

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 2 March, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1961.

An Act to make further provisions relating to the election of mayors and presidents; to extend councils' powers with respect to the recovery of the cost of repairing extraordinary damage to public roads; for these and other purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith.

Local Government (Amendment).

BE it enacted by the Queen'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. (1) This Act may be cited as the "Local Government Short title.
(Amendment) Act, 1961".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

(a) (i) by omitting subsections (1A), (1B) and (1C) of section twenty-three and by inserting in lieu thereof the following subsections :—

Amendment
of Act No.
41, 1919.

Sec. 23.
(Composi-
tion of
city and
municipal
councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961—

(a) the Council of the City of Sydney shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the Lord Mayor and twenty other aldermen ; or

(ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and nineteen other aldermen ;

(b) the Council of the City of Newcastle shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection

Local Government (Amendment).

subsection two of section 25A of
this Act, of the Lord Mayor and
twenty-one other aldermen; or

5

- (ii) where the Lord Mayor is elected,
or deemed to be elected, as an
alderman of that council, of the
Lord Mayor and twenty other
aldermen;

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- (c) the Council of the City of Greater
Wollongong shall be reconstituted and
shall consist—

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- (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of section 25A of this Act, of the
mayor and fifteen other alder-
men; or

20

- (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council, of the
mayor and fourteen other alder-
men;

25

- (d) each council of a municipality to which
section 25A of this Act applied
immediately before the commencement
of the said Act, and applies at such
general election shall be reconstituted
and shall consist—

30

- (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of the said section 25A—of the
mayor and the number of other
aldermen for the time being fixed
by the Governor pursuant to this
Act in respect of that council; or

35

(ii)

Local Government (Amendment).

5 (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council—of the
mayor and one less than the
number of other aldermen for the
time being fixed by the Governor
pursuant to this Act in respect of
that council.

10 (1B) This subsection shall apply to a
municipality to which section 25A of this Act
is, after the commencement of the Local
Government (Amendment) Act, 1961, applied
pursuant to paragraph (b) of subsection one
of the said section.

15 On and from the general election of the
council of a municipality to which this sub-
section applies next following the application of
the said section 25A to the said municipality
the council shall be reconstituted and shall
20 consist—

(a) where the mayor is an alderman of that
council by reason only of the provisions
of subsection two of the said section 25A
—of the mayor and the number of other
25 aldermen for the time being fixed by
the Governor pursuant to this Act in
respect of that council; or

(b) where the mayor is elected, or deemed
30 to be elected, as an alderman of that
council—of the mayor and one less than
the number of other aldermen for the
time being fixed by the Governor
pursuant to this Act in respect of that
council.

(ii)

Local Government (Amendment).

(ii) by inserting in subsection six of the same section after the words "vacant office" where firstly occurring the words "and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto";

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

(7) In this section, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(b) (i) by omitting subsection (1A) of section twenty-four and by inserting in lieu thereof the following subsections :—

Sec. 24.
(Composition of shire councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961, each council of a shire to which section 25A of this Act applied immediately before such commencement shall be reconstituted and shall consist—

(a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

(b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

(1B)

Local Government (Amendment).

(1B) This subsection shall apply to a shire to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

On and from the general election of the council of a shire to which this subsection applies next following the application of the said section 25A to the said shire the council shall be reconstituted and shall consist—

(a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

(b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

(ii) by inserting in subsection six of the same section after the words “vacant office” where firstly occurring the words “and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto”;

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

(7) In this section, “general election” means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(c)

Local Government (Amendment).

- (c) (i) by omitting from subsection two of section 25A the words "triennial ordinary election" wherever occurring and by inserting in lieu thereof the words "general election";
- 5 (ii) by omitting from the same subsection the words "and shall be an alderman or councillor, as the case may be, of that area by virtue of his office." and by inserting in lieu thereof the following new paragraphs :—
- 10 Where an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies after any such general election, his successor shall be elected by the electors of that area on the appointed day for the extraordinary election to fill the vacancy.
- 15 Any person elected, or deemed to be elected, as mayor or president, as the case may be, of an area to which this section applies, shall, if he is not elected, or deemed to be elected, as an alderman or councillor, as the case may be, of that area, be an alderman or councillor, as the case may be, of that area, by virtue of his office.
- 20 In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.
- 25 (iii) by inserting at the end of subsection three of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";
- 30 (iv) by inserting at the end of subsection four of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";
- 35
- (d)

Sec. 25A.
(Election
of Lord
Mayors,
Mayors and
Presidents
by electors.)

Local Government (Amendment).

- (d) (i) by omitting from subsection two of section thirty-three the words "the Lord Mayor" and by inserting in lieu thereof the words "any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman";
- (ii) by omitting from the same subsection the words "the mayor or president thereof, as the case may be" and by inserting in lieu thereof the words "any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be";
- (e) by omitting paragraph (b) of subsection three of section seventy-one;
- (f) by inserting at the end of subsection four of section eighty-seven the following new paragraph:—
- Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote.
- (2) (a) Notwithstanding the amendment made by paragraph (e) of subsection one of this section, the provisions of paragraph (b) of subsection three of section seventy-one of the Principal Act shall continue to apply to and in respect of nominations for election as an alderman or councillor, as the case may be, of an area and nominations for election as Lord Mayor, mayor, or president, as the case may be, of the same area where such elections are to be held on the same day and that day is earlier than the day appointed for the general election of aldermen or councillors, as the case may be, of such area next following the commencement of this Act.
- (b)

Sec. 33.

(Office of alderman or councillor.)

Sec. 71.

(Nominations.)

Sec. 87.

(Powers of mayor or president.)

Local Government (Amendment).

(b) The amendment made by paragraph (f) of subsection one of this section shall only apply to or in respect of the mayor or president of any area to which section 25A of the Principal Act applies at the commencement of this Act
 5 on and from the general election of aldermen or councillors, as the case may be, of such area next following such commencement.

(c) In this subsection, "general election" means any election referred to in paragraph (b) or (c) of sub-
 10 section one of section thirty-nine of the Principal Act.

3. The Principal Act is further amended—

Further
 amendment
 of Act No.
 41, 1919.

(a) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

Sec. 28.
 (Travelling
 expenses.)

15 (f) to and from the annual regular meeting of the Electricity Supply Association of Australia and to and from any conference of any section of such Association.

(b) (i) by inserting next after subsection one of section 28A the following new subsection :—

Sec. 28A.
 (Insurance
 of
 members.)

20 (1A) The council may insure or may itself provide for the insurance of any person who is not the holder of a civic office and who has been elected or appointed as a member of any committee constituted under this Act and as
 25 such member is authorised to exercise or perform, or is otherwise authorised under this Act to exercise or perform, otherwise than as a servant, any power, authority, duty or function of the council, against any personal
 30 injury, whether fatal or not, arising out of or in the course of his—

(a) attendance at any meeting of any such committee of which he is a member ;

35 (b) travelling to or from any meeting of any such committee of which he is a member ;

(c)

Local Government (Amendment).

- (c) travelling upon inspections within the area, where such inspections are undertaken in compliance with a resolution of the council; and
- 5 (d) travelling upon business of the council outside the area in compliance with a resolution of the council.
- 10 (ii) by omitting from subsection three of the same section the words "its members" and by inserting in lieu thereof the words "any person insured under the provisions of this section";
- (iii) by omitting from the same subsection the word "member" and by inserting in lieu thereof the word "person";
- 15 (iv) by omitting from subsection four of the same section the words "member of the Council" and by inserting in lieu thereof the word "person";
- 20 (c) by omitting from paragraphs (a) and (c) of section fifty-four the words "three months" wherever occurring and by inserting in lieu thereof the word "month";
- (d) by inserting in subsection one of section ninety-six after the words "shall not" the words ", except with the permission of the council,";
- 25 (e) by omitting subsection eight of section ninety-nine and by inserting in lieu thereof the following subsection :—
- (8) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
- 30 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- 35 (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

by

Sec. 54.
(Qualification of an occupier.)

Sec. 96.
(Private work by public officials.)

Sec. 99.
(Inquiry before dismissal of certain servants.)

Local Government (Amendment).

5 by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

10 The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

15 (f) (i) by inserting in paragraph (a) of subsection three of section one hundred and eighteen after the word "Governor" where firstly occurring the words "or the council of any such municipality in which there is situated any urban farm land may apply to the Governor,"; Sec. 118. (General rates in municipalities and shires.)

20 (ii) by inserting in the same paragraph after the word "petition" where secondly and fourthly occurring the words "or application";

25 (iii) by inserting in the same paragraph after the words "request in the petition," the words "or with the application, as the case may be,";

30 (iv) by inserting in the same paragraph after the word "thereon" the words "and where any such person is appointed regard shall be had to his report before any proclamation under this paragraph is made or published in respect of the area to which the report relates.

35 Where a council submits an application to the Governor under this paragraph, the council shall cause to be given such public notice of the application as may be prescribed";

(v)

Local Government (Amendment).

- (v) by omitting from the same paragraph the words "After considering the report of such person the" and by inserting in lieu thereof the word "The";
- 5 (vi) by omitting from subsection four of the same section the words "five acres" and by inserting in lieu thereof the words "two acres";
- (g) by omitting subsection seven of section one hundred and twenty-four and by inserting in lieu thereof the following subsection :— Sec. 124.
(Loan rate when money borrowed.)
- 10 (7) Such permission shall operate for such period as may be specified therein, and may be renewed.
- (h) (i) by omitting the heading to section 178A and by inserting in lieu thereof the following heading :— Sec. 178A.
(Advances for works applied for by ratepayer.)
- 15 *Advances by ratepayers and occupiers.*
- (ii) by inserting in subsection one of the same section after the word "ratepayer" where firstly occurring the words "or the occupier of any land within the council's area";
- 20 (iii) by inserting at the end of the same subsection the words "or the occupier, as the case may be";
- (i) (i) by omitting from subsection one of section 241A the words "repair or drainage" and by inserting in lieu thereof the words "repair, drainage, or cleansing"; Sec. 241A.
(Private thoroughfare.)
- 25 (ii) by inserting at the end of the same subsection the following new proviso :—
- 30 *Provided that where the council, having regard to all the circumstances of the case, is of opinion that such owner or owners ought fairly to be excused from payment of expenses incurred by the council in the cleansing of any such private thoroughfare the council may itself bear the cost of such cleansing.*
- 35 (j)

Local Government (Amendment).

- (j) by omitting section two hundred and forty-five and by inserting in lieu thereof the following section : —

Substituted
sec. 245.

245. (1) Where any damage or injury, not being damage or injury caused by ordinary wear and tear and reasonable use, is caused to—

Recovery
of cost of
making good
damage to
roads.

(a) any public road; or

(b) any safety fence, barrier, handrail, pipe, traffic sign, treeguard, seat or other thing or device which has been placed in, upon, under or over a public road for or in connection with the regulation or facilitation of pedestrian or vehicular traffic on such road and which is the property of the council,

there shall be paid to the council the cost incurred by it in making good such damage or injury.

(2) Such cost shall be paid to the council—

(a) in a case where the damage or injury was caused by the use of a vehicle or vessel, by the owner of the vehicle or vessel at the time of the damage or injury, unless at that time the vehicle or vessel was a stolen vehicle or vessel or was a vehicle or vessel illegally taken or used; or

(b) in a case where the damage or injury was caused by the use of a vehicle or vessel and the owner of the vehicle or vessel is not liable to pay such cost under paragraph (a) of this subsection, by the driver of such vehicle or the person in charge of such vessel, as the case may be; or

(c) in any other case, by the person by whom the damage or injury was caused.

(3)

Local Government (Amendment).

(3) If within fourteen days after service of a notice stating—

5 (a) the amount of the cost incurred by the council in making good any such damage or injury; and

(b) particulars of such amount and cost, upon the person liable under subsection two of this section to pay such cost such amount is not paid to the council, the council may recover, in any court
10 of competent jurisdiction, such amount as a debt from the person so liable.

(4) Where the damage or injury is caused to any bridge, causeway, road-ferry or ford over, on or under any water or depression crossing the line
15 of any such public road every portion of such bridge, causeway, road-ferry or ford, including any gate, pier, fender, dolphin, platform, boat or appurtenance incidental to the use or protection of the bridge, causeway, road-ferry or ford shall be deemed to be
20 a public road for the purposes of this section.

(k) by inserting next after section 251A the following New sec. 251B.
new section :—

25 251B. (1) Where any public road or part thereof is enclosed with land traversed or bounded thereby, the occupier for the time being of such land shall pay to the council rent as provided by this section and comply with any conditions which the council may, by notice in writing served on such occupier, impose with respect to the use by such occupier of
30 such public road or part.

(2) (a) The rent payable by any occupier pursuant to subsection one of this section shall be such amount not being less than two pounds per annum as may from time to time be determined by
35 the council and specified in a notice in writing served on such occupier by the council.

(b)

Local Government (Amendment).

5 (b) Any such occupier who is dissatisfied with any determination made by the council and notified to him under paragraph (a) of this subsection may, within twenty-one days after service of the notice on him, appeal to the local land board against the council's determination.

10 (c) The local land board may hear and determine the matter and the rent fixed by the local land board upon such appeal shall be deemed to be the amount determined by the council pursuant to paragraph (a) of this subsection.

15 (d) The rent payable by any occupier pursuant to this section shall be due as on and from the date of service of the notice under paragraph (a) of this subsection on such occupier and shall be paid by him to the council—

20 (i) where an appeal against the determination by the council of the amount of the rent is not made within the prescribed time, upon the expiration of that time; or

25 (ii) where an appeal against the determination by the council of the amount of the rent is made within the prescribed time, within seven days after the decision on the appeal is given by the local land board,

and thereafter shall be due and payable yearly in advance upon each anniversary of the date of service of the notice under paragraph (a) of this subsection on such occupier.

30 (e) Any rent due to the council and not paid to the council in accordance with this section may be recovered as a debt in any court of competent jurisdiction.

Local Government (Amendment).

(3) In this section—

5 “Local land board” means the local land board
constituted under the Crown Lands Con-
solidation Act, 1913, as amended by
subsequent Acts, or under the Western Lands
Act of 1901, as amended by subsequent Acts,
for the land district or administrative district,
as the case may be, in which the public road,
or part of the public road, concerned is
10 situated.

“Occupier” means any person in lawful occupa-
tion of any land or, where no person is in
lawful occupation of land, the owner thereof.

15 (4) Nothing in this section shall affect or in
any way derogate from the powers of the council
under section two hundred and sixty-seven of this
Act.

(1) by inserting at the end of section three hundred and two the following new subsection :—

Sec. 302.
(Boarding-
houses,
barbers'
shops, etc.)

20 (2) The council may by notice in writing served
on the owner of any holiday premises require such
owner to comply with such reasonable requirements
as to the equipping and furnishing of such premises
as the council may specify in such notice.

25 In this subsection, “holiday premises” means any
premises which, during the period of twelve months
immediately before any notification with respect to
such premises is given under this subsection, have
been let together with goods for holiday purposes
30 for a continuous period not exceeding three months
on any one occasion.

(m)

Local Government (Amendment).

- (m) by inserting at the end of section three hundred and thirteen the following new paragraphs :— Sec. 313.
(Subjects for consideration.)
- (m) whether the site is or probably will be subject to subsidence;
- (n) whether any trees on the site should be preserved.
- (n) by inserting in subsection two of section three hundred and nineteen after the word "Australia" the words ", or any standard rules or specifications approved by the Minister and published in the Gazette,"; Sec. 319.
(Additional provisions re ordinances.)
- (o) by inserting next after paragraph (k) of subsection one of section three hundred and thirty-three the following word and new paragraph :— Sec. 333.
(Subjects for consideration re subdivisions.)
- and
- (l) whether any trees on the land should be preserved.
- (p) by omitting from paragraph (b) of subsection one of section three hundred and seventy-nine the words "measured in a direction at right angles to such water pipe"; Sec. 379.
(Land supplied with water.)
- (q) by omitting from subsection three of section four hundred and seventy-two the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 472.
(Notice of proclamation to be published—duty of owners and occupiers of private land.)
- (r) by omitting from subsection five of section four hundred and seventy-three the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 473.
(Infested land.)

Local Government (Amendment).

- (s) by inserting next after section four hundred and eighty-one the following new section :—

New sec.
481A.

481A. Where the council is satisfied that, by reason of any clock, which is affixed to any structure or building and is visible from a public place, failing to keep correct time or not being in proper working order, inconvenience is caused to the public, the council may require the owner of the structure or building to cover the face of the clock so that the face is not visible from a public place or to put the clock into proper working order.

Clocks
visible from
public
places.

- (t) (i) by omitting from subsection one of section five hundred and seven the words "licensed under this Act" and by inserting in lieu thereof the words "who, where the public vehicle is a public

Sec. 507.
(Public
vehicles.)

motor vehicle, is licensed under the Motor Traffic Act, 1909, as amended by subsequent Acts, to drive such public motor vehicle, or who, where the public vehicle is not a public motor vehicle, is licensed under this Act to drive such public vehicle";

- (ii) by inserting in subsection ten of the same section after the word "license" where secondly occurring the words ", issued under this Act,";

- (iii) by inserting next after subsection thirteen of the same section the following new subsection :—

(14) Where, upon the demand of a servant of the council concerned, who produces an authority in writing in that behalf issued by such council, the driver of a public vehicle upon a public road fails, without reasonable excuse, to produce for inspection by such servant his license to drive such public vehicle issued under this Act, or the Motor Traffic Act, 1909, as amended by subsequent Acts, as the case may be, such driver shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(u)

Local Government (Amendment).

- (u) by omitting from section five hundred and fourteen the word, symbols and letter “and (e)” and by inserting in lieu thereof the word, symbols and letters “, (e) and (f)”;
- 5 (v) by omitting subsection four of section five hundred and eighteen; Sec. 514.
(Subscriptions.)
- (w) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following subsection :— Sec. 518.
(Power to sell or exchange property.)
- 10 (2) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
- 15 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the
- 20 inquiry—on a chairman of a commission,
- by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent
- 25 Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.
- 30 The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

Local Government (Amendment).

4. The Local Government (Regulation of Flats) Act, 1955, is amended—

Amendment
of Act No.
50, 1955.

(a) by omitting paragraph (c) of subsection one of section four and by inserting in lieu thereof the following paragraph :—

Sec. 4.
(Cases in
which
approval
not to be
given.)

(c) will, in the opinion of the council, have adequate natural light and air in all habitable rooms.

(b) by omitting subsection two of the same section.

10 5. (1) The Local Government (Amendment) Act, 1960, is amended—

Amendment
of Act No.
26, 1960.

(a) by omitting from subparagraph (ii) of paragraph (1) of section two the words "the same subsection" and by inserting in lieu thereof the words "subsection (3C) of the same section";

Sec. 2.
(Amend-
ment of Act
No. 41,
1919.)

(b) by omitting from the same subparagraph the symbols, figure and letter "(3A)" and by inserting in lieu thereof the symbols, figure and letter "(3D)".

20 (2) The amendments made by subsection one of this section shall be deemed to have commenced upon the nineteenth day of April, one thousand nine hundred and sixty.

No. , 1961.

A BILL

To make further provisions relating to the election of mayors and presidents; to extend councils' powers with respect to the recovery of the cost of repairing extraordinary damage to public roads; for these and other purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith.

[MR. HILLS;—21 *February*, 1961.]

Local Government (Amendment).

BE it enacted by the Queen'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. (1) This Act may be cited as the "Local Government Short title.
(Amendment) Act, 1961".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

(a) (i) by omitting subsections (1A), (1B) and (1C) of section twenty-three and by inserting in lieu thereof the following subsections :—

Amendment
of Act No.
41, 1919.

Sec. 23.
(Composi-
tion of
city and
municipal
councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961—

(a) the Council of the City of Sydney shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the Lord Mayor and twenty other aldermen ; or

(ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and nineteen other aldermen ;

(b) the Council of the City of Newcastle shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection

Local Government (Amendment).

- subsection two of section 25A of
this Act, of the Lord Mayor and
twenty-one other aldermen; or
- 5 (ii) where the Lord Mayor is elected,
or deemed to be elected, as an
alderman of that council, of the
Lord Mayor and twenty other
aldermen;
- 10 (c) the Council of the City of Greater
Wollongong shall be reconstituted and
shall consist—
- 15 (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of section 25A of this Act, of the
mayor and fifteen other alder-
men; or
- 20 (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council, of the
mayor and fourteen other alder-
men;
- 25 (d) each council of a municipality to which
section 25A of this Act applied
immediately before the commencement
of the said Act, and applies at such
general election shall be reconstituted
and shall consist—
- 30 (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of the said section 25A—of the
mayor and the number of other
aldermen for the time being fixed
35 by the Governor pursuant to this
Act in respect of that council; or
(ii)

Local Government (Amendment).

5 (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council—of the
mayor and one less than the
number of other aldermen for the
time being fixed by the Governor
pursuant to this Act in respect of
that council.

10 (1B) This subsection shall apply to a
municipality to which section 25A of this Act
is, after the commencement of the Local
Government (Amendment) Act, 1961, applied
pursuant to paragraph (b) of subsection one
of the said section.

15 On and from the general election of the
council of a municipality to which this sub-
section applies next following the application of
the said section 25A to the said municipality
the council shall be reconstituted and shall
20 consist—

(a) where the mayor is an alderman of that
council by reason only of the provisions
of subsection two of the said section 25A
—of the mayor and the number of other
25 aldermen for the time being fixed by
the Governor pursuant to this Act in
respect of that council; or

(b) where the mayor is elected, or deemed
to be elected, as an alderman of that
council—of the mayor and one less than
the number of other aldermen for the
time being fixed by the Governor
30 pursuant to this Act in respect of that
council.

(ii)

Local Government (Amendment).

5 (ii) by inserting in subsection six of the same section after the words "vacant office" where firstly occurring the words "and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto";

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

10 (7) In this section, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

15 (b) (i) by omitting subsection (1A) of section twenty-four and by inserting in lieu thereof the following subsections :—

Sec. 24.
(Composition of shire councils.)

20 (1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961, each council of a shire to which section 25A of this Act applied immediately before such commencement shall be reconstituted and shall consist—

25 (a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

30 (b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

35

(1B)

Local Government (Amendment).

5

(1B) This subsection shall apply to a shire to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

10

On and from the general election of the council of a shire to which this subsection applies next following the application of the said section 25A to the said shire the council shall be reconstituted and shall consist—

15

(a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

20

(b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

25

30

(ii) by inserting in subsection six of the same section after the words “vacant office” where firstly occurring the words “and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto”;

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

35

(7) In this section, “general election” means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(c)

Local Government (Amendment).

(c) (i) by omitting from subsection two of section 25A the words "triennial ordinary election" wherever occurring and by inserting in lieu thereof the words "general election";

Sec. 25A.
(Election
of Lord
Mayors,
Mayors and
Presidents
by electors.)

5 (ii) by omitting from the same subsection the words "and shall be an alderman or councillor, as the case may be, of that area by virtue of his office." and by inserting in lieu thereof the following new paragraphs : —

10 Where an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies after any such general election, his successor shall be elected by the electors of that area on the appointed day for the extraordinary election to fill the vacancy.

15 Any person elected, or deemed to be elected, as mayor or president, as the case may be, of an area to which this section applies, shall, if he is not elected, or deemed to be elected, as an alderman or councillor, as the case may be, of that area, be an alderman or councillor, as the case may be, of that area, by virtue of his office.

20 In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

25 (iii) by inserting at the end of subsection three of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

30 (iv) by inserting at the end of subsection four of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

(d)

Local Government (Amendment).

- 5 (d) (i) by omitting from subsection two of section thirty-three the words "the Lord Mayor" and by inserting in lieu thereof the words "any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman";
- 10 (ii) by omitting from the same subsection the words "the mayor or president thereof, as the case may be" and by inserting in lieu thereof the words "any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be";
- 15 (e) by omitting paragraph (b) of subsection three of section seventy-one; Sec. 33.
(Office of alderman or councillor.)
- (f) by inserting at the end of subsection four of section eighty-seven the following new paragraph: — Sec. 71.
(Nominations.)
- 20 Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote. Sec. 87.
(Powers of mayor or president.)
- 25

(2) (a) Notwithstanding the amendment made by paragraph (e) of subsection one of this section, the provisions of paragraph (b) of subsection three of section seventy-one of the Principal Act shall continue to apply to and in respect of nominations for election as an alderman or councillor, as the case may be, of an area and nominations for election as Lord Mayor, mayor, or president, as the case may be, of the same area where such elections are to be held on the same day and that day is earlier than the day appointed for the general election of aldermen or councillors, as the case may be, of such area next following the commencement of this Act.

(b)

Local Government (Amendment).

(b) In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of the Principal Act.

3. The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

- 5 (a) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

Sec. 28.
(Travelling
expenses.)

- 10 (f) to and from the annual regular meeting of the Electricity Supply Association of Australia and to and from any conference of any section of such Association.

- (b) (i) by inserting next after subsection one of section 28A the following new subsection :—

Sec. 28A.
(Insurance
of
members.)

- 15 (1A) The council may insure or may itself provide for the insurance of any person who is not the holder of a civic office and who has been elected or appointed as a member of any committee constituted under this Act and as such member is authorised to exercise or perform, or is otherwise authorised under this Act to exercise or perform, otherwise than as
- 20 a servant, any power, authority, duty or function of the council, against any personal injury, whether fatal or not, arising out of or in the course of his—

- 25 (a) attendance at any meeting of any such committee of which he is a member ;
- (b) travelling to or from any meeting of any such committee of which he is a member ;
- 30 (c) travelling upon inspections within the area, where such inspections are undertaken in compliance with a resolution of the council ; and

(d)

Local Government (Amendment).

- (d) travelling upon business of the council outside the area in compliance with a resolution of the council.
- 5 (ii) by omitting from subsection three of the same section the words "its members" and by inserting in lieu thereof the words "any person insured under the provisions of this section";
- 10 (iii) by omitting from the same subsection the word "member" and by inserting in lieu thereof the word "person";
- (iv) by omitting from subsection four of the same section the words "member of the Council" and by inserting in lieu thereof the word "person";
- 15 (c) by omitting from paragraphs (a) and (c) of section fifty-four the words "three months" wherever occurring and by inserting in lieu thereof the word "month"; Sec. 54. (Qualification of an occupier.)
- 20 (d) by inserting in subsection one of section ninety-six after the words "shall not" the words ", except with the permission of the council,"; Sec. 96. (Private work by public officials.)
- (e) by omitting subsection eight of section ninety-nine and by inserting in lieu thereof the following subsection :— Sec. 99. (Inquiry before dismissal of certain servants.)
- 25 (8) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
- 30 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,
- by

Local Government (Amendment).

5 by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

10 The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

15 (f) (i) by inserting in paragraph (a) of subsection three of section one hundred and eighteen after the word "Governor" where firstly occurring the words "or the council of any such municipality in which there is situated any urban farm land may apply to the Governor,"; Sec. 118. (General rates in municipalities and shires.)

(ii) by inserting in the same paragraph after the word "petition" where secondly and fourthly occurring the words "or application";

25 (iii) by inserting in the same paragraph after the words "request in the petition," the words "or with the application, as the case may be,";

30 (iv) by inserting in the same paragraph after the word "thereon" the words "and where any such person is appointed regard shall be had to his report before any proclamation under this paragraph is made or published in respect of the area to which the report relates.

35 Where a council submits an application to the Governor under this paragraph, the council shall cause to be given such public notice of the application as may be prescribed";

(v)

Local Government (Amendment).

- (v) by omitting from the same paragraph the words
“After considering the report of such person
the” and by inserting in lieu thereof the word
“The”;
- 5 (vi) by omitting from subsection four of the same
section the words “five acres” and by inserting
in lieu thereof the words “two acres”;
- (g) by omitting subsection seven of section one hundred
and twenty-four and by inserting in lieu thereof the
10 following subsection :—
(7) Such permission shall operate for such
period as may be specified therein, and may be
renewed.
- 15 (h) (i) by omitting the heading to section 178A and by
inserting in lieu thereof the following
heading :—
Advances by ratepayers and occupiers.
- 20 (ii) by inserting in subsection one of the same
section after the word “ratepayer” where firstly
occurring the words “or the occupier of any
land within the council’s area”;
- (iii) by inserting at the end of the same subsection
the words “or the occupier, as the case may
be”;
- 25 (i) (i) by omitting from subsection one of section 241A
the words “repair or drainage” and by inserting
in lieu thereof the words “repair, drainage, or
cleansing”;
- 30 (ii) by inserting at the end of the same subsection
the following new proviso :—
Provided that where the council, having
regard to all the circumstances of the case, is
of opinion that such owner or owners ought
fairly to be excused from payment of expenses
35 incurred by the council in the cleansing of any
such private thoroughfare the council may itself
bear the cost of such cleansing.
- (j)

Sec. 124.
(Loan rate
when money
borrowed.)

Sec. 178A.
(Advances
for works
applied
for by
ratepayer.)

Sec. 241A.
(Private
thorough-
fare.)

Local Government (Amendment).

- (j) by omitting section two hundred and forty-five and by inserting in lieu thereof the following section :—

Substituted
sec. 245.

245. (1) Where any damage or injury, not being damage or injury caused by ordinary wear and tear and reasonable use, is caused to—

Recovery
of cost of
making good
damage to
roads.

(a) any public road; or

(b) any safety fence, barrier, handrail, pipe, traffic sign, treeguard, seat or other thing or device which has been placed in, upon, under or over a public road for or in connection with the regulation or facilitation of pedestrian or vehicular traffic on such road and which is the property of the council,

there shall be paid to the council the cost incurred by it in making good such damage or injury.

(2) Such cost shall be paid to the council—

(a) in a case where the damage or injury was caused by the use of a vehicle or vessel, by the owner of the vehicle or vessel at the time of the damage or injury, unless at that time the vehicle or vessel was a stolen vehicle or vessel or was a vehicle or vessel illegally taken or used; or

(b) in a case where the damage or injury was caused by the use of a vehicle or vessel and the owner of the vehicle or vessel is not liable to pay such cost under paragraph (a) of this subsection, by the driver of such vehicle or the person in charge of such vessel, as the case may be; or

(c) in any other case, by the person by whom the damage or injury was caused.

(3)

Local Government (Amendment).

(3) If within fourteen days after service of a notice stating—

(a) the amount of the cost incurred by the council in making good any such damage or injury; and

(b) particulars of such amount and cost,

upon the person liable under subsection two of this section to pay such cost such amount is not paid to the council, the council may recover, in any court of competent jurisdiction, such amount as a debt from the person so liable.

(4) Where the damage or injury is caused to any bridge, causeway, road-ferry or ford over, on or under any water or depression crossing the line of any such public road every portion of such bridge, causeway, road-ferry or ford, including any gate, pier, fender, dolphin, platform, boat or appurtenance incidental to the use or protection of the bridge, causeway, road-ferry or ford shall be deemed to be a public road for the purposes of this section.

(k) by inserting next after section 251A the following new section : —

New sec.
251B.

251B. (1) Where any public road or part thereof is enclosed with land traversed or bounded thereby, the occupier for the time being of such land shall pay to the council rent as provided by this section and comply with any conditions which the council may, by notice in writing served on such occupier, impose with respect to the use by such occupier of such public road or part.

Rental of
enclosed
public
roads.

(2) (a) The rent payable by any occupier pursuant to subsection one of this section shall be such amount not being less than two pounds per annum as may from time to time be determined by the council and specified in a notice in writing served on such occupier by the council.

(b)

Local Government (Amendment).

5 (b) Any such occupier who is dissatisfied with any determination made by the council and notified to him under paragraph (a) of this subsection may, within twenty-one days after service of the notice on him, appeal to the local land board against the council's determination.

10 (c) The local land board may hear and determine the matter and the rent fixed by the local land board upon such appeal shall be deemed to be the amount determined by the council pursuant to paragraph (a) of this subsection.

15 (d) The rent payable by any occupier pursuant to this section shall be due as on and from the date of service of the notice under paragraph (a) of this subsection on such occupier and shall be paid by him to the council—

20 (i) where an appeal against the determination by the council of the amount of the rent is not made within the prescribed time, upon the expiration of that time; or

25 (ii) where an appeal against the determination by the council of the amount of the rent is made within the prescribed time, within seven days after the decision on the appeal is given by the local land board,

and thereafter shall be due and payable yearly in advance upon each anniversary of the date of service of the notice under paragraph (a) of this subsection on such occupier.

30 (e) Any rent due to the council and not paid to the council in accordance with this section may be recovered as a debt in any court of competent jurisdiction.

(3)

Local Government (Amendment).

(3) In this section—

“Local land board” means the local land board constituted under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, or under the Western Lands Act of 1901, as amended by subsequent Acts, for the land district or administrative district, as the case may be, in which the public road, or part of the public road, concerned is situated.

“Occupier” means any person in lawful occupation of any land or, where no person is in lawful occupation of land, the owner thereof.

(4) Nothing in this section shall affect or in any way derogate from the powers of the council under section two hundred and sixty-seven of this Act.

(1) by inserting at the end of section three hundred and two the following new subsection : —

Sec. 302.
(Boarding-houses, barbers' shops, etc.)

(2) The council may by notice in writing served on the owner of any holiday premises require such owner to comply with such reasonable requirements as to the equipping and furnishing of such premises as the council may specify in such notice.

In this subsection, “holiday premises” means any premises which, during the period of twelve months immediately before any notification with respect to such premises is given under this subsection, have been let together with goods for holiday purposes for a continuous period not exceeding three months on any one occasion.

(m)

Local Government (Amendment).

- (m) by inserting at the end of section three hundred and thirteen the following new paragraphs :—
 (m) whether the site is or probably will be subject to subsidence;
 5 (n) whether any trees on the site should be preserved.
- (n) by inserting in subsection two of section three hundred and nineteen after the word "Australia" the words "or any standard rules or specifications approved by the Minister and published in the Gazette,";
 10
- (o) by inserting next after paragraph (k) of subsection one of section three hundred and thirty-three the following word and new paragraph :—
 15 and
 (l) whether any trees on the land should be preserved.
- (p) by omitting from paragraph (b) of subsection one of section three hundred and seventy-nine the words "measured in a direction at right angles to such water pipe";
 20
- (q) by omitting from subsection three of section four hundred and seventy-two the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence";
 25
- (r) by omitting from subsection five of section four hundred and seventy-three the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence";
 30
 35
- 120—B (s)

Sec. 313.
(Subjects
for con-
sideration.)

Sec. 319.
(Additional
provisions
re
ordinances.)

Sec. 333.
(Subjects
for con-
sideration
re sub-
divisions.)

Sec. 379.
(Land
supplied
with water.)

Sec. 472.
(Notice of
proclama-
tion to be
published—
duty of
owners and
occupiers
of private
land.)

Sec. 473.
(Infested
land.)

Local Government (Amendment).

- (s) by inserting next after section four hundred and eighty-one the following new section : —

New sec.
481A.

5 481A. Where the council is satisfied that, by reason of any clock, which is affixed to any structure or building and is visible from a public place, failing to keep correct time or not being in proper working order, inconvenience is caused to the public, the council may require the owner of the structure or building to cover the face of the clock so that the face is not visible from a public place or to put the clock into proper working order.

Clocks
visible from
public
places.

- 15 (t) (i) by omitting from subsection one of section five hundred and seven the words "licensed under this Act" and by inserting in lieu thereof the words "who, where the public vehicle is a public motor vehicle, is licensed under the Motor Traffic Act, 1909, as amended by subsequent Acts, to drive such public motor vehicle, or who, where the public vehicle is not a public motor vehicle, is licensed under this Act to drive such public vehicle";

Sec. 507.
(Public
vehicles.)

- 20 (ii) by inserting in subsection ten of the same section after the word "license" where secondly occurring the words ", issued under this Act,";

- 25 (iii) by inserting next after subsection thirteen of the same section the following new subsection : —

30 (14) Where, upon the demand of a servant of the council concerned, who produces an authority in writing in that behalf issued by such council, the driver of a public vehicle upon a public road fails, without reasonable excuse, to produce for inspection by such servant his license to drive such public vehicle issued under this Act, or the Motor Traffic Act, 1909, as amended by subsequent Acts, as the case may be, such driver shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(u)

Local Government (Amendment).

- (u) by omitting from section five hundred and fourteen the word, symbols and letter “and (e)” and by inserting in lieu thereof the word, symbols and letters “, (e) and (f)”;
- 5 (v) by omitting subsection four of section five hundred and eighteen;
- (w) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following subsection :—
- 10 (2) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
- 15 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the
- 20 inquiry—on a chairman of a commission,
- by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent
- 25 Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.
- The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall,
- 30 mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

Local Government (Amendment).

4. The Local Government (Regulation of Flats) Act, 1955, is amended—

Amendment
of Act No.
50, 1955.

(a) by omitting paragraph (c) of subsection one of section four and by inserting in lieu thereof the following paragraph :—

Sec. 4.
(Cases in
which
approval
not to be
given.)

(c) will, in the opinion of the council, have adequate natural light and air in all habitable rooms.

(b) by omitting subsection two of the same section.

5. (1) The Local Government (Amendment) Act, 1960, is amended—

Amendment
of Act No.
26, 1960.

(a) by omitting from subparagraph (ii) of paragraph (1) of section two the words "the same subsection" and by inserting in lieu thereof the words "subsection (3c) of the same section";

Sec. 2.
(Amend-
ment of Act
No. 41,
1919.)

(b) by omitting from the same subparagraph the symbols, figure and letter "(3A)" and by inserting in lieu thereof the symbols, figure and letter "(3D)".

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the nineteenth day of April, one thousand nine hundred and sixty.

LOCAL GOVERNMENT (AMENDMENT) BILL, 1961.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide that in an area to which section 25A (popular election of Lord Mayor, mayor or president) of the Local Government Act, 1919, as amended, applies a person may be elected as an alderman or councillor, as the case may be, and as Lord Mayor, mayor or president, as the case may be, of the same area ;
- (b) to provide that where a person is elected as Lord Mayor, mayor or president of any such area,
 - (i) and also as an alderman or councillor, as the case may be, he shall have a deliberative vote and a casting vote at any meeting of the council ;
 - (ii) without being elected as an alderman or councillor, as the case may be, he shall have a casting vote only ;
- (c) to empower councils to pay travelling expenses to members attending certain meetings of the Electricity Supply Association of Australia ;
- (d) to empower councils to insure against injury arising out of their duties persons who are members of committees of councils and certain other persons carrying out council business ;
- (e) to amend the definition of an "occupier" in section fifty-four (qualification of an "occupier") of the Act ;
- (f) to authorise servants of councils to carry out private work if they have the council's permission to do so ;
- (g) to define more clearly the powers of persons holding inquiries under section ninety-nine (inquiries concerning dismissal of servants) or six hundred and forty-nine (public inquiries) of the Act ;
- (h) to empower any municipal council within the County of Cumberland to apply to the Governor for the extension of subsection two of section one hundred and eighteen (rating of urban farm lands) of the Act to the area of that council ;
- (i) to provide that the period for which permission to reduce or refrain from levying a loan rate may be granted shall be that specified in the Minister's permission ;
- (j) to authorise councils to accept advances for the carrying out of works from occupiers ;
- (k) to enable councils to clean private thoroughfares without charge in certain cases ;
- (l) to empower councils to recover the cost of making good excessive damage to public roads ;

- (m) to empower councils to charge rent in respect of any public road fenced in with adjoining land ;
 - (n) to require owners of holiday premises to comply with the reasonable requirements of councils as to the equipping and furnishing of such premises ;
 - (o) to require councils when dealing with building applications to take into consideration the possibility of the subsidence of the site of the buildings, and when dealing with those applications and subdivision applications, to take into consideration whether any trees on the land should be preserved ;
 - (p) to provide that Ordinances made under Part XI of the Act (Building Regulation) may adopt standard rules or specifications approved by the Minister and published in the Gazette ;
 - (q) to amend the provisions of the Act relating to the land upon which water supply local rates may be levied ;
 - (r) to increase certain penalties for offences relating to the eradication of noxious plants ;
 - (s) to confer on councils power to control certain clocks visible from public places ;
 - (t) to remove the requirement that drivers of public vehicles who are licensed under the Motor Traffic Act, 1909, as amended, should also be licensed under the Local Government Act, 1919, as amended ;
 - (u) to vary the provisions of the Local Government (Regulation of Flats) Act, 1955, with respect to the minimum distances which a proposed residential flat building is required to stand from the boundaries of the allotment on which it is situated ;
 - (v) to make other amendments of a minor or machinery nature.
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PROOF

No. , 1961.

A BILL

To make further provisions relating to the election of mayors and presidents; to extend councils' powers with respect to the recovery of the cost of repairing extraordinary damage to public roads; for these and other purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith.

[MR. HILLS;—21 February, 1961.]

Local Government (Amendment).

BE it enacted by the Queen'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. (1) This Act may be cited as the "Local Government (Amendment) Act, 1961". Short title.

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

(a) (i) by omitting subsections (1A), (1B) and (1C) of section twenty-three and by inserting in lieu thereof the following subsections :—

Amendment
of Act No.
41, 1919.

Sec. 23.
(Composi-
tion of
city and
municipal
councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961—

(a) the Council of the City of Sydney shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the Lord Mayor and twenty other aldermen ; or

(ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and nineteen other aldermen ;

(b) the Council of the City of Newcastle shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection

Local Government (Amendment).

- subsection two of section 25A of
this Act, of the Lord Mayor and
twenty-one other aldermen; or
- 5 (ii) where the Lord Mayor is elected,
or deemed to be elected, as an
alderman of that council, of the
Lord Mayor and twenty other
aldermen;
- 10 (c) the Council of the City of Greater
Wollongong shall be reconstituted and
shall consist—
- 15 (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of section 25A of this Act, of the
mayor and fifteen other alder-
men; or
- 20 (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council, of the
mayor and fourteen other alder-
men;
- 25 (d) each council of a municipality to which
section 25A of this Act applied
immediately before the commencement
of the said Act, and applies at such
general election shall be reconstituted
and shall consist—
- 30 (i) where the mayor is an alderman
of that council by reason only of
the provisions of subsection two
of the said section 25A—of the
mayor and the number of other
aldermen for the time being fixed
35 by the Governor pursuant to this
Act in respect of that council; or
(ii)

Local Government (Amendment).

5 (ii) where the mayor is elected, or
deemed to be elected, as an
alderman of that council—of the
mayor and one less than the
number of other aldermen for the
time being fixed by the Governor
pursuant to this Act in respect of
that council.

10 (1B) This subsection shall apply to a
municipality to which section 25A of this Act
is, after the commencement of the Local
Government (Amendment) Act, 1961, applied
pursuant to paragraph (b) of subsection one
of the said section.

15 On and from the general election of the
council of a municipality to which this sub-
section applies next following the application of
the said section 25A to the said municipality
the council shall be reconstituted and shall
20 consist—

(a) where the mayor is an alderman of that
council by reason only of the provisions
of subsection two of the said section 25A
—of the mayor and the number of other
25 aldermen for the time being fixed by
the Governor pursuant to this Act in
respect of that council; or

(b) where the mayor is elected, or deemed
to be elected, as an alderman of that
council—of the mayor and one less than
the number of other aldermen for the
time being fixed by the Governor
pursuant to this Act in respect of that
30 council.

(ii)

Local Government (Amendment).

5 (ii) by inserting in subsection six of the same section after the words "vacant office" where firstly occurring the words "and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto";

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

10 (7) In this section, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

15 (b) (i) by omitting subsection (1A) of section twenty-four and by inserting in lieu thereof the following subsections :—

Sec. 24.
(Composition of shire councils.)

20 (1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961, each council of a shire to which section 25A of this Act applied immediately before such commencement shall be reconstituted and shall consist—

25 (a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

30 (b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

35

(1B)

Local Government (Amendment).

5 (1B) This subsection shall apply to a shire to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

10 On and from the general election of the council of a shire to which this subsection applies next following the application of the said section 25A to the said shire the council shall be reconstituted and shall consist—

15 (a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

20 (b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

25 (ii) by inserting in subsection six of the same section after the words “vacant office” where firstly occurring the words “and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto”;

30 (iii) by inserting at the end of the same section the following new subsection : —

35 (7) In this section, “general election” means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(c)

Local Government (Amendment).

(c) (i) by omitting from subsection two of section 25A the words "triennial ordinary election" wherever occurring and by inserting in lieu thereof the words "general election";

Sec. 25A.
(Election
of Lord
Mayors,
Mayors and
Presidents
by electors.)

5 (ii) by omitting from the same subsection the words "and shall be an alderman or councillor, as the case may be, of that area by virtue of his office." and by inserting in lieu thereof the following new paragraphs :—

10 Where an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies after any such general election, his successor shall be elected by the electors of that area on the appointed day for the extraordinary election to fill the vacancy.

15 Any person elected, or deemed to be elected, as mayor or president, as the case may be, of an area to which this section applies, shall, if he is not elected, or deemed to be elected, as an alderman or councillor, as the case may be, of that area, be an alderman or councillor, as the case may be, of that area, by virtue of his office.

20 In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

25 (iii) by inserting at the end of subsection three of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

30 (iv) by inserting at the end of subsection four of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

(d)

Local Government (Amendment).

- (d) (i) by omitting from subsection two of section thirty-three the words "the Lord Mayor" and by inserting in lieu thereof the words "any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman";
- (ii) by omitting from the same subsection the words "the mayor or president thereof, as the case may be" and by inserting in lieu thereof the words "any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be";
- (e) by omitting paragraph (b) of subsection three of section seventy-one;
- (f) by inserting at the end of subsection four of section eighty-seven the following new paragraph :—
- Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote.

Sec. 33.
(Office of
alderman or
councillor.)

Sec. 71.
(Nomina-
tions.)

Sec. 87.
(Powers of
mayor or
president.)

(2) (a) Notwithstanding the amendment made by paragraph (e) of subsection one of this section, the provisions of paragraph (b) of subsection three of section seventy-one of the Principal Act shall continue to apply to and in respect of nominations for election as an alderman or councillor, as the case may be, of an area and nominations for election as Lord Mayor, mayor, or president, as the case may be, of the same area where such elections are to be held on the same day and that day is earlier than the day appointed for the general election of aldermen or councillors, as the case may be, of such area next following the commencement of this Act.

(b)

Local Government (Amendment).

(b) In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of the Principal Act.

3. The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

- 5 (a) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

Sec. 28.
(Travelling
expenses.)

- 10 (f) to and from the annual regular meeting of the Electricity Supply Association of Australia and to and from any conference of any section of such Association.

- (b) (i) by inserting next after subsection one of section 28A the following new subsection :—

Sec. 28A.
(Insurance
of
members.)

- 15 (1A) The council may insure or may itself provide for the insurance of any person who is not the holder of a civic office and who has been elected or appointed as a member of any committee constituted under this Act and as such member is authorised to exercise or perform, or is otherwise authorised under this
- 20 Act to exercise or perform, otherwise than as a servant, any power, authority, duty or function of the council, against any personal injury, whether fatal or not, arising out of or in the course of his—

- 25 (a) attendance at any meeting of any such committee of which he is a member ;
- (b) travelling to or from any meeting of any such committee of which he is a member ;
- 30 (c) travelling upon inspections within the area, where such inspections are undertaken in compliance with a resolution of the council ; and

(d)

Local Government (Amendment).

- (d) travelling upon business of the council outside the area in compliance with a resolution of the council.
- 5 (ii) by omitting from subsection three of the same section the words "its members" and by inserting in lieu thereof the words "any person insured under the provisions of this section";
- 10 (iii) by omitting from the same subsection the word "member" and by inserting in lieu thereof the word "person";
- (iv) by omitting from subsection four of the same section the words "member of the Council" and by inserting in lieu thereof the word "person";
- 15 (c) by omitting from paragraphs (a) and (c) of section fifty-four the words "three months" wherever occurring and by inserting in lieu thereof the word "month"; Sec. 54. (Qualification of an occupier.)
- 20 (d) by inserting in subsection one of section ninety-six after the words "shall not" the words ", except with the permission of the council,"; Sec. 96. (Private work by public officials.)
- (e) by omitting subsection eight of section ninety-nine and by inserting in lieu thereof the following subsection :— Sec. 99. (Inquiry before dismissal of certain servants.)
- 25 (8) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
- 30 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,
- by

Local Government (Amendment).

5 by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

10 The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

15 (f) (i) by inserting in paragraph (a) of subsection three of section one hundred and eighteen after the word "Governor" where firstly occurring the words ", or the council of any such municipality in which there is situated any urban farm land may apply to the Governor,"; Sec. 118. (General rates in municipalities and shires.)

(ii) by inserting in the same paragraph after the word "petition" where secondly and fourthly occurring the words "or application";

25 (iii) by inserting in the same paragraph after the words "request in the petition," the words "or with the application, as the case may be,";

30 (iv) by inserting in the same paragraph after the word "thereon" the words "and where any such person is appointed regard shall be had to his report before any proclamation under this paragraph is made or published in respect of the area to which the report relates.

35 Where a council submits an application to the Governor under this paragraph, the council shall cause to be given such public notice of the application as may be prescribed";

(v)

Local Government (Amendment).

- (v) by omitting from the same paragraph the words "After considering the report of such person the" and by inserting in lieu thereof the word "The";
- 5 (vi) by omitting from subsection four of the same section the words "five acres" and by inserting in lieu thereof the words "two acres";
- 10 (g) by omitting subsection seven of section one hundred and twenty-four and by inserting in lieu thereof the following subsection :—
 (7) Such permission shall operate for such period as may be specified therein, and may be renewed.
- 15 (h) (i) by omitting the heading to section 178A and by inserting in lieu thereof the following heading :—
Advances by ratepayers and occupiers.
- 20 (ii) by inserting in subsection one of the same section after the word "ratepayer" where firstly occurring the words "or the occupier of any land within the council's area";
- (iii) by inserting at the end of the same subsection the words "or the occupier, as the case may be";
- 25 (i) (i) by omitting from subsection one of section 241A the words "repair or drainage" and by inserting in lieu thereof the words "repair, drainage, or cleansing";
- 30 (ii) by inserting at the end of the same subsection the following new proviso :—
 Provided that where the council, having regard to all the circumstances of the case, is of opinion that such owner or owners ought fairly to be excused from payment of expenses incurred by the council in the cleansing of any such private thoroughfare the council may itself bear the cost of such cleansing.
- 35
- (j)

Sec. 124.
 (Loan rate
 when money
 borrowed.)

Sec. 178A.
 (Advances
 for works
 applied
 for by
 ratepayer.)

Sec. 241A.
 (Private
 thorough-
 fare.)

Local Government (Amendment).

- (j) by omitting section two hundred and forty-five and by inserting in lieu thereof the following section :— Substituted
sec. 245.

245. (1) Where any damage or injury, not being Recovery
of cost of
making good
damage to
roads.
damage or injury caused by ordinary wear and tear
and reasonable use, is caused to—

(a) any public road; or

(b) any safety fence, barrier, handrail, pipe,
traffic sign, treeguard, seat or other thing or
device which has been placed in, upon, under
or over a public road for or in connection
with the regulation or facilitation of pedestrian
or vehicular traffic on such road and which
is the property of the council,

there shall be paid to the council the cost incurred
by it in making good such damage or injury.

(2) Such cost shall be paid to the council—

(a) in a case where the damage or injury was
caused by the use of a vehicle or vessel, by
the owner of the vehicle or vessel at the time
of the damage or injury, unless at that time
the vehicle or vessel was a stolen vehicle or
vessel or was a vehicle or vessel illegally taken
or used; or

(b) in a case where the damage or injury was
caused by the use of a vehicle or vessel and
the owner of the vehicle or vessel is not liable
to pay such cost under paragraph (a) of this
subsection, by the driver of such vehicle or
the person in charge of such vessel, as the
case may be; or

(c) in any other case, by the person by whom
the damage or injury was caused.

(3)

Local Government (Amendment).

(3) If within fourteen days after service of a notice stating—

(a) the amount of the cost incurred by the council in making good any such damage or injury; and

(b) particulars of such amount and cost, upon the person liable under subsection two of this section to pay such cost such amount is not paid to the council, the council may recover, in any court of competent jurisdiction, such amount as a debt from the person so liable.

(4) Where the damage or injury is caused to any bridge, causeway, road-ferry or ford over, on or under any water or depression crossing the line of any such public road every portion of such bridge, causeway, road-ferry or ford, including any gate, pier, fender, dolphin, platform, boat or appurtenance incidental to the use or protection of the bridge, causeway, road-ferry or ford shall be deemed to be a public road for the purposes of this section.

(k) by inserting next after section 251A the following new section : —

251B. (1) Where any public road or part thereof is enclosed with land traversed or bounded thereby, the occupier for the time being of such land shall pay to the council rent as provided by this section and comply with any conditions which the council may, by notice in writing served on such occupier, impose with respect to the use by such occupier of such public road or part.

(2) (a) The rent payable by any occupier pursuant to subsection one of this section shall be such amount not being less than two pounds per annum as may from time to time be determined by the council and specified in a notice in writing served on such occupier by the council.

(b)

(b)

New sec.
251B.

Rental of
enclosed
public
roads.

Local Government (Amendment).

5 (b) Any such occupier who is dissatisfied with any determination made by the council and notified to him under paragraph (a) of this subsection may, within twenty-one days after service of the notice on him, appeal to the local land board against the council's determination.

10 (c) The local land board may hear and determine the matter and the rent fixed by the local land board upon such appeal shall be deemed to be the amount determined by the council pursuant to paragraph (a) of this subsection.

15 (d) The rent payable by any occupier pursuant to this section shall be due as on and from the date of service of the notice under paragraph (a) of this subsection on such occupier and shall be paid by him to the council—

20 (i) where an appeal against the determination by the council of the amount of the rent is not made within the prescribed time, upon the expiration of that time; or

25 (ii) where an appeal against the determination by the council of the amount of the rent is made within the prescribed time, within seven days after the decision on the appeal is given by the local land board,

and thereafter shall be due and payable yearly in advance upon each anniversary of the date of service of the notice under paragraph (a) of this subsection on such occupier.

30 (e) Any rent due to the council and not paid to the council in accordance with this section may be recovered as a debt in any court of competent jurisdiction.

Local Government (Amendment).

(3) In this section—

5 “Local land board” means the local land board
constituted under the Crown Lands Con-
solidation Act, 1913, as amended by
subsequent Acts, or under the Western Lands
Act of 1901, as amended by subsequent Acts,
for the land district or administrative district,
as the case may be, in which the public road,
or part of the public road, concerned is
10 situated.

“Occupier” means any person in lawful occupa-
tion of any land or, where no person is in
lawful occupation of land, the owner thereof.

15 (4) Nothing in this section shall affect or in
any way derogate from the powers of the council
under section two hundred and sixty-seven of this
Act.

(1) by inserting at the end of section three hundred
and two the following new subsection :—

Sec. 302.
(Boarding-
houses,
barbers'
shops, etc.)

20 (2) The council may by notice in writing served
on the owner of any holiday premises require such
owner to comply with such reasonable requirements
as to the equipping and furnishing of such premises
as the council may specify in such notice.

25 In this subsection, “holiday premises” means any
premises which, during the period of twelve months
immediately before any notification with respect to
such premises is given under this subsection, have
been let together with goods for holiday purposes
30 for a continuous period not exceeding three months
on any one occasion.

(m)

Local Government (Amendment).

- (m) by inserting at the end of section three hundred and thirteen the following new paragraphs :—
- (m) whether the site is or probably will be subject to subsidence;
- 5 (n) whether any trees on the site should be preserved.
- (n) by inserting in subsection two of section three hundred and nineteen after the word "Australia" the words ", or any standard rules or specifications approved by the Minister and published in the Gazette,";
- 10 (o) by inserting next after paragraph (k) of subsection one of section three hundred and thirty-three the following word and new paragraph :—
- 15 and
- (l) whether any trees on the land should be preserved.
- (p) by omitting from paragraph (b) of subsection one of section three hundred and seventy-nine the words "measured in a direction at right angles to such water pipe";
- 20 (q) by omitting from subsection three of section four hundred and seventy-two the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence";
- 25 (r) by omitting from subsection five of section four hundred and seventy-three the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence";
- 30 120—B (s)
- 35

Sec. 313.

(Subjects for consideration.)

Sec. 319.

(Additional provisions re ordinances.)

Sec. 333.

(Subjects for consideration re subdivisions.)

Sec. 379.

(Land supplied with water.)

Sec. 472.

(Notice of proclamation to be published—duty of owners and occupiers of private land.)

Sec. 473.

(Infested land.)

Local Government (Amendment).

- (s) by inserting next after section four hundred and eighty-one the following new section :— New sec.
481A.

5 481A. Where the council is satisfied that, by reason of any clock, which is affixed to any structure or building and is visible from a public place, failing to keep correct time or not being in proper working order, inconvenience is caused to the public, the council may require the owner of the structure or building to cover the face of the clock so that the face is not visible from a public place or to put the clock into proper working order. Clocks
visible from
public
places.

- 15 (t) (i) by omitting from subsection one of section five hundred and seven the words "licensed under this Act" and by inserting in lieu thereof the words "who, where the public vehicle is a public motor vehicle, is licensed under the Motor Traffic Act, 1909, as amended by subsequent Acts, to drive such public motor vehicle, or who, where the public vehicle is not a public motor vehicle, is licensed under this Act to drive such public vehicle"; Sec. 507.
(Public
vehicles.)

- 20 (ii) by inserting in subsection ten of the same section after the word "license" where secondly occurring the words ", issued under this Act,";

- 25 (iii) by inserting next after subsection thirteen of the same section the following new subsection :—

30 (14) Where, upon the demand of a servant of the council concerned, who produces an authority in writing in that behalf issued by such council, the driver of a public vehicle upon a public road fails, without reasonable excuse, to produce for inspection by such servant his license to drive such public vehicle issued under this Act, or the Motor Traffic Act, 1909, as amended by subsequent Acts, as the case may be, such driver shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(u)

Local Government (Amendment).

(u) by omitting from section five hundred and fourteen the word, symbols and letter “and (e)” and by inserting in lieu thereof the word, symbols and letters “, (e) and (f)”;

Sec. 514.
(Subscriptions.)

5 (v) by omitting subsection four of section five hundred and eighteen;

Sec. 518.
(Power to sell or exchange property.)

(w) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following subsection :—

Sec. 649.
(Public inquiries.)

10 (2) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—

15 (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or

(b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

20 by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

25 The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

Local Government (Amendment).

4. The Local Government (Regulation of Flats) Act, 1955, is amended—

Amendment
of Act No.
50, 1955.

(a) by omitting paragraph (c) of subsection one of section four and by inserting in lieu thereof the following paragraph :—

Sec. 4.
(Cases in
which
approval
not to be
given.)

(c) will, in the opinion of the council, have adequate natural light and air in all habitable rooms.

(b) by omitting subsection two of the same section.

5. (1) The Local Government (Amendment) Act, 1960, is amended—

Amendment
of Act No.
26, 1960.

(a) by omitting from subparagraph (ii) of paragraph (1) of section two the words "the same subsection" and by inserting in lieu thereof the words "subsection (3C) of the same section";

Sec. 2.
(Amend-
ment of Act
No. 41,
1919.)

(b) by omitting from the same subparagraph the symbols, figure and letter "(3A)" and by inserting in lieu thereof the symbols, figure and letter "(3D)".

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the nineteenth day of April, one thousand nine hundred and sixty.

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 11, 1961.

An Act to make further provisions relating to the election of mayors and presidents; to extend councils' powers with respect to the recovery of the cost of repairing extraordinary damage to public roads; for these and other purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith. [Assented to, 18th March, 1961.]

BE

Local Government (Amendment).

BE it enacted by the Queen'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 :—

Short title.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1961".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Amendment
of Act No.
41, 1919.

Sec. 23.
(Composition
of
city and
municipal
councils.)

2. (1) The Principal Act is amended—

(a) (i) by omitting subsections (1A), (1B) and (1C) of section twenty-three and by inserting in lieu thereof the following subsections :—

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961—

(a) the Council of the City of Sydney shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the Lord Mayor and twenty other aldermen ; or

(ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and nineteen other aldermen ;

(b) the Council of the City of Newcastle shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection

Local Government (Amendment).

subsection two of section 25A of this Act, of the Lord Mayor and twenty-one other aldermen; or

- (ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and twenty other aldermen;

(c) the Council of the City of Greater Wollongong shall be reconstituted and shall consist—

- (i) where the mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the mayor and fifteen other aldermen; or

- (ii) where the mayor is elected, or deemed to be elected, as an alderman of that council, of the mayor and fourteen other aldermen;

(d) each council of a municipality to which section 25A of this Act applied immediately before the commencement of the said Act, and applies at such general election shall be reconstituted and shall consist—

- (i) where the mayor is an alderman of that council by reason only of the provisions of subsection two of the said section 25A—of the mayor and the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council; or
- (ii)

Local Government (Amendment).

- (ii) where the mayor is elected, or deemed to be elected, as an alderman of that council—of the mayor and one less than the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council.

(1B) This subsection shall apply to a municipality to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

On and from the general election of the council of a municipality to which this subsection applies next following the application of the said section 25A to the said municipality the council shall be reconstituted and shall consist—

- (a) where the mayor is an alderman of that council by reason only of the provisions of subsection two of the said section 25A—of the mayor and the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council; or
- (b) where the mayor is elected, or deemed to be elected, as an alderman of that council—of the mayor and one less than the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council.

(ii)

Local Government (Amendment).

(ii) by inserting in subsection six of the same section after the words "vacant office" where firstly occurring the words "and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto";

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

(7) In this section, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(b) (i) by omitting subsection (1A) of section twenty-four and by inserting in lieu thereof the following subsections :—

Sec. 24.
(Composition of
shire
councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961, each council of a shire to which section 25A of this Act applied immediately before such commencement shall be reconstituted and shall consist—

(a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

(b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

(1B)

Local Government (Amendment).

(1B) This subsection shall apply to a shire to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

On and from the general election of the council of a shire to which this subsection applies next following the application of the said section 25A to the said shire the council shall be reconstituted and shall consist—

- (a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or
 - (b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.
- (ii) by inserting in subsection six of the same section after the words “vacant office” where firstly occurring the words “and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto”;
- (iii) by inserting at the end of the same section the following new subsection :—
- (7) In this section, “general election” means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

Local Government (Amendment).

- (c) (i) by omitting from subsection two of section 25A the words "triennial ordinary election" wherever occurring and by inserting in lieu thereof the words "general election";

Sec. 25A.
(Election of Lord Mayors, Mayors and Presidents by electors.)

- (ii) by omitting from the same subsection the words "and shall be an alderman or councillor, as the case may be, of that area by virtue of his office." and by inserting in lieu thereof the following new paragraphs :—

Where an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies after any such general election, his successor shall be elected by the electors of that area on the appointed day for the extraordinary election to fill the vacancy.

Any person elected, or deemed to be elected, as mayor or president, as the case may be, of an area to which this section applies, shall, if he is not elected, or deemed to be elected, as an alderman or councillor, as the case may be, of that area, be an alderman or councillor, as the case may be, of that area, by virtue of his office.

In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

- (iii) by inserting at the end of subsection three of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

- (iv) by inserting at the end of subsection four of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

(d)

Local Government (Amendment).

Sec. 33.

(Office of
alderman or
councillor.)

- (d) (i) by omitting from subsection two of section thirty-three the words "the Lord Mayor" and by inserting in lieu thereof the words "any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman";
- (ii) by omitting from the same subsection the words "the mayor or president thereof, as the case may be" and by inserting in lieu thereof the words "any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be";

Sec. 71.

(Nominations.)

- (e) by omitting paragraph (b) of subsection three of section seventy-one;

Sec. 87.

(Powers of
mayor or
president.)

- (f) by inserting at the end of subsection four of section eighty-seven the following new paragraph :—

Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote.

(2) (a) Notwithstanding the amendment made by paragraph (e) of subsection one of this section, the provisions of paragraph (b) of subsection three of section seventy-one of the Principal Act shall continue to apply to and in respect of nominations for election as an alderman or councillor, as the case may be, of an area and nominations for election as Lord Mayor, mayor, or president, as the case may be, of the same area where such elections are to be held on the same day and that day is earlier than the day appointed for the general election of aldermen or councillors, as the case may be, of such area next following the commencement of this Act.

(b)

Local Government (Amendment).

(b) The amendment made by paragraph (f) of subsection one of this section shall only apply to or in respect of the mayor or president of any area to which section 25A of the Principal Act applies at the commencement of this Act on and from the general election of aldermen or councillors, as the case may be, of such area next following such commencement.

(c) In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of the Principal Act.

3. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

(a) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

Sec. 28.
(Travelling expenses.)

(f) to and from the annual regular meeting of the Electricity Supply Association of Australia and to and from any conference of any section of such Association.

(b) (i) by inserting next after subsection one of section 28A the following new subsection :—

Sec. 28A.
(Insurance of members.)

(1A) The council may insure or may itself provide for the insurance of any person who is not the holder of a civic office and who has been elected or appointed as a member of any committee constituted under this Act and as such member is authorised to exercise or perform, or is otherwise authorised under this Act to exercise or perform, otherwise than as a servant, any power, authority, duty or function of the council, against any personal injury, whether fatal or not, arising out of or in the course of his—

- (a) attendance at any meeting of any such committee of which he is a member;
- (b) travelling to or from any meeting of any such committee of which he is a member;

(c)

Local Government (Amendment).

- (c) travelling upon inspections within the area, where such inspections are undertaken in compliance with a resolution of the council; and
- (d) travelling upon business of the council outside the area in compliance with a resolution of the council.
- (ii) by omitting from subsection three of the same section the words "its members" and by inserting in lieu thereof the words "any person insured under the provisions of this section";
- (iii) by omitting from the same subsection the word "member" and by inserting in lieu thereof the word "person";
- (iv) by omitting from subsection four of the same section the words "member of the Council" and by inserting in lieu thereof the word "person";
- (c) by omitting from paragraphs (a) and (c) of section fifty-four the words "three months" wherever occurring and by inserting in lieu thereof the word "month";
- (d) by inserting in subsection one of section ninety-six after the words "shall not" the words "except with the permission of the council,";
- (e) by omitting subsection eight of section ninety-nine and by inserting in lieu thereof the following subsection:—
 - (8) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
 - (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
 - (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

by

Local Government (Amendment).

by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

- (f) (i) by inserting in paragraph (a) of subsection three of section one hundred and eighteen after the word "Governor" where firstly occurring the words "or the council of any such municipality in which there is situated any urban farm land may apply to the Governor,"; Sec. 118.
(General rates in municipalities and shires.)
- (ii) by inserting in the same paragraph after the word "petition" where secondly and fourthly occurring the words "or application";
- (iii) by inserting in the same paragraph after the words "request in the petition," the words "or with the application, as the case may be,";
- (iv) by inserting in the same paragraph after the word "thereon" the words "and where any such person is appointed regard shall be had to his report before any proclamation under this paragraph is made or published in respect of the area to which the report relates.

Where a council submits an application to the Governor under this paragraph, the council shall cause to be given such public notice of the application as may be prescribed";

(v)

Local Government (Amendment).

(v) by omitting from the same paragraph the words "After considering the report of such person the" and by inserting in lieu thereof the word "The";

(vi) by omitting from subsection four of the same section the words "five acres" and by inserting in lieu thereof the words "two acres";

Sec. 124.
(Loan rate
when money
borrowed.)

(g) by omitting subsection seven of section one hundred and twenty-four and by inserting in lieu thereof the following subsection :—

(7) Such permission shall operate for such period as may be specified therein, and may be renewed.

Sec. 178A.
(Advances
for works
applied
for by
ratepayer.)

(h) (i) by omitting the heading to section 178A and by inserting in lieu thereof the following heading :—

Advances by ratepayers and occupiers.

(ii) by inserting in subsection one of the same section after the word "ratepayer" where firstly occurring the words "or the occupier of any land within the council's area";

(iii) by inserting at the end of the same subsection the words "or the occupier, as the case may be";

Sec. 241A.
(Private
thorough-
fare.)

(i) (i) by omitting from subsection one of section 241A the words "repair or drainage" and by inserting in lieu thereof the words "repair, drainage, or cleansing";

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

Provided that where the council, having regard to all the circumstances of the case, is of opinion that such owner or owners ought fairly to be excused from payment of expenses incurred by the council in the cleansing of any such private thoroughfare the council may itself bear the cost of such cleansing.

(j)

Local Government (Amendment).

- (j) by omitting section two hundred and forty-five and by inserting in lieu thereof the following section : — Substituted
sec. 245.

245. (1) Where any damage or injury, not being damage or injury caused by ordinary wear and tear and reasonable use, is caused to— Recovery
of cost of
making good
damage to
roads.

- (a) any public road; or
- (b) any safety fence, barrier, handrail, pipe, traffic sign, treeguard, seat or other thing or device which has been placed in, upon, under or over a public road for or in connection with the regulation or facilitation of pedestrian or vehicular traffic on such road and which is the property of the council,

there shall be paid to the council the cost incurred by it in making good such damage or injury.

(2) Such cost shall be paid to the council—

- (a) in a case where the damage or injury was caused by the use of a vehicle or vessel, by the owner of the vehicle or vessel at the time of the damage or injury, unless at that time the vehicle or vessel was a stolen vehicle or vessel or was a vehicle or vessel illegally taken or used; or
- (b) in a case where the damage or injury was caused by the use of a vehicle or vessel and the owner of the vehicle or vessel is not liable to pay such cost under paragraph (a) of this subsection, by the driver of such vehicle or the person in charge of such vessel, as the case may be; or
- (c) in any other case, by the person by whom the damage or injury was caused.

(3)

Local Government (Amendment).

(3) If within fourteen days after service of a notice stating—

(a) the amount of the cost incurred by the council in making good any such damage or injury; and

(b) particulars of such amount and cost,

upon the person liable under subsection two of this section to pay such cost such amount is not paid to the council, the council may recover, in any court of competent jurisdiction, such amount as a debt from the person so liable.

(4) Where the damage or injury is caused to any bridge, causeway, road-ferry or ford over, on or under any water or depression crossing the line of any such public road every portion of such bridge, causeway, road-ferry or ford, including any gate, pier, fender, dolphin, platform, boat or appurtenance incidental to the use or protection of the bridge, causeway, road-ferry or ford shall be deemed to be a public road for the purposes of this section.

New sec.
251B.

(k) by inserting next after section 251A the following new section :—

Rental of
enclosed
public
roads.

251B. (1) Where any public road or part thereof is enclosed with land traversed or bounded thereby, the occupier for the time being of such land shall pay to the council rent as provided by this section and comply with any conditions which the council may, by notice in writing served on such occupier, impose with respect to the use by such occupier of such public road or part.

(2) (a) The rent payable by any occupier pursuant to subsection one of this section shall be such amount not being less than two pounds per annum as may from time to time be determined by the council and specified in a notice in writing served on such occupier by the council.

(b)

Local Government (Amendment).

(b) Any such occupier who is dissatisfied with any determination made by the council and notified to him under paragraph (a) of this subsection may, within twenty-one days after service of the notice on him, appeal to the local land board against the council's determination.

(c) The local land board may hear and determine the matter and the rent fixed by the local land board upon such appeal shall be deemed to be the amount determined by the council pursuant to paragraph (a) of this subsection.

(d) The rent payable by any occupier pursuant to this section shall be due as on and from the date of service of the notice under paragraph (a) of this subsection on such occupier and shall be paid by him to the council—

(i) where an appeal against the determination by the council of the amount of the rent is not made within the prescribed time, upon the expiration of that time; or

(ii) where an appeal against the determination by the council of the amount of the rent is made within the prescribed time, within seven days after the decision on the appeal is given by the local land board,

and thereafter shall be due and payable yearly in advance upon each anniversary of the date of service of the notice under paragraph (a) of this subsection on such occupier.

(e) Any rent due to the council and not paid to the council in accordance with this section may be recovered as a debt in any court of competent jurisdiction.

Local Government (Amendment).

(3) In this section—

“Local land board” means the local land board constituted under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, or under the Western Lands Act of 1901, as amended by subsequent Acts, for the land district or administrative district, as the case may be, in which the public road, or part of the public road, concerned is situated.

“Occupier” means any person in lawful occupation of any land or, where no person is in lawful occupation of land, the owner thereof.

(4) Nothing in this section shall affect or in any way derogate from the powers of the council under section two hundred and sixty-seven of this Act.

Sec. 302.
(Boarding-
houses,
barbers’
shops, etc.)

(1) by inserting at the end of section three hundred and two the following new subsection :—

(2) The council may by notice in writing served on the owner of any holiday premises require such owner to comply with such reasonable requirements as to the equipping and furnishing of such premises as the council may specify in such notice.

In this subsection, “holiday premises” means any premises which, during the period of twelve months immediately before any notification with respect to such premises is given under this subsection, have been let together with goods for holiday purposes for a continuous period not exceeding three months on any one occasion.

(m)

Local Government (Amendment).

- (m) by inserting at the end of section three hundred and thirteen the following new paragraphs : — Sec. 313.
(Subjects for consideration.)
- (m) whether the site is or probably will be subject to subsidence;
- (n) whether any trees on the site should be preserved.
- (n) by inserting in subsection two of section three hundred and nineteen after the word "Australia" the words " , or any standard rules or specifications approved by the Minister and published in the Gazette,"; Sec. 319.
(Additional provisions re ordinances.)
- (o) by inserting next after paragraph (k) of subsection one of section three hundred and thirty-three the following word and new paragraph : — Sec. 333.
(Subjects for consideration re subdivisions.)
- and
- (l) whether any trees on the land should be preserved.
- (p) by omitting from paragraph (b) of subsection one of section three hundred and seventy-nine the words "measured in a direction at right angles to such water pipe"; Sec. 379.
(Land supplied with water.)
- (q) by omitting from subsection three of section four hundred and seventy-two the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 472.
(Notice of proclamation to be published—duty of owners and occupiers of private land.)
- (r) by omitting from subsection five of section four hundred and seventy-three the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 473.
(Infested land.)

(s)

Local Government (Amendment).

New sec.
481A.

- (s) by inserting next after section four hundred and eighty-one the following new section :—

Clocks
visible from
public
places.

481A. Where the council is satisfied that, by reason of any clock, which is affixed to any structure or building and is visible from a public place, failing to keep correct time or not being in proper working order, inconvenience is caused to the public, the council may require the owner of the structure or building to cover the face of the clock so that the face is not visible from a public place or to put the clock into proper working order.

Sec. 507.
(Public
vehicles.)

- (t) (i) by omitting from subsection one of section five hundred and seven the words “licensed under this Act” and by inserting in lieu thereof the words “who, where the public vehicle is a public motor vehicle, is licensed under the Motor Traffic Act, 1909, as amended by subsequent Acts, to drive such public motor vehicle, or who, where the public vehicle is not a public motor vehicle, is licensed under this Act to drive such public vehicle”;
- (ii) by inserting in subsection ten of the same section after the word “license” where secondly occurring the words “, issued under this Act,”;
- (iii) by inserting next after subsection thirteen of the same section the following new subsection :—

(14) Where, upon the demand of a servant of the council concerned, who produces an authority in writing in that behalf issued by such council, the driver of a public vehicle upon a public road fails, without reasonable excuse, to produce for inspection by such servant his license to drive such public vehicle issued under this Act, or the Motor Traffic Act, 1909, as amended by subsequent Acts, as the case may be, such driver shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(u)

Local Government (Amendment).

- (u) by omitting from section five hundred and fourteen the word, symbols and letter “and (e)” and by inserting in lieu thereof the word, symbols and letters “, (e) and (f)”;
Sec. 514.
(Subscriptions.)
- (v) by omitting subsection four of section five hundred and eighteen;
Sec. 518.
(Power to sell or exchange property.)
- (w) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following subsection : —
Sec. 649.
(Public inquiries.)

(2) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—

- (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

Local Government (Amendment).

Amendment
of Act No.
50, 1955.

4. The Local Government (Regulation of Flats) Act, 1955, is amended—

Sec. 4.
(Cases in
which
approval
not to be
given.)

(a) by omitting paragraph (c) of subsection one of section four and by inserting in lieu thereof the following paragraph :—

(c) will, in the opinion of the council, have adequate natural light and air in all habitable rooms.

(b) by omitting subsection two of the same section.

Amendment
of Act No.
26, 1960.

5. (1) The Local Government (Amendment) Act, 1960, is amended—

Sec. 2.
(Amend-
ment of Act
No. 41,
1919.)

(a) by omitting from subparagraph (ii) of paragraph (1) of section two the words “the same subsection” and by inserting in lieu thereof the words “subsection (3C) of the same section”;

(b) by omitting from the same subparagraph the symbols, figure and letter “(3A)” and by inserting in lieu thereof the symbols, figure and letter “(3D)”.

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the nineteenth day of April, one thousand nine hundred and sixty.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1961

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.

ALLAN PICKERING,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 8 March, 1961.*

New South Wales



ANNO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 11, 1961.

An Act to make further provisions relating to the election of mayors and presidents; to extend councils' powers with respect to the recovery of the cost of repairing extraordinary damage to public roads; for these and other purposes to amend the Local Government Act, 1919, as amended by subsequent Acts, and the Local Government (Regulation of Flats) Act, 1955; and for purposes connected therewith. [Assented to, 18th March, 1961.]

BE

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

HOWARD T. FOWLES,
Chairman of Committees of the Legislative Assembly.

Local Government (Amendment).

BE it enacted by the Queen'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 :—

Short title. **1.** (1) This Act may be cited as the "Local Government (Amendment) Act, 1961".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Amendment of Act No. 41, 1919. **2.** (1) The Principal Act is amended—

Sec. 23.
(Composition of city and municipal councils.)

(a) (i) by omitting subsections (1A), (1B) and (1C) of section twenty-three and by inserting in lieu thereof the following subsections :—

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961—

(a) the Council of the City of Sydney shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the Lord Mayor and twenty other aldermen ; or

(ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and nineteen other aldermen ;

(b) the Council of the City of Newcastle shall be reconstituted and shall consist—

(i) where the Lord Mayor is an alderman of that council by reason only of the provisions of subsection

Local Government (Amendment).

subsection two of section 25A of this Act, of the Lord Mayor and twenty-one other aldermen; or

- (ii) where the Lord Mayor is elected, or deemed to be elected, as an alderman of that council, of the Lord Mayor and twenty other aldermen;

- (c) the Council of the City of Greater Wollongong shall be reconstituted and shall consist—

- (i) where the mayor is an alderman of that council by reason only of the provisions of subsection two of section 25A of this Act, of the mayor and fifteen other aldermen; or

- (ii) where the mayor is elected, or deemed to be elected, as an alderman of that council, of the mayor and fourteen other aldermen;

- (d) each council of a municipality to which section 25A of this Act applied immediately before the commencement of the said Act, and applies at such general election shall be reconstituted and shall consist—

- (i) where the mayor is an alderman of that council by reason only of the provisions of subsection two of the said section 25A—of the mayor and the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council; or
- (ii)

Local Government (Amendment).

- (ii) where the mayor is elected, or deemed to be elected, as an alderman of that council—of the mayor and one less than the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council.

(1B) This subsection shall apply to a municipality to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

On and from the general election of the council of a municipality to which this subsection applies next following the application of the said section 25A to the said municipality the council shall be reconstituted and shall consist—

- (a) where the mayor is an alderman of that council by reason only of the provisions of subsection two of the said section 25A—of the mayor and the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council; or
- (b) where the mayor is elected, or deemed to be elected, as an alderman of that council—of the mayor and one less than the number of other aldermen for the time being fixed by the Governor pursuant to this Act in respect of that council.

(ii)

(ii)

Local Government (Amendment).

(ii) by inserting in subsection six of the same section after the words "vacant office" where firstly occurring the words "and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto";

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

(7) In this section, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(b) (i) by omitting subsection (1A) of section twenty-four and by inserting in lieu thereof the following subsections :—

Sec. 24.
(Composition of shire councils.)

(1A) On and from the general election next following the commencement of the Local Government (Amendment) Act, 1961, each council of a shire to which section 25A of this Act applied immediately before such commencement shall be reconstituted and shall consist—

(a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or

(b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.

(1B)

Local Government (Amendment).

(1B) This subsection shall apply to a shire to which section 25A of this Act is, after the commencement of the Local Government (Amendment) Act, 1961, applied pursuant to paragraph (b) of subsection one of the said section.

On and from the general election of the council of a shire to which this subsection applies next following the application of the said section 25A to the said shire the council shall be reconstituted and shall consist—

- (a) where the president is a councillor of that council by reason only of the provisions of subsection two of the said section 25A—of the president and the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council; or
 - (b) where the president is elected, or deemed to be elected, as a councillor of that council—of the president and one less than the number of other councillors for the time being fixed by the Governor pursuant to this Act in respect of that council.
- (ii) by inserting in subsection six of the same section after the words “vacant office” where firstly occurring the words “and any person so appointed shall be deemed to have been elected to such office on and from the date of his appointment thereto”;
- (iii) by inserting at the end of the same section the following new subsection :—
- (7) In this section, “general election” means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

(c)

Local Government (Amendment).

- (c) (i) by omitting from subsection two of section 25A the words "triennial ordinary election" wherever occurring and by inserting in lieu thereof the words "general election";

Sec. 25A.
(Election
of Lord
Mayors,
Mayors and
Presidents
by electors.)

- (ii) by omitting from the same subsection the words "and shall be an alderman or councillor, as the case may be, of that area by virtue of his office." and by inserting in lieu thereof the following new paragraphs :—

Where an extraordinary vacancy occurs in the office of mayor or president of an area to which this section applies after any such general election, his successor shall be elected by the electors of that area on the appointed day for the extraordinary election to fill the vacancy.

Any person elected, or deemed to be elected, as mayor or president, as the case may be, of an area to which this section applies, shall, if he is not elected, or deemed to be elected, as an alderman or councillor, as the case may be, of that area, be an alderman or councillor, as the case may be, of that area, by virtue of his office.

In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of this Act.

- (iii) by inserting at the end of subsection three of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";
- (iv) by inserting at the end of subsection four of the same section the words "and any person so appointed shall be deemed to have been elected to such office in accordance with the provisions of this section on and from the date of his appointment thereto";

(d)

Local Government (Amendment).

Sec. 33.
(Office of
alderman or
councillor.)

(d) (i) by omitting from subsection two of section thirty-three the words "the Lord Mayor" and by inserting in lieu thereof the words "any Lord Mayor, not elected, or in the case of an uncontested election, not declared elected, as an alderman";

(ii) by omitting from the same subsection the words "the mayor or president thereof, as the case may be" and by inserting in lieu thereof the words "any mayor or president of that city or any such other area, not elected, or in the case of an uncontested election, not declared elected, as an alderman or councillor, as the case may be";

Sec. 71.
(Nominations.)

(e) by omitting paragraph (b) of subsection three of section seventy-one;

Sec. 87.
(Powers of
mayor or
president.)

(f) by inserting at the end of subsection four of section eighty-seven the following new paragraph:—

Notwithstanding any other provision of this Act, a mayor or president who is an alderman or councillor, as the case may be, of an area by reason only of the provisions of subsection two of section 25A of this Act shall not, at any meeting of the council, have an original vote but shall, in the case of equality of voting at any such meeting, have a casting vote.

(2) (a) Notwithstanding the amendment made by paragraph (e) of subsection one of this section, the provisions of paragraph (b) of subsection three of section seventy-one of the Principal Act shall continue to apply to and in respect of nominations for election as an alderman or councillor, as the case may be, of an area and nominations for election as Lord Mayor, mayor, or president, as the case may be, of the same area where such elections are to be held on the same day and that day is earlier than the day appointed for the general election of aldermen or councillors, as the case may be, of such area next following the commencement of this Act.

(b)

(b)

Local Government (Amendment).

(b) The amendment made by paragraph (f) of subsection one of this section shall only apply to or in respect of the mayor or president of any area to which section 25A of the Principal Act applies at the commencement of this Act on and from the general election of aldermen or councillors, as the case may be, of such area next following such commencement.

(c) In this subsection, "general election" means any election referred to in paragraph (b) or (c) of subsection one of section thirty-nine of the Principal Act.

3. The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

(a) by inserting at the end of subsection one of section twenty-eight the following new paragraph :—

Sec. 28.
(Travelling
expenses.)

(f) to and from the annual regular meeting of the Electricity Supply Association of Australia and to and from any conference of any section of such Association.

(b) (i) by inserting next after subsection one of section 28A the following new subsection :—

Sec. 28A.
(Insurance
of
members.)

(1A) The council may insure or may itself provide for the insurance of any person who is not the holder of a civic office and who has been elected or appointed as a member of any committee constituted under this Act and as such member is authorised to exercise or perform, or is otherwise authorised under this Act to exercise or perform, otherwise than as a servant, any power, authority, duty or function of the council, against any personal injury, whether fatal or not, arising out of or in the course of his—

(a) attendance at any meeting of any such committee of which he is a member;

(b) travelling to or from any meeting of any such committee of which he is a member;

(c)

Local Government (Amendment).

Sec. 54.
(Qualifica-
tion of an
occupier.)

Sec. 96.
(Private
work by
public
officials.)

Sec. 99.
(Inquiry
before
dismissal
of certain
servants.)

- (c) travelling upon inspections within the area, where such inspections are undertaken in compliance with a resolution of the council; and
- (d) travelling upon business of the council outside the area in compliance with a resolution of the council.
- (ii) by omitting from subsection three of the same section the words "its members" and by inserting in lieu thereof the words "any person insured under the provisions of this section";
- (iii) by omitting from the same subsection the word "member" and by inserting in lieu thereof the word "person";
- (iv) by omitting from subsection four of the same section the words "member of the Council" and by inserting in lieu thereof the word "person";
- (c) by omitting from paragraphs (a) and (c) of section fifty-four the words "three months" wherever occurring and by inserting in lieu thereof the word "month";
- (d) by inserting in subsection one of section ninety-six after the words "shall not" the words ", except with the permission of the council,";
- (e) by omitting subsection eight of section ninety-nine and by inserting in lieu thereof the following subsection :—
 - (8) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—
 - (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
 - (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

by

Local Government (Amendment).

by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

- f) (i) by inserting in paragraph (a) of subsection three of section one hundred and eighteen after the word "Governor" where firstly occurring the words "or the council of any such municipality in which there is situated any urban farm land may apply to the Governor,"; Sec. 118.
(General rates in municipalities and shires.)
- (ii) by inserting in the same paragraph after the word "petition" where secondly and fourthly occurring the words "or application";
- (iii) by inserting in the same paragraph after the words "request in the petition," the words "or with the application, as the case may be,";
- (iv) by inserting in the same paragraph after the word "thereon" the words "and where any such person is appointed regard shall be had to his report before any proclamation under this paragraph is made or published in respect of the area to which the report relates.

Where a council submits an application to the Governor under this paragraph, the council shall cause to be given such public notice of the application as may be prescribed";

(v)

Local Government (Amendment).

- (j) by omitting section two hundred and forty-five and by inserting in lieu thereof the following section : —

Substituted
sec. 245.

245. (1) Where any damage or injury, not being damage or injury caused by ordinary wear and tear and reasonable use, is caused to—

Recovery
of cost of
making good
damage to
roads.

- (a) any public road ; or
- (b) any safety fence, barrier, handrail, pipe, traffic sign, treeguard, seat or other thing or device which has been placed in, upon, under or over a public road for or in connection with the regulation or facilitation of pedestrian or vehicular traffic on such road and which is the property of the council,

there shall be paid to the council the cost incurred by it in making good such damage or injury.

(2) Such cost shall be paid to the council—

- (a) in a case where the damage or injury was caused by the use of a vehicle or vessel, by the owner of the vehicle or vessel at the time of the damage or injury, unless at that time the vehicle or vessel was a stolen vehicle or vessel or was a vehicle or vessel illegally taken or used ; or
- (b) in a case where the damage or injury was caused by the use of a vehicle or vessel and the owner of the vehicle or vessel is not liable to pay such cost under paragraph (a) of this subsection, by the driver of such vehicle or the person in charge of such vessel, as the case may be ; or
- (c) in any other case, by the person by whom the damage or injury was caused.

(3)

Local Government (Amendment).

(3) If within fourteen days after service of a notice stating—

(a) the amount of the cost incurred by the council in making good any such damage or injury; and

(b) particulars of such amount and cost,

upon the person liable under subsection two of this section to pay such cost such amount is not paid to the council, the council may recover, in any court of competent jurisdiction, such amount as a debt from the person so liable.

(4) Where the damage or injury is caused to any bridge, causeway, road-ferry or ford over, on or under any water or depression crossing the line of any such public road every portion of such bridge, causeway, road-ferry or ford, including any gate, pier, fender, dolphin, platform, boat or appurtenance incidental to the use or protection of the bridge, causeway, road-ferry or ford shall be deemed to be a public road for the purposes of this section.

New sec.
251B.

(k) by inserting next after section 251A the following new section :—

Rental of
enclosed
public
roads.

251B. (1) Where any public road or part thereof is enclosed with land traversed or bounded thereby, the occupier for the time being of such land shall pay to the council rent as provided by this section and comply with any conditions which the council may, by notice in writing served on such occupier, impose with respect to the use by such occupier of such public road or part.

(2) (a) The rent payable by any occupier pursuant to subsection one of this section shall be such amount not being less than two pounds per annum as may from time to time be determined by the council and specified in a notice in writing served on such occupier by the council.

(b)

Local Government (Amendment).

(b) Any such occupier who is dissatisfied with any determination made by the council and notified to him under paragraph (a) of this subsection may, within twenty-one days after service of the notice on him, appeal to the local land board against the council's determination.

(c) The local land board may hear and determine the matter and the rent fixed by the local land board upon such appeal shall be deemed to be the amount determined by the council pursuant to paragraph (a) of this subsection.

(d) The rent payable by any occupier pursuant to this section shall be due as on and from the date of service of the notice under paragraph (a) of this subsection on such occupier and shall be paid by him to the council—

- (i) where an appeal against the determination by the council of the amount of the rent is not made within the prescribed time, upon the expiration of that time; or
- (ii) where an appeal against the determination by the council of the amount of the rent is made within the prescribed time, within seven days after the decision on the appeal is given by the local land board,

and thereafter shall be due and payable yearly in advance upon each anniversary of the date of service of the notice under paragraph (a) of this subsection on such occupier.

(e) Any rent due to the council and not paid to the council in accordance with this section may be recovered as a debt in any court of competent jurisdiction.

(3)

Local Government (Amendment).

(3) In this section—

“Local land board” means the local land board constituted under the Crown Lands Consolidation Act, 1913, as amended by subsequent Acts, or under the Western Lands Act of 1901, as amended by subsequent Acts, for the land district or administrative district, as the case may be, in which the public road, or part of the public road, concerned is situated.

“Occupier” means any person in lawful occupation of any land or, where no person is in lawful occupation of land, the owner thereof.

(4) Nothing in this section shall affect or in any way derogate from the powers of the council under section two hundred and sixty-seven of this Act.

Sec. 302.
(Boarding-
houses,
barbers’
shops, etc.)

(1) by inserting at the end of section three hundred and two the following new subsection :—

(2) The council may by notice in writing served on the owner of any holiday premises require such owner to comply with such reasonable requirements as to the equipping and furnishing of such premises as the council may specify in such notice.

In this subsection, “holiday premises” means any premises which, during the period of twelve months immediately before any notification with respect to such premises is given under this subsection, have been let together with goods for holiday purposes for a continuous period not exceeding three months on any one occasion.

(m)

Local Government (Amendment).

- (m) by inserting at the end of section three hundred and thirteen the following new paragraphs : — Sec. 313.
(Subjects
for con-
sideration.)
- (m) whether the site is or probably will be subject to subsidence;
- (n) whether any trees on the site should be preserved.
- (n) by inserting in subsection two of section three hundred and nineteen after the word "Australia" the words ", or any standard rules or specifications approved by the Minister and published in the Gazette,"; Sec. 319.
(Additional
provisions
re
ordinances.)
- (o) by inserting next after paragraph (k) of subsection one of section three hundred and thirty-three the following word and new paragraph : — Sec. 333.
(Subjects
for con-
sideration
re sub-
divisions.)
- and
- (l) whether any trees on the land should be preserved.
- (p) by omitting from paragraph (b) of subsection one of section three hundred and seventy-nine the words "measured in a direction at right angles to such water pipe"; Sec. 379.
(Land
supplied
with water.)
- (q) by omitting from subsection three of section four hundred and seventy-two the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 472.
(Notice of
proclama-
tion to be
published—
duty of
owners and
occupiers
of private
land.)
- (r) by omitting from subsection five of section four hundred and seventy-three the words "not exceeding twenty pounds for the first offence and not exceeding fifty pounds for any subsequent offence" and by inserting in lieu thereof the words "not exceeding fifty pounds for the first offence and not exceeding one hundred pounds for any subsequent offence"; Sec. 473.
(Infested
land.)
- (s)

Local Government (Amendment).

New sec.
481A.

- (s) by inserting next after section four hundred and eighty-one the following new section :—

Clocks
visible from
public
places.

481A. Where the council is satisfied that, by reason of any clock, which is affixed to any structure or building and is visible from a public place, failing to keep correct time or not being in proper working order, inconvenience is caused to the public, the council may require the owner of the structure or building to cover the face of the clock so that the face is not visible from a public place or to put the clock into proper working order.

Sec. 507.
(Public
vehicles.)

- (t) (i) by omitting from subsection one of section five hundred and seven the words "licensed under this Act" and by inserting in lieu thereof the words "who, where the public vehicle is a public motor vehicle, is licensed under the Motor Traffic Act, 1909, as amended by subsequent Acts, to drive such public motor vehicle, or who, where the public vehicle is not a public motor vehicle, is licensed under this Act to drive such public vehicle";
- (ii) by inserting in subsection ten of the same section after the word "license" where secondly occurring the words ", issued under this Act,";
- (iii) by inserting next after subsection thirteen of the same section the following new subsection :—

(14) Where, upon the demand of a servant of the council concerned, who produces an authority in writing in that behalf issued by such council, the driver of a public vehicle upon a public road fails, without reasonable excuse, to produce for inspection by such servant his license to drive such public vehicle issued under this Act, or the Motor Traffic Act, 1909, as amended by subsequent Acts, as the case may be, such driver shall be guilty of an offence against this Act and shall be liable to a penalty not exceeding twenty pounds.

(u)

Local Government (Amendment).

- (u) by omitting from section five hundred and fourteen the word, symbols and letter “and (e)” and by inserting in lieu thereof the word, symbols and letters “, (e) and (f)”;
Sec. 514. (Subscriptions.)
- (v) by omitting subsection four of section five hundred and eighteen;
Sec. 518. (Power to sell or exchange property.)
- (w) by omitting subsection two of section six hundred and forty-nine and by inserting in lieu thereof the following subsection :—
Sec. 649. (Public inquiries.)

(2) For the purposes of any inquiry under this section any person appointed to hold such inquiry shall have the powers, authorities, protections and immunities conferred on a commissioner, and—

- (a) where such person is the only person appointed to hold the inquiry—on a sole commissioner; or
- (b) where such person is one of two or more persons appointed to hold the inquiry and has been appointed as chairman of the inquiry—on a chairman of a commission,

by Division 1 of Part II of the Royal Commissions Act, 1923, as amended by subsequent Acts, and the provisions of section one hundred and fifty-two of the Justices Act, 1902, as amended by subsequent Acts, shall mutatis mutandis apply to any witness or person summoned by or appearing before such person.

The provisions of the Royal Commissions Act, 1923, as amended by subsequent Acts, (section thirteen and Division 2 of Part II excepted) shall, mutatis mutandis, apply to and in respect of any such inquiry and to and in respect of any witness or person summoned by or appearing before the person or persons holding any such inquiry.

Local Government (Amendment).

Amendment
of Act No.
50, 1955.

4. The Local Government (Regulation of Flats) Act, 1955, is amended—

Sec. 4.
(Cases in
which
approval
not to be
given.)

(a) by omitting paragraph (c) of subsection one of section four and by inserting in lieu thereof the following paragraph :—

(c) will, in the opinion of the council, have adequate natural light and air in all habitable rooms.

(b) by omitting subsection two of the same section.

Amendment
of Act No.
26, 1960.

5. (1) The Local Government (Amendment) Act, 1960, is amended—

Sec. 2.
(Amend-
ment of Act
No. 41,
1919.)

(a) by omitting from subparagraph (ii) of paragraph (1) of section two the words "the same subsection" and by inserting in lieu thereof the words "subsection (3C) of the same section";

(b) by omitting from the same subparagraph the symbols, figure and letter "(3A)" and by inserting in lieu thereof the symbols, figure and letter "(3D)".

(2) The amendments made by subsection one of this section shall be deemed to have commenced upon the nineteenth day of April, one thousand nine hundred and sixty.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 18th March, 1961.*