

*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, 10 March, 1964.*

## New South Wales



ANNO TERTIO DECIMO

## ELIZABETHÆ II REGINÆ

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Act No. , 1964.

An Act to make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith.

**B**E 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, Liquor and Impounding (Amendment) Act, 1964".

(2) Short title and construction.



*Local Government, Liquor and Impounding (Amendment).*

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

2. Part III of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part III—  
(Alteration  
of Cities,  
Municipali-  
ties, and  
Shires.)

- 5 (a) by inserting next after paragraph (k) of subsection one of section twenty-one the following new para-  
graph :— (What may  
be provided  
in Gover-  
nor's pro-  
clamation.)
- 10 (ki) where part of an area is, after the commence-  
ment of the Local Government, Liquor  
and Impounding (Amendment) Act, 1964,  
or has been, before that commencement but  
after the first day of January, one thousand  
15 nine hundred and sixty-three, added to  
another area, and the Governor is of  
opinion that the circumstances so warrant,  
appoint to the council of the area to which  
the part is, or has been, added a person  
who has the requisite qualification for  
20 enrolment in respect of the added part and  
has been nominated for such appointment  
by the Boundaries Commission (which  
nomination the Boundaries Commission is  
hereby authorised to make), such person  
to act as an alderman or councillor, as the  
25 case may be, until the date of the next  
triennial ordinary election for such council;
- (b) by inserting next after subsection (1A) of the same  
section the following new subsection :—
- 30 (1B) (a) Any person appointed to the council  
pursuant to paragraph (ki) of subsection one of  
this section shall for the purposes of this Act be  
deemed to be an alderman or councillor, as the  
case may be, of the council to which he is appointed.
- (b)



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(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

5 3. (1) Part IV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.

Part IV—  
(The Coun-  
cils of  
Cities,  
Municipali-  
ties, and  
Shires.)

10 (a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

15 (8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

20 (b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office



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office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

- 5 (c) by inserting in paragraph (d) of subsection one of Sec. 28.  
section twenty-eight after the word "Australia" the words "or of the Local Government Electricity Association of New South Wales"; (Travelling expenses.)

- 10 (d) (i) by omitting subsection five of section twenty-nine; Sec. 29. (Allowance for the Lord Mayor of Sydney.)  
(ii) by omitting from subsection six of the same section the words "other than the City of Sydney".

(2) The amendments made by paragraph (d) of subsection one of this section shall not affect the allowance payable by the Council of the City of Sydney to the Lord Mayor in respect of the year one thousand nine hundred and sixty-four.

4. Part VI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VI—  
(Adminis-  
tration.)

- 20 (a) by inserting at the end of section eighty-nine the following new subsection :— Sec. 89. (Deputy clerks.)

(2) Where, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, a vacancy occurs in the position of deputy clerk the council shall employ in that position a deputy clerk who holds the certificate of council clerk as prescribed :

25 Provided that the Minister on the occurrence of a vacancy as aforesaid may grant the council an exemption from this provision.

- 30 (b) by inserting in section ninety-three after the word "clerk" wherever occurring the words "or deputy clerk". Sec. 93. (Failure to appoint.)



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## 5. Part VII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VII—  
(Finance.)

- 5 (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section";
- 10 (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- 15 (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- 20 (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- 25 (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- 30 (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made" and by inserting in lieu thereof the words "as have elapsed between the due date and the date of payment";

Sec. 118.  
(General  
rates in  
municipalities  
and shires.)

Sec. 158.  
(Overdue  
rates—  
extra  
charge.)

(c)



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- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words "three years" and by inserting in lieu thereof the words "five years".

Sec. 174.  
(Limited overdrafts.)

5 6. Part IX of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IX—  
(Public  
Roads.)

- (a) by inserting next after section 249D the following new section :—

New sec.  
249E.

10 249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

Charge for  
hoards,  
fences,  
lights and  
other ap-  
pliances  
placed  
around  
dangerous  
place.

20 (2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

- 25 (b) (i) by inserting in subsection five of section 251A after the words "motor by-pass" the words "or, where any other words or symbols are prescribed, such other words or symbols";

Sec. 251A.  
(By-passes  
for motor  
vehicles.)

(ii)



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5 (ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";

(c) by inserting at the end of section two hundred and sixty-seven the following new subsection : — Sec. 267.  
(Removal of obstructions.)

10 (10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under  
15 and in accordance with the provisions of the said section 40c.

(d) by inserting next after section 267A the following new section : — New sec. 267B.

20 267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member  
25 of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council  
30 may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains.

35 (2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.

(3)



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(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

- 5 (a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;
- 10 (b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;
- (c) the vehicle or the remains shall not be released from custody unless—
  - 15 (i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;
  - 20 (ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains
  - 25 has been paid to such person in charge;
  - (iii) the applicant has signed a receipt for the delivery of the vehicle or
  - 30 remains on a form supplied to him by such person in charge.

(4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)



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- (e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph : — Sec. 277.  
(Ordinances.)
- 5           (ff) prescribing the position and the materials, height, size, design and appearance of notices erected near by-passes for motor vehicles and the words and symbols to be borne by such notices, and without limiting the generality of the foregoing, for this purpose to adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.
- 10
- 15   7. (1) Part XI of the Principal Act is amended— Amendment  
of Act No.  
41, 1919.  
Part XI—  
(Building  
Regulation.)
- (a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph : — Sec. 309.  
(Proclama-  
tion of  
residential  
districts.)
- 20           Notwithstanding that an application has not been made by the council the Governor, on the recommendation of the Minister, may, by proclamation—
- 25           (i) alter any residential district by taking land out of the residential district; and
- (ii) in respect of any land so taken out, exercise any of the powers under this section.
- 30           (ii) by omitting from paragraph (a) of subsection (1c) of the same section the word “Where” and by inserting in lieu thereof the words “Before the Minister recommends the alteration of a residential district or where”;
- (iii)



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5 (iii) by inserting at the end of paragraph (b) of the same subsection the words "and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed";

10 (iv) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following new paragraph :—

15 (c) (i) Where application is made by the council to the Governor under this section the Minister may, if in his opinion the circumstances warrant, refer the proposal to a person appointed by him for inquiry and report.

20 (ii) Where the Minister proposes to recommend to the Governor the alteration of a residential district under this section and the council has objected the Minister shall refer the proposal to the State Planning Authority constituted under the State Planning Authority Act, 1963, for inquiry, report and recommendation.

25 (v) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following new paragraph :—

30 (d) (i) Where the application is made by the council to the Governor under this section the Minister after considering any objections received to the proposal or the report of the officer appointed to hold the inquiry pursuant to subparagraph (i) of paragraph (c) of this subsection, if any, may submit the proposal to the Governor for decision.

(ii)



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- 5 (ii) Where the recommendation made by the State Planning Authority pursuant to subparagraph (ii) of paragraph (c) of this subsection is against the proposal referred to it by the Minister, or where a majority of the electors residing in or owning land in the residential district concerned objects in writing to the Minister, then the Minister shall not proceed further with that proposal.
- 10 (b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; Division 4B. (Heading.)
- 15 (c) (i) by omitting from subsection one of section 317c the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; Sec. 317c. (Application.)
- 20 (ii) by omitting subsection two of the same section;
- 25 (d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; Sec. 317M. (Appointment.)
- (ii) by inserting at the end of the same subsection the following new paragraphs :—
- 30 (e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such



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5 such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

10 The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

(e) (i) by omitting from subsection three of section Sec. 317Q. 317Q the word "ten" and by inserting in lieu (Panel.) thereof the word "fourteen";

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

20 (e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

25 (f) by omitting from subsection three of section three Sec. 319. hundred and nineteen the words "four hundred (Additional provisions re ordin- pounds" and by inserting in lieu thereof the words ances.) "one thousand pounds".

30 (2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the  
35 Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(b)



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(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- (ii) subject to Division 4C of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

## 8. Part XII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XII—  
(Town  
Planning.)

(a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in lieu thereof the words “may, if the council so agrees, either”; Sec. 328.  
(Certain  
alternative  
conditions.)

(b) by inserting at the end of subsection one of section three hundred and thirty-one the words “by the owner of the land or by some person authorised by him in writing”; Sec. 331.  
(Decisions  
on applica-  
tions, and  
notices to  
applicants.)

(c) by omitting the proviso to subsection one of section three hundred and thirty-three. Sec. 333.  
(Subjects  
for con-  
sideration  
re sub-  
divisions.)



*Local Government, Liquor and Impounding (Amendment).*

9. Part XIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XIV—  
(Water,  
Sewerage,  
Drainage, or  
Electricity  
Works.)

(a) by omitting from paragraph (a) of subsection one of section 392B the words “by a council”;

Sec. 392B.  
(Con-  
nections  
to  
water  
mains.)

5 (b) by omitting from subparagraph (i) of paragraph (a) of subsection one of section 396A the words “by a council”.

Sec. 396A.  
(Con-  
nections  
to  
sewer  
mains.)

10 10. Part XVII of the Principal Act is amended by insert-  
ing at the end of paragraph (a) of subsection four of section  
four hundred and eighteen the words “but it shall not be  
necessary to submit any such proposal to the Governor or  
obtain the Governor’s approval to any such agreement where  
the council proposes to extend its electricity trading under-  
taking into the area of another council for the purpose only  
of supplying electricity to land having a frontage to a public  
15 road in which the boundary between the areas of those  
councils lies or of lighting any such public road”.

Amendment  
of Act No.  
41, 1919.  
Part XVII—  
(Trading.)  
Sec. 418.  
(What is a  
trading  
under-  
taking.)

11. Part XVIII of the Principal Act is amended by  
omitting the proviso to section four hundred and thirty-eight  
and by inserting in lieu thereof the following proviso :—

Amendment  
of Act No.  
41, 1919.  
Part XVIII—  
(Impound-  
ing.)

20 Provided that this section shall not authorise the  
destruction of any goat which is clearly branded or  
which has around its neck a collar with the name and  
address of its owner legibly engraved thereon.

Sec. 438.  
(When goats  
or swine  
may be  
destroyed.)



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12. Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

Amendment  
of Act No.  
41, 1919.  
Part XXIII—  
(Miscel-  
laneous  
Powers.)  
Sec. 506.  
(Extension  
of water,  
gas,  
electricity,  
sewerage,  
and other  
works out-  
side area.)

5 13. Part XXIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XXIV—  
(Ancillary  
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.  
(Entry and  
other  
powers.)

10 (g) in and upon any land to which this  
paragraph extends open any ground,  
dig trenches and sink test holes or  
bores for the purpose of ascertaining  
whether the land contains any deposits  
15 of materials necessary for improving  
or maintaining any public place under  
the control of the council or for the  
carrying out, alteration, repair,  
improvement or renewal of any works  
20 or undertakings authorised by or under  
this Act, and the extent of such  
deposits, and dig, raise, gather, take  
and carry away samples of any such  
materials for analysis and testing.

25 (ii) by omitting from subsection two of the same  
section the word, symbols and letter “Para-  
graph (f)” and by inserting in lieu thereof the  
words, symbols and letters “Paragraphs (f)  
and (g)”;

(iii)



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- (iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";
- 5 (iv) by inserting next after paragraph (a) of the same subsection the following new paragraph :—
  - (ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;
- 10
- 15
- (v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";
- 20
- (vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";
- 25
- (b) (i) by omitting subsection one of section 530A; Sec. 530A.  
(Power to delegate.)
- (ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".
- 30



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14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

Amendment  
of Act No.  
41, 1919.

Part XXIX  
—(County  
Councils.)

Sec. 563.  
(Corporate  
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment  
of Act No.  
41, 1919.

Part XXX—  
(Supple-  
mentary.)

New sec.  
625B.

625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation  
of local  
government  
boundaries  
by reference  
to maps.

(2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.



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5 (3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

16. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

- 10 (a) by omitting from subsection two of section six of Schedule Three the words "and assessed annual value";
- (b) by omitting subsections three and four of the same section and by inserting in lieu thereof the following subsection :—

Schedule Three. Sec. 6. (Compulsory and optional valuations.)

15 (3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act,

20 and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

17. The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—

Amendment of Act No. 42, 1912. New sec. 40c.

40c. (1) In this section—

30 "licensed premises" means premises in respect of which a publican's license or an Australian wine license or a spirit merchant's license is held.

Licensed premises causing obstruction or encroachment on public road.

"removal



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5           “removal order” means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises.

10           (2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

15           (3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

20           (4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

          (5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

30           (6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

35           (a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)



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- (b) the circumstances of the case; and
- (c) the public interest.

5 (7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

10 (8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the  
15 opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

20 (9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

25 (10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the  
30 licensing court proposes to order to be carried out pursuant to subsection eight of this section.

35 (11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of  
this



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*Local Government, Liquor and Impounding (Amendment).*

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5 this section, made or granted by the licensing court, the  
licensing court may, if the work has been substantially  
commenced within that period, or good cause is shown  
why it has not been commenced, allow such further  
period or periods upon application made for that pur-  
pose, as it thinks fit, having regard to the provisions of  
subsection ten of this section.

10 (12) Where an order has been made by the  
licensing court under this section, the licensing court  
may—

(a) authorise an increase or decrease in the area  
licensed, and thereafter renew the license for the  
premises with the area so increased or decreased;

15 (b) if the removal of the obstruction or encroachment  
and any renovation, structural alteration or  
rebuilding ordered by the licensing court pur-  
suant to this section have not been completed  
within the period specified in the order made  
by the licensing court, or within any further  
20 period allowed by the licensing court under  
subsection ten of this section, and—

(i) the order made by the licensing court was  
made against a person (not being the  
occupier) of the premises—on the  
25 application of the occupier, authorise the  
occupier to carry out the work specified  
in the order; or

(ii) where the order made by the licensing  
court was made against a person (not  
being the owner) of the premises—on  
30 the application of the owner, authorise  
the owner to carry out the work specified  
in the order;

(c) having regard to any obligation (other than that  
arising under the removal order) imposed by any  
lease, or otherwise, upon the occupier or owner,  
35 as the case may be, of the premises, or on any  
other



*Local Government, Liquor and Impounding (Amendment).*

5 other person having an interest in the premises,  
to carry out any work ordered or authorised to  
be carried out under this section—make such  
further order as the licensing court thinks fit  
with respect to the payment to the person carry-  
ing out any such work by the owner, or occupier,  
or any such other person, of the whole or any  
part of the cost of carrying out such work.

10 Any amount ordered by the licensing court to be paid  
pursuant to paragraph (c) of this subsection may be  
recovered as a debt in any court of competent jurisdic-  
tion by the person to whom the amount is ordered to be  
paid.

15 (13) Where the licensing court is satisfied that  
any person against whom an order has been made under  
this section or who has been authorised under paragraph  
(b) of subsection twelve of this section to carry out any  
work specified in such an order has failed to carry out  
20 the work so specified, within the time specified in the  
order or within any further time allowed by the licensing  
court under subsection eleven of this section, such person  
shall be guilty of an offence against this Act and liable  
to a penalty not exceeding two hundred pounds and to  
25 a further penalty not exceeding ten pounds for every day  
during which the order or authority has not been  
complied with.

(14) The provisions of subsections three, four,  
five and (6A) of section 40A of this Act shall apply,  
mutatis mutandis, to and in respect of any order made by  
30 the licensing court under this section.

18. (1) The Impounding Act, 1898, as amended by  
subsequent Acts, is amended by omitting the proviso to section  
forty-four and by inserting in lieu thereof the following  
proviso :—

Amendment  
of Act No.  
6, 1898.  
Sec. 44.

35 Provided that this section shall not authorise the  
destruction of any goat which is clearly branded or which  
has around its neck a collar with the name and address  
of its owner legibly engraved thereon.

(Goats or  
swine  
trespassing  
may be  
destroyed.)

(2)



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*Local Government, Liquor and Impounding (Amendment).*

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(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1964.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964

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Vol. 101

1901

1901



No. , 1963.

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## A BILL

To make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith.

[MR. HILLS;—10 December, 1963.]

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**B**E 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, Liquor and Impounding (Amendment) Act, 1963".

Short title  
and con-  
struction.

(2)



*Local Government, Liquor and Impounding (Amendment).*

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

2. Part III of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part III—  
(Alteration  
of Cities,  
Municipali-  
ties, and  
Shires.)

5 (a) by inserting next after paragraph (k) of subsection one of section twenty-one the following new para-  
graph : — (What may  
be provided  
in Gover-  
nor's pro-  
clamation.)

10 (ki) where part of an area is, after the commence-  
ment of the Local Government, Liquor  
and Impounding (Amendment) Act, 1963,  
or has been, before that commencement but  
after the first day of January, one thousand  
nine hundred and sixty-three, added to  
another area, and the Governor is of  
15 opinion that the circumstances so warrant,  
appoint to the council of the area to which  
the part is, or has been, added such number  
of persons as he thinks fit to represent  
the persons who have the requisite quali-  
20 fication for enrolment in respect of the  
added part until the date of the next tri-  
ennial ordinary election for the council of  
the area to which the part is, or has been,  
added;

25 (b) by inserting next after subsection (1A) of the same  
section the following new subsection : —

30 (1B) (a) Any person appointed to the council  
pursuant to paragraph (ki) of subsection one of  
this section shall for the purposes of this Act be  
deemed to be an alderman or councillor, as the  
case may be, of the council to which he is appointed.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

5 3. (1) Part IV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IV—  
(The Coun-  
cils of  
Cities,  
Municipali-  
ties, and  
Shires.)

10 (a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

15 (8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

20 (b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office



*Local Government, Liquor and Impounding (Amendment).*

office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

- 5 (c) by inserting in paragraph (d) of subsection one of section twenty-eight after the word "Australia" the words "or of the Local Government Electricity Association of New South Wales"; Sec. 28. (Travelling expenses.)
- 10 (d) (i) by omitting subsection five of section twenty-nine; Sec. 29. (Allowance for the Lord Mayor of Sydney.)
- (ii) by omitting from subsection six of the same section the words "other than the City of Sydney".

(2) The amendments made by paragraph (d) of subsection one of this section shall not affect the allowance payable by the Council of the City of Sydney to the Lord Mayor in respect of the year one thousand nine hundred and sixty-three.

4. Part VI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VI—  
(Adminis-  
tration.)

- 20 (a) by inserting at the end of section eighty-nine the following new subsection :— Sec. 89. (Deputy clerks.)
- 25 (2) Where, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1963, a vacancy occurs in the position of deputy clerk the council shall employ in that position a deputy clerk who holds the certificate of council clerk as prescribed :
- 30 Provided that the Minister on the occurrence of a vacancy as aforesaid may grant the council an exemption from this provision.
- (b) by inserting in section ninety-three after the word "clerk" wherever occurring the words "or deputy clerk". Sec. 93. (Failure to appoint.)



*Local Government, Liquor and Impounding (Amendment).*

5. Part VII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VII—  
(Finance.)

- (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section";
- (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made" and by inserting in lieu thereof the words "as have elapsed between the due date and the date of payment";

Sec. 118.  
(General  
rates in  
municipalities  
and shires.)

Sec. 158.  
(Overdue  
rates—  
extra  
charge.)

(c)



*Local Government, Liquor and Impounding (Amendment).*

- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words "three years" and by inserting in lieu thereof the words "five years".

Sec. 174.  
(Limited overdrafts.)

5 6. Part IX of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IX—  
(Public  
Roads.)

- (a) by inserting next after section 249D the following new section :—

New sec.  
249E.

10 249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

Charge for  
hoards,  
fences,  
lights and  
other ap-  
pliances  
placed  
around  
dangerous  
place.

20 (2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

- 30 (b) (i) by inserting in subsection five of section 251A after the words "motor by-pass" the words "or, where any other words or symbols are prescribed, such other words or symbols";

Sec. 251A.  
(By-passes  
for motor  
vehicles.)

(ii)



*Local Government, Liquor and Impounding (Amendment).*

5 (ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";

(c) by inserting at the end of section two hundred and sixty-seven the following new subsection :— Sec. 267.  
(Removal  
of obstruc-  
tions.)

10 (10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under  
15 and in accordance with the provisions of the said section 40c.

(d) by inserting next after section 267A the following new section :— New  
sec. 267B.

20 267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member  
25 of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council  
30 may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains.

35 (2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.

(3)



*Local Government, Liquor and Impounding (Amendment).*

(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

- 5 (a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;
- 10 (b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;
- (c) the vehicle or the remains shall not be released from custody unless—
  - 15 (i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;
  - 20 (ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains
  - 25 has been paid to such person in charge;
  - (iii) the applicant has signed a receipt for the delivery of the vehicle or remains on a form supplied to him
  - 30 by such person in charge.

(4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)



*Local Government, Liquor and Impounding (Amendment).*

(e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph :—

Sec. 277.  
(Ordinances.)

5 (ff) prescribing the position and the materials,  
height, size, design and appearance of  
notices erected near by-passes for motor  
vehicles and the words and symbols to be  
borne by such notices, and without limiting  
10 the generality of the foregoing, for this  
purpose to adopt wholly or partially or by  
reference any of the standard rules recom-  
mended or adopted by the Standards  
Association of Australia relating to the  
matter with which the ordinance deals.

15 7. (1) Part XI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XI—  
(Building  
Regulation.)

(a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph :—

Sec. 309.  
(Proclama-  
tion of  
residential  
districts.)

20 Notwithstanding that an application has not  
been made by the council the Governor, on  
the recommendation of the Minister, may, by  
proclamation—

(i) alter any residential district by taking  
land out of the residential district; and  
25 (ii) in respect of any land so taken out,  
exercise any of the powers under this  
section.

(ii) by omitting from paragraph (a) of subsection  
(1c) of the same section the word "Where"  
and by inserting in lieu thereof the words  
30 "Before the Minister recommends the altera-  
tion of a residential district or where";  
(iii)



*Local Government, Liquor and Impounding (Amendment).*

- 5 (iii) by inserting at the end of paragraph (b) of the same subsection the words "and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed";
- 10 (b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; Division 4B. (Heading.)
- 15 (c) (i) by omitting from subsection one of section 317C the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; Sec. 317C. (Application.)
- 20 (ii) by omitting subsection two of the same section;
- (d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; Sec. 317M. (Appointment.)
- 25 (ii) by inserting at the end of the same subsection the following new paragraphs :—
- 30 (e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

The



*Local Government, Liquor and Impounding (Amendment).*

The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

- (e) (i) by omitting from subsection three of section Sec. 317Q. 317Q the word "ten" and by inserting in lieu (Panel.) thereof the word "fourteen";

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

(e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

- (f) by omitting from subsection three of section three Sec. 319. hundred and nineteen the words "four hundred (Additional provisions re ordin- pounds" and by inserting in lieu thereof the words ances.) "one thousand pounds".

(2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(c)



*Local Government, Liquor and Impounding (Amendment).*

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- 10 (ii) subject to Division 4C of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

8. Part XII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XII—  
(Town  
Planning.)

- 15 (a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in lieu thereof the words “may, if the council so agrees, either”; Sec. 328. (Certain alternative conditions.)
- 20 (b) by inserting at the end of subsection one of section three hundred and thirty-one the words “by the owner of the land or by some person authorised by him in writing”; Sec. 331. (Decisions on applications, and notices to applicants.)
- (c) by omitting the proviso to subsection one of section three hundred and thirty-three. Sec. 333. (Subjects for consideration re sub-divisions.)



*Local Government, Liquor and Impounding (Amendment).*

9. Part XIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.

Part XIV—  
(Water,  
Sewerage,  
Drainage, or  
Electricity  
Works.)

(a) by omitting from paragraph (a) of subsection one  
of section 392B the words “by a council”;

Sec. 392B.  
(Connec-  
tions to  
water  
mains.)

5 (b) by omitting from subparagraph (i) of paragraph  
(a) of subsection one of section 396A the words  
“by a council”.

Sec. 396A.  
(Connec-  
tions to  
sewer  
mains.)

10. Part XVII of the Principal Act is amended by insert-  
ing at the end of paragraph (a) of subsection four of section  
four hundred and eighteen the words “but it shall not be  
necessary to submit any such proposal to the Governor or  
obtain the Governor’s approval to any such agreement where  
the council proposes to extend its electricity trading under-  
taking into the area of another council for the purpose only  
of supplying electricity to land having a frontage to a public  
road in which the boundary between the areas of those  
councils lies or of lighting any such public road”.

Amendment  
of Act No.  
41, 1919.  
Part XVII—  
(Trading.)  
Sec. 418.  
(What is a  
trading  
under-  
taking.)

11. Part XVIII of the Principal Act is amended by  
omitting the proviso to section four hundred and thirty-eight  
and by inserting in lieu thereof the following proviso :—

Amendment  
of Act No.  
41, 1919.  
Part XVIII—  
(Impound-  
ing.)

20 Provided that this section shall not authorise the  
destruction of any goat which is clearly branded or  
which has around its neck a collar with the name and  
address of its owner legibly engraved thereon.

Sec. 438.  
(When goats  
or swine  
may be  
destroyed.)



*Local Government, Liquor and Impounding (Amendment).*

**12.** Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

Amendment  
of Act No.  
41, 1919.  
Part XXIII—  
(Miscel-  
laneous  
Powers.)  
Sec. 506.  
(Extension  
of water,  
gas,  
electricity,  
sewerage,  
and other  
works out-  
side area.)

**13.** Part XXIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XXIV—  
(Ancillary  
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.  
(Entry and  
other  
powers.)

(g) in and upon any land to which this paragraph extends open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining whether the land contains any deposits of materials necessary for improving or maintaining any public place under the control of the council or for the carrying out, alteration, repair, improvement or renewal of any works or undertakings authorised by or under this Act, and the extent of such deposits, and dig, raise, gather, take and carry away samples of any such materials for analysis and testing.

(ii) by omitting from subsection two of the same section the word, symbols and letter “Paragraph (f)” and by inserting in lieu thereof the words, symbols and letters “Paragraphs (f) and (g)”;

(iii)



*Local Government, Liquor and Impounding (Amendment).*

- (iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";
- 5 (iv) by inserting next after paragraph (a) of the same subsection the following new paragraph : —
  - (ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;
- 10
- (v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";
- 15
- 20 (vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";
- 25
- (b) (i) by omitting subsection one of section 530A; Sec. 530A.  
(Power to delegate.)
- (ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".
- 30



*Local Government, Liquor and Impounding (Amendment).*

14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

Amendment  
of Act No.  
41, 1919.

Part XXIX  
—(County  
Councils.)

Sec. 563.  
(Corporate  
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment  
of Act No.  
41, 1919.

Part XXX—  
(Supple-  
mentary.)

New sec.  
625B.

625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation  
of local  
government  
boundaries  
by reference  
to maps.

(2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.

(3)



*Local Government, Liquor and Impounding (Amendment).*

5 (3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

16. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

- 10 (a) by omitting from subsection two of section six of Schedule Three the words “and assessed annual value”;
- (b) by omitting subsections three and four of the same section and by inserting in lieu thereof the following subsection :—

Schedule Three. Sec. 6. (Compulsory and optional valuations.)

15 (3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act, and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

20

17. The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—

Amendment of Act No. 42, 1912. New sec. 40c.

40c. (1) In this section—

30 “licensed premises” means premises in respect of which a publican’s license or an Australian wine license or a spirit merchant’s license is held.

Licensed premises causing obstruction or encroachment on public road.

344—B

“removal



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*Local Government, Liquor and Impounding (Amendment).*

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5           “removal order” means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises.

10           (2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

15           (3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

20           (4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

25           (5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

30           (6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

35           (a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)



*Local Government, Liquor and Impounding (Amendment).*

- (b) the circumstances of the case; and
- (c) the public interest.

5 (7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

10 (8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the  
15 opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

20 (9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

25 (10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the  
30 licensing court proposes to order to be carried out pursuant to subsection eight of this section.

35 (11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of  
this



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5 this section, made or granted by the licensing court, the  
licensing court may, if the work has been substantially  
commenced within that period, or good cause is shown  
why it has not been commenced, allow such further  
period or periods upon application made for that pur-  
pose, as it thinks fit, having regard to the provisions of  
subsection ten of this section.

10 (12) Where an order has been made by the  
licensing court under this section, the licensing court  
may—

(a) authorise an increase or decrease in the area  
licensed, and thereafter renew the license for the  
premises with the area so increased or decreased;

15 (b) if the removal of the obstruction or encroachment  
and any renovation, structural alteration or  
rebuilding ordered by the licensing court pur-  
suant to this section have not been completed  
within the period specified in the order made  
by the licensing court, or within any further  
20 period allowed by the licensing court under  
subsection ten of this section, and—

(i) the order made by the licensing court was  
made against a person (not being the  
occupier) of the premises—on the  
25 application of the occupier, authorise the  
occupier to carry out the work specified  
in the order; or

(ii) where the order made by the licensing  
court was made against a person (not  
being the owner) of the premises—on  
30 the application of the owner, authorise  
the owner to carry out the work specified  
in the order;

(c) having regard to any obligation (other than that  
arising under the removal order) imposed by any  
lease, or otherwise, upon the occupier or owner,  
35 as the case may be, of the premises, or on any  
other



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other person having an interest in the premises, to carry out any work ordered or authorised to be carried out under this section—make such further order as the licensing court thinks fit with respect to the payment to the person carrying out any such work by the owner, or occupier, or any such other person, of the whole or any part of the cost of carrying out such work.

Any amount ordered by the licensing court to be paid pursuant to paragraph (c) of this subsection may be recovered as a debt in any court of competent jurisdiction by the person to whom the amount is ordered to be paid.

(13) Where the licensing court is satisfied that any person against whom an order has been made under this section or who has been authorised under paragraph (b) of subsection twelve of this section to carry out any work specified in such an order has failed to carry out the work so specified, within the time specified in the order or within any further time allowed by the licensing court under subsection eleven of this section, such person shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(14) The provisions of subsections three, four, five and (6A) of section 40A of this Act shall apply, mutatis mutandis, to and in respect of any order made by the licensing court under this section.

**18.** (1) The Impounding Act, 1898, as amended by subsequent Acts, is amended by omitting the proviso to section forty-four and by inserting in lieu thereof the following proviso :—

35 Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

Amendment  
of Act No.  
6, 1898.  
Sec. 44.  
(Goats or  
swine  
trespassing  
may be  
destroyed.)

(2)



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*Local Government, Liquor and Impounding (Amendment).*

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(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1963.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963  
[2s.]











## LOCAL GOVERNMENT, LIQUOR AND IMPOUNDING (AMENDMENT) BILL, 1963.

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### EXPLANATORY NOTE.

THE objects of this Bill are—

- (a) to empower the Minister, in cases where part of one area is added to another area, to appoint qualified persons to the council of the area to which land is added to represent the electors enrolled in respect of the added land until the next general election ;
- (b) to authorise councils to pay to their members reasonable allowances towards their necessary out-of-pocket expenses for conveyance and subsistence in travelling to and from the periodical conference of the Local Government Electricity Association of New South Wales ;
- (c) to remove the present restriction on the allowance payable to the Lord Mayor of Sydney ;
- (d) to provide that, with certain exceptions, a person shall not be appointed as a deputy town, shire or county clerk unless he holds the prescribed certificate as a council clerk ;
- (e) to apply the provisions of the Local Government Act, 1919, as amended by subsequent Acts, relating to urban farm rating concessions to shires in the Counties of Cumberland and Northumberland in the same way as they apply to municipalities in the County of Cumberland ;
- (f) to confirm that where rates are unpaid for three months after the due date the extra charges are to be calculated from the due date ;
- (g) to empower the Minister to fix the overdraft limit in respect of a new fund for a period of five, instead of three, years after the inception of the fund ;
- (h) to provide that if any building, excavation or place constitutes a danger to persons or property in the neighbourhood of, or in any public road, the council may, upon failure of the owner or occupier to do so, erect at the expense of the owner or occupier such hoardings or fences and such lights and other appliances as are necessary to protect persons and property ;
- (i) to provide that, instead of the present mandatory wording "motor by-pass" for notices at each end of a motor by-pass, the wording shall be as prescribed by ordinance ;
- (j) to enable the council to take steps to secure the removal of an obstruction or encroachment upon a public road in accordance with the provisions of a new section 40C to be inserted by the Bill to give effect to this Act in the Liquor Act, 1912, as amended by subsequent Acts, if an order served by the council on the owner or licensee of licensed premises with respect to such obstruction or encroachment has not been complied with in the time specified in the order ;



- (k) to authorise councils to remove and dispose of derelict vehicles and the remains of vehicles from public roads in cases where the council has received notice in writing signed by a member of the police force of or above the rank of sergeant certifying that such derelict vehicle or remains of a vehicle is regarded as not being a "motor vehicle" for the purposes of Regulation 58 of the Motor Traffic Regulations made under the Motor Traffic Act, 1909, as amended by subsequent Acts ;
- (l) to authorise the Minister to initiate the alteration of boundaries of residential districts ;
- (m) to extend provisions (at present confined to the City of Sydney) requiring fire escapes to be provided in certain buildings, to apply to the Cities of Newcastle and Greater Wollongong ;
- (n) to increase the membership of the Cumberland, Newcastle and Wollongong Board of Appeal to five by appointing an additional member to represent the Local Government and Shires Associations ; except that the additional member will not sit on hearings relating to matters in the City of Sydney ;
- (o) to provide that the maximum building fee payable to a council on an application for approval of the erection of a building be increased from £400 to £1,000 ;
- (p) to provide in relation to subdivisions that—
  - (i) subdivision applications must be made by the owner of the land to be subdivided or with his consent ;
  - (ii) councils be given a discretion to decline to construct, on behalf, and at the expense, of the subdivider, roads required in a subdivision ; and
  - (iii) councils, in considering subdivision applications, take into account all the matters set out in subsection one of section 333 of the Local Government Act, 1919, as amended by subsequent Acts, irrespective of where the land is situate ;
- (q) to provide that all water mains and sewerage mains of the council shall be deemed to include the connections thereto irrespective of whether such mains were laid by the council or some other authority ;
- (r) to exempt milch goats from destruction for trespassing in the same way that branded goats producing hair used or adapted for the manufacture of cloth or other fabrics are at present exempted ;
- (s) to provide that a council may extend its electricity supply into an adjoining area with the consent of the council of such area, where the extension of supply is restricted to properties having frontage to a public road which is a boundary between the areas, without requiring the prior approval of the Governor ;
- (t) to confer upon councils the power to enter upon any land, other than the site or curtilage of a dwelling-house, or land within fifty feet of a permanent building or two hundred yards of a dwelling-house, for the purpose of carrying out investigations to ascertain whether deposits of road-making materials are present ;



- (u) to extend to all councils the power to delegate under section 530A of the Local Government Act, 1919, as amended by subsequent Acts ;
- (v) to dispense with the requirement that county councils furnish annual reports on their operations, income and expenditure to the Minister ;
- (w) to provide that local government boundaries may be described by reference to maps, and to empower the Governor to re-proclaim such boundaries ;
- (x) to provide that the present mandatory requirement of a valuation of assessed annual values for rating purposes be restricted to those areas where assessed annual values are required by this or any other Act ;
- (y) to insert in the Liquor Act, 1912, as amended by subsequent Acts, the new section 40c referred to in paragraph (j) above which section will contain machinery provisions for the enforcement of an order made under section 267 of the Local Government Act, 1919, as amended by subsequent Acts, in relation to licensed premises ;
- (z) to include in the Impounding Act, 1898, as amended by subsequent Acts, a provision corresponding to the provision referred to in paragraph (r) above ;
- (aa) to make other amendments of a machinery or ancillary nature.



(1) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(a) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(b) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(c) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(d) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(e) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:

(f) To amend the charter of the City of New York, Chapter 230 of the Laws of 1937, as amended, by adding to the charter the following:



No. , 1963.

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## A BILL

To make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith.

[MR. HILLS;—10 December, 1963.]

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**B**E 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, Liquor and Impounding (Amendment) Act, 1963".

(2) Short title and construction.



*Local Government, Liquor and Impounding (Amendment).*

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

2. Part III of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part III—  
(Alteration  
of Cities,  
Municipali-  
ties, and  
Shires.)

5 (a) by inserting next after paragraph (k) of subsection Sec. 21.  
one of section twenty-one the following new para- (What may  
graph :— be provided  
in Gover-  
nor's pro-  
clamation.)

10 (ki) where part of an area is, after the commence-  
ment of the Local Government, Liquor  
and Impounding (Amendment) Act, 1963,  
or has been, before that commencement but  
after the first day of January, one thousand  
15 nine hundred and sixty-three, added to  
another area, and the Governor is of  
opinion that the circumstances so warrant,  
appoint to the council of the area to which  
the part is, or has been, added such number  
20 of persons as he thinks fit to represent  
the persons who have the requisite quali-  
fication for enrolment in respect of the  
added part until the date of the next tri-  
ennial ordinary election for the council of  
the area to which the part is, or has been,  
added;

25 (b) by inserting next after subsection (1A) of the same  
section the following new subsection :—

30 (1B) (a) Any person appointed to the council  
pursuant to paragraph (ki) of subsection one of  
this section shall for the purposes of this Act be  
deemed to be an alderman or councillor, as the  
case may be, of the council to which he is appointed.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

5 3. (1) Part IV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IV—  
(The Coun-  
cils of  
Cities,  
Municipali-  
ties, and  
Shires.)

(a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to para-  
graph (ki) of subsection one of section  
twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

20 (b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to para-  
graph (ki) of subsection one of section twenty-  
one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding  
office



*Local Government, Liquor and Impounding (Amendment).*

office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

- 5 (c) by inserting in paragraph (d) of subsection one of Sec. 28.  
 section twenty-eight after the word "Australia" the (Travelling  
 words "or of the Local Government Electricity expenses.)  
 Association of New South Wales";
- 10 (d) (i) by omitting subsection five of section twenty- Sec. 29.  
 nine; (Allowance  
 (ii) by omitting from subsection six of the same Lord Mayor  
 section the words "other than the City of of Sydney.)  
 Sydney".

(2) The amendments made by paragraph (d) of sub-  
 15 section one of this section shall not affect the allowance pay-  
 able by the Council of the City of Sydney to the Lord Mayor  
 in respect of the year one thousand nine hundred and sixty-  
 three.

## 4. Part VI of the Principal Act is amended—

Amendment  
 of Act No.  
 41, 1919.  
 Part VI—  
 (Adminis-  
 tration.)

- 20 (a) by inserting at the end of section eighty-nine the Sec. 89.  
 following new subsection :— (Deputy  
 (2) Where, after the commencement of the clerks.)  
 Local Government, Liquor and Impounding  
 (Amendment) Act, 1963, a vacancy occurs in the  
 25 position of deputy clerk the council shall employ  
 in that position a deputy clerk who holds the certi-  
 ficate of council clerk as prescribed :
- 30 Provided that the Minister on the occurrence of  
 a vacancy as aforesaid may grant the council an  
 exemption from this provision.
- (b) by inserting in section ninety-three after the word Sec. 93.  
 "clerk" wherever occurring the words "or deputy (Failure to  
 clerk". appoint.)



*Local Government, Liquor and Impounding (Amendment).*

## 5. Part VII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VII—  
(Finance.)

- 5 (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section";
- 10 (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- 15 (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- 20 (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- 25 (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- 30 (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made" and by inserting in lieu thereof the words "as have elapsed between the due date and the date of payment";

Sec. 118.

(General  
rates in  
municipalities  
and shires.)

Sec. 158.

(Overdue  
rates—  
extra  
charge.)

(c)



*Local Government, Liquor and Impounding (Amendment).*

- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words "three years" and by inserting in lieu thereof the words "five years".

Sec. 174.  
(Limited overdrafts.)

5 6. Part IX of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IX—  
(Public  
Roads.)

- (a) by inserting next after section 249D the following new section :—

New sec.  
249E.

10 249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

Charge for  
hoards,  
fences,  
lights and  
other ap-  
pliances  
placed  
around  
dangerous  
place.

20 (2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

- 30 (b) (i) by inserting in subsection five of section 251A after the words "motor by-pass" the words "or, where any other words or symbols are prescribed, such other words or symbols";

Sec. 251A.  
(By-passes  
for motor  
vehicles.)

(ii)



*Local Government, Liquor and Impounding (Amendment).*

- (ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";
- (c) by inserting at the end of section two hundred and sixty-seven the following new subsection : — Sec. 267.  
(Removal of obstructions.)
- (10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under and in accordance with the provisions of the said section 40c.
- (d) by inserting next after section 267A the following new section : — New sec. 267B.
- 267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains. Removal of derelict vehicles and the remains of vehicles from public roads.
- (2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.
- (3)



*Local Government, Liquor and Impounding (Amendment).*

(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

- 5 (a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;
- 10 (b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;
- (c) the vehicle or the remains shall not be released from custody unless—
- 15 (i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;
- 20 (ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains has been paid to such person in charge;
- 25 (iii) the applicant has signed a receipt for the delivery of the vehicle or remains on a form supplied to him by such person in charge.
- 30
- 35 (4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)



*Local Government, Liquor and Impounding (Amendment).*

- (e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph : —

Sec. 277.  
(Ordinances.)

- 5 (ff) prescribing the position and the materials, height, size, design and appearance of notices erected near by-passes for motor vehicles and the words and symbols to be borne by such notices, and without limiting the generality of the foregoing, for this purpose to adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.
- 10

- 15 7. (1) Part XI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XI—  
(Building  
Regulation.)

- (a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph : —

Sec. 309.  
(Proclama-  
tion of  
residential  
districts.)

- 20 Notwithstanding that an application has not been made by the council the Governor, on the recommendation of the Minister, may, by proclamation—

- (i) alter any residential district by taking land out of the residential district; and
- 25 (ii) in respect of any land so taken out, exercise any of the powers under this section.

- (ii) by omitting from paragraph (a) of subsection (1c) of the same section the word "Where" and by inserting in lieu thereof the words "Before the Minister recommends the alteration of a residential district or where";
- 30

(iii)



*Local Government, Liquor and Impounding (Amendment).*

- 5 (iii) by inserting at the end of paragraph (b) of the same subsection the words "and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed";
- 10 (b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; Division 4B. (Heading.)
- 15 (c) (i) by omitting from subsection one of section 317C the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; Sec. 317C. (Application.)
- 20 (ii) by omitting subsection two of the same section;
- (d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; Sec. 317M. (Appointment.)
- 25 (ii) by inserting at the end of the same subsection the following new paragraphs :—
- 30 (e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

The



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*Local Government, Liquor and Impounding (Amendment).*

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The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

5

- (e) (i) by omitting from subsection three of section 317Q. 317Q the word "ten" and by inserting in lieu (Panel.) thereof the word "fourteen";

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

10

(e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

15

- (f) by omitting from subsection three of section three Sec. 319. hundred and nineteen the words "four hundred (Additional provisions re ordin-  
ances.) pounds" and by inserting in lieu thereof the words "one thousand pounds".

20

(2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

25

30

(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

35

(c)



*Local Government, Liquor and Impounding (Amendment).*

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to  
 5 paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- 10 (ii) subject to Division 4C of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

## 8. Part XII of the Principal Act is amended—

Amendment  
 of Act No.  
 41, 1919.  
 Part XII—  
 (Town  
 Planning.)

- 15 (a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in  
 lieu thereof the words “may, if the council so agrees,  
 either”; (Certain alternative conditions.)
- 20 (b) by inserting at the end of subsection one of section  
 three hundred and thirty-one the words “by the  
 owner of the land or by some person authorised by  
 him in writing”; (Decisions on applications, and notices to applicants.)
- (c) by omitting the proviso to subsection one of section  
 three hundred and thirty-three. (Subjects for consideration re sub-divisions.)



*Local Government, Liquor and Impounding (Amendment).*

## 9. Part XIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XIV—  
(Water,  
Sewerage,  
Drainage, or  
Electricity  
Works.)

(a) by omitting from paragraph (a) of subsection one of section 392B the words “by a council”;

Sec. 392B.  
(Con-  
nections to  
water  
mains.)

5 (b) by omitting from subparagraph (i) of paragraph (a) of subsection one of section 396A the words “by a council”.

Sec. 396A.  
(Con-  
nections to  
sewer  
mains.)

10 10. Part XVII of the Principal Act is amended by inserting at the end of paragraph (a) of subsection four of section four hundred and eighteen the words “but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s approval to any such agreement where the council proposes to extend its electricity trading under- taking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road”.

Amendment  
of Act No.  
41, 1919.  
Part XVII—  
(Trading.)  
Sec. 418.  
(What is a  
trading  
under-  
taking.)

11. Part XVIII of the Principal Act is amended by omitting the proviso to section four hundred and thirty-eight and by inserting in lieu thereof the following proviso :—

Amendment  
of Act No.  
41, 1919.  
Part XVIII—  
(Impound-  
ing.)  
Sec. 438.  
(When goats  
or swine  
may be  
destroyed.)

20 Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

12.



*Local Government, Liquor and Impounding (Amendment).*

12. Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

Amendment  
of Act No.  
41, 1919.  
Part XXIII—  
(Miscel-  
laneous  
Powers.)  
Sec. 506.  
(Extension  
of water,  
gas,  
electricity,  
sewerage,  
and other  
works out-  
side area.)

5 13. Part XXIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XXIV—  
(Ancillary  
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.  
(Entry and  
other  
powers.)

10 (g) in and upon any land to which this  
paragraph extends open any ground,  
dig trenches and sink test holes or  
bores for the purpose of ascertaining  
whether the land contains any deposits  
15 of materials necessary for improving  
or maintaining any public place under  
the control of the council or for the  
carrying out, alteration, repair,  
improvement or renewal of any works  
20 or undertakings authorised by or under  
this Act, and the extent of such  
deposits, and dig, raise, gather, take  
and carry away samples of any such  
materials for analysis and testing.

25 (ii) by omitting from subsection two of the same  
section the word, symbols and letter “Para-  
graph (f)” and by inserting in lieu thereof the  
words, symbols and letters “Paragraphs (f)  
and (g)”; (iii)



*Local Government, Liquor and Impounding (Amendment).*

- (iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";
- 5 (iv) by inserting next after paragraph (a) of the same subsection the following new paragraph :—
  - (ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;
- 10
- 15
- (v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";
- 20
- (vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";
- 25
- (b) (i) by omitting subsection one of section 530A; Sec. 530A.  
(Power to delegate.)
- (ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".
- 30



*Local Government, Liquor and Impounding (Amendment).*

14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

Amendment  
of Act No.  
41, 1919.

Part XXIX  
—(County  
Councils.)

Sec. 563.  
(Corporate  
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment  
of Act No.  
41, 1919.

Part XXX—  
(Supple-  
mentary.)

New sec.  
625B.

10 625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by  
15 the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation  
of local  
government  
boundaries  
by reference  
to maps.

20 (2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in  
25 the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

30 On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.

(3)



*Local Government, Liquor and Impounding (Amendment).*

5 (3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

16. The Principal Act is further amended—

Further amendment of Act No. 41, 1919.

10 (a) by omitting from subsection two of section six of Schedule Three the words "and assessed annual value";

Schedule Three. Sec. 6. (Compulsory and optional valuations.)

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

15 (3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act, and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

25 17. The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—

Amendment of Act No. 42, 1912.

New sec. 40c.

40c. (1) In this section—

Licensed premises causing obstruction or encroachment on public road.

30 "licensed premises" means premises in respect of which a publican's license or an Australian wine license or a spirit merchant's license is held.

344—B

"removal



*Local Government, Liquor and Impounding (Amendment).*

5 "removal order" means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises.

10 (2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

15 (3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

20 (4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

(5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

30 (6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

35 (a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)



*Local Government, Liquor and Impounding (Amendment).*

- (b) the circumstances of the case; and
- (c) the public interest.

5 (7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

10 (8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the  
15 opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

20 (9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

25 (10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the  
30 licensing court proposes to order to be carried out pursuant to subsection eight of this section.

35 (11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of  
this



*Local Government, Liquor and Impounding (Amendment).*

5 this section, made or granted by the licensing court, the licensing court may, if the work has been substantially commenced within that period, or good cause is shown why it has not been commenced, allow such further period or periods upon application made for that purpose, as it thinks fit, having regard to the provisions of subsection ten of this section.

10 (12) Where an order has been made by the licensing court under this section, the licensing court may—

(a) authorise an increase or decrease in the area licensed, and thereafter renew the license for the premises with the area so increased or decreased;

15 (b) if the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to this section have not been completed within the period specified in the order made by the licensing court, or within any further period allowed by the licensing court under subsection ten of this section, and—

20 (i) the order made by the licensing court was made against a person (not being the occupier) of the premises—on the application of the occupier, authorise the occupier to carry out the work specified in the order; or

25 (ii) where the order made by the licensing court was made against a person (not being the owner) of the premises—on the application of the owner, authorise the owner to carry out the work specified in the order;

30 (c) having regard to any obligation (other than that arising under the removal order) imposed by any lease, or otherwise, upon the occupier or owner, as the case may be, of the premises, or on any other



*Local Government, Liquor and Impounding (Amendment).*

other person having an interest in the premises, to carry out any work ordered or authorised to be carried out under this section—make such further order as the licensing court thinks fit with respect to the payment to the person carrying out any such work by the owner, or occupier, or any such other person, of the whole or any part of the cost of carrying out such work.

Any amount ordered by the licensing court to be paid pursuant to paragraph (c) of this subsection may be recovered as a debt in any court of competent jurisdiction by the person to whom the amount is ordered to be paid.

(13) Where the licensing court is satisfied that any person against whom an order has been made under this section or who has been authorised under paragraph (b) of subsection twelve of this section to carry out any work specified in such an order has failed to carry out the work so specified, within the time specified in the order or within any further time allowed by the licensing court under subsection eleven of this section, such person shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(14) The provisions of subsections three, four, five and (6A) of section 40A of this Act shall apply, mutatis mutandis, to and in respect of any order made by the licensing court under this section.

18. (1) The Impounding Act, 1898, as amended by subsequent Acts, is amended by omitting the proviso to section forty-four and by inserting in lieu thereof the following proviso :—

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

Amendment  
of Act No.  
6, 1898.  
Sec. 44.

(Goats or  
swine  
trespassing  
may be  
destroyed.)

(2)



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*Local Government, Liquor and Impounding (Amendment).*

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(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1963.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1963











# New South Wales



ANNO TERTIO DECIMO

# ELIZABETHÆ II REGINÆ

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## Act No. 3, 1964.

An Act to make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith. [Assented to, 19th March, 1964.]

**B**E 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, Liquor and Impounding (Amendment) Act, 1964".

Short title  
and con-  
struction.

(2)



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*Local Government, Liquor and Impounding (Amendment).*

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(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 III—  
(Alteration  
of Cities,  
Municipali-  
ties, and  
Shires.)

Sec. 21.

(What may  
be provided  
in Gover-  
nor's pro-  
clamation.)

2. Part III of the Principal Act is amended—

(a) by inserting next after paragraph (k) of subsection one of section twenty-one the following new paragraph :—

(ki) where part of an area is, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, or has been, before that commencement but after the first day of January, one thousand nine hundred and sixty-three, added to another area, and the Governor is of opinion that the circumstances so warrant, appoint to the council of the area to which the part is, or has been, added a person who has the requisite qualification for enrolment in respect of the added part and has been nominated for such appointment by the Boundaries Commission (which nomination the Boundaries Commission is hereby authorised to make), such person to act as an alderman or councillor, as the case may be, until the date of the next triennial ordinary election for such council;

(b) by inserting next after subsection (1A) of the same section the following new subsection :—

(1B) (a) Any person appointed to the council pursuant to paragraph (ki) of subsection one of this section shall for the purposes of this Act be deemed to be an alderman or councillor, as the case may be, of the council to which he is appointed.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

3. (1) Part IV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IV—  
(The Coun-  
cils of  
Cities,  
Municipali-  
ties, and  
Shires.)

(a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

(b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding  
office



***Local Government, Liquor and Impounding (Amendment).***

office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

Sec. 28.  
(Travelling  
expenses.)

- (c) by inserting in paragraph (d) of subsection one of section twenty-eight after the word "Australia" the words "or of the Local Government Electricity Association of New South Wales";

Sec. 29.  
(Allowance  
for the  
Lord Mayor  
of Sydney.)

- (d) (i) by omitting subsection five of section twenty-nine;  
(ii) by omitting from subsection six of the same section the words "other than the City of Sydney".

(2) The amendments made by paragraph (d) of subsection one of this section shall not affect the allowance payable by the Council of the City of Sydney to the Lord Mayor in respect of the year one thousand nine hundred and sixty-four.

Amendment  
of Act No.  
41, 1919.  
Part VI—  
(Adminis-  
tration.)

**4. Part VI of the Principal Act is amended—**

Sec. 89.  
(Deputy  
clerks.)

- (a) by inserting at the end of section eighty-nine the following new subsection :—

(2) Where, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, a vacancy occurs in the position of deputy clerk the council shall employ in that position a deputy clerk who holds the certificate of council clerk as prescribed :

Provided that the Minister on the occurrence of a vacancy as aforesaid may grant the council an exemption from this provision.

Sec. 93.  
(Failure to  
appoint.)

- (b) by inserting in section ninety-three after the word "clerk" wherever occurring the words "or deputy clerk".



*Local Government, Liquor and Impounding (Amendment).*

## 5. Part VII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VII—  
(Finance.)

- (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section"; Sec. 118.  
(General rates in municipalities and shires.)
- (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made" and by inserting in lieu thereof the words "as have elapsed between the due date and the date of payment"; Sec. 158.  
(Overdue rates—extra charge.)

(c)



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*Local Government, Liquor and Impounding (Amendment).*

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Sec. 174.  
(Limited  
overdrafts.)

- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words "three years" and by inserting in lieu thereof the words "five years".

Amendment  
of Act No.  
41, 1919.  
Part IX—  
(Public  
Roads.)

6. Part IX of the Principal Act is amended—

New sec.  
249E.

- (a) by inserting next after section 249D the following new section :—

Charge for  
hoards,  
fences,  
lights and  
other ap-  
pliances  
placed  
around  
dangerous  
place.

249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

(2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

Sec. 251A.  
(By-passes  
for motor  
vehicles.)

- (b) (i) by inserting in subsection five of section 251A after the words "motor by-pass" the words "or, where any other words or symbols are prescribed, such other words or symbols";  
(ii)



*Local Government, Liquor and Impounding (Amendment).*

- (ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";
- (c) by inserting at the end of section two hundred and sixty-seven the following new subsection :— Sec. 267.  
(Removal of obstructions.)
- (10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under and in accordance with the provisions of the said section 40c.
- (d) by inserting next after section 267A the following new section :— New sec. 267B.

267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains. Removal of derelict vehicles and the remains of vehicles from public roads.

(2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.

(3)



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*Local Government, Liquor and Impounding (Amendment).*

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(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

(a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;

(b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;

(c) the vehicle or the remains shall not be released from custody unless—

(i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;

(ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains has been paid to such person in charge;

(iii) the applicant has signed a receipt for the delivery of the vehicle or remains on a form supplied to him by such person in charge.

(4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)



*Local Government, Liquor and Impounding (Amendment).*

- (e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph : — Sec. 277.  
(Ordinances.)

(ff) prescribing the position and the materials, height, size, design and appearance of notices erected near by-passes for motor vehicles and the words and symbols to be borne by such notices, and without limiting the generality of the foregoing, for this purpose to adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.

7. (1) Part XI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XI—  
(Building  
Regulation.).

- (a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph : — Sec. 309.  
(Proclamation of residential districts.)

Notwithstanding that an application has not been made by the council the Governor, on the recommendation of the Minister, may, by proclamation—

- (i) alter any residential district by taking land out of the residential district; and
- (ii) in respect of any land so taken out, exercise any of the powers under this section.

- (ii) by omitting from paragraph (a) of subsection (1c) of the same section the word "Where" and by inserting in lieu thereof the words "Before the Minister recommends the alteration of a residential district or where";
- (iii)



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*Local Government, Liquor and Impounding (Amendment).*

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(iii) by inserting at the end of paragraph (b) of the same subsection the words "and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed";

(iv) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(c) (i) Where application is made by the council to the Governor under this section the Minister may, if in his opinion the circumstances warrant, refer the proposal to a person appointed by him for inquiry and report.

(ii) Where the Minister proposes to recommend to the Governor the alteration of a residential district under this section and the council has objected the Minister shall refer the proposal to the State Planning Authority constituted under the State Planning Authority Act, 1963, for inquiry, report and recommendation.

(v) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(d) (i) Where the application is made by the council to the Governor under this section the Minister after considering any objections received to the proposal or the report of the officer appointed to hold the inquiry pursuant to subparagraph (i) of paragraph (c) of this subsection, if any, may submit the proposal to the Governor for decision.

(ii)



Local Government, Liquor and Impounding (Amendment).

- (ii) Where the recommendation made by the State Planning Authority pursuant to subparagraph (ii) of paragraph (c) of this subsection is against the proposal referred to it by the Minister, or where a majority of the electors residing in or owning land in the residential district concerned objects in writing to the Minister, then the Minister shall not proceed further with that proposal.
  
- (b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; Division 4B.  
(Heading.)
  
- (c) (i) by omitting from subsection one of section 317c the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; Sec. 317c.  
(Application.)
- (ii) by omitting subsection two of the same section;
  
- (d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; Sec. 317M.  
(Appointment.)
- (ii) by inserting at the end of the same subsection the following new paragraphs:—
    - (e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such



*Local Government, Liquor and Impounding (Amendment).*

such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

Sec. 317Q.  
(Panel.)

- (e) (i) by omitting from subsection three of section 317Q the word "ten" and by inserting in lieu thereof the word "fourteen";
- (ii) by inserting at the end of the same subsection the following new paragraph:—
- (e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

Sec. 319.  
(Additional provisions re ordinances.)

- (f) by omitting from subsection three of section three hundred and nineteen the words "four hundred pounds" and by inserting in lieu thereof the words "one thousand pounds".

(2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- (ii) subject to Division 4C of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

8. Part XII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XII—  
(Town  
Planning.)

- (a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in lieu thereof the words “may, if the council so agrees, either”; Sec. 328.  
(Certain  
alternative  
conditions.)
- (b) by inserting at the end of subsection one of section three hundred and thirty-one the words “by the owner of the land or by some person authorised by him in writing”; Sec. 331.  
(Decisions  
on applica-  
tions, and  
notices to  
applicants.)
- (c) by omitting the proviso to subsection one of section three hundred and thirty-three. Sec. 333.  
(Subjects  
for con-  
sideration  
re sub-  
divisions.)



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*Local Government, Liquor and Impounding (Amendment).*

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Amendment  
of Act No.  
41, 1919.

Part XIV—  
(Water,  
Sewerage,  
Drainage, or  
Electricity  
Works.)

**9. Part XIV of the Principal Act is amended—**

Sec. 392B.  
(Con-  
nections to  
water  
mains.)

(a) by omitting from paragraph (a) of subsection one of section 392B the words "by a council";

Sec. 396A.  
(Con-  
nections to  
sewer  
mains.)

(b) by omitting from subparagraph (i) of paragraph (a) of subsection one of section 396A the words "by a council".

Amendment  
of Act No.  
41, 1919.

Part XVII—  
(Trading.)

Sec. 418.  
(What is a  
trading  
under-  
taking.)

**10. Part XVII of the Principal Act is amended by insert-  
ing at the end of paragraph (a) of subsection four of section  
four hundred and eighteen the words "but it shall not be  
necessary to submit any such proposal to the Governor or  
obtain the Governor's approval to any such agreement where  
the council proposes to extend its electricity trading under-  
taking into the area of another council for the purpose only  
of supplying electricity to land having a frontage to a public  
road in which the boundary between the areas of those  
councils lies or of lighting any such public road".**

Amendment  
of Act No.  
41, 1919.

Part XVIII—  
(Impound-  
ing.)

Sec. 438.  
(When goats  
or swine  
may be  
destroyed.)

**11. Part XVIII of the Principal Act is amended by  
omitting the proviso to section four hundred and thirty-eight  
and by inserting in lieu thereof the following proviso :—**

**Provided that this section shall not authorise the  
destruction of any goat which is clearly branded or  
which has around its neck a collar with the name and  
address of its owner legibly engraved thereon.**



*Local Government, Liquor and Impounding (Amendment).*

12. Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

Amendment  
of Act No.  
41, 1919.  
Part XXIII—  
(Miscel-  
laneous  
Powers.)  
Sec. 506.  
(Extension  
of water,  
gas,  
electricity,  
sewerage,  
and other  
works out-  
side area.)

13. Part XXIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XXIV—  
(Ancillary  
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.  
(Entry and  
other  
powers.)

(g) in and upon any land to which this paragraph extends open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining whether the land contains any deposits of materials necessary for improving or maintaining any public place under the control of the council or for the carrying out, alteration, repair, improvement or renewal of any works or undertakings authorised by or under this Act, and the extent of such deposits, and dig, raise, gather, take and carry away samples of any such materials for analysis and testing.

(ii) by omitting from subsection two of the same section the word, symbols and letter “Paragraph (f)” and by inserting in lieu thereof the words, symbols and letters “Paragraphs (f) and (g)”;

(iii)



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*Local Government, Liquor and Impounding (Amendment).*

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- (iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";
- (iv) by inserting next after paragraph (a) of the same subsection the following new paragraph : —
  - (ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;
- (v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";
- (vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";

Sec. 530A.  
(Power to  
delegate.)

- (b) (i) by omitting subsection one of section 530A;
- (ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".



*Local Government, Liquor and Impounding (Amendment).*

14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

Amendment  
of Act No.  
41, 1919.

Part XXIX  
— (County  
Councils.)

Sec. 563.

(Corporate  
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment  
of Act No.  
41, 1919.

Part XXX—  
(Supple-  
mentary.)

New sec.  
625B.

625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation  
of local  
government  
boundaries  
by reference  
to maps.

(2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.

(3)



*Local Government, Liquor and Impounding (Amendment).*

(3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

Further  
amendment  
of Act No.  
41, 1919.

**16.** The Principal Act is further amended—

Schedule  
Three.  
Sec. 6.  
(Compul-  
sory and  
optional  
valuations.)

- (a) by omitting from subsection two of section six of Schedule Three the words “and assessed annual value”;
- (b) by omitting subsections three and four of the same section and by inserting in lieu thereof the following subsection :—

(3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act, and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

Amendment  
of Act No.  
42, 1912.  
New sec.  
40c.

**17.** The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—

Licensed  
premises  
causing  
obstruction  
or encroach-  
ment on  
public road.

**40c.** (1) In this section—

“licensed premises” means premises in respect of which a publican’s license or an Australian wine license or a spirit merchant’s license is held.

“removal



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*Local Government, Liquor and Impounding (Amendment).*

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“removal order” means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises.

(2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

(3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

(4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

(5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

(6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

(a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)



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*Local Government, Liquor and Impounding (Amendment).*

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- (b) the circumstances of the case; and
- (c) the public interest.

(7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

(8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

(9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

(10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the licensing court proposes to order to be carried out pursuant to subsection eight of this section.

(11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of this



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*Local Government, Liquor and Impounding (Amendment).*

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this section, made or granted by the licensing court, the licensing court may, if the work has been substantially commenced within that period, or good cause is shown why it has not been commenced, allow such further period or periods upon application made for that purpose, as it thinks fit, having regard to the provisions of subsection ten of this section.

(12) Where an order has been made by the licensing court under this section, the licensing court may—

- (a) authorise an increase or decrease in the area licensed, and thereafter renew the license for the premises with the area so increased or decreased;
- (b) if the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to this section have not been completed within the period specified in the order made by the licensing court, or within any further period allowed by the licensing court under subsection ten of this section, and—
  - (i) the order made by the licensing court was made against a person (not being the occupier) of the premises—on the application of the occupier, authorise the occupier to carry out the work specified in the order; or
  - (ii) where the order made by the licensing court was made against a person (not being the owner) of the premises—on the application of the owner, authorise the owner to carry out the work specified in the order;
- (c) having regard to any obligation (other than that arising under the removal order) imposed by any lease, or otherwise, upon the occupier or owner, as the case may be, of the premises, or on any other



*Local Government, Liquor and Impounding (Amendment).*

other person having an interest in the premises, to carry out any work ordered or authorised to be carried out under this section—make such further order as the licensing court thinks fit with respect to the payment to the person carrying out any such work by the owner, or occupier, or any such other person, of the whole or any part of the cost of carrying out such work.

Any amount ordered by the licensing court to be paid pursuant to paragraph (c) of this subsection may be recovered as a debt in any court of competent jurisdiction by the person to whom the amount is ordered to be paid.

(13) Where the licensing court is satisfied that any person against whom an order has been made under this section or who has been authorised under paragraph (b) of subsection twelve of this section to carry out any work specified in such an order has failed to carry out the work so specified, within the time specified in the order or within any further time allowed by the licensing court under subsection eleven of this section, such person shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(14) The provisions of subsections three, four, five and (6A) of section 40A of this Act shall apply, mutatis mutandis, to and in respect of any order made by the licensing court under this section.

Amendment  
of Act No.  
6, 1898.  
Sec. 44.  
(Goats or  
swine  
trespassing  
may be  
destroyed.)

**18.** (1) The Impounding Act, 1898, as amended by subsequent Acts, is amended by omitting the proviso to section forty-four and by inserting in lieu thereof the following proviso :—

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

(2)

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*Local Government, Liquor and Impounding (Amendment).*

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(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1964.

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BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, SYDNEY, NEW SOUTH WALES—1964



Local Government, Police and Fire Department, and  
the various other departments of the city.  
The various departments of the city are  
the various departments of the city.

The various departments of the city are  
the various departments of the city.  
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The various departments of the city are  
the various departments of the city.

*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, 11 March, 1964.*

## New South Wales



ANNO TERTIO DECIMO

ELIZABETHÆ II REGINÆ

\*\*\*\*\*

Act No. 3, 1964.

An Act to make further provisions with respect to the powers, authorities, duties and functions of councils; for this and other purposes to amend the Local Government Act, 1919, the Liquor Act, 1912, the Impounding Act, 1898, and certain other Acts; and for purposes connected therewith.  
[Assented to, 19th March, 1964.]

**B**E 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, Liquor and Impounding (Amendment) Act, 1964".  
(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.*



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*Local Government, Liquor and Impounding (Amendment).*

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(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 III—  
(Alteration  
of Cities,  
Municipali-  
ties, and  
Shires.)

**2. Part III of the Principal Act is amended—**

Sec. 21.  
(What may  
be provided  
in Gover-  
nor's pro-  
clamation.)

(a) by inserting next after paragraph (k) of subsection one of section twenty-one the following new paragraph :—

(ki) where part of an area is, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, or has been, before that commencement but after the first day of January, one thousand nine hundred and sixty-three, added to another area, and the Governor is of opinion that the circumstances so warrant, appoint to the council of the area to which the part is, or has been, added a person who has the requisite qualification for enrolment in respect of the added part and has been nominated for such appointment by the Boundaries Commission (which nomination the Boundaries Commission is hereby authorised to make), such person to act as an alderman or councillor, as the case may be, until the date of the next triennial ordinary election for such council;

(b) by inserting next after subsection (1A) of the same section the following new subsection :—

(1B) (a) Any person appointed to the council pursuant to paragraph (ki) of subsection one of this section shall for the purposes of this Act be deemed to be an alderman or councillor, as the case may be, of the council to which he is appointed.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) If an extraordinary vacancy occurs in the office of any person so appointed, the Governor may by proclamation appoint another person to fill the vacant office.

3. (1) Part IV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part IV—  
(The Coun-  
cils of  
Cities,  
Municipali-  
ties, and  
Shires.)

(a) (i) by omitting from subsection five of section twenty-three the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

(b) (i) by omitting from subsection five of section twenty-four the word "Any" and by inserting in lieu thereof the words "Subject to paragraph (ki) of subsection one of section twenty-one of this Act, any";

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

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

(8) In the application of subsection (1A), (1B) or two of this section to any council regard shall not be had to any person holding office



*Local Government, Liquor and Impounding (Amendment).*

office as a member of such council by virtue of any appointment made pursuant to paragraph (ki) of subsection one of section twenty-one of this Act.

Sec. 28.  
(Travelling  
expenses.)

- (c) by inserting in paragraph (d) of subsection one of section twenty-eight after the word "Australia" the words "or of the Local Government Electricity Association of New South Wales";

Sec. 29.  
(Allowance  
for the  
Lord Mayor  
of Sydney.)

- (d) (i) by omitting subsection five of section twenty-nine;  
(ii) by omitting from subsection six of the same section the words "other than the City of Sydney".

(2) The amendments made by paragraph (d) of subsection one of this section shall not affect the allowance payable by the Council of the City of Sydney to the Lord Mayor in respect of the year one thousand nine hundred and sixty-four.

Amendment  
of Act No.  
41, 1919.  
Part VI—  
(Adminis-  
tration.)

4. Part VI of the Principal Act is amended—

Sec. 89.  
(Deputy  
clerks.)

- (a) by inserting at the end of section eighty-nine the following new subsection :—

(2) Where, after the commencement of the Local Government, Liquor and Impounding (Amendment) Act, 1964, a vacancy occurs in the position of deputy clerk the council shall employ in that position a deputy clerk who holds the certificate of council clerk as prescribed :

Provided that the Minister on the occurrence of a vacancy as aforesaid may grant the council an exemption from this provision.

Sec. 93.  
(Failure to  
appoint.)

- (b) by inserting in section ninety-three after the word "clerk" wherever occurring the words "or deputy clerk".



*Local Government, Liquor and Impounding (Amendment).*

5. Part VII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part VII—  
(Finance.)

- (a) (i) by inserting in subsection two of section one hundred and eighteen after the word "Cumberland" the words "and in any municipality or shire to which the provisions of this subsection have been extended pursuant to subsection three of this section"; Sec. 118.  
(General rates in municipalities and shires.)
- (ii) by inserting in the same subsection after the word "municipality" where secondly and thirdly occurring the words "or shire, as the case may be";
- (iii) by omitting from paragraph (b) of the same subsection the words "adjoining such municipality (if any)" and by inserting in lieu thereof the words "(if any) adjoining such municipality or shire, as the case may be";
- (iv) by inserting in paragraph (a) of subsection three of the same section after the word "Cumberland" the words "or in any shire the area of which is wholly within the County of Cumberland or Northumberland";
- (v) by omitting from the same subsection the word "municipality" wherever, except where firstly, occurring and by inserting in lieu thereof the word "area";
- (vi) by omitting from subsection four of the same section the words "in a municipality";
- (b) by omitting from subsection two of section one hundred and fifty-eight the words "as there are in the period in respect of which such calculation is made" and by inserting in lieu thereof the words "as have elapsed between the due date and the date of payment"; Sec. 158.  
(Overdue rates—extra charge.)

(c)



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*Local Government, Liquor and Impounding (Amendment).*

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- Sec. 174.  
(Limited overdrafts.)
- (c) by omitting from subsection (2A) of section one hundred and seventy-four the words "three years" and by inserting in lieu thereof the words "five years".

Amendment  
of Act No.  
41, 1919.  
Part IX—  
(Public  
Roads.)

6. Part IX of the Principal Act is amended—

New sec.  
249E.

- (a) by inserting next after section 249D the following new section :—

Charge for  
hoards,  
fences,  
lights and  
other ap-  
pliances  
placed  
around  
dangerous  
place.

249E. (1) If any building, excavation or place near any public road is dangerous to persons or property in the neighbourhood of or in such public road the council may order the occupier of the land on which such building, excavation or place is situated or, if there is no occupier, the owner of such land to erect or instal, to the satisfaction of the council and within such time, not being less than seven days, as may be specified in the order, such hoards, fences, lights and other appliances as are necessary to protect those persons or that property.

(2) If within the period specified in the order the occupier or owner to whom the order was given does not carry out to the satisfaction of the council the work required by the order, the council may carry out the work and recover as a debt its expenses in doing so from the occupier or owner, as the case may be, in any court of competent jurisdiction.

Sec. 251A.  
(By-passes  
for motor  
vehicles.)

- (b) (i) by inserting in subsection five of section 251A after the words "motor by-pass" the words "or, where any other words or symbols are prescribed, such other words or symbols";  
(ii)



*Local Government, Liquor and Impounding (Amendment).*

- (ii) by inserting at the end of subsection six of the same section the words "and alter the wording on the notice as may be necessary so that it bears the words and symbols from time to time prescribed under subsection five of this section";
- (c) by inserting at the end of section two hundred and sixty-seven the following new subsection : — Sec. 267.  
(Removal  
of obstruc-  
tions.)
- (10) Any proceedings for the enforcement of an order made under this section in respect of any obstruction or encroachment that forms part of any licensed premises within the meaning of section 40c of the Liquor Act, 1912, as amended by subsequent Acts, shall be commenced or taken under and in accordance with the provisions of the said section 40c.
- (d) by inserting next after section 267A the following new section : — New  
sec. 267B.
- 267B. (1) Where any vehicle, or the remains of any vehicle, standing on a public road in any area is or are a danger or obstruction to traffic, or has been abandoned, and the council of that area has received a notice in writing signed by a member of the police force of or above the rank of sergeant certifying that in his opinion such vehicle or remains is or are not a motor vehicle within the meaning of Regulation 58 of the Regulations for Motor Traffic made under the Motor Traffic Act, 1909, as amended by subsequent Acts, the council may seize and take charge of and remove or tow away or cause to be removed or towed away such vehicle or remains. Removal of  
derelict  
vehicles and  
the remains  
of vehicles  
from public  
roads.
- (2) Any such vehicle or remains may, at the council's discretion, be either kept at any place set apart by the council for the purpose or, if the council is of the opinion that the vehicle or remains is or are of no value, destroyed or otherwise disposed of.

(3)



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*Local Government, Liquor and Impounding (Amendment).*

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(3) Where a vehicle or the remains of any vehicle is or are kept at any place referred to in subsection two of this section then—

(a) application for its or their release may be made by the owner of the vehicle or remains or by a person acting for or on behalf of such owner to the person in charge of the place at which the vehicle or the remains is or are kept;

(b) the applicant shall furnish evidence as to the ownership of the vehicle or remains to the satisfaction of such person in charge;

(c) the vehicle or the remains shall not be released from custody unless—

(i) such person in charge is satisfied that the applicant is the owner of the vehicle or remains or that he possesses authority to act for or on behalf of such owner;

(ii) the appropriate amount fixed by the council as the amount payable in respect of the seizure, taking charge, removal, towing away, keeping or releasing of the vehicle or remains has been paid to such person in charge;

(iii) the applicant has signed a receipt for the delivery of the vehicle or remains on a form supplied to him by such person in charge.

(4) If within a period of three months after the date upon which the vehicle or remains has or have been seized the owner or person acting for or on behalf of the owner is not entitled under subsection three of this section to have the vehicle or remains released from custody, the vehicle or remains may, after the expiration of such period, be destroyed or otherwise disposed of in accordance with the directions of the council.

(e)



*Local Government, Liquor and Impounding (Amendment).*

- (e) by inserting at the end of subsection one of section two hundred and seventy-seven the following new paragraph : —

Sec. 277.  
(Ordinances.)

- (ff) prescribing the position and the materials, height, size, design and appearance of notices erected near by-passes for motor vehicles and the words and symbols to be borne by such notices, and without limiting the generality of the foregoing, for this purpose to adopt wholly or partially or by reference any of the standard rules recommended or adopted by the Standards Association of Australia relating to the matter with which the ordinance deals.

7. (1) Part XI of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.  
Part XI—  
(Building  
Regulation.)

- (a) (i) by inserting at the end of subsection one of section three hundred and nine the following new paragraph : —

Sec. 309.  
(Proclama-  
tion of  
residential  
districts.)

Notwithstanding that an application has not been made by the council the Governor, on the recommendation of the Minister, may, by proclamation—

- (i) alter any residential district by taking land out of the residential district; and  
(ii) in respect of any land so taken out, exercise any of the powers under this section.
- (ii) by omitting from paragraph (a) of subsection (1c) of the same section the word "Where" and by inserting in lieu thereof the words "Before the Minister recommends the alteration of a residential district or where";
- (iii)



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*Local Government, Liquor and Impounding (Amendment).*

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(iii) by inserting at the end of paragraph (b) of the same subsection the words "and where the proposal is for the alteration of a residential district without an application for the alteration having been made by the council of the area concerned, such council may also object in the manner prescribed";

(iv) by omitting paragraph (c) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(c) (i) Where application is made by the council to the Governor under this section the Minister may, if in his opinion the circumstances warrant, refer the proposal to a person appointed by him for inquiry and report.

(ii) Where the Minister proposes to recommend to the Governor the alteration of a residential district under this section and the council has objected the Minister shall refer the proposal to the State Planning Authority constituted under the State Planning Authority Act, 1963, for inquiry, report and recommendation.

(v) by omitting paragraph (d) of the same subsection and by inserting in lieu thereof the following new paragraph :—

(d) (i) Where the application is made by the council to the Governor under this section the Minister after considering any objections received to the proposal or the report of the officer appointed to hold the inquiry pursuant to subparagraph (i) of paragraph (c) of this subsection, if any, may submit the proposal to the Governor for decision.

(ii)



*Local Government, Liquor and Impounding (Amendment).*

(ii) Where the recommendation made by the State Planning Authority pursuant to subparagraph (ii) of paragraph (c) of this subsection is against the proposal referred to it by the Minister, or where a majority of the electors residing in or owning land in the residential district concerned objects in writing to the Minister, then the Minister shall not proceed further with that proposal.

(b) by omitting from the heading to Division 4B the words "*City of Sydney*" and by inserting in lieu thereof the words "*Cities of Sydney, Newcastle and Greater Wollongong*"; <sup>Division 4B. (Heading.)</sup>

(c) (i) by omitting from subsection one of section 317C the words "the City of Sydney and the Council of such City" and by inserting in lieu thereof the words "the Cities of Sydney, Newcastle and Greater Wollongong and the Councils of those Cities and to and in respect of any area to which it is applied by the Governor by proclamation and to the council of that area"; <sup>Sec. 317C. (Application.)</sup>

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

(d) (i) by omitting from subsection two of section 317M the word "four" and by inserting in lieu thereof the word "five"; <sup>Sec. 317M. (Appointment.)</sup>

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

(e) one member, who shall be an officer of a council and shall be selected by the Governor from a panel of four such



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*Local Government, Liquor and Impounding (Amendment).*

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such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

The member appointed under paragraph (e) of this subsection shall not act on an appeal or reference to the board where the Council of the City of Sydney is the council concerned.

Sec. 317Q.  
(Panel.)

- (e) (i) by omitting from subsection three of section 317Q the word "ten" and by inserting in lieu thereof the word "fourteen";
- (ii) by inserting at the end of the same subsection the following new paragraph :—

(e) four members, who shall be officers of councils and shall be selected by the Governor from a panel of eight such officers nominated jointly as prescribed by the governing bodies of the Local Government Association of New South Wales and the Shires Association of New South Wales.

Sec. 319.  
(Additional provisions re ordinances.)

- (f) by omitting from subsection three of section three hundred and nineteen the words "four hundred pounds" and by inserting in lieu thereof the words "one thousand pounds".

(2) (a) For the purposes only of the appointment of the member of the Cumberland, Newcastle and Wollongong Board of Appeal referred to in paragraph (e) of subsection two of section 317M of the Principal Act, as amended by this Act, and of the members of the Cumberland, Newcastle and Wollongong Board of Appeal Panel referred to in paragraph (e) of subsection three of section 317Q of the Principal Act, as amended by this Act, the amendments made by paragraphs (d) and (e) of subsection one of this section shall commence upon the day upon which Her Majesty's assent to this Act is signified.

(b)



*Local Government, Liquor and Impounding (Amendment).*

(b) Except as provided in paragraph (a) of this subsection, the amendments made by paragraphs (b), (c), (d) and (e) of subsection one of this section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

(c) The members of the Cumberland, Newcastle and Wollongong Board of Appeal and the Cumberland, Newcastle and Wollongong Board of Appeal Panel first appointed after the commencement of this Act pursuant to paragraph (e) of subsection two of section 317M, or paragraph (e) of subsection three of section 317Q, of the Principal Act, as amended by this Act, shall—

- (i) take office as such members upon the day appointed pursuant to paragraph (b) of this subsection;
- (ii) subject to Division 4c of Part XI of the Principal Act hold office until the fourth day of August, one thousand nine hundred and sixty-six; and
- (iii) be eligible for reappointment.

8. Part XII of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.

Part XII—  
(Town  
Planning.)

- (a) by omitting from section three hundred and twenty-eight the words “may either” and by inserting in lieu thereof the words “may, if the council so agrees, either”; Sec. 328.  
(Certain  
alternative  
conditions.)
- (b) by inserting at the end of subsection one of section three hundred and thirty-one the words “by the owner of the land or by some person authorised by him in writing”; Sec. 331.  
(Decisions  
on applica-  
tions, and  
notices to  
applicants.)
- (c) by omitting the proviso to subsection one of section three hundred and thirty-three. Sec. 333.  
(Subjects  
for con-  
sideration  
re sub-  
divisions.)



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*Local Government, Liquor and Impounding (Amendment).*

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Amendment  
of Act No.  
41, 1919.

Part XIV—  
(Water,  
Sewerage,  
Drainage, or  
Electricity  
Works.)

**9. Part XIV of the Principal Act is amended—**

Sec. 392B.  
(Con-  
nections to  
water  
mains.)

(a) by omitting from paragraph (a) of subsection one of section 392B the words “by a council”;

Sec. 396A.  
(Con-  
nections to  
sewer  
mains.)

(b) by omitting from subparagraph (i) of paragraph (a) of subsection one of section 396A the words “by a council”.

Amendment  
of Act No.  
41, 1919.

Part XVII—  
(Trading.)  
Sec. 418.  
(What is a  
trading  
under-  
taking.)

**10. Part XVII of the Principal Act is amended by inserting at the end of paragraph (a) of subsection four of section four hundred and eighteen the words “but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s approval to any such agreement where the council proposes to extend its electricity trading undertaking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road”.**

Amendment  
of Act No.  
41, 1919.  
Part XVIII—  
(Impound-  
ing.)

Sec. 438.  
(When goats  
or swine  
may be  
destroyed.)

**11. Part XVIII of the Principal Act is amended by omitting the proviso to section four hundred and thirty-eight and by inserting in lieu thereof the following proviso :—**

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

**12.**



*Local Government, Liquor and Impounding (Amendment).*

12. Part XXIII of the Principal Act is amended by inserting at the end of subsection two of section five hundred and six the words “, where such approval is necessary under that subsection”.

Amendment  
of Act No.  
41, 1919.

Part XXIII—  
(Miscel-  
laneous  
Powers.)

Sec. 506.  
(Extension  
of water,  
gas,  
electricity,  
sewerage,  
and other  
works out-  
side area.)

13. Part XXIV of the Principal Act is amended—

Amendment  
of Act No.  
41, 1919.

Part XXIV—  
(Ancillary  
Powers.)

(a) (i) by inserting at the end of subsection one of section five hundred and twenty-four the following new paragraph :—

Sec. 524.  
(Entry and  
other  
powers.)

(g) in and upon any land to which this paragraph extends open any ground, dig trenches and sink test holes or bores for the purpose of ascertaining whether the land contains any deposits of materials necessary for improving or maintaining any public place under the control of the council or for the carrying out, alteration, repair, improvement or renewal of any works or undertakings authorised by or under this Act, and the extent of such deposits, and dig, raise, gather, take and carry away samples of any such materials for analysis and testing.

(ii) by omitting from subsection two of the same section the word, symbols and letter “Paragraph (f)” and by inserting in lieu thereof the words, symbols and letters “Paragraphs (f) and (g)”;

(iii)



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*Local Government, Liquor and Impounding (Amendment).*

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- (iii) by omitting from paragraph (a) of the same subsection the words "the paragraph" and by inserting in lieu thereof the word, symbols and letter "paragraph (f)";
- (iv) by inserting next after paragraph (a) of the same subsection the following new paragraph :—
  - (ai) paragraph (g) of subsection one of this section shall not be deemed to extend to the site or curtilage of a dwelling-house, or to any part of the land which is within fifty feet of any building of a permanent character, bridge, dam, jetty, or other like structure, or which is within two hundred yards of any dwelling-house;
- (v) by omitting from paragraph (e) of the same subsection the words "the council" where firstly occurring and by inserting in lieu thereof the words "in the exercise of the powers conferred by paragraph (f) of subsection one of this section, the council";
- (vi) by omitting from subsection four of the same section the words "or hole" and by inserting in lieu thereof the words "trench, hole or bore";

Sec. 530A.  
(Power to  
delegate.)

- (b) (i) by omitting subsection one of section 530A;
- (ii) by omitting from subsection six of the same section the words "or by reason of the revocation by the Governor of the proclamation applying this section to the area and the council concerned".



*Local Government, Liquor and Impounding (Amendment).*

14. Part XXIX of the Principal Act is amended by omitting from subsection nine of section five hundred and sixty-three the words “, and to the Minister,”.

Amendment  
of Act No.  
41, 1919.

Part XXIX  
—(County  
Councils.)

Sec. 563.  
(Corporate  
body.)

15. Part XXX of the Principal Act is amended by inserting next after section 625A the following new section : —

Amendment  
of Act No.  
41, 1919.

Part XXX—  
(Supple-  
mentary.)

New sec.  
625B.

625B. (1) In any proclamation, notification, ordinance, order, direction or notice made or given or purporting to be made or given under this Act with respect to the boundaries of any city, municipality, shire, county district, ward, riding, urban area or residential district or with respect to any proposal relating to any such boundaries, the boundaries of the land affected may be defined by metes and bounds or may be defined or indicated by reference to maps or plans signed by the Principal Surveyor, Department of Public Works, and deposited and catalogued in the Department of Public Works at Sydney.

Delineation  
of local  
government  
boundaries  
by reference  
to maps.

(2) Where the Minister certifies in writing to the Governor that it is desirable that the existing boundaries of any city, municipality, shire, county district, ward, riding, urban area, or residential district be described by reference to different surveys, definitions of land boundaries, or by reference to boundaries shown on plans or maps deposited and catalogued in the Department of Public Works, the Governor may by proclamation redescribe such boundaries accordingly.

On and from the publication in the Gazette of the proclamation the boundaries of the city, municipality, shire, county district, ward, riding, urban area or residential district, as the case may be, shall be as so redefined.

(3)



*Local Government, Liquor and Impounding (Amendment).*

(3) Maps or plans referred to in this section which are signed by the Principal Surveyor, Department of Public Works and deposited and catalogued in the Department of Public Works at Sydney shall be public documents to which the provisions of sections fifteen and sixteen of the Evidence Act, 1898, as amended by subsequent Acts, shall apply.

Further  
amendment  
of Act No.  
41, 1919.

**16. The Principal Act is further amended—**

Schedule  
Three.  
Sec. 6.  
(Compul-  
sory and  
optional  
valuations.)

(a) by omitting from subsection two of section six of Schedule Three the words "and assessed annual value";

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

(3) There shall be a valuation of the assessed annual value of all ratable land in the whole or part of a municipality or shire in any case where such a valuation is required in relation to the whole or part of the municipality or shire, as the case may be, for the purposes of this or any other Act, and in any other case there may be a valuation of the assessed annual value of any land within a municipality or a shire.

Amendment  
of Act No.  
42, 1912.  
New sec.  
40c.

**17. The Liquor Act, 1912, as amended by subsequent Acts, is amended by inserting next after section 40B the following new section :—**

Licensed  
premises  
causing  
obstruction  
or encroach-  
ment on  
public road.

40c. (1) In this section—

"licensed premises" means premises in respect of which a publican's license or an Australian wine license or a spirit merchant's license is held.

"removal



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*Local Government, Liquor and Impounding (Amendment).*

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“removal order” means an order made under section two hundred and sixty-seven of the Local Government Act, 1919, as amended by subsequent Acts, in respect of any obstruction or encroachment that forms part of any licensed premises.

(2) Any person who is served with a removal order shall, within a period of twenty-one days after the service on him of the removal order or within the period allowed by the removal order for the removal of the obstruction or encroachment, whichever period is the shorter, furnish a copy of such order to the licensing court and apply to the licensing court for authority to remove the obstruction or encroachment specified in the order.

(3) If the person on whom a removal order has been served fails to comply with the provisions of subsection two of this section, the council which made the removal order may apply to the licensing court for an order under this section confirming the removal order.

(4) An application under subsection two or three of this section shall be accompanied by a properly drawn plan showing the position and character of the obstruction or encroachment ordered to be removed in relation to the licensed premises.

(5) The licensing court shall decide whether to confirm or refuse to confirm the removal order.

(6) In determining the matter, the licensing court shall take into consideration whether the removal order is reasonable, having regard to—

(a) the policy of the council with respect to the removal of any obstructions, or encroachments, in the nature of buildings or structures from public roads generally in its area and in particular from public roads in its area in the vicinity of the licensed premises;

(b)



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*Local Government, Liquor and Impounding (Amendment).*

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- (b) the circumstances of the case; and
- (c) the public interest.

(7) If the licensing court confirms the removal order, it shall order the person to whom the removal order was directed to remove, within the period specified in the order served by the council, or within such further period or periods as the licensing court may by its order allow, the obstruction or encroachment from the public road.

(8) In any order made under subsection seven of this section, the licensing court may in addition to ordering the obstruction or encroachment to be removed, order that such renovation, structural alteration or rebuilding of any part of the licensed premises as in the opinion of the licensing court is rendered necessary by the removal of the obstruction or encroachment be carried out by the person against whom the order made under subsection seven of this section was made.

(9) Separate periods may be specified for the removal of the obstruction or encroachment and for the carrying out of any renovation, structural alteration or rebuilding.

(10) In specifying the period or periods within which the obstruction or encroachment shall be removed, the licensing court shall take into consideration the period allowed by the council for such removal and specified in the removal order, and the extent of any renovation, structural alteration or rebuilding which the licensing court proposes to order to be carried out pursuant to subsection eight of this section.

(11) Where the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to subsection eight of this section have not been completed within the period allowed by the order, or in any authority under paragraph (b) of subsection twelve of this



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this section, made or granted by the licensing court, the licensing court may, if the work has been substantially commenced within that period, or good cause is shown why it has not been commenced, allow such further period or periods upon application made for that purpose, as it thinks fit, having regard to the provisions of subsection ten of this section.

(12) Where an order has been made by the licensing court under this section, the licensing court may—

- (a) authorise an increase or decrease in the area licensed, and thereafter renew the license for the premises with the area so increased or decreased;
- (b) if the removal of the obstruction or encroachment and any renovation, structural alteration or rebuilding ordered by the licensing court pursuant to this section have not been completed within the period specified in the order made by the licensing court, or within any further period allowed by the licensing court under subsection ten of this section, and—
  - (i) the order made by the licensing court was made against a person (not being the occupier) of the premises—on the application of the occupier, authorise the occupier to carry out the work specified in the order; or
  - (ii) where the order made by the licensing court was made against a person (not being the owner) of the premises—on the application of the owner, authorise the owner to carry out the work specified in the order;
- (c) having regard to any obligation (other than that arising under the removal order) imposed by any lease, or otherwise, upon the occupier or owner, as the case may be, of the premises, or on any other



*Local Government, Liquor and Impounding (Amendment).*

other person having an interest in the premises, to carry out any work ordered or authorised to be carried out under this section—make such further order as the licensing court thinks fit with respect to the payment to the person carrying out any such work by the owner, or occupier, or any such other person, of the whole or any part of the cost of carrying out such work.

Any amount ordered by the licensing court to be paid pursuant to paragraph (c) of this subsection may be recovered as a debt in any court of competent jurisdiction by the person to whom the amount is ordered to be paid.

(13) Where the licensing court is satisfied that any person against whom an order has been made under this section or who has been authorised under paragraph (b) of subsection twelve of this section to carry out any work specified in such an order has failed to carry out the work so specified, within the time specified in the order or within any further time allowed by the licensing court under subsection eleven of this section, such person shall be guilty of an offence against this Act and liable to a penalty not exceeding two hundred pounds and to a further penalty not exceeding ten pounds for every day during which the order or authority has not been complied with.

(14) The provisions of subsections three, four, five and (6A) of section 40A of this Act shall apply, mutatis mutandis, to and in respect of any order made by the licensing court under this section.

Amendment  
of Act No.  
6, 1898.  
Sec. 44.  
(Goats or  
swine  
trespassing  
may be  
destroyed.)

**18.** (1) The Impounding Act, 1898, as amended by subsequent Acts, is amended by omitting the proviso to section forty-four and by inserting in lieu thereof the following proviso :—

Provided that this section shall not authorise the destruction of any goat which is clearly branded or which has around its neck a collar with the name and address of its owner legibly engraved thereon.

(2)



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*Local Government, Liquor and Impounding (Amendment).*

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(2) The Impounding Act, 1898, as amended by subsequent Acts and by this Act, may be cited as the Impounding Act, 1898-1964.

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

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 19th March, 1964.*



