting from paragraph (c) of subsection five of section seventeen the words "made under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force immediately before

Sec. 17.
(Valuation
of land.)

Local Government (Further Amendment),

5 before the appointed day” and by inserting in lieu thereof the words “which the Municipal Council of Sydney directed or caused to be made during the years one thousand nine hundred and forty-seven and one thousand nine hundred and forty-eight”;

(b) by inserting at the end of the same paragraph the words “and shall come into force on the appointed day.

10 Any appeal against any such assessment or valuation pending before the appointed day in accordance with the provisions of the Sydney Corporation Act, 1932, as amended by subsequent Acts, may be continued and determined
15 in accordance with the provisions of that Act, as so amended, in force immediately before the appointed day.

20 The provisions of subsection four of section eighteen of Schedule Three of the Principal Act shall apply to and in respect of any such assessment or valuation and for the purposes of such application any such appeal shall be deemed to be an objection.”

25 **4.** The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended by inserting in subsection three of section 55A after the word “shall” the words “both as regards the issue and any transfer thereof for full consideration in money or money’s worth.”

Amendment of Act No. 42, 1935. Sec. 55A. (Inscribed stock.) cf. Act No. 58, 1932, s. 262F (4).

30 **5.** Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, and each municipal, shire or county council is hereby **and shall be deemed always to have been** empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function,
35 entertainment, pageant or display arranged in connection with the visit which Their Majesties propose to make to New South Wales.

Expenditure by councils in connection with Royal visit.

6.

Local Government (Further Amendment).

6. (1) The payment of the sum of one thousand pounds made by the Municipal Council of Sydney on the seventeenth day of June, one thousand nine hundred and forty-eight, as a subsidy to the City of Sydney Eisteddfod 5 1948 is hereby validated.

Validation of certain payments by the Municipal Council of Sydney.

(2) The Municipal Council of Sydney is hereby empowered and shall be deemed always to have been empowered to subsidise the Sydney Symphony Orchestra and for that purpose to enter into any agreement with 10 any person or body whether corporate or unincorporate.

7. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the salary or wages payable by the 15 council of an area constituted under the Local Government (Areas) Act, 1948, to a servant who by virtue of that Act is transferred to the service of the council so constituted shall, from the first day of January, one thousand nine hundred and forty-nine, until such time as the salary 20 or wages of such servant is altered by such council in accordance with the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, be at the rate at which such servant was paid on the first day of July, one thousand nine hundred and 25 forty-eight.

Salaries of certain servants.

Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in accordance with the provisions of any award of a competent tribunal or of any industrial agreement.

8. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the period of service with one or more municipalities, shires or county districts existing 30 under the Local Government Act, 1919, as so amended, at any time before the first day of January, one thousand nine hundred and forty-nine, of any person who by virtue of the Local Government (Areas) Act, 1948, is 35 transferred

Period of service of certain servants.

Local Government (Further Amendment).

transferred to the service of the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a gratuity payable by that Council under any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, to or in respect of a servant of that Council upon his retirement or death.

Sydney: Alfred Henry Pettifer, Government Printer—1948.

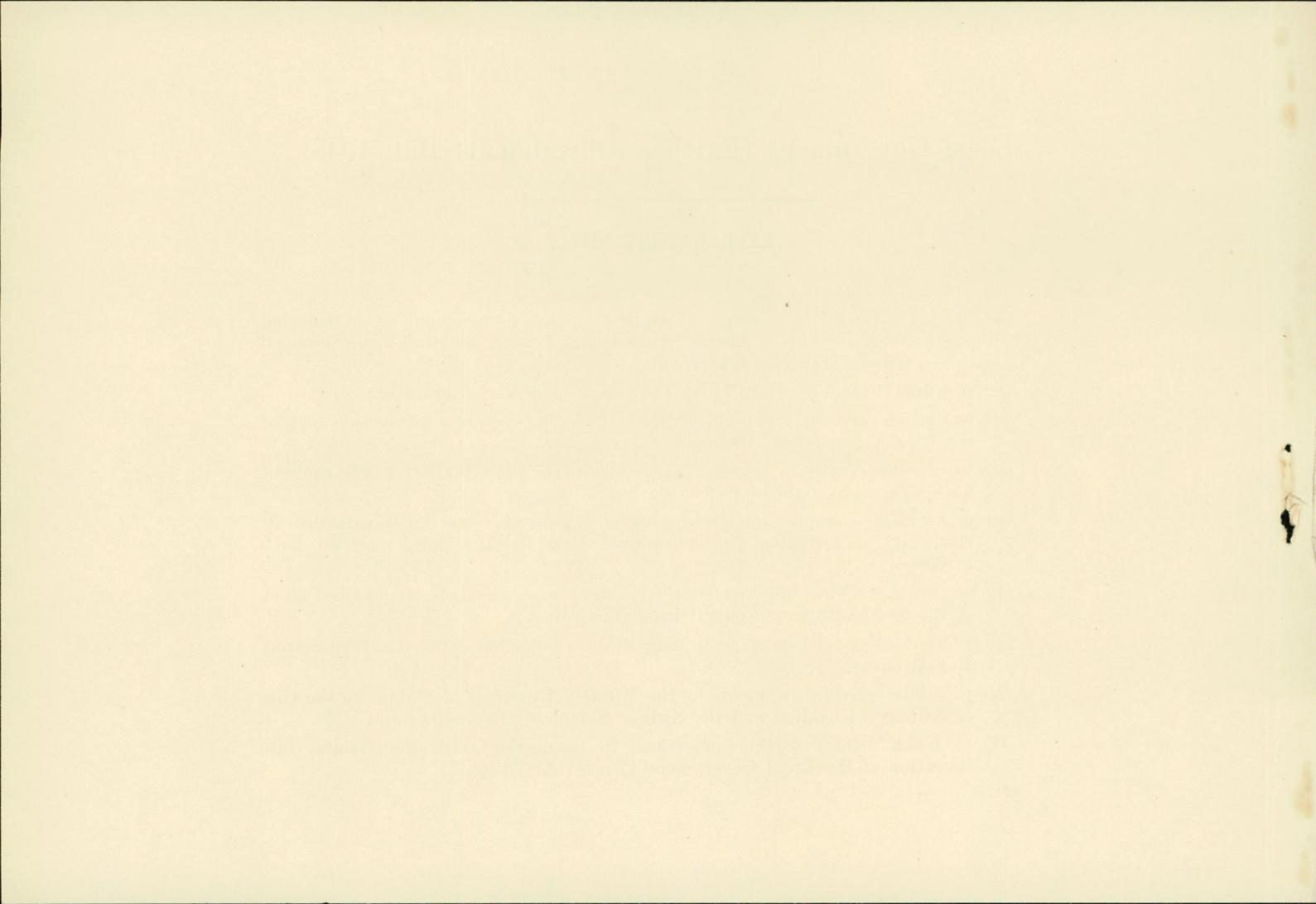
[10d.]

Local Government (Further Amendment) Bill, 1948.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to make further provisions in respect of the employment of certificated engineers as servants in charge of electricity trading undertakings conducted by councils or franchise holders;
- (b) to waive arrears of State Land Tax owing on lands within areas;
- (c) to exclude certain types of holdings from the operation of section 141 of the Local Government Act;
- (d) to enable councils to acquire gas or electricity undertakings where councils have no present right of purchase;
- (e) to enable a council into whose area an adjoining council has extended its electricity undertaking to pay annual loan liability in respect of such extension;
- (f) to amend the Gas and Electricity Act to exempt transfers of inscribed stock of the Sydney County Council from stamp duty;
- (g) to enable councils to expend moneys in connection with the forthcoming Royal visit;
- (h) to validate certain payments by the Municipal Council of Sydney to the City of Sydney Eisteddfod and the Sydney Symphony Orchestra; and
- (i) to make certain further provisions in connection with the coming into operation of the Local Government (Areas) Act, 1948.



*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.*

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 December, 1948.*

New South Wales.



ANNO DUODECIMO

GEORGII VI REGIS.

Act No. , 1948.

An Act to amend the Local Government Act, 1919, the Local Government (Areas) Act, 1948, the Gas and Electricity Act, 1935-1946, and certain other Acts in certain respects; to validate certain matters; 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 the same, as follows:—

1. This Act may be cited as the "Local Government (Further Amendment) Act, 1948." Short title.

92917 321—A

2.

Local Government (Further Amendment).

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

Amendment
of Act No.
41, 1919.

(a) (i) by omitting subsection one of section 90A and by inserting in lieu thereof the following subsection:—

Sec. 90A.
(Electrical
engineers.)

5

(1) Where after the commencement of the Local Government (Further Amendment) Act, 1948—

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(a) a vacancy occurs in the position of the servant having the principal oversight of an electricity trading undertaking conducted by the council; or

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(b) the council establishes or acquires an electricity trading undertaking;

the council shall employ an electrical engineer who shall hold a certificate as prescribed:

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Provided that the Minister on the occurrence of a vacancy as aforesaid or upon the establishment or acquisition of an electricity trading undertaking may grant the council an exemption from this provision.

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(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Subsection one of this section shall apply only—

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(a) where the total estimated annual income from all sources of the electricity trading undertaking exceeds the sum of four thousand pounds; or

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(b) where two or more councils, each conducting its own electricity trading undertaking, employ the same electrical

Local Government (Further Amendment).

5 electrical engineer, and where the combined total estimated annual income from all sources of such undertakings exceeds the sum of four thousand pounds.

- (b) by inserting at the end of section one hundred and nineteen the following proviso:—

10 Provided further that any land tax due and payable at the commencement of the Local Government (Further Amendment) Act, 1948, in pursuance of the foregoing provisions of this section is hereby waived.

- (c) by omitting section one hundred and forty-one.

- 15 (d) by inserting next after section one hundred and forty-eight the following new section:—

148A. (1) This section shall apply only to land valued under the Valuation of Land Act, 1916.

20 (2) Where any land has been subdivided, and a portion sold or let, any unpaid rates may be apportioned accordingly by the council on the recommendation of the Valuer-General.

- 25 (e) by inserting next after section four hundred and seventeen the following new section:—

30 417A. (1) (a) Where any person is supplying gas or electricity to the public otherwise than under the authority of an agreement conferring upon the council an option to purchase the undertaking of the supplier the council may acquire such undertaking by resumption in accordance with the provisions of this section.

(b)

Local Government (Further Amendment).

(b) The provisions of Part XXV of this Act shall apply, mutatis mutandis, to and in respect of any resumption pursuant to this subsection.

5 (c) Any plant, equipment, machinery or apparatus used or capable of being used for the purposes of such undertaking and vested in the supplier at the date of any such resumption shall vest in the council.

10 The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment, machinery or apparatus vested in the council pursuant to this subsection and of the
15 goodwill of any undertaking so resumed. Such value shall be the value agreed upon between the council and the supplier and in default of agreement the value as determined by the Land and Valuation Court.

20 (2) The right of acquisition conferred upon the council under subsection one of this section shall not extend to any case where the person supplying gas or electricity to the public also manufactures, generates or distributes gas
25 or electricity for or in connection with any industry, business or undertaking carried on by such person.

In any such case the council may with the approval of the Governor give notice in writing
30 to the supplier that it is desirous of acquiring the plant, equipment, machinery or apparatus of the supplier, other than that which is used for or in connection with the manufacture, generation or distribution of gas or electricity for or
35 in connection with any industry, business or undertaking carried on by such person.

If after the expiration of a period of six months, or such further period as the Minister may allow, from the giving of such notice the
40 council and the supplier fail to agree upon terms for

Local Government (Further Amendment).

for the acquisition by the council of such plant, equipment, machinery or apparatus, such plant, equipment, machinery or apparatus shall thereupon vest in the council.

5 Compensation payable in respect of such plant, equipment, machinery or apparatus shall be the value, as agreed upon between the council and the supplier, of such plant, equipment, machinery or apparatus at the date of such vesting.

10 In default of agreement the value shall be as determined by the Land and Valuation Court.

15 (3) The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this section and its determination shall be final and conclusive.

20 (4) Where the Council exercises the right of acquisition conferred upon it by this section every person who, immediately before the day upon which the undertaking or part thereof is vested in the council, was wholly or principally employed on or in connection with the undertaking or that part thereof vested in the council, shall on such day (subject to any agreement which may be entered into between the council, the supplier and the employee)—

- 25
- (a) be transferred to the service of the council;
 - (b) become a servant of the council;
 - 30 (c) be paid salary or wages not less than at the rate at which he was employed immediately before such day until such salary or wages is or are varied or altered by the council: Provided that such salary or wages shall not be reduced nor the services of the servant terminated (except for misconduct) for a period of two years from the date of such transfer; and

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(d)

Local Government (Further Amendment).

(d) be deemed to have been appointed and employed by the council under the provisions of this Act.

5 The person so transferred shall on and from such day until otherwise directed by the council continue to perform the duties which attached to his employment immediately before such day.

(f) by inserting at the end of subsection four of section four hundred and eighteen the following new paragraph:—

Sec. 418.
(Trading undertakings.)

10 (b) (i) Any such agreement for the extension of a trading undertaking referred to in paragraph (a) of subsection one of this section may include provisions whereby the council of the area into which such extension is to be made may pay to the council proposing to extend its undertaking the whole or any part of the annual liability of such council incurred in connection with such extension.

15 (ii) The council of the area into which such extension is made may pay any sums falling due under any such agreement from the general fund or, if it considers that such extension is of direct benefit to portion only of the area, may make and levy a local rate on the unimproved capital value or on the improved capital value of ratable land within such portion.

20 (iii) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this subsection may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund.

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Where

Local Government (Further Amendment).

Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

5

The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

10

(g) by inserting next after section four hundred and twenty the following new section:—

New sec.
420A.

15

420A. Where, after the commencement of the Local Government (Further Amendment) Act, 1948, a vacancy occurs in the position of an employee having the principal oversight of an electricity supply undertaking carried on by any person supplying electricity to the public under any agreement with any council or councils made in pursuance of section four hundred and twenty of this Act the total estimated annual income of which from all sources exceeds the sum of four thousand pounds, or where any person commences to supply electricity to the public under such an agreement and the total estimated annual income of the undertaking exceeds that sum, such person shall employ an electrical engineer who shall hold a certificate as prescribed:

Employment
of certifi-
cated
electrical
engineer.
cf. s. 90A.

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Provided that the Minister, on the occurrence of a vacancy as aforesaid, or upon the commencement of the supply of electricity as aforesaid, may grant such person an exemption from this provision.

3. The Local Government (Areas) Act, 1948, is amended—

Amendment
of Act No.
30, 1948.

(a) by omitting from paragraph (c) of subsection five of section seventeen the words "made under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force immediately before

Sec. 17.
(Valuation
of land.)

Local Government (Further Amendment).

5 before the appointed day" and by inserting in lieu thereof the words "which the Municipal Council of Sydney directed or caused to be made during the years one thousand nine hundred and forty-seven and one thousand nine hundred and forty-eight";

(b) by inserting at the end of the same paragraph the words "and shall come into force on the appointed day.

10 Any appeal against any such assessment or valuation pending before the appointed day in accordance with the provisions of the Sydney Corporation Act, 1932, as amended by subsequent Acts, may be continued and determined
15 in accordance with the provisions of that Act, as so amended, in force immediately before the appointed day.

20 The provisions of subsection four of section eighteen of Schedule Three of the Principal Act shall apply to and in respect of any such assessment or valuation and for the purposes of such application any such appeal shall be deemed to be an objection."

25 4. The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended by inserting in subsection three of section 55A after the word "shall" the words "both as regards the issue and any transfer thereof for full consideration in money or money's worth."

Amendment of Act No. 42, 1935. Sec. 55A. (Inscribed stock.) cf. Act No. 58, 1932, s. 262r (4).

30 5. Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, and each municipal, shire or county council is hereby empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function, entertainment, pageant or display arranged in connection with the visit which Their Majesties propose to make
35 to New South Wales.

Expenditure by councils in connection with Royal visit.

6.

Local Government (Further Amendment).

6. (1) The payment of the sum of one thousand pounds made by the Municipal Council of Sydney on the seventeenth day of June, one thousand nine hundred and forty-eight, as a subsidy to the City of Sydney Eisteddfod 5 1948 is hereby validated.

Validation of certain payments by the Municipal Council of Sydney.

(2) The Municipal Council of Sydney is hereby empowered and shall be deemed always to have been empowered to subsidise the Sydney Symphony Orchestra and for that purpose to enter into any agreement with 10 any person or body whether corporate or unincorporate.

7. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the salary or wages payable by the 15 council of an area constituted under the Local Government (Areas) Act, 1948, to a servant who by virtue of that Act is transferred to the service of the council so constituted shall, from the first day of January, one thousand nine hundred and forty-nine, until such time as the salary 20 or wages of such servant is altered by such council in accordance with the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, be at the rate at which such servant was paid on the first day of July, one thousand nine hundred and 25 forty-eight.

Salaries of certain servants.

Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in accordance with the provisions of any award of a competent tribunal or of any industrial agreement.

30 8. Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the period of service with one or 35 more municipalities, shires or county districts existing under the Local Government Act, 1919, as so amended, at any time before the first day of January, one thousand nine hundred and forty-nine, of any person who by virtue of the Local Government (Areas) Act, 1948, is transferred

Period of service of certain servants.

Local Government (Further Amendment).

transferred to the service of the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a gratuity payable by that Council under any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, to or in respect of a servant of that Council upon his retirement or death.

Sydney: Alfred Henry Pettifer, Government Printer—1948.

[10d.]

PROOF.

No. , 1948.

A BILL

To amend the Local Government Act, 1919, the Local Government (Areas) Act, 1948, the Gas and Electricity Act, 1935-1946, and certain other Acts in certain respects; to validate certain matters; and for purposes connected therewith.

[Mr. CAHILL;—25 November, 1948.]

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.
(Further Amendment) Act, 1948."

92917 —A

2.

Local Government (Further Amendment).

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

Amendment
of Act No.
41, 1919.

5 (a) (i) by omitting subsection one of section 90A and by inserting in lieu thereof the following subsection:—

Sec. 90A.
(Electrical
engineers.)

(1) Where after the commencement of the Local Government (Further Amendment) Act, 1948—

10 (a) a vacancy occurs in the position of the servant having the principal oversight of an electricity trading undertaking conducted by the council; or

15 (b) the council establishes or acquires an electricity trading undertaking;

the council shall employ an electrical engineer who shall hold a certificate as prescribed:

20 Provided that the Minister on the occurrence of a vacancy as aforesaid or upon the establishment or acquisition of an electricity trading undertaking may grant the council an exemption from this provision.

25 (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsection:—

(3) Subsection one of this section shall apply only—

30 (a) where the total estimated annual income from all sources of the electricity trading undertaking exceeds the sum of four thousand pounds; or

35 (b) where two or more councils, each conducting its own electricity trading undertaking, employ the same electrical

Local Government (Further Amendment).

electrical engineer, and where the combined total estimated annual income from all sources of such undertakings exceeds the sum of four thousand pounds.

5

- (b) by inserting at the end of section one hundred and nineteen the following proviso:—

Sec. 119.
(Suspension
of land tax.)

Provided further that any land tax due and payable at the commencement of the Local Government (Further Amendment) Act, 1948, in pursuance of the foregoing provisions of this section is hereby waived.

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- (c) (i) by omitting from subsection one of section one hundred and forty-one the words and symbols “(other than a grazing permit for a term less than twelve months)”;

Sec. 141.
(Rating of
Crown
leases.)

15

- (ii) by inserting at the end of the same section the following new subsection:—

(4) This section shall not apply to or in respect of settlement purchase leases, group purchase leases or closer settlement leases under the Closer Settlement Amendment (Conversion) Act, 1943, or permissive occupancies under the Closer Settlement Acts or grazing permits for a term less than twelve months under the Forestry Act, 1916.

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- (d) by inserting next after section one hundred and forty-eight the following new section:—

New sec.
148A.

148A. (1) This section shall apply only to land valued under the Valuation of Land Act, 1916.

Liability
where land
is subdivided.

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(2) Where any land has been subdivided, and a portion sold or let, any unpaid rates may be apportioned accordingly by the council on the recommendation of the Valuer-General.

cf. Sch.
Three,
s. 16 (2).

35

(e)

Local Government (Further Amendment).

(e) by inserting next after section four hundred and seventeen the following new section:—

New sec.
417A.

5 417A. (1) (a) Where any person is supplying gas or electricity to the public otherwise than under the authority of an agreement conferring upon the council an option to purchase the undertaking of the supplier the council may acquire such undertaking by resumption in accordance with the provisions of this section.

Acquisition
of gas and
electricity
undertak-
ings.

10 (b) The provisions of Part XXV of this Act shall apply, mutatis mutandis, to and in respect of any resumption pursuant to this subsection.

15 (c) Any plant, equipment, machinery or apparatus used or capable of being used for the purposes of such undertaking and vested in the supplier at the date of any such resumption shall vest in the council.

20 The compensation payable in respect of any resumption pursuant to this section shall include the value, as at the date of resumption, of plant, equipment, machinery or apparatus vested in the council pursuant to this subsection and of the goodwill of any undertaking so resumed. Such

25 value shall be the value agreed upon between the council and the supplier and in default of agreement the value as determined by the Land and Valuation Court.

30 (2) The right of acquisition conferred upon the council under subsection one of this section shall not extend to any case where the person supplying gas or electricity to the public also manufactures, generates or distributes gas or electricity for or in connection with any

35 industry, business or undertaking carried on by such person.

In

Local Government (Further Amendment).

5 In any such case the council may with the approval of the Governor give notice in writing to the supplier that it is desirous of acquiring the plant, equipment, machinery or apparatus of the supplier, other than that which is used for or in connection with the manufacture, generation or distribution of gas or electricity for or in connection with any industry, business or undertaking carried on by such person.

10 If after the expiration of a period of six months, or such further period as the Minister may allow, from the giving of such notice the council and the supplier fail to agree upon terms for the acquisition by the council of such plant, equipment, machinery or apparatus, such plant, equipment, machinery or apparatus shall there-
15 upon vest in the council.

20 Compensation payable in respect of such plant, equipment, machinery or apparatus shall be the value, as agreed upon between the council and the supplier, of such plant, equipment, machinery or apparatus at the date of such vesting.

25 In default of agreement the value shall be as determined by the Land and Valuation Court.

(3) The Land and Valuation Court shall have jurisdiction to hear and determine any matter under this section and its determination shall be final and conclusive.

30 (f) by inserting at the end of subsection four of section four hundred and eighteen the following new paragraph:—

Sec. 418.
(Trading
undertak-
ings.)

35 (b) (i) Any such agreement for the extension of a trading undertaking referred to in paragraph (a) of subsection one of this section may include

Local Government (Further Amendment).

include provisions whereby the council of the area into which such extension is to be made may pay to the council proposing to extend its undertaking the whole or any part of the annual liability of such council incurred in connection with such extension.

(ii) The council of the area into which such extension is made may pay any sums falling due under any such agreement from the general fund or, if it considers that such extension is of direct benefit to portion only of the area, may make and levy a local rate on the unimproved capital value or on the improved capital value of ratable land within such portion.

(iii) Notwithstanding anything contained elsewhere in this Act, a local rate levied under the provisions of this subsection may be combined with the general rate and the proceeds of the combined rate may be paid into the general fund. Where a combined rate is levied as provided in this section it shall not be necessary to keep the accounts of a local fund.

The provisions of subsections two and three of section one hundred and twenty-seven shall apply to a combined rate levied under the provisions of this subsection.

(g) by inserting next after section four hundred and twenty the following new section:—

420A. Where, after the commencement of the Local Government (Further Amendment) Act, 1948, a vacancy occurs in the position of an employee

New sec.
420A.

Employment
of certifi-
cated
electrical
engineer.
cf. s. 90A.

Local Government (Further Amendment).

5 employee having the principal oversight of an
 electricity supply undertaking carried on by any
 person supplying electricity to the public under
 any agreement with any council or councils
 10 made in pursuance of section four hundred and
 twenty of this Act the total estimated annual
 income of which from all sources exceeds the
 sum of four thousand pounds, or where any
 person commences to supply electricity to the
 public under such an agreement and the total
 15 estimated annual income of the undertaking
 exceeds that sum, such person shall employ an
 electrical engineer who shall hold a certificate
 as prescribed:

15 Provided that the Minister, on the occurrence
 of a vacancy as aforesaid, or upon the com-
 mencement of the supply of electricity as afore-
 said, may grant such person an exemption from
 this provision.

20 **3.** The Local Government (Areas) Act, 1948, is
 amended—

Amendment
 of Act No.
 30, 1948.

(a) by omitting from paragraph (c) of subsection
 five of section seventeen the words "made under
 the Sydney Corporation Act, 1932, as amended
 25 by subsequent Acts, and in force immediately
 before the appointed day" and by inserting in
 lieu thereof the words "which the Municipal
 Council of Sydney directed or caused to be made
 during the years one thousand nine hundred and
 30 forty-seven and one thousand nine hundred and
 forty-eight";

Sec. 17.
 (Valuation
 of land.)

(b) by inserting at the end of the same paragraph
 the words "and shall come into force on the
 appointed day.

35 Any appeal against any such assessment or
 valuation pending before the appointed day in
 accordance with the provisions of the Sydney
 Corporation Act, 1932, as amended by subse-
 quent Acts, may be continued and determined
 in

Local Government (Further Amendment).

in accordance with the provisions of that Act, as so amended, in force immediately before the appointed day.

- 5 The provisions of subsection four of section eighteen of Schedule Three of the Principal Act shall apply to and in respect of any such assessment or valuation and for the purposes of such application any such appeal shall be deemed to be an objection."
- 10 **4.** The Gas and Electricity Act, 1935, as amended by subsequent Acts, is amended by inserting in subsection three of section 55A after the word "shall" the words "both as regards the issue and any transfer thereof for full consideration in money or money's worth."
- Amendment of Act No. 42, 1935. Sec. 55A. (Inscribed stock.) cf. Act No. 58, 1932, s. 262F (4). Expenditure by councils in connection with Royal visit.
- 15 **5.** Each of the following authorities, that is to say, the Municipal Council of Sydney, the Sydney County Council, and each municipal, shire or county council is hereby empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function,
- 20 entertainment, pageant or display arranged in connection with the visit which Their Majesties propose to make to New South Wales during the year one thousand nine hundred and forty-nine.
- 25 **6.** (1) The payment of the sum of one thousand pounds made by the Municipal Council of Sydney on the seventeenth day of June, one thousand nine hundred and forty-eight, as a subsidy to the City of Sydney Eisteddfod 1948 is hereby validated.
- Validation of certain payments by the Municipal Council of Sydney.
- 30 (2) The Municipal Council of Sydney is hereby empowered and shall be deemed always to have been empowered to subsidise the Sydney Symphony Orchestra and for that purpose to enter into any agreement with any person or body whether corporate or unincorporate.
- 35 **7.** Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the salary or wages payable by the council of an area constituted under the Local Government (Areas) Act, 1948, to a servant who by virtue of that Act
- Salaries of certain servants.

Local Government (Further Amendment).

- Act is transferred to the service of the council so constituted shall, from the first day of January, one thousand nine hundred and forty-nine, until such time as the salary or wages of such servant is altered by such council in accordance with the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, be at the rate at which such servant was paid on the first day of July, one thousand nine hundred and forty-eight.
- 10 Nothing in this section shall apply to or in respect of any increase in salary or wages payable to a servant in accordance with the provisions of any award of a competent tribunal or of any industrial agreement.
- 15 **8.** Notwithstanding the provisions of section 20c of the Local Government Act, 1919, as amended by subsequent Acts, or the provisions of the Local Government (Areas) Act, 1948, the period of service with one or more municipalities, shires or county districts existing under the Local Government Act, 1919, as so amended, at any time before the first day of January, one thousand nine hundred and forty-nine, of any person who by virtue of the Local Government (Areas) Act, 1948, is transferred to the Council of the City of Sydney as constituted under that Act, shall not be counted as service with the Council of that City for the purpose of calculating the amount of a gratuity payable by that Council under any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts, to or in respect of a servant of that Council upon his retirement or death.
- Period of
service of
certain
servants.

