

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, 4 November, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1959.

An Act to make further provisions with respect to the election of mayors and presidents, the respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; 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 (Amendment) Act, 1959". Short title.

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

2. Part IV of the Principal Act is amended—

Amendment of Act No. 41, 1919.
Part IV—
(The Councils of Cities, Municipalities, and Shires.)

(a) (i) by omitting from subsection (1A) of section twenty-three the words "The Lord Mayor shall be an alderman by virtue of his office."; Sec. 23.
(Composition of city and municipal councils.)

15 (ii) by inserting next after the same subsection the following new subsections:—

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,— Newcastle and Greater Wollongong.

20 (a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;

25 (b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

30 (1C) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On

Local Government (Amendment).

5 On and from the triennial ordinary election
of the council of a municipality to which this
subsection applies next following the application
of section 25A to the said municipality the
council shall be reconstituted and shall consist
of the mayor and the same number of aldermen
as constituted the council immediately before
such triennial ordinary election or where any
alteration in the number of aldermen pursuant
10 to subsection two of this section is to take effect
as on and from such triennial ordinary election
the number as so altered.

(b) by inserting next after subsection one of section
twenty-four the following new subsection :—

Sec. 24.
(Composi-
tion of shire
councils.)

15 (1A) This subsection shall apply to a shire to
which section 25A is applied pursuant to paragraph
(b) of subsection one of the said section.

20 On and from the triennial ordinary election of the
council of a shire to which this subsection applies
next following the application of section 25A to the
said shire the council shall be reconstituted and shall
consist of the president and the same number of
councillors as constituted the council immediately
before such triennial ordinary election or where any
alteration in the number of councillors pursuant to
25 subsection two of this section is to take effect as on
and from such triennial ordinary election the number
as so altered.

30 (c) by inserting at the end of subsection five of section
twenty-five the words “, the City of Newcastle, the
City of Greater Wollongong, or any other area to
which section 25A applies”;

Sec. 25.
(Mayors
and
presidents.)

(d) by omitting section 25A and by inserting in lieu
thereof the following section :—

Subst.
sec. 25A.

35 25A. (1) This section shall apply to—

(a) the City of Sydney, the City of Newcastle
and the City of Greater Wollongong, and

Election of
Lord
Mayors,
Mayors and
Presidents
by electors.

(b)

Local Government (Amendment).

(b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

5 (2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary
10 election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

15 (3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

20 (4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

(e) by inserting at the end of section twenty-six the following new subsection :—
25

(5) In this section "deputy-mayor" includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

Sec. 26.
(Deputy-mayor or president.)

(f) by inserting at the end of subsection two of section twenty-seven the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other
30 area to which section 25A applies";

Sec. 27.
(Time for election of mayor or president.)

(g)

Local Government (Amendment).

- (g) by inserting at the end of section twenty-nine the following new subsection :— Sec. 29.
(Mayors and presidents.)
- 5 (6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.
- 10
- (h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”; Sec. 32.
(Tenure of office.)
- 15
- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words :— Sec. 33.
(Office of alderman or councillor.)
- 20
- In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.
- 25
- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”; Sec. 34.
(Office of mayor or president.)
- 30
- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies.”; Sec. 38A.
(Election of Lord Mayor.)
- 35

Local Government (Amendment).

(1) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection :—

Sec. 39.
(Appointed day for election of aldermen or councillors.)

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(2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

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(a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections;

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(b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.

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3. Part V of the Principal Act is amended—

Amendment of Act No. 41, 1919—Part V.
(Electoral Provisions.)

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

Sec. 50.
(Qualification of elector.)

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(c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.

30

(b)

Local Government (Amendment).

- (b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";
- 5
- (ii) by omitting paragraph (b) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—
- 10 (b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.
- 15
- (iii) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—
- 20 (b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.
- 25
- 30
- (c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection :—
- 35 (3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of
- Sec. 71.
(Nominations.)
- Sec. 72.
(Uncontested election of aldermen or councillors.)
- Uncontested election of Lord Mayors, mayors and presidents.

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5 of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

10 (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection : —

Sec. 73.
(Contested elections of aldermen or councillors.)

15 (1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

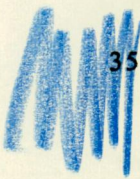
Contested elections of Lord Mayors, mayors and presidents.

20 (e) by inserting at the end of section 73A the words “, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies”.

Sec. 73A.
(Election of Lord Mayor.)

30 4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Application of Ordinance No. 8 to elections of Lord Mayors, mayors and presidents.



35 5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and

Validation.

Local Government (Amendment).

and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the
5 Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two
10 and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied mutatis mutandis at that time to
15 and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where in connection with any election to be held on the election date—

- 20 (a) any person has been, before the commencement of this Act, or is, after that commencement, nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other
25 area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under that section before the election date; and
- 30 (b) such person has been, before that commencement, nominated or proposed for nomination, or is, after that commencement, proposed for nomination, as Lord Mayor, mayor or president, as the case may be; and
- 35 (c) his name has not been or is not withdrawn from nomination as Lord Mayor, mayor or president, as the case may be, before nomination day;

such person shall be deemed not to have been so nominated as an alderman or councillor of such area.

(3)

Local Government (Amendment).

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

6. (1) Part XIIA of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XIIA—
(Town and
Country
Planning
Schemes.)

(a) by inserting at the end of section 342L the following new subsection :—

Sec. 342L.
(Variation
of
prescribed
scheme.)

(2) (a) In this subsection—

“local scheme” means a scheme prepared by the council of an area wholly or partly included in the County of Cumberland.

“County of Cumberland Planning Scheme” means the scheme prescribed by the Local Government (Amendment) Act, 1951, together with, upon its being prescribed under this Part, the supplementary scheme referred to in subsection one of section two of the Local Government Town and Country Planning (Amendment) Act, 1950, and any prescribed scheme prepared by the Cumberland County Council varying either such scheme.

(b) A local scheme, in respect of the land to which it applies—

(i) may vary the County of Cumberland Planning Scheme;

(ii)

Local Government (Amendment).

5 (ii) shall incorporate all such provisions of the County of Cumberland Planning Scheme as relate to the land to which the local scheme applies and are not inconsistent with the provisions of the local scheme; and

10 (iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—

15 (a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;

20 (b) for or with respect to—
25 (i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;

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35 (ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect

Local Government (Amendment).

respect of any land to which the local scheme applies before such revocation; and

5 (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to
10 have been done under any like provision of the local scheme.

(c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious
15 affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes into operation been finally determined, be taken into
20 account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

(ii) Where an estate or interest in land
25 is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within the time prescribed or has been so made and has been determined, a person shall not be entitled to
30 claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially to the same effect.

(d) On the date on which the local scheme
35 comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the local scheme applies.

(e)

Local Government (Amendment).

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

5 Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

10 (f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

15 (b) by omitting subsection two of section 342r and by inserting in lieu thereof the following subsection : — Sec. 342r.
(Definitions.)

20 (2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342y of this Act.

25 (c) by omitting paragraph (b) of subsection one of section 342AA and by inserting in lieu thereof the following paragraph : — Sec. 342AA.
(Constitution of Cumberland County Council.)

30 (b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

35 (d) by inserting at the end of subsection two of section 342AB the following new proviso : — Sec. 342AB.
(Scheme for Cumberland County Council.)

 Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

(2)

Local Government (Amendment).

(2) The Minister may include in any scheme which—

(a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;

5 (b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and

(c) has been the subject of a report made under section 342I of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the
10 amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand
15 nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed
20 to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso : —

Amendment of Act No. 18, 1951. Sec. 2. (Scheme for the County of Cumberland.)

25 Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including in a scheme with respect to all or any land within its area provisions varying the County of Cumberland
30 Planning Scheme or any subsequent scheme varying that scheme.

(2)

Local Government (Amendment).

(2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme (Amendment No. 1) Ordinance proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

The County of Cumberland Planning Scheme Ordinance— Clause 57.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the 10 twenty-seventh day of June, one thousand nine hundred and fifty-one.

8. (1) Part XXIX of the Principal Act is amended—

Amendment of Act No. 41, 1919.
Part XXIX— (County Councils.)

(a) by omitting from section five hundred and sixty the definition of "Delegation" and by inserting in lieu thereof the following definition :—

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"Delegation" means a transfer of powers to a county council in accordance with this Part and "delegate" has a corresponding meaning.

(b) (i) by inserting in subsection one of section five hundred and sixty-one after the words "county districts" the words "or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts";

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25

Sec. 561. (Constitution of county districts.)

(ii) by omitting subsection four of the same section ;

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

Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district.

30

(c)

Local Government (Amendment).

(c) by inserting next after the same section the following ^{New} Division 2A.
new Division :—

DIVISION 2A.—Alteration and union of county districts.

5 561A. (1) A proposal to the Governor to alter ^{Proposals} the boundaries of a county district or to unite two ^{for altera-} or more county districts may be submitted to the ^{tion or} Minister— ^{union.}

10 (a) by the county council of any county district which will be affected by the proposal; or

(b) by any council concerned; or

(c) by an officer of the Minister; or

15 (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.

(2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.

20 (3) Within the time fixed in such notice, objection to the proposal may be lodged—

(a) by the county council of any county district which will be affected; or

(b) by any council concerned.

25 (4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.

30 (5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's decision.
35 (6)

Local Government (Amendment).

(6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

(d) by omitting from subsection one of section five hundred and sixty-three the words "the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto" and by inserting in lieu thereof the words "may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer."

The corporate name of the county council shall be 'The . . . County Council'".

(e) (i) by inserting next after subsection three of section five hundred and sixty-four the following new subsections :—

(3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Local Government (Amendment).

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district.

5 (3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have been delegated to the county council of the united county district.

20 Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.

25 (3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area forms part.

35 (ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

Local Government (Amendment).

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

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(b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso : —

10

Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so united in force immediately before the union shall cease to have any effect.

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(f) by inserting next after section 564B the following new section : —

New sec. 564BA.

20

564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation,

Provisions consequent upon alteration or union of county districts.

25

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

(b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

30

(2) Such provisions may without limiting the generality of the foregoing include provisions for or relating to : —

(a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and

charges,

Local Government (Amendment).

5 charges, contracts, agreements and undertakings entered into by any of the councils of the areas or county districts affected by the alteration or union, suits actions and proceedings pending immediately before the alteration or union at the suit of any of the councils of the areas or county districts affected by the alteration or union;

10 (b) the appointment of provisional councils, and empowering any such provisional council to exercise all or any of the powers of a county council, pending the election of county councils;

15 (c) the entering into of agreements and making of arrangements between county councils, councils, and creditors, or by the Minister or a District Court Judge and the enforcement and giving effect to any such agreement or arrangement;

20 (d) any other matter for which provision is made or may be made by Part III or this Part of this Act or any matter of the like nature.

25 (3) Such provisions may adopt with such modification, additions or alterations as the Governor may deem necessary any of the provisions of Part III or this Part of this Act.

(4) Any such proclamation shall have the force of law.

30 (g) by omitting from subsection one of section 565A the words "the county council for";

Sec. 565A.
(Union of areas comprised in county district.)

(h) by omitting section five hundred and sixty-seven.

Sec. 567.
(Estimates.)

Local Government (Amendment).

(2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (iii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

Local Government (Amendment).

9. (1) The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

(a) by inserting at the end of the definition of "Mayor" in section four the words "and the Lord Mayor of a city";

Sec. 4. (Definitions.)

5 (b) (i) by omitting subsection one of section sixty-one and by inserting in lieu thereof the following subsection :—

Sec. 61. (Division into ridings.)

(1) The Governor may by proclamation divide shires into ridings.

10 (ii) by omitting from subsection two of the same section the words "alter any division of a shire into ridings: Provided that such alteration" and by inserting in lieu thereof the words "alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings: Provided that such alteration, abolition, or subsequent division";

15 (iii) by omitting from subsection three of the same section the words "such alteration" and by inserting in lieu thereof the words "division, alteration, abolition or subsequent division";

20 (c) by inserting next after section eighty-two the following new section :—

New sec. 82A.

25 82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

Voting to be compulsory at certain polls.

(2)

30

Local Government (Amendment).

(2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.

5 (d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV";

Sec. 160B.
(Abandonment of rates. Invalid and age pensioners.)

(e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection :—

Sec. 317Y.
(Powers of board.)

10 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

15 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

(f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection :—

Sec. 317AO.
(Powers of board.)

20 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

25 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

30 (g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection :—

Sec. 341L.
(Powers of board.)

35 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2)

Local Government (Amendment).

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

5 (h) by inserting next after section 417A the following new section :— New sec.
417B.

10 417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council. Preservation
of rights to
long service
leave.

15

20 The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

25

(i) by inserting next after section five hundred the following new section :— New sec.
500A.

30

500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf. Septic
closets.

35

(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments for

Local Government (Amendment).

for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

5 (3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, *mutatis mutandis*, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

10 (2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

15 10. Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General
 20 in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the
 25 basis of its rate in respect of the land included in such valuation.

New valuations for death duties not to be used by rating authorities.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land
 30 was last rated or ratable before the levying of such rate.

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No. , 1959.

A BILL

To make further provisions with respect to the election of mayors and presidents, the respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[MR. RENSCHAW;—20 October, 1959.]

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, 1959". Short title.

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

2. Part IV of the Principal Act is amended—

Amendment of Act No. 41, 1919. Part IV— (The Councils of Cities, Municipalities, and Shires.)

(a) (i) by omitting from subsection (1A) of section twenty-three the words "The Lord Mayor shall be an alderman by virtue of his office.";

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

15 (ii) by inserting next after the same subsection the following new subsections : —

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,—

Newcastle and Greater Wollongong.

20 (a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;

25 (b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

30 (1C) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On

Local Government (Amendment).

5 On and from the triennial ordinary election
of the council of a municipality to which this
subsection applies next following the application
of section 25A to the said municipality the
council shall be reconstituted and shall consist
of the mayor and the same number of aldermen
as constituted the council immediately before
such triennial ordinary election or where any
alteration in the number of aldermen pursuant
10 to subsection two of this section is to take effect
as on and from such triennial ordinary election
the number as so altered.

- (b) by inserting next after subsection one of section Sec. 24.
twenty-four the following new subsection :— (Composi-
tion of shire
councils.)
- 15 (1A) This subsection shall apply to a shire to
which section 25A is applied pursuant to paragraph
(b) of subsection one of the said section.

20 On and from the triennial ordinary election of the
council of a shire to which this subsection applies
next following the application of section 25A to the
said shire the council shall be reconstituted and shall
consist of the president and the same number of
councillors as constituted the council immediately
before such triennial ordinary election or where any
alteration in the number of councillors pursuant to
25 subsection two of this section is to take effect as on
and from such triennial ordinary election the number
as so altered.

- (c) by inserting at the end of subsection five of section Sec. 25.
30 twenty-five the words “, the City of Newcastle, the (Mayors
and
presidents.)
City of Greater Wollongong, or any other area to
which section 25A applies”;

- (d) by omitting section 25A and by inserting in lieu Subst.
sec. 25A.
thereof the following section :—

35 25A. (1) This section shall apply to—

(a) the City of Sydney, the City of Newcastle
and the City of Greater Wollongong, and Election of
Lord
Mayors,
Mayors and
Presidents
by electors.

(b)

Local Government (Amendment).

(b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

5 (2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary
10 election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

15 (3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

20 (4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

(e) by inserting at the end of section twenty-six the following new subsection :—

Sec. 26.
(Deputy-mayor or president.)

25 (5) In this section "deputy-mayor" includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

(f) by inserting at the end of subsection two of section twenty-seven the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other
30 area to which section 25A applies";

Sec. 27.
(Time for election of mayor or president.)

(g)

Local Government (Amendment).

- (g) by inserting at the end of section twenty-nine the following new subsection:—
- Sec. 29.
(Mayors
and
presidents.)
- (6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.
- (h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 32.
(Tenure of
office.)
- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words:—
- Sec. 33. 21
(Office of
alderman or
councillor.)
- In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.
- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 34.
(Office of
mayor or
president.)
- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies,”;
- Sec. 38A.
(Election of
Lord
Mayor.)

Local Government (Amendment).

(1) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection :—

Sec. 39.
(Appointed day for election of aldermen or councillors.)

5 (2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

10 (a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections;

15 (b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.
20

3. Part V of the Principal Act is amended—

Amendment of Act No. 41, 1919—Part V.
(Electoral Provisions.)

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

Sec. 50.
(Qualification of elector.)

25 (c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.
30

(b)

Local Government (Amendment).

- (b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies," ;
- 5
- (ii) by omitting paragraph (b) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—
- 10 (b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.
- 15
- (iii) by omitting paragraph (b) of subsection three of the same section and by inserting in lieu thereof the following paragraph :—
- 20 (b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.
- 25
- 30
- (c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection :—
- 35 (3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of
- Sec. 71.
(Nominations.)
- Sec. 72.
(Uncontested election of aldermen or councillors.)
- Uncontested election of Lord Mayors, mayors and presidents.

Local Government (Amendment).

5 of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

10 (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection :—

Sec. 73.
(Contested elections of aldermen or councillors.)

15 (1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

Contested elections of Lord Mayors, mayors and presidents.

20 (e) by inserting at the end of section 73A the words
25 “, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies”.

Sec. 73A.
(Election of Lord Mayor.)

30 4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Application of Ordinance No. 8 to elections of Lord Mayors, mayors and presidents.

35 5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and

Validation.

Local Government (Amendment).

and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the
5 Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two
10 and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied mutatis mutandis at that time to
15 and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where before the commencement of this Act any person has in connection with any election to be held on the
20 election date been nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by
25 proclamation made under that section before the election date and as Lord Mayor, mayor or president of the same area as that for which he has been so nominated as alderman or councillor, as the case may be, such person shall be deemed not to have been so nominated as an alderman or councillor
30 of such area.

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be
35 held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

Local Government (Amendment).

6. (1) Part XIII A of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XIII A—
(Town and
Country
Planning
Schemes.)

(a) by inserting at the end of section 342L the following
new subsection :—

Sec. 342L.
(Variation
of
prescribed
scheme.)

(2) (a) In this subsection—

5 “local scheme” means a scheme prepared by the
 council of an area wholly or partly included
 in the County of Cumberland.

10 “County of Cumberland Planning Scheme”
 means the scheme prescribed by the Local
 Government (Amendment) Act, 1951,
 together with, upon its being prescribed
15 under this Part, the supplementary scheme
 referred to in subsection one of section two
 of the Local Government Town and
 Country Planning (Amendment) Act, 1950,
 and any prescribed scheme prepared by
 the Cumberland County Council varying
 either such scheme.

20 (b) A local scheme, in respect of the land to
 which it applies—

(i) may vary the County of Cumberland Planning
Scheme;

25 (ii) shall incorporate all such provisions of the
 County of Cumberland Planning Scheme as
 relate to the land to which the local scheme
 applies and are not inconsistent with the pro-
 visions of the local scheme; and

(iii)

Local Government (Amendment).

5 (iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—

10 (a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;

15 (b) for or with respect to—

20 (i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;

25 (ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect of any land to which the local scheme applies before such revocation; and

35

(iii)

Local Government (Amendment).

5 (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to have been done under any like provision of the local scheme.

10 (c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes into operation been finally determined, be taken into account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

20 (ii) Where an estate or interest in land is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within the time prescribed or has been so made and has been determined, a person shall not be entitled to claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially to the same effect.

30 (d) On the date on which the local scheme comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the local scheme applies.

35 (e)

Local Government (Amendment).

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

5 Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

10 (f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

15 (b) by omitting subsection two of section 342T and by Sec. 342T. inserting in lieu thereof the following subsection : — (Definitions.)

20 (2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342Y of this Act.

25 (c) by omitting paragraph (b) of subsection one of Sec. 342AA. section 342AA and by inserting in lieu thereof the (Constitution of Cumberland County Council.) following paragraph : —

30 (b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

35 (d) by inserting at the end of subsection two of section Sec. 342AB. 342AB the following new proviso : — (Scheme for Cumberland County Council.)

 Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

(2)

(2)

Local Government (Amendment).

(2) The Minister may include in any scheme which—

(a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;

5 (b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and

(c) has been the subject of a report made under section 342I of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the
10 amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand
15 nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed
20 to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso :—

Amendment of Act No. 18, 1951.

Sec. 2.

(Scheme for the County of Cumberland.)

25 Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including in a scheme with respect to all or any land within its area provisions varying the County of Cumberland
30 Planning Scheme or any subsequent scheme varying that scheme.

(2)

Local Government (Amendment).

(2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme Ordinance—
 5 proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

The County of Cumberland Planning Scheme Ordinance—
 Clause 57.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the
 10 twenty-seventh day of June, one thousand nine hundred and fifty-one.

8. (1) Part XXIX of the Principal Act is amended—

Amendment of Act No. 41, 1919.
 Part XXIX—
 (County Councils.)

(a) by omitting from section five hundred and sixty the definition of "Delegation" and by inserting in lieu thereof the following definition :—
 15

Sec. 560. (Definitions.)

"Delegation" means a transfer of powers to a county council in accordance with this Part and "delegate" has a corresponding meaning.

(b) (i) by inserting in subsection one of section five hundred and sixty-one after the words "county districts" the words "or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts";
 20
 25

Sec. 561. (Constitution of county districts.)

(ii) by omitting subsection four of the same section ;

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

30 Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district.

(c)

Local Government (Amendment).

(c) by inserting next after the same section the following ^{New} Division 2A.
new Division : —

DIVISION 2A.—Alteration and union of county districts.

5 561A. (1) A proposal to the Governor to alter ^{Proposals} the boundaries of a county district or to unite two ^{for altera-} or more county districts may be submitted to the ^{tion or} Minister—

10 (a) by the county council of any county district which will be affected by the proposal; or

(b) by any council concerned; or

(c) by an officer of the Minister; or

15 (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.

(2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.

20 (3) Within the time fixed in such notice, objection to the proposal may be lodged—

(a) by the county council of any county district which will be affected; or

(b) by any council concerned.

25 (4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.

30 (5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's decision.

35 (6)

Local Government (Amendment).

5 (6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

10 (d) by omitting from subsection one of section five hundred and sixty-three the words "the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto" and by inserting in lieu thereof the words "may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer. Sec. 563. (Corporate body.)

The corporate name of the county council shall be 'The County Council'".

20 (e) (i) by inserting next after subsection three of section five hundred and sixty-four the following new subsections: — Sec. 564. (Powers.)

25 (3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Local Government (Amendment).

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district.

5 (3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were
10 entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have
15 been delegated to the county council of the united county district.

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.
20

(3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which
25 by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall
30 be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area
35 forms part.

(ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

Local Government (Amendment).

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

5 (b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso :—

10 Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so
15 shall cease to have any effect.

(f) by inserting next after section 564B the following new section :— New sec. 564BA.

20 564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation, Provisions consequent upon alteration or union of county districts.

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

25 (b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

(2) Such provisions may without limiting the generality of the foregoing include provisions for or relating to :—

30 (a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and charges,

Local Government (Amendment).

5 charges, contracts, agreements and under-
takings entered into by any of the councils
of the areas or county districts affected by
the alteration or union, suits actions and
proceedings pending immediately before
the alteration or union at the suit of any
of the councils of the areas or county
districts affected by the alteration or union;

10 (b) the appointment of provisional councils,
and empowering any such provisional
council to exercise all or any of the powers
of a county council, pending the election of
county councils;

15 (c) the entering into of agreements and making
of arrangements between county councils,
councils, and creditors, or by the Minister
or a District Court Judge and the enforce-
ment and giving effect to any such agree-
ment or arrangement;

20 (d) any other matter for which provision is
made or may be made by Part III or this
Part of this Act or any matter of the like
nature.

25 (3) Such provisions may adopt with such
modification, additions or alterations as the Governor
may deem necessary any of the provisions of Part
III or this Part of this Act.

(4) Any such proclamation shall have the
force of law.

30 (g) by omitting from subsection one of section 565A the
words "the county council for";

Sec. 565A.
(Union of
areas com-
prised in
county
district.)

(h) by omitting section five hundred and sixty-seven.

Sec. 567.
(Estimates.)

(2)

Local Government (Amendment).

(2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (ii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

Local Government (Amendment).

9. (1) The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

(a) by inserting at the end of the definition of "Mayor" in section four the words "and the Lord Mayor of a city";

Sec. 4.
(Defini-
tions.)

5 (b) (i) by omitting subsection one of section sixty-one and by inserting in lieu thereof the following subsection :—

Sec. 61.
(Division
into ridings.)

(1) The Governor may by proclamation divide shires into ridings.

10 (ii) by omitting from subsection two of the same section the words "alter any division of a shire into ridings : Provided that such alteration" and by inserting in lieu thereof the words "alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings : Provided that such alteration, abolition, or subsequent division";

15 (iii) by omitting from subsection three of the same section the words "such alteration" and by inserting in lieu thereof the words "division, alteration, abolition or subsequent division";

20 (c) by inserting next after section eighty-two the following new section :—

New sec.
82A.

25 82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

Voting to be
compulsory
at certain
polls.

(2)

Local Government (Amendment).

(2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.

- 5 (d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV"; Sec. 160B. (Abandonment of rates. Invalid and age pensioners.)
- (e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection : — Sec. 317Y. (Powers of board.)
- 10 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.
- 15 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.
- (f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection : — Sec. 317AO. (Powers of board.)
- 20 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.
- 25 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.
- (g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection : — Sec. 341L. (Powers of board.)
- 30 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed. (2)
- 35

Local Government (Amendment).

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

- (h) by inserting next after section 417A the following new section :—

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417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council.

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The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

20

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- (i) by inserting next after section five hundred the following new section :—

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500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf.

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(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments for

New sec.
417B.Preservation
of rights to
long service
leave.New sec.
500A.Septic
closets.

Local Government (Amendment).

for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

5 (3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, mutatis mutandis, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

10 (2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

15 **10.** Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General
20 in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the
25 basis of its rate in respect of the land included in such valuation.

New valuations for death duties not to be used by rating authorities.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land
30 was last rated or ratable before the levying of such rate.

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PROOF

LOCAL GOVERNMENT (AMENDMENT) BILL, 1959.

EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to provide for the election of the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong and certain other mayors and presidents by the electors and to validate any action taken before the commencement of the Act to give effect to this Bill with respect to nominations for any such election to be held on 5th December, 1959 ;
- (b) to determine the respective powers of the Cumberland County Council and the constituent councils with respect to town and country planning in the County of Cumberland ;
- (c) to make further provisions with respect to the alteration of the boundaries, and the union, of county districts, the delegation of functions, powers and duties to county councils and the transfer of servants, assets, rights and liabilities consequent upon any such alteration or union ;
- (d) to validate the taking over by county councils of servants, assets, rights and liabilities of undertakings formerly conducted by other councils, as a result of unions and boundary alterations before the commencement of the Act to give effect to this Bill ;
- (e) to authorise the making of a proclamation transferring certain powers of the constituent councils to the Prospect County Council and the Central West County Council pursuant to alterations of the county districts of those county councils made before the commencement of the Act to give effect to this Bill ;
- (f) to further amend the Local Government Act, 1919, to provide that—
 - (i) the division of shires into ridings be no longer mandatory ;
 - (ii) voting at certain polls be compulsory ;
 - (iii) councils may write off or reduce rates owing by widows in receipt of a widow's pension ;
 - (iv) the Building Appeals Boards, and the Board of Subdivision Appeals, constituted under the Act, may make a determination in those cases where a council disapproves or fails to give a decision with respect to a building or subdivision application ;
 - (v) a servant of an electricity or gas undertaking taken over by a council shall, upon his being employed by the council, be credited with the period of his service with the undertaking for the purpose of calculating his long service leave entitlement ;
 - (vi) councils may install septic tanks or septic closets for private owners and recover the cost by instalments ;
- (g) to provide that valuations made for probate purposes shall not be used as a basis for rating ;
- (h) to make other amendments of a minor or ancillary character.

No. , 1959.

A BILL

To make further provisions with respect to the election of mayors and presidents, the respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; and for purposes connected therewith.

[Mr. RENSHAW;—20 October, 1959.]

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, 1959".

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

2. Part IV of the Principal Act is amended—

Amendment of Act No. 41, 1919.

Part IV—
(The Councils of Cities, Municipalities, and Shires.)

(a) (i) by omitting from subsection (1A) of section twenty-three the words "The Lord Mayor shall be an alderman by virtue of his office.";

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

(ii) by inserting next after the same subsection the following new subsections :—

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,—

Newcastle and Greater Wollongong.

(a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;

(b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

(1c) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On

Local Government (Amendment).

5 On and from the triennial ordinary election
of the council of a municipality to which this
subsection applies next following the application
of section 25A to the said municipality the
council shall be reconstituted and shall consist
of the mayor and the same number of aldermen
as constituted the council immediately before
such triennial ordinary election or where any
alteration in the number of aldermen pursuant
10 to subsection two of this section is to take effect
as on and from such triennial ordinary election
the number as so altered.

- (b) by inserting next after subsection one of section
twenty-four the following new subsection :—

15 (1A) This subsection shall apply to a shire to
which section 25A is applied pursuant to paragraph
(b) of subsection one of the said section.

20 On and from the triennial ordinary election of the
council of a shire to which this subsection applies
next following the application of section 25A to the
said shire the council shall be reconstituted and shall
consist of the president and the same number of
councillors as constituted the council immediately
before such triennial ordinary election or where any
alteration in the number of councillors pursuant to
25 subsection two of this section is to take effect as on
and from such triennial ordinary election the number
as so altered.

- 30 (c) by inserting at the end of subsection five of section
twenty-five the words “, the City of Newcastle, the
City of Greater Wollongong, or any other area to
which section 25A applies”;

- (d) by omitting section 25A and by inserting in lieu
thereof the following section :—

35 25A. (1) This section shall apply to—
(a) the City of Sydney, the City of Newcastle
and the City of Greater Wollongong, and
(b)

Sec. 24.
(Composi-
tion of shire
councils.)
Sec. 25.
(Mayors
and
presidents.)
Subst.
sec. 25A.
Election of
Lord
Mayors,
Mayors and
Presidents
by electors.

Local Government (Amendment).

(b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

5 (2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

15 (3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

20 (4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

(e) by inserting at the end of section twenty-six the following new subsection :—
Sec. 26.
(Deputy-mayor or president.)

25 (5) In this section "deputy-mayor" includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

30 (f) by inserting at the end of subsection two of section twenty-seven the words ", the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies";
Sec. 27.
(Time for election of mayor or president.)

(g)

Local Government (Amendment).

- (g) by inserting at the end of section twenty-nine the following new subsection :—
- Sec. 29.
(Mayors and presidents.)
- (6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.
- (h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 32.
(Tenure of office.)
- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words :—
- Sec. 33.
(Office of alderman or councillor.)
- In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.
- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 34.
(Office of mayor or president.)
- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies.”;
- Sec. 38A.
(Election of Lord Mayor.)

(1)

Local Government (Amendment).

(1) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection :—

Sec. 39.
(Appointed day for election of aldermen or councillors.)

5 (2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

10 (a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections;

15 (b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.
20

3. Part V of the Principal Act is amended—

Amendment of Act No. 41, 1919—Part V.
(Electoral Provisions.)

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

Sec. 50.
(Qualification of elector.)

25 (c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.
30

(b)

Local Government (Amendment).

(b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";

Sec. 71.
(Nominations.)

5

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

10

(b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.

15

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

20

(b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.

25

30

(c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection :—

Sec. 72.
(Uncontested election of aldermen or councillors.)

35

(3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of

Uncontested election of Lord Mayors, mayors and presidents.

Local Government (Amendment).

5 of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

10 (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection :—

Sec. 73.
(Contested elections of aldermen or councillors.)

15 (1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

Contested elections of Lord Mayors, mayors and presidents.

20 (e) by inserting at the end of section 73A the words “, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies”.

Sec. 73A.
(Election of Lord Mayor.)

30 4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Application of Ordinance No. 8 to elections of Lord Mayors, mayors and presidents.

35 5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and

Validation.

Local Government (Amendment).

and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied mutatis mutandis at that time to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where before the commencement of this Act any person has in connection with any election to be held on the election date been nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under that section before the election date and as Lord Mayor, mayor or president of the same area as that for which he has been so nominated as alderman or councillor, as the case may be, such person shall be deemed not to have been so nominated as an alderman or councillor of such area.

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

Local Government (Amendment).

6. (1) Part XIIA of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XIIA—
(Town and
Country
Planning
Schemes.)

(a) by inserting at the end of section 342L the following new subsection :—

Sec. 342L.
(Variation
of
prescribed
scheme.)

(2) (a) In this subsection—

5

“local scheme” means a scheme prepared by the council of an area wholly or partly included in the County of Cumberland.

10

“County of Cumberland Planning Scheme” means the scheme prescribed by the Local Government (Amendment) Act, 1951, together with, upon its being prescribed under this Part, the supplementary scheme referred to in subsection one of section two of the Local Government Town and Country Planning (Amendment) Act, 1950, and any prescribed scheme prepared by the Cumberland County Council varying either such scheme.

15

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(b) A local scheme, in respect of the land to which it applies—

(i) may vary the County of Cumberland Planning Scheme;

25

(ii) shall incorporate all such provisions of the County of Cumberland Planning Scheme as relate to the land to which the local scheme applies and are not inconsistent with the provisions of the local scheme; and

(iii)

Local Government (Amendment).

(iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—

5

(a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;

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15

(b) for or with respect to—

(i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;

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25

(ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect of any land to which the local scheme applies before such revocation; and

30

35

(iii)

Local Government (Amendment).

5 (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to have been done under any like provision of the local scheme.

10 (c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes
15 into operation been finally determined, be taken into account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

20 (ii) Where an estate or interest in land is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within
25 the time prescribed or has been so made and has been determined, a person shall not be entitled to claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially
30 to the same effect.

(d) On the date on which the local scheme comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the
35 local scheme applies.

(e)

Local Government (Amendment).

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

5 Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

10 (f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

15 (b) by omitting subsection two of section 342T and by inserting in lieu thereof the following subsection :— Sec. 342T. (Definitions.)

20 (2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342Y of this Act.

25 (c) by omitting paragraph (b) of subsection one of section 342AA and by inserting in lieu thereof the following paragraph :— Sec. 342AA. (Constitution of Cumberland County Council.)

30 (b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

35 (d) by inserting at the end of subsection two of section 342AB the following new proviso :— Sec. 342AB. (Scheme for Cumberland County Council.)

 Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

(2)

Local Government (Amendment).

(2) The Minister may include in any scheme which—

(a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;

5 (b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and

(c) has been the subject of a report made under section 342I of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the
10 amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand
15 nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed
20 to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso :—

Amendment of Act No. 18, 1951. Sec. 2.

25 Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including in a scheme with respect to all or any land within its area provisions varying the County of Cumberland
30 Planning Scheme or any subsequent scheme varying that scheme.

(Scheme for the County of Cumberland.)

(2)

Local Government (Amendment).

(2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme Ordinance—
 5 proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

The County of Cumberland Planning Scheme Ordinance—
 Clause 57.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the
 10 twenty-seventh day of June, one thousand nine hundred and fifty-one.

8. (1) Part XXIX of the Principal Act is amended—
 Amendment of Act No. 41, 1919.
 Part XXIX—
 (County Councils.)

(a) by omitting from section five hundred and sixty the definition of “Delegation” and by inserting in lieu
 15 thereof the following definition :—
 Sec. 560. (Definitions.)

“Delegation” means a transfer of powers to a county council in accordance with this Part and “delegate” has a corresponding meaning.

20 (b) (i) by inserting in subsection one of section five hundred and sixty-one after the words “county districts” the words “or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts”;
 25 (Constitution of county districts.)

(ii) by omitting subsection four of the same section;

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

30 Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district.

(c)

Local Government (Amendment).

- (c) by inserting next after the same section the following ^{New} new Division :— ^{Division 2A.}

DIVISION 2A.—*Alteration and union of county districts.*

- 5 561A. (1) A proposal to the Governor to alter ^{Proposals} the boundaries of a county district or to unite two ^{for altera-} or more county districts may be submitted to the ^{tion or} Minister— ^{union.}
- 10 (a) by the county council of any county district which will be affected by the proposal; or
- (b) by any council concerned; or
- (c) by an officer of the Minister; or
- 15 (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.
- (2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.
- (3) Within the time fixed in such notice, ^{objection to the proposal may be lodged—}
- 20 (a) by the county council of any county district which will be affected; or
- (b) by any council concerned.
- 25 (4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.
- 30 (5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's
- 35 decision. (6)

Local Government (Amendment).

5 (6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

10 (d) by omitting from subsection one of section five hundred and sixty-three the words "the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto" and by inserting in lieu thereof the words "may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer." Sec. 563. (Corporate body.)

The corporate name of the county council shall be "The County Council".

20 (e) (i) by inserting next after subsection three of section five hundred and sixty-four the following Sec. 564. (Powers.) new subsections :—

25 (3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Local Government (Amendment).

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district.

5 (3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have been delegated to the county council of the united county district.

20 Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.

25 (3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area forms part.

(ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

Local Government (Amendment).

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

5 (b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso :—

10 Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so
15 shall cease to have any effect.

(f) by inserting next after section 564B the following new section :—

20 564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation,

New sec.
564BA.
Provisions consequent upon alteration or union of county districts.

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

25 (b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

(2) Such provisions may without limiting the generality of the foregoing include provisions for
30 or relating to :—

(a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and

charges,

Local Government (Amendment).

5 charges, contracts, agreements and under-
takings entered into by any of the councils
of the areas or county districts affected by
the alteration or union, suits actions and
proceedings pending immediately before
the alteration or union at the suit of any
of the councils of the areas or county
districts affected by the alteration or union;

10 (b) the appointment of provisional councils,
and empowering any such provisional
council to exercise all or any of the powers
of a county council, pending the election of
county councils;

15 (c) the entering into of agreements and making
of arrangements between county councils,
councils, and creditors, or by the Minister
or a District Court Judge and the enforce-
ment and giving effect to any such agree-
ment or arrangement;

20 (d) any other matter for which provision is
made or may be made by Part III or this
Part of this Act or any matter of the like
nature.

25 (3) Such provisions may adopt with such
modification, additions or alterations as the Governor
may deem necessary any of the provisions of Part
III or this Part of this Act.

(4) Any such proclamation shall have the
force of law.

30 (g) by omitting from subsection one of section 565A the
words "the county council for";

Sec. 565A.
(Union of
areas com-
prised in
county
district.)

(h) by omitting section five hundred and sixty-seven.

Sec. 567.
(Estimates.)

(2)

Local Government (Amendment).

(2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (ii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

Local Government (Amendment).

9. (1) The Principal Act is further amended—

Further
amendment
of Act No.
41, 1919.

(a) by inserting at the end of the definition of "Mayor" in section four the words "and the Lord Mayor of a city";

Sec. 4.
(Defini-
tions.)

5 (b) (i) by omitting subsection one of section sixty-one and by inserting in lieu thereof the following subsection:—

Sec. 61.
(Division
into ridings.)

(1) The Governor may by proclamation divide shires into ridings.

10 (ii) by omitting from subsection two of the same section the words "alter any division of a shire into ridings: Provided that such alteration" and by inserting in lieu thereof the words "alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings: Provided that such alteration, abolition, or subsequent division";

15 (iii) by omitting from subsection three of the same section the words "such alteration" and by inserting in lieu thereof the words "division, alteration, abolition or subsequent division";

20 (c) by inserting next after section eighty-two the following new section:—

New sec.
82A.

25 82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

Voting to be
compulsory
at certain
polls.

(2)

Local Government (Amendment).

(2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.

5 (d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV"; Sec. 160B. (Abandonment of rates. Invalid and age pensioners.)

(e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection :— Sec. 317Y. (Powers of board.)

10 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

15 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

(f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection :— Sec. 317AO. (Powers of board.)

20 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

25 (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

(g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection :— Sec. 341L. (Powers of board.)

30 (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed. (2)

35

Local Government (Amendment).

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

- (h) by inserting next after section 417A the following new section :—

417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council.

The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

- (i) by inserting next after section five hundred the following new section :—

500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf.

(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments for

Local Government (Amendment).

for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

5 (3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, mutatis mutandis, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

10 (2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

15 **10.** Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General New valuations for death duties not to be used by rating authorities.
 20 in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the
 25 basis of its rate in respect of the land included in such valuation.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land
 30 was last rated or ratable before the levying of such rate.

Local Government (Amendment)

for defraying the cost of the work and interest on such cost and for payment of an additional charge if any such instalment is not paid on the due date.

(2) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, mutatis mutandis, apply and respect to the amount due or owing by any person to the council for the construction of any sewer tank or septic closet under this section.

(3) Any division of charges into rates and any alteration of such division made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act as amended by this Act.

10. Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1921, the Metropolitan Water Sewerage and Drainage Act, 1924-1927, the District Water Sewerage and Drainage Act, 1928-1930, or any other Act a new valuation made by the Valuation Authority in pursuance of section seventy of the Valuation of Land Act, 1916-1921, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the basis of its rate in respect of the land included in such valuation.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land was last rated or capable before the levying of such rate.

new valuation for death duties not to be used by rating authority

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 2, 1959.

An Act to make further provision with respect to the benefits and contributions payable under the Local Government and Other Authorities (Superannuation) Act, 1927-1954; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 24th September, 1959.]

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 and Other Authorities (Superannuation) Amendment Act, 1959". Short title and citation.

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1959.

Amendment
of Act No.
35, 1927.

2. (1) The Local Government and Other Authorities (Superannuation) Act, 1927-1954, is amended—

Sec. 1.
(Short
title.)

(a) by inserting in subsection four of section one next after the matter relating to Part III the words and symbols "PART IIIA.—VOLUNTARY SAVINGS—SS. 15B-15G";

Sec. 4.
(Compul-
sory in-
surance.)

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

(1A) In its application to permanent servants effecting endowment insurance policies as required by subsection one of this section after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, the said subsection one shall be read and construed as if the words "the Schedule" were omitted therefrom and the word and letter "Schedule A" were substituted therefor.

Sec. 5.
(Optional
further
units.)

(c) (i) by omitting from section five the words "A permanent servant of a council upon effecting a policy of insurance under section four of this Act or at any time thereafter may effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover so effected shall not exceed two thousand pounds :

Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—

(a) unless he has completed five years service; or

(b)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

and by inserting in lieu thereof the following paragraph :—

A permanent servant of a council who has not attained the age of fifty-five years and—

- (a) who before the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has effected a policy of insurance under section four of this Act, may, if such policy is still subsisting, within six months after such commencement or thereafter at such times as may be prescribed; or
- (b) who after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, effects a policy of insurance under section four of this Act may, upon effecting such policy or thereafter at such times as may be prescribed,

effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover (including in a case to which paragraph (a) of this section applies any optional cover effected before such commencement) so effected shall not exceed six thousand pounds.

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

The council's quota payable as hereinafter defined, in respect of such policy or policies, shall not in any such case be calculated on the
premium

*Local Government and Other Authorities (Superannuation)
Amendment.*

premium or premiums actually payable on such policy or policies, but shall be calculated on the rate of premium which would have been payable if a new policy were effected for the optional units of cover applied for at the then age of such permanent servant.

Sec. 6.
(Payment of
premiums.)

(d) by omitting paragraph (d) of subsection one of section six and by inserting in lieu thereof the following paragraph :—

(d) the board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any premium not paid on the date or dates fixed by the board.

Such interest shall be recoverable by the board in the same way in which premiums are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

Sec. 7B.
(Certain
servants
insured
under Part
II may
contribute to
Provident
Fund.)

(e) by inserting in subsection one of section 7B after the word "years" the words "but is under the age of fifty-five years";

New sec.
7C.

(f) by inserting next after section 7B the following new section :—

Additional
contribu-
tions to
Provident
Fund.

7C. (1) A permanent servant who at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has attained the age of fifty-five years and is insured under the provisions of section four of this Act or sections four and five of this Act or is a permanent servant in respect of whom contributions are made to the fund or is so insured and is a permanent servant in respect of whom contributions are

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Amendment.*

are made as aforesaid may, within six months after such commencement or thereafter at such times as may be prescribed, request, in the prescribed manner, that contributions or additional contributions be made annually to the fund on his behalf of an amount which does not exceed—

- (a) the difference between—
 - (i) any premium payable in respect of any such insurance and annual contribution made to the fund in respect of him, and
 - (ii) forty pounds per centum of his salary for the time being; or

(b) four hundred and thirty pounds,
whichever is the lesser.

(2) A permanent servant who by virtue of the operation of paragraph (c) of subsection one of section seven of this Act is exempted from the obligation to effect insurance under section four of this Act may request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of units of or additional cover units of insurance of one hundred pounds each for which he would have been eligible if he had not been so exempted.

Any request under this subsection shall—

- (a) in the case of a permanent servant who is at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, exempted from the obligation to effect insurance under section four of this Act, be made within six months after such commencement or thereafter at such times as may be prescribed;

(b)

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Amendment.*

(b) in the case of a permanent servant who after such commencement becomes so exempted, be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

(3) Any permanent servant—

(a) to whom the provisions of this Act are applied, or who is appointed as such, after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, and who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (a) of subsection one of section seven of this Act; or

(b) who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (b) of subsection one of section seven of this Act; or

(c) who being a female to whom the provisions of this Part apply by virtue of the operation of section 17F of this Act,

may request, in the prescribed manner, that additional annual contributions be made to the fund on his or her behalf of an amount which does not exceed—

(i) the difference between the annual contribution to the fund payable otherwise than pursuant to this subsection in respect of such

such

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Amendment.*

such permanent servant and fifteen pounds per centum of such permanent servant's salary for the time being, or

- (ii) four hundred and thirty pounds, whichever is the lesser.

Paragraph (b) of this subsection shall not apply to and in respect of a permanent servant who may request that additional contributions be made annually to the fund on his behalf pursuant to subsection one of this section.

Any request by a permanent servant pursuant to paragraph (a) of this subsection shall be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

Any request by a permanent servant pursuant to paragraph (b) or (c) of this subsection shall :—

- (i) if such permanent servant is exempted as referred to in the said paragraph (b), or is a permanent servant to whom the provisions of this Part apply as referred to in the said paragraph (c), at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, be made within six months after such commencement or thereafter at such times as may be prescribed, or
- (ii) if such permanent servant becomes so exempted or a permanent servant to whom the provisions of this Part so apply after such commencement, be made within six months after the date upon which the provisions of this Act are applied to him or her or the date of his or her appointment, as the case may be, or thereafter at such times as may be prescribed.

(g)

*Local Government and Other Authorities (Superannuation)
Amendment.*

Sec. 13.
(Contributions by
councils
in certain
cases.)

(g) (i) by inserting in subsection one of section thirteen after the word, letter and symbol "section 7B" the word, letter and symbol "or 7C";

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

(1A) The board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any contribution payable by a council which is not paid on the date or dates fixed by the board.

Such interest shall be recoverable by the board in the same way in which contributions are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

(iii) by inserting at the end of subsection (3B) of the same section the following new paragraph :—

The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7C of this Act shall be an amount equivalent to the total of the amount specified in his request and the amount (if any) payable in respect of him under subsection three of this section.

(iv) by omitting from subsection four of the same section the words "ascertain the average rate of interest earned on the various investments of the fund, and each participating permanent servant's account shall be credited with such interest calculated at such ascertained rate per centum" and by inserting in lieu thereof the words "credit the account of each participating permanent servant with interest at a rate determined by the board";

(h)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (h) (i) by inserting at the end of subsection three of section 13A the following new paragraph:— Sec. 13A.
(Provident Fund investment reserve.)
- (d) allocate out of such account such amount as it may deem desirable and transfer such amount to the Contingent Account.
- (ii) by omitting subsection five of the same section;
- (i) by omitting from section 15A the words "one hundred pounds" and by inserting in lieu thereof the words "five hundred pounds"; Sec. 15A.
(Certificates where less than £100 payable.)
- (j) by inserting next after section 15A the following new Part:— New Part IIIA.

PART IIIA.

VOLUNTARY SAVINGS.

15B. (1) A permanent servant may authorise the council by which he is employed to pay to the board on his behalf any sum of money payable to him by the council. Additional payments to Provident Fund.

(2) A permanent servant may pay directly to the board any sum of money.

15C. Any moneys paid to the board by or on the authorisation of a permanent servant under this Part shall be paid into the fund and shall, subject to the provisions of this Part, be deemed to be moneys payable into the fund under Part III of this Act and shall be dealt with by the board accordingly. Moneys part of Provident Fund.

15D. Any moneys paid to the fund by, or by authorisation of, a permanent servant under this Part shall be credited to the permanent servant and shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the board. Rate of interest allowed.

*Local Government and Other Authorities (Superannuation)
Amendment.*

Money withdraw-
able at
any time.

15E. A permanent servant may, at any time after the expiration of three months' notice, withdraw from the fund the whole amount standing to his credit therein under this Part (both principal and interest) or any portion thereof.

Power to
close
accounts.

15F. The board may—

- (a) refuse to accept from any council any payment made by it on behalf of any permanent servant pursuant to subsection one of section 15B of this Act;
- (b) refuse to accept from a permanent servant any direct payment pursuant to subsection two of the same section.

In any such case there shall be paid to the permanent servant concerned the whole amount standing to his credit in the fund under this Part (both principal and interest).

Payment of
moneys from
fund on
retirement
or death of
permanent
servant.

15G. Where a permanent servant of a council to whose credit there is standing any amount in the fund under this Part of this Act ceases to be employed by a council or dies such permanent servant or his personal representative (as the case may be) shall be entitled to receive from and out of the fund the amount standing to the credit of such permanent servant as aforesaid.

Sec. 16.
(Local
Government
Superannua-
tion
Board.)

- (k) by omitting from paragraph (b) of subsection six of section sixteen the words "three consecutive meetings" and by inserting in lieu thereof the words "all meetings of the board held within a period of two months and";

Sec. 17P.
(Contingent
account.)

- (l) by omitting from subsection two of section 17P the words "The amounts which may be so set aside in any one year shall not exceed the difference between the amount of the income of the Local Government (Superannuation)

Local Government and Other Authorities (Superannuation) Amendment.

(Superannuation) Management Account for that year and the amount of the costs of management of the board, including the remuneration of the president and members for such year”.

- (m) by inserting next after the Schedule the following new Schedule :—

New Schedule A.

SCHEDULE A.

Sec. 4 (1A).

SCALE OF COMPULSORY COVER.

Age next birthday, permanent servant at time of taking out policy.	Amount of compulsory cover if salary—				
	Up to £300	Over £300 up to £350	Over £350 up to £400	Over £400 up to £450	Over £450 up to £500
25 or under ...	£ 800	£ 900	£ 1,000	£ 1,000	£ 1,000
26 to 30 ...	700	800	900	1,000	1,000
31 to 35 ...	600	700	800	900	1,000
36 to 40 ...	500	600	700	800	900
41 to 45 ...	400	500	600	700	800
46 to 50 ...	300	400	500	600	700
51 to 55 ...	200	300	400	500	600

Age next birthday, permanent servant at time of taking out policy.	Amount of compulsory cover if salary—			
	Over £500 up to £550	Over £550 up to £600	Over £600 up to £650	Over £650
25 or under ...	£ 1,000	£ 1,000	£ 1,000	£ 1,000
26 to 30 ...	1,000	1,000	1,000	1,000
31 to 35 ...	1,000	1,000	1,000	1,000
36 to 40 ...	1,000	1,000	1,000	1,000
41 to 45 ...	900	1,000	1,000	1,000
46 to 50 ...	800	900	1,000	1,000
51 to 55 ...	700	800	900	1,000

NOTE:—In the application of the above scale any bonus accrued or to accrue upon a policy shall be disregarded.

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Amendment.*

(2) The amendment made by subparagraph (ii) of paragraph (c) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and thirty-five.

(3) Notwithstanding anything contained in the Local Government and Other Authorities (Superannuation) Act, 1927-1959, a permanent servant of a council who, at the commencement of this Act, has not—

- (a) attained the age of fifty-five years but attains that age within three months after such commencement, and
- (b) elected to insure under the Local Government and Other Authorities (Superannuation) Act, 1927-1959, or to make contributions to the Provident Fund under the said Act or to so insure and make such contributions to the maximum amount of six thousand pounds prescribed by the said Act,

may, within six months after such commencement, request in the prescribed manner that contributions or additional contributions be made to the said Provident Fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he would have been eligible had he made such request under section 7B of the Local Government and Other Authorities (Superannuation) Act, 1927-1959, before attaining the age of fifty-five years.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959

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, 17 September, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 2, 1959.

An Act to make further provision with respect to the benefits and contributions payable under the Local Government and Other Authorities (Superannuation) Act, 1927-1954; for these and other purposes to amend the said Act; and for purposes connected therewith. [Assented to, 24th September, 1959.]

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 and Other Authorities (Superannuation) Amendment Act, 1959".

(2)

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 and Other Authorities (Superannuation)
Amendment.*

(2) The Local Government (Superannuation) Act, 1927, as amended by subsequent Acts and by this Act, may be cited as the Local Government and Other Authorities (Superannuation) Act, 1927-1959.

- Amendment of Act No. 35, 1927.
2. (1) The Local Government and Other Authorities (Superannuation) Act, 1927-1954, is amended—
- Sec. 1. (Short title.) (a) by inserting in subsection four of section one next after the matter relating to Part III the words and symbols "PART IIIA.—VOLUNTARY SAVINGS—*ss.* 15B-15G";
- Sec. 4. (Compulsory insurance.) (b) by inserting next after subsection one of section four the following new subsection:—
- (1A) In its application to permanent servants effecting endowment insurance policies as required by subsection one of this section after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, the said subsection one shall be read and construed as if the words "the Schedule" were omitted therefrom and the word and letter "Schedule A" were substituted therefor.
- Sec. 5. (Optional further units.) (c) (i) by omitting from section five the words "A permanent servant of a council upon effecting a policy of insurance under section four of this Act or at any time thereafter may effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover so effected shall not exceed two thousand pounds:
- Provided that a permanent servant of a council who has attained the age of fifty years shall not be entitled to effect more optional units of insurance—
- (a) unless he has completed five years service; or
- (b)

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Amendment.*

- (b) except for the purpose of increasing his total of compulsory and optional cover to an amount not exceeding one thousand pounds.”

and by inserting in lieu thereof the following paragraph :—

A permanent servant of a council who has not attained the age of fifty-five years and—

- (a) who before the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has effected a policy of insurance under section four of this Act, may, if such policy is still subsisting, within six months after such commencement or thereafter at such times as may be prescribed; or
- (b) who after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, effects a policy of insurance under section four of this Act may, upon effecting such policy or thereafter at such times as may be prescribed,

effect one or more optional cover units of insurance of one hundred pounds each, but so that the total of the compulsory and optional cover (including in a case to which paragraph (a) of this section applies any optional cover effected before such commencement) so effected shall not exceed six thousand pounds.

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

The council's quota payable as hereinafter defined, in respect of such policy or policies, shall not in any such case be calculated on the
premium

*Local Government and Other Authorities (Superannuation)
Amendment.*

premium or premiums actually payable on such policy or policies, but shall be calculated on the rate of premium which would have been payable if a new policy were effected for the optional units of cover applied for at the then age of such permanent servant.

Sec. 6.
(Payment of
premiums.)

(d) by omitting paragraph (d) of subsection one of section six and by inserting in lieu thereof the following paragraph :—

(d) the board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any premium not paid on the date or dates fixed by the board.

Such interest shall be recoverable by the board in the same way in which premiums are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

Sec. 7B.
(Certain
servants
insured
under Part
II may
contribute to
Provident
Fund.)

(e) by inserting in subsection one of section 7B after the word "years" the words "but is under the age of fifty-five years";

New sec.
7C.

(f) by inserting next after section 7B the following new section :—

Additional
contribu-
tions to
Provident
Fund.

7C. (1) A permanent servant who at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, has attained the age of fifty-five years and is insured under the provisions of section four of this Act or sections four and five of this Act or is a permanent servant in respect of whom contributions are made to the fund or is so insured and is a permanent servant in respect of whom contributions are

are

*Local Government and Other Authorities (Superannuation)
Amendment.*

are made as aforesaid may, within six months after such commencement or thereafter at such times as may be prescribed, request, in the prescribed manner, that contributions or additional contributions be made annually to the fund on his behalf of an amount which does not exceed—

(a) the difference between—

(i) any premium payable in respect of any such insurance and annual contribution made to the fund in respect of him, and

(ii) forty pounds per centum of his salary for the time being; or

(b) four hundred and thirty pounds,

whichever is the lesser.

(2) A permanent servant who by virtue of the operation of paragraph (c) of subsection one of section seven of this Act is exempted from the obligation to effect insurance under section four of this Act may request, in the prescribed manner, that contributions be made to the fund on his behalf in respect of any number of units of or additional cover units of insurance of one hundred pounds each for which he would have been eligible if he had not been so exempted.

Any request under this subsection shall—

(a) in the case of a permanent servant who is at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, exempted from the obligation to effect insurance under section four of this Act, be made within six months after such commencement or thereafter at such times as may be prescribed:

(b)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(b) in the case of a permanent servant who after such commencement becomes so exempted, be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

(3) Any permanent servant—

(a) to whom the provisions of this Act are applied, or who is appointed as such, after the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, and who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (a) of subsection one of section seven of this Act; or

(b) who is exempted from the obligation to effect insurance under section four of this Act by virtue of the operation of paragraph (b) of subsection one of section seven of this Act; or

(c) who being a female to whom the provisions of this Part apply by virtue of the operation of section 17F of this Act,

may request, in the prescribed manner, that additional annual contributions be made to the fund on his or her behalf of an amount which does not exceed—

(i) the difference between the annual contribution to the fund payable otherwise than pursuant to this subsection in respect of such

*Local Government and Other Authorities (Superannuation)
Amendment.*

such permanent servant and fifteen pounds per centum of such permanent servant's salary for the time being, or

(ii) four hundred and thirty pounds, whichever is the lesser.

Paragraph (b) of this subsection shall not apply to and in respect of a permanent servant who may request that additional contributions be made annually to the fund on his behalf pursuant to subsection one of this section.

Any request by a permanent servant pursuant to paragraph (a) of this subsection shall be made within six months after the date upon which the provisions of this Act are applied to him or the date of his appointment, as the case may be, or thereafter at such times as may be prescribed.

Any request by a permanent servant pursuant to paragraph (b) or (c) of this subsection shall:—

- (i) if such permanent servant is exempted as referred to in the said paragraph (b), or is a permanent servant to whom the provisions of this Part apply as referred to in the said paragraph (c), at the commencement of the Local Government and Other Authorities (Superannuation) Amendment Act, 1959, be made within six months after such commencement or thereafter at such times as may be prescribed, or
- (ii) if such permanent servant becomes so exempted or a permanent servant to whom the provisions of this Part so apply after such commencement, be made within six months after the date upon which the provisions of this Act are applied to him or her or the date of his or her appointment, as the case may be, or thereafter at such times as may be prescribed.

(g)

*Local Government and Other Authorities (Superannuation)
Amendment.*

Sec. 13.
(Contribu-
tions by
councils
in certain
cases.)

(g) (i) by inserting in subsection one of section thirteen after the word, letter and symbol "section 7B" the word, letter and symbol "or 7C";

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

(1A) The board may in any particular case charge interest at a rate to be prescribed calculated on a daily basis on any contribution payable by a council which is not paid on the date or dates fixed by the board.

Such interest shall be recoverable by the board in the same way in which contributions are recoverable.

Such interest shall not be chargeable by the council against any permanent servant.

(iii) by inserting at the end of subsection (3B) of the same section the following new paragraph :—

The annual contributions to be made under this section in respect of a permanent servant who has made a request under and in accordance with section 7C of this Act shall be an amount equivalent to the total of the amount specified in his request and the amount (if any) payable in respect of him under subsection three of this section.

(iv) by omitting from subsection four of the same section the words "ascertain the average rate of interest earned on the various investments of the fund, and each participating permanent servant's account shall be credited with such interest calculated at such ascertained rate per centum" and by inserting in lieu thereof the words "credit the account of each participating permanent servant with interest at a rate determined by the board";

(h)

*Local Government and Other Authorities (Superannuation)
Amendment.*

- (h) (i) by inserting at the end of subsection three of section 13A the following new paragraph :— Sec. 13A.
(Provident Fund investment reserve.)
- (d) allocate out of such account such amount as it may deem desirable and transfer such amount to the Contingent Account.
- (ii) by omitting subsection five of the same section ;
- (i) by omitting from section 15A the words “one hundred pounds” and by inserting in lieu thereof the words “five hundred pounds” ; Sec. 15A.
(Certificates where less than £100 payable.)
- (j) by inserting next after section 15A the following new Part :— New Part IIIA.

PART IIIA.

VOLUNTARY SAVINGS.

15B. (1) A permanent servant may authorise the council by which he is employed to pay to the board on his behalf any sum of money payable to him by the council. Additional payments to Provident Fund.

(2) A permanent servant may pay directly to the board any sum of money.

15C. Any moneys paid to the board by or on the authorisation of a permanent servant under this Part shall be paid into the fund and shall, subject to the provisions of this Part, be deemed to be moneys payable into the fund under Part III of this Act and shall be dealt with by the board accordingly. Moneys part of Provident Fund.

15D. Any moneys paid to the fund by, or by authorisation of, a permanent servant under this Part shall be credited to the permanent servant and shall accumulate at such rate of interest, compounded annually, as may from time to time be determined by the board. Rate of interest allowed.

15E.

*Local Government and Other Authorities (Superannuation)
Amendment.*

Money
withdraw-
able at
any time.

15E. A permanent servant may, at any time after the expiration of three months' notice, withdraw from the fund the whole amount standing to his credit therein under this Part (both principal and interest) or any portion thereof.

Power to
close
accounts.

15F. The board may—

- (a) refuse to accept from any council any payment made by it on behalf of any permanent servant pursuant to subsection one of section 15B of this Act;
- (b) refuse to accept from a permanent servant any direct payment pursuant to subsection two of the same section.

In any such case there shall be paid to the permanent servant concerned the whole amount standing to his credit in the fund under this Part (both principal and interest).

Payment of
moneys from
fund on
retirement
or death of
permanent
servant.

15G. Where a permanent servant of a council to whose credit there is standing any amount in the fund under this Part of this Act ceases to be employed by a council or dies such permanent servant or his personal representative (as the case may be) shall be entitled to receive from and out of the fund the amount standing to the credit of such permanent servant as aforesaid.

Sec. 16.
(Local
Government
Superannua-
tion
Board.)

- (k) by omitting from paragraph (b) of subsection six of section sixteen the words "three consecutive meetings" and by inserting in lieu thereof the words "all meetings of the board held within a period of two months and";

Sec. 17P.
(Contingent
account.)

- (l) by omitting from subsection two of section 17P the words "The amounts which may be so set aside in any one year shall not exceed the difference between the amount of the income of the Local Government (Superannuation)

*Local Government and Other Authorities (Superannuation)
Amendment.*

(Superannuation) Management Account for that year and the amount of the costs of management of the board, including the remuneration of the president and members for such year”.

- (m) by inserting next after the Schedule the following new Schedule :—

New
Schedule A.

SCHEDULE A.

Sec. 4 (1A).

SCALE OF COMPULSORY COVER.

Age next birthday, permanent servant at time of taking out policy.	Amount of compulsory cover if salary—				
	Up to £300	Over £300 up to £350	Over £350 up to £400	Over £400 up to £450	Over £450 up to £500
25 or under ...	£ 800	£ 900	£ 1,000	£ 1,000	£ 1,000
26 to 30 ...	700	800	900	1,000	1,000
31 to 35 ...	600	700	800	900	1,000
36 to 40 ...	500	600	700	800	900
41 to 45 ...	400	500	600	700	800
46 to 50 ...	300	400	500	600	700
51 to 55 ...	200	300	400	500	600

Age next birthday, permanent servant at time of taking out policy.	Amount of compulsory cover if salary—			
	Over £500 up to £550	Over £550 up to £600	Over £600 up to £650	Over £650
25 or under ...	£ 1,000	£ 1,000	£ 1,000	£ 1,000
26 to 30 ...	1,000	1,000	1,000	1,000
31 to 35 ...	1,000	1,000	1,000	1,000
36 to 40 ...	1,000	1,000	1,000	1,000
41 to 45 ...	900	1,000	1,000	1,000
46 to 50 ...	800	900	1,000	1,000
51 to 55 ...	700	800	900	1,000

NOTE:—In the application of the above scale any bonus accrued or to accrue upon a policy shall be disregarded.

*Local Government and Other Authorities (Superannuation)
Amendment.*

(2) The amendment made by subparagraph (ii) of paragraph (c) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and thirty-five.

(3) Notwithstanding anything contained in the Local Government and Other Authorities (Superannuation) Act, 1927-1959, a permanent servant of a council who, at the commencement of this Act, has not—

- (a) attained the age of fifty-five years but attains that age within three months after such commencement, and
- (b) elected to insure under the Local Government and Other Authorities (Superannuation) Act, 1927-1959, or to make contributions to the Provident Fund under the said Act or to so insure and make such contributions to the maximum amount of six thousand pounds prescribed by the said Act,

may, within six months after such commencement, request in the prescribed manner that contributions or additional contributions be made to the said Provident Fund on his behalf in respect of any number of additional cover units of insurance of one hundred pounds each for which he would have been eligible had he made such request under section 7B of the Local Government and Other Authorities (Superannuation) Act, 1927-1959, before attaining the age of fifty-five years.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 24th September, 1959.*

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New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 21, 1959.

An Act to make further provisions with respect to the election of mayors and presidents, the respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 6th November, 1959.]

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, 1959".

(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.

Part IV—
(The
Councils
of Cities,
Municipalities, and
Shires.)

2. Part IV of the Principal Act is amended—

Sec. 23.

(Composition
of city
and municipal
councils.)

(a) (i) by omitting from subsection (1A) of section twenty-three the words "The Lord Mayor shall be an alderman by virtue of his office.";

(ii) by inserting next after the same subsection the following new subsections:—

Newcastle
and
Greater
Wollongong.

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,—

(a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;

(b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

(1C) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On

Local Government (Amendment).

On and from the triennial ordinary election of the council of a municipality to which this subsection applies next following the application of section 25A to the said municipality the council shall be reconstituted and shall consist of the mayor and the same number of aldermen as constituted the council immediately before such triennial ordinary election or where any alteration in the number of aldermen pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

- (b) by inserting next after subsection one of section twenty-four the following new subsection :—

Sec. 24.

(Composition of shire councils.)

(1A) This subsection shall apply to a shire to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On and from the triennial ordinary election of the council of a shire to which this subsection applies next following the application of section 25A to the said shire the council shall be reconstituted and shall consist of the president and the same number of councillors as constituted the council immediately before such triennial ordinary election or where any alteration in the number of councillors pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

- (c) by inserting at the end of subsection five of section twenty-five the words “, the City of Newcastle, the City of Greater Wollongong, or any other area to which section 25A applies”;

Sec. 25.

(Mayors and presidents.)

- (d) by omitting section 25A and by inserting in lieu thereof the following section :—

Subst. sec. 25A.

25A. (1) This section shall apply to—

- (a) the City of Sydney, the City of Newcastle and the City of Greater Wollongong, and

Election of Lord Mayors, Mayors and Presidents by electors.

(b)

Local Government (Amendment).

(b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

(2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

(3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

(4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

Sec. 26.
(Deputy-
mayor or
president.)

(e) by inserting at the end of section twenty-six the following new subsection :—

(5) In this section “deputy-mayor” includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

Sec. 27.
(Time for
election of
mayor or
president.)

(f) by inserting at the end of subsection two of section twenty-seven the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;

(g)

Local Government (Amendment).

- (g) by inserting at the end of section twenty-nine the following new subsection :—
- Sec. 29.
(Mayors and presidents.)
- (6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.
- (h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 32.
(Tenure of office.)
- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words :—
- Sec. 33.
(Office of alderman or councillor.)
- In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.
- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 34.
(Office of mayor or president.)
- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies,”;
- Sec. 38A.
(Election of Lord Mayor.)

Local Government (Amendment).

Sec. 39.

(Appointed day for election of aldermen or councillors.)

- (1) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection :—

(2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

- (a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections ;
- (b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.

Amendment of Act No. 41, 1919—
Part V.
(Electoral Provisions.)

3. Part V of the Principal Act is amended—

Sec. 50.

(Qualification of elector.)

- (a) by omitting paragraph (c) of section fifty and by inserting in lieu thereof the following paragraph :—

(c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.

(b)

Local Government (Amendment).

(b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";

Sec. 71.
(Nominations.)

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

(b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.

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

(b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.

(c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection :—

Sec. 72.
(Uncontested election of aldermen or councillors.)

(3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor

Uncontested election of Lord Mayors, mayors and presidenta.
of

Local Government (Amendment).

of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

Sec. 73.
(Contested elections of aldermen or councillors.)

Contested elections of Lord Mayors, mayors and presidents.

- (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection : —

(1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

Sec. 73A.
(Election of Lord Mayor.)

- (e) by inserting at the end of section 73A the words “; Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies”.

Application of Ordinance No. 8 to elections of Lord Mayors, mayors and presidents.

4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Validation.

5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and

Local Government (Amendment).

and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied *mutatis mutandis* at that time to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where in connection with any election to be held on the election date—

- (a) any person has been, before the commencement of this Act, or is, after that commencement, nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under that section before the election date; and
- (b) such person has been, before that commencement, nominated or proposed for nomination, or is, after that commencement, proposed for nomination, as Lord Mayor, mayor or president, as the case may be; and
- (c) his name has not been or is not withdrawn from nomination as Lord Mayor, mayor or president, as the case may be, before nomination day;

such person shall be deemed not to have been so nominated as an alderman or councillor of such area.

(3)

Local Government (Amendment).

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

Amendment
of Act No.
41, 1919.

Part XIII—
(Town and
Country
Planning
Schemes.)

Sec. 342L.
(Variation
of
prescribed
scheme.)

6. (1) Part XIII A of the Principal Act is amended—

(a) by inserting at the end of section 342L the following new subsection :—

(2) (a) In this subsection—

“local scheme” means a scheme prepared by the council of an area wholly or partly included in the County of Cumberland.

“County of Cumberland Planning Scheme” means the scheme prescribed by the Local Government (Amendment) Act, 1951, together with, upon its being prescribed under this Part, the supplementary scheme referred to in subsection one of section two of the Local Government Town and Country Planning (Amendment) Act, 1950, and any prescribed scheme prepared by the Cumberland County Council varying either such scheme.

(b) A local scheme, in respect of the land to which it applies—

(i) may vary the County of Cumberland Planning Scheme;

(ii)

Local Government (Amendment).

- (ii) shall incorporate all such provisions of the County of Cumberland Planning Scheme as relate to the land to which the local scheme applies and are not inconsistent with the provisions of the local scheme; and
- (iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—
 - (a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;
 - (b) for or with respect to—
 - (i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;
 - (ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect

Local Government (Amendment).

respect of any land to which the local scheme applies before such revocation; and

- (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to have been done under any like provision of the local scheme.

(c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes into operation been finally determined, be taken into account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

(ii) Where an estate or interest in land is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within the time prescribed or has been so made and has been determined, a person shall not be entitled to claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially to the same effect.

(d) On the date on which the local scheme comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the local scheme applies.

(e)

Local Government (Amendment).

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

(f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

- (b) by omitting subsection two of section 342T and by inserting in lieu thereof the following subsection : —

Sec. 342T.
(Definitions.)

(2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342Y of this Act.

- (c) by omitting paragraph (b) of subsection one of section 342AA and by inserting in lieu thereof the following paragraph : —

Sec. 342AA.
(Constitution of Cumberland County Council.)

(b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

- (d) by inserting at the end of subsection two of section 342AB the following new proviso : —

Sec. 342AB.
(Scheme for Cumberland County Council.)

Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

Local Government (Amendment).

(2) The Minister may include in any scheme which—

(a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;

(b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and

(c) has been the subject of a report made under section 342I of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

Amendment
of Act No.
18, 1951.
Sec. 2.

(Scheme for
the County
of
Cumber-
land.)

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso :—

Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including in a scheme with respect to all or any land within its area provisions varying the County of Cumberland Planning Scheme or any subsequent scheme varying that scheme.

(2)

Local Government (Amendment).

(2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme (Amendment No. 1) Ordinance proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

The County of Cumberland Planning Scheme Ordinance— Clause 57.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one.

8. (1) Part XXIX of the Principal Act is amended—

Amendment of Act No. 41, 1919. Part XXIX— (County Councils.)

(a) by omitting from section five hundred and sixty the definition of “Delegation” and by inserting in lieu thereof the following definition :—

Sec. 560. (Definitions.)

“Delegation” means a transfer of powers to a county council in accordance with this Part and “delegate” has a corresponding meaning.

(b) (i) by inserting in subsection one of section five hundred and sixty-one after the words “county districts” the words “or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts”;

Sec. 561. (Constitution of county districts.)

(ii) by omitting subsection four of the same section;

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

Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district.

(c)

Local Government (Amendment).

New
Division 2A.

- (c) by inserting next after the same section the following new Division :—

DIVISION 2A.—*Alteration and union of county districts.*

Proposals
for altera-
tion or
union.

561A. (1) A proposal to the Governor to alter the boundaries of a county district or to unite two or more county districts may be submitted to the Minister—

- (a) by the county council of any county district which will be affected by the proposal; or
- (b) by any council concerned; or
- (c) by an officer of the Minister; or
- (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.

(2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.

(3) Within the time fixed in such notice, objection to the proposal may be lodged—

- (a) by the county council of any county district which will be affected; or
- (b) by any council concerned.

(4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.

(5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's decision. (6)

Local Government (Amendment).

(6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

- (d) by omitting from subsection one of section five hundred and sixty-three the words "the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto" and by inserting in lieu thereof the words "may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer." Sec. 563.
(Corporate body.)

The corporate name of the county council shall be 'The County Council'.

- (e) (i) by inserting next after subsection three of section five hundred and sixty-four the following new subsections :— Sec. 564.
(Powers.)

(3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Local Government (Amendment).

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district.

(3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have been delegated to the county council of the united county district.

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.

(3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area forms part.

- (ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

Local Government (Amendment).

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

(b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso :—

Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so united in force immediately before the union shall cease to have any effect.

(f) by inserting next after section 564B the following new section :—

New sec.
564BA.

564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation,

Provisions consequent upon alteration or union of county districts.

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

(b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

(2) Such provisions may without limiting the generality of the foregoing include provisions for or relating to :—

(a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and

charges,

Local Government (Amendment).

charges, contracts, agreements and undertakings entered into by any of the councils of the areas or county districts affected by the alteration or union, suits actions and proceedings pending immediately before the alteration or union at the suit of any of the councils of the areas or county districts affected by the alteration or union;

- (b) the appointment of provisional councils, and empowering any such provisional council to exercise all or any of the powers of a county council, pending the election of county councils;
- (c) the entering into of agreements and making of arrangements between county councils, councils, and creditors, or by the Minister or a District Court Judge and the enforcement and giving effect to any such agreement or arrangement;
- (d) any other matter for which provision is made or may be made by Part III or this Part of this Act or any matter of the like nature.

(3) Such provisions may adopt with such modification, additions or alterations as the Governor may deem necessary any of the provisions of Part III or this Part of this Act.

(4) Any such proclamation shall have the force of law.

Sec. 565A.
(Union of
areas com-
prised in
county
district.)

- (g) by omitting from subsection one of section 565A the words "the county council for";

Sec. 567.
(Estimates.)

- (h) by omitting section five hundred and sixty-seven.

Local Government (Amendment).

(2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (iii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

Local Government (Amendment).

Further amendment of Act No. 41, 1919.

Sec. 4.
(Definitions.)

9. (1) The Principal Act is further amended—

(a) by inserting at the end of the definition of "Mayor" in section four the words "and the Lord Mayor of a city";

Sec. 61.
(Division into ridings.)

(b) (i) by omitting subsection one of section sixty-one and by inserting in lieu thereof the following subsection :—

(1) The Governor may by proclamation divide shires into ridings.

(ii) by omitting from subsection two of the same section the words "alter any division of a shire into ridings: Provided that such alteration" and by inserting in lieu thereof the words "alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings: Provided that such alteration, abolition, or subsequent division";

(iii) by omitting from subsection three of the same section the words "such alteration" and by inserting in lieu thereof the words "division, alteration, abolition or subsequent division";

New sec.
82A.

(c) by inserting next after section eighty-two the following new section :—

Voting to be compulsory at certain polls.

82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

(2)

Local Government (Amendment).

(2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.

- (d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV";

Sec. 160B.
(Abandonment of rates. Invalid and age pensioners.)

- (e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection :—

Sec. 317Y.
(Powers of board.)

- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

- (f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection :—

Sec. 317AO.
(Powers of board.)

- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

- (g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection :—

Sec. 341L.
(Powers of board.)

- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed. (2)

Local Government (Amendment).

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

New sec.
417B.

(h) by inserting next after section 417A the following new section :—

Preservation
of rights to
long service
leave.

417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council.

The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

New sec.
500A.

(i) by inserting next after section five hundred the following new section :—

Septic
closets.

500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf.

(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments

(2)

for

Local Government (Amendment).

for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

(3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, *mutatis mutandis*, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

(2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

10. Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the basis of its rate in respect of the land included in such valuation.

New valuations for death duties not to be used by rating authorities.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land was last rated or ratable before the levying of such rate.

By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1959

Local Government (Continued)

for designing the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.

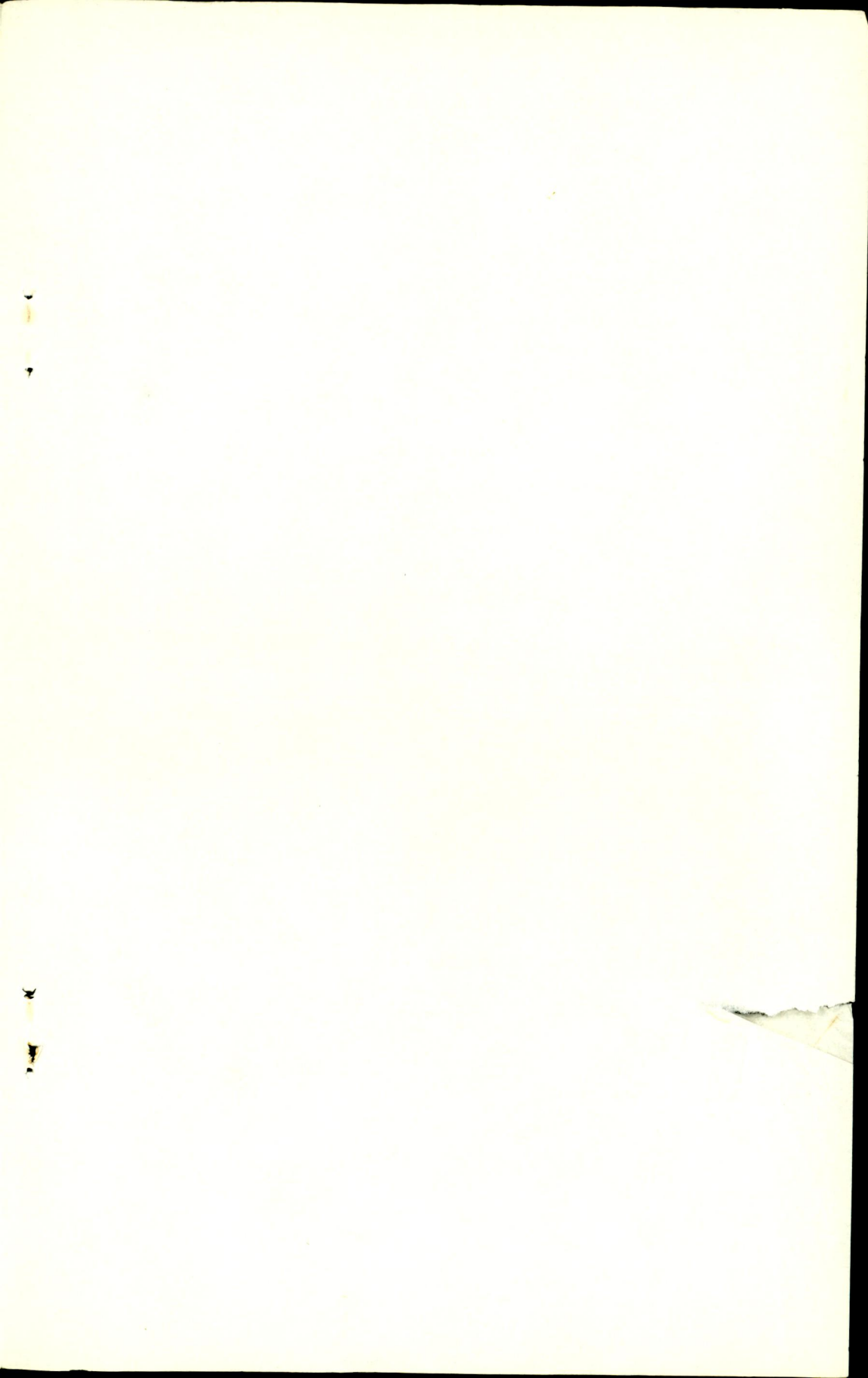
(5) The provisions of this Act with respect to the charge of a rate shall apply to the rate which is levied in the case of a rate levied for the purpose of the payment of the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.

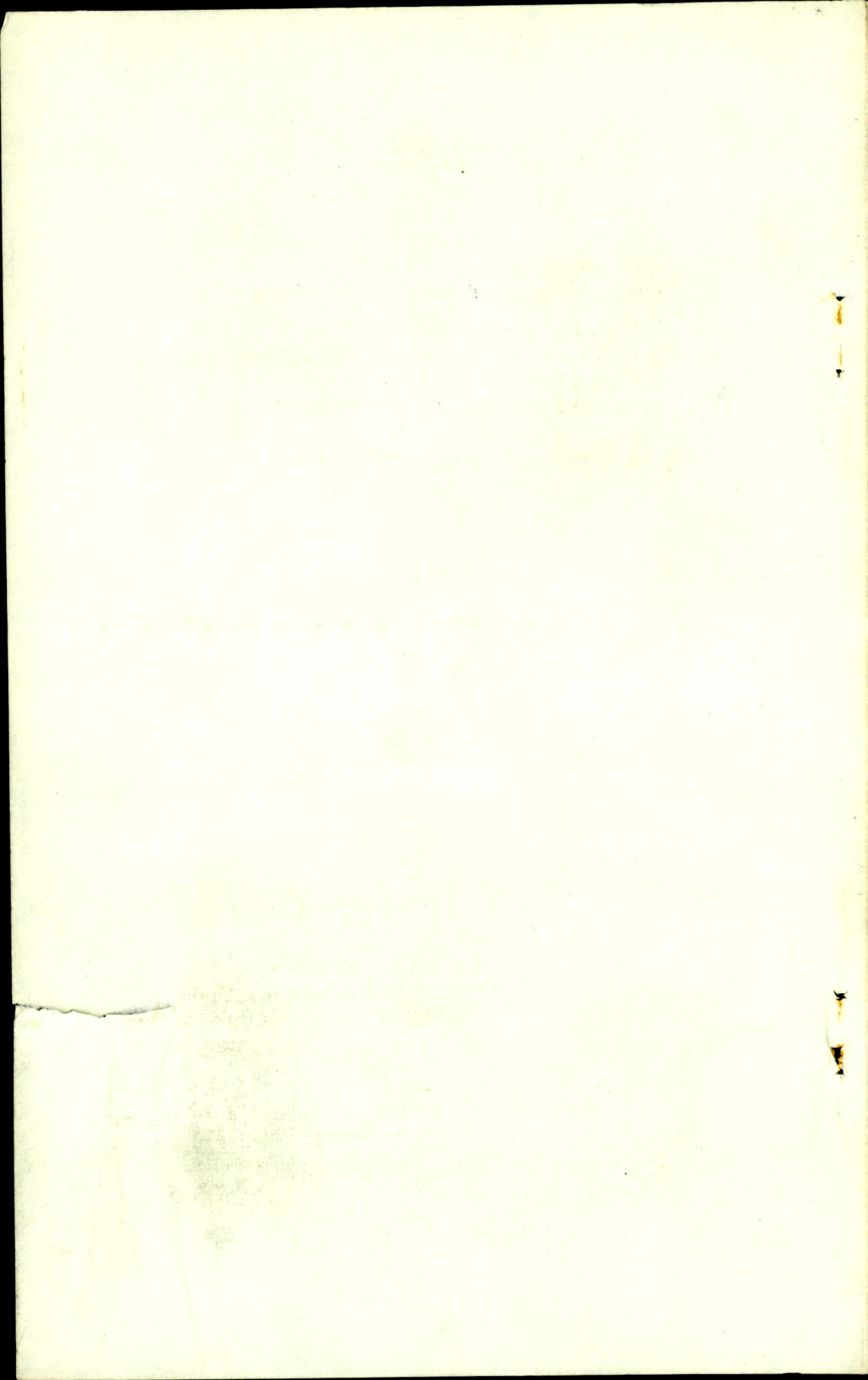
(6) Any provision of this Act which relates to the levying of a rate shall apply to the levying of a rate for the purpose of the payment of the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.

(7) Any provision of this Act which relates to the levying of a rate shall apply to the levying of a rate for the purpose of the payment of the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.

(8) Any provision of this Act which relates to the levying of a rate shall apply to the levying of a rate for the purpose of the payment of the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.

(9) Any provision of this Act which relates to the levying of a rate shall apply to the levying of a rate for the purpose of the payment of the cost of the work and interest on each cost, and for payment of an additional charge if any such amount is not paid on the due date.





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, 5 November, 1959.*

New South Wales



ANNO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 21, 1959.

An Act to make further provisions with respect to the election of mayors and presidents, the respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 6th November, 1959.]

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, 1959".

(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.** Part IV of the Principal Act is amended—

Part IV—
(The Councils of Cities, Municipalities, and Shires.)

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

Newcastle and Greater Wollongong.

- (a) (i) by omitting from subsection (1A) of section twenty-three the words "The Lord Mayor shall be an alderman by virtue of his office.";
- (ii) by inserting next after the same subsection the following new subsections:—

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,—

- (a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;
- (b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

(1C) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On

Local Government (Amendment).

On and from the triennial ordinary election of the council of a municipality to which this subsection applies next following the application of section 25A to the said municipality the council shall be reconstituted and shall consist of the mayor and the same number of aldermen as constituted the council immediately before such triennial ordinary election or where any alteration in the number of aldermen pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

- (b) by inserting next after subsection one of section twenty-four the following new subsection :—
- (1A) This subsection shall apply to a shire to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

Sec. 24.
(Composi-
tion of shire
councils.)

On and from the triennial ordinary election of the council of a shire to which this subsection applies next following the application of section 25A to the said shire the council shall be reconstituted and shall consist of the president and the same number of councillors as constituted the council immediately before such triennial ordinary election or where any alteration in the number of councillors pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

- (c) by inserting at the end of subsection five of section twenty-five the words “, the City of Newcastle, the City of Greater Wollongong, or any other area to which section 25A applies”;
- (d) by omitting section 25A and by inserting in lieu thereof the following section :—

Sec. 25.
(Mayors
and
presidents.)

Subst.
sec. 25A.

25A. (1) This section shall apply to—

- (a) the City of Sydney, the City of Newcastle and the City of Greater Wollongong, and

Election of
Lord
Mayors,
Mayors and
Presidents
by electors.

(b)

Local Government (Amendment).

(b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

(2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

(3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

(4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

Sec. 26.
(Deputy-
mayor or
president.)

(e) by inserting at the end of section twenty-six the following new subsection :—

(5) In this section “deputy-mayor” includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

Sec. 27.
(Time for
election of
mayor or
president.)

(f) by inserting at the end of subsection two of section twenty-seven the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;

(g)

Local Government (Amendment).

- (g) by inserting at the end of section twenty-nine the following new subsection :—
- Sec. 29.
(Mayors and presidents.)
- (6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.
- (h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 32.
(Tenure of office.)
- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words :—
- Sec. 33.
(Office of alderman or councillor.)
- In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.
- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;
- Sec. 34.
(Office of mayor or president.)
- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies.”;
- Sec. 38A.
(Election of Lord Mayor.)

Local Government (Amendment).

Sec. 39.
(Appointed
day for
election of
aldermen or
councillors.)

(1) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection :—

(2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

(a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections;

(b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.

Amendment
of Act No.
41, 1919—
Part V.
(Electoral
Provisions.)

3. Part V of the Principal Act is amended—

Sec. 50.
(Qualifica-
tion of
elector.)

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

(c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.

(b)

Local Government (Amendment).

(b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words ", the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";

Sec. 71.
(Nominations.)

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

(b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.

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

(b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.

(c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection:—

Sec. 72.
(Uncontested election of aldermen or councillors.)

(3) This section shall, *mutatis mutandis*, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor

Uncontested election of Lord Mayors, mayors and presidents.

of

Local Government (Amendment).

of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

Sec. 73.
(Contested elections of aldermen or councillors.)
Contested elections of Lord Mayors, mayors and presidents.

- (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection :—

(1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

Sec. 73A.
(Election of Lord Mayor.)

- (e) by inserting at the end of section 73A the words “, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies”.

Application of Ordinance No. 8 to elections of Lord Mayors, mayors and presidents.

4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Validation.

5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and

Local Government (Amendment).

and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied *mutatis mutandis* at that time to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where in connection with any election to be held on the election date—

- (a) any person has been, before the commencement of this Act, or is, after that commencement, nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under that section before the election date; and
- (b) such person has been, before that commencement, nominated or proposed for nomination, or is, after that commencement, proposed for nomination, as Lord Mayor, mayor or president, as the case may be; and
- (c) his name has not been or is not withdrawn from nomination as Lord Mayor, mayor or president, as the case may be, before nomination day;

such person shall be deemed not to have been so nominated as an alderman or councillor of such area.

(3)

Local Government (Amendment).

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

Amendment
of Act No.
41, 1919.

Part XIIA—
(Town and
Country
Planning
Schemes.)

Sec. 342L.
(Variation
of
prescribed
scheme.)

6. (1) Part XIIA of the Principal Act is amended—

(a) by inserting at the end of section 342L the following new subsection :—

(2) (a) In this subsection—

“local scheme” means a scheme prepared by the council of an area wholly or partly included in the County of Cumberland.

“County of Cumberland Planning Scheme” means the scheme prescribed by the Local Government (Amendment) Act, 1951, together with, upon its being prescribed under this Part, the supplementary scheme referred to in subsection one of section two of the Local Government Town and Country Planning (Amendment) Act, 1950, and any prescribed scheme prepared by the Cumberland County Council varying either such scheme.

(b) A local scheme, in respect of the land to which it applies—

(i) may vary the County of Cumberland Planning Scheme;

(ii)

Local Government (Amendment).

- (ii) shall incorporate all such provisions of the County of Cumberland Planning Scheme as relate to the land to which the local scheme applies and are not inconsistent with the provisions of the local scheme; and
- (iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—
 - (a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;
 - (b) for or with respect to—
 - (i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;
 - (ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect

Local Government (Amendment).

respect of any land to which the local scheme applies before such revocation; and

- (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to have been done under any like provision of the local scheme.

(c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes into operation been finally determined, be taken into account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

(ii) Where an estate or interest in land is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within the time prescribed or has been so made and has been determined, a person shall not be entitled to claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially to the same effect.

(d) On the date on which the local scheme comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the local scheme applies.

(e)

Local Government (Amendment).

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

(f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

(b) by omitting subsection two of section 342T and by inserting in lieu thereof the following subsection :—

Sec. 342T.
(Definitions.)

(2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342Y of this Act.

(c) by omitting paragraph (b) of subsection one of section 342AA and by inserting in lieu thereof the following paragraph :—

Sec. 342AA.
(Constitution of Cumberland County Council.)

(b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

(d) by inserting at the end of subsection two of section 342AB the following new proviso :—

Sec. 342AB.
(Scheme for Cumberland County Council.)

Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

(2)

Local Government (Amendment).

(2) The Minister may include in any scheme which—

- (a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;
- (b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and
- (c) has been the subject of a report made under section 342i of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

Amendment
of Act No.
18, 1951.
Sec. 2.

(Scheme for
the County
of
Cumber-
land.)

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso :—

Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including in a scheme with respect to all or any land within its area provisions varying the County of Cumberland Planning Scheme or any subsequent scheme varying that scheme.

(2)

Local Government (Amendment).

(2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme Ordinance—
 proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

The
 County of
 Cumberland
 Planning
 Scheme
 Ordinance—
 Clause 57.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one.

8. (1) Part XXIX of the Principal Act is amended—

Amendment
 of Act No.
 41, 1919.

Part
 XXIX—
 (County
 Councils.)

(a) by omitting from section five hundred and sixty the definition of "Delegation" and by inserting in lieu thereof the following definition :—

Sec. 560.
 (Defini-
 tions.)

"Delegation" means a transfer of powers to a county council in accordance with this Part and "delegate" has a corresponding meaning.

(b) (i) by inserting in subsection one of section five hundred and sixty-one after the words "county districts" the words "or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts";

Sec. 561.
 (Constitu-
 tion of
 county
 districts.)

(ii) by omitting subsection four of the same section;

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

Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district.

(c)

Local Government (Amendment).

New
Division 2A.

- (c) by inserting next after the same section the following new Division :—

DIVISION 2A.—*Alteration and union of county districts.*

Proposals
for altera-
tion or
union.

561A. (1) A proposal to the Governor to alter the boundaries of a county district or to unite two or more county districts may be submitted to the Minister—

- (a) by the county council of any county district which will be affected by the proposal; or
- (b) by any council concerned; or
- (c) by an officer of the Minister; or
- (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.

(2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.

(3) Within the time fixed in such notice, objection to the proposal may be lodged—

- (a) by the county council of any county district which will be affected; or
- (b) by any council concerned.

(4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.

(5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's decision.

(6)

Local Government (Amendment).

(6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

- (d) by omitting from subsection one of section five hundred and sixty-three the words "the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto" and by inserting in lieu thereof the words "may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer." Sec. 563.
(Corporate body.)

The corporate name of the county council shall be 'The County Council'".

- (e) (i) by inserting next after subsection three of section five hundred and sixty-four the following new subsections :— Sec. 564.
(Powers.)

(3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Such

Local Government (Amendment).

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district.

(3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have been delegated to the county council of the united county district.

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.

(3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area forms part.

- (ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

Local Government (Amendment).

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

(b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso :—

Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so united in force immediately before the union shall cease to have any effect.

(f) by inserting next after section 564B the following new section :— New sec.
564BA.

564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation, Provisions consequent upon alteration or union of county districts.

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

(b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

(2) Such provisions may without limiting the generality of the foregoing include provisions for or relating to :—

(a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and

charges,

Local Government (Amendment).

charges, contracts, agreements and undertakings entered into by any of the councils of the areas or county districts affected by the alteration or union, suits actions and proceedings pending immediately before the alteration or union at the suit of any of the councils of the areas or county districts affected by the alteration or union;

- (b) the appointment of provisional councils, and empowering any such provisional council to exercise all or any of the powers of a county council, pending the election of county councils;
- (c) the entering into of agreements and making of arrangements between county councils, councils, and creditors, or by the Minister or a District Court Judge and the enforcement and giving effect to any such agreement or arrangement;
- (d) any other matter for which provision is made or may be made by Part III or this Part of this Act or any matter of the like nature.

(3) Such provisions may adopt with such modification, additions or alterations as the Governor may deem necessary any of the provisions of Part III or this Part of this Act.

(4) Any such proclamation shall have the force of law.

Sec. 565A.
(Union of
areas com-
prised in
county
district.)

- (g) by omitting from subsection one of section 565A the words "the county council for";

Sec. 567.
(Estimates.)

- (h) by omitting section five hundred and sixty-seven.

(2)

Local Government (Amendment).

(2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (iii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

Local Government (Amendment).

Further amendment of Act No. 41, 1919.

9. (1) The Principal Act is further amended—

Sec. 4.
(Definitions.)

- (a) by inserting at the end of the definition of "Mayor" in section four the words "and the Lord Mayor of a city";

Sec. 61.
(Division into ridings.)

- (b) (i) by omitting subsection one of section sixty-one and by inserting in lieu thereof the following subsection :—

(1) The Governor may by proclamation divide shires into ridings.

- (ii) by omitting from subsection two of the same section the words "alter any division of a shire into ridings : Provided that such alteration" and by inserting in lieu thereof the words "alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings : Provided that such alteration, abolition, or subsequent division";

- (iii) by omitting from subsection three of the same section the words "such alteration" and by inserting in lieu thereof the words "division, alteration, abolition or subsequent division";

New sec.
82A.

- (c) by inserting next after section eighty-two the following new section :—

Voting to be compulsory at certain polls.

82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

(2)

Local Government (Amendment).

- (2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.
- (d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV"; Sec. 160B.
(Abandonment of rates. Invalid and age pensioners.)
- (e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection :— Sec. 317Y.
(Powers of board.)
- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.
- (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.
- (f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection :— Sec. 317AO.
(Powers of board.)
- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.
- (2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.
- (g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection :— Sec. 341L.
(Powers of board.)
- (e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed. (2)

Local Government (Amendment).

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

New sec.
417B.

(h) by inserting next after section 417A the following new section :—

Preservation
of rights to
long service
leave.

417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council.

The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

New sec.
500A.

(i) by inserting next after section five hundred the following new section :—

Septic
closets.

500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf.

(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments for

Local Government (Amendment).

for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

(3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, *mutatis mutandis*, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

(2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

10. Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the basis of its rate in respect of the land included in such valuation.

New valuations for death duties not to be used by rating authorities.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land was last rated or ratable before the levying of such rate.

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

E. W. WOODWARD,
Governor.

*Government House,
Sydney, 6th November, 1959.*

Section 1010 (Continued)

in computing the cost of the work and interest on such cost, and for payment of an additional charge if any such payment is not made on the due date.

(3) The provisions of this Act with respect to the estate of a decedent shall apply with respect to the amount due or owing by a person to the estate of a decedent, in the case of a decedent who died before the date of the enactment of this Act.

The term "estate" as used in this section shall include any trust, estate, or other entity which is liable for the payment of the tax imposed by this Act.

Nothing in this section shall be construed to limit the application of any other provision of this Act.

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