

*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.*

I. P. K. VIDLER,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 22 March, 1972.*

## **New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. , 1972.**

An Act relating to the fencing of swimming pools and the exercise and performance of certain powers, authorities, duties and functions of councils; for these and other purposes to amend the Local Government Act, 1919, and the Local Government (Appeals) Amendment Act, 1971; and for purposes connected therewith.

BE



*Local Government (Amendment).*

**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 (Amendment) Act, 1972".

Short title,  
construction  
and com-  
mencement.

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

10 (3) Subject to subsection four of this section, this Act shall commence upon the day on which it receives the Royal assent.

(4) Section five of this Act shall commence upon the day on which the Local Government (Appeals) Amendment 15 Act, 1971, commences.

2. (1) Part IX of the Principal Act is amended by inserting next after subsection four of section two hundred and sixty-two the following new subsection:—

Amendment  
of Act No.  
41, 1919.

(Part IX.—  
Public  
Roads.)

20 (4A) Compensation payable in accordance with sub-  
section four of this section shall, subject to this subsec-  
tion, bear interest at the same rates and during the same  
periods as are provided in section one hundred and  
twenty-six of the Public Works Act, 1912, as if a refer-  
ence in that section to the time of the notification in the  
25 Gazette were a reference to the date as at which the  
compensation became payable, but the date as from  
which the compensation shall commence so to bear  
interest shall—

Sec. 262.  
(Realign-  
ment.)

30 (a) where the claim for compensation was made not  
later than ninety days after the date as at which  
the compensation became payable—be that date;  
or

(b)



*Local Government (Amendment).*

(b) where the claim for compensation was made after ninety days after the date as at which the compensation became payable—be the date of service of that claim.

5 (2) The provisions of subsection (4A) of section two hundred and sixty-two of the Principal Act, as amended by this section, apply only to and in respect of compensation payable as at a date that is not earlier than the commencement of this section.

10 (3) Where compensation payable in accordance with subsection four of section two hundred and sixty-two of the Principal Act as at a date that is before the commencement of this section bears interest by virtue of any law, nothing in this section shall be construed as affecting the operation of  
15 that law in as far as it applies to or in respect of that compensation.

3. Part X of the Principal Act is amended—

Further amendment of Act No. 41, 1919. (Part X.—Public Health, Safety, and Convenience.)

(a) by inserting next after section 288B the following new section :—

New sec. 288c.

20 288c. (1) In this section, "swimming pool" means an excavation or structure that is capable of holding water and that is solely or principally used, or designed or intended to be solely or principally used, by one or more persons for the  
25 purpose of swimming, wading or paddling.

Fencing of swimming pools.

(2) Where the council is, having regard to all the circumstances of the case, of the opinion that a swimming pool is or may be, by reason of

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*Local Government (Amendment).*

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its accessibility, dangerous to human life, the council may, by notice in writing served on the owner of the land on which the pool is located, either—

- 5           (a) direct him to fence or enclose the pool; or
- (b) direct him to fence or enclose the land or any part thereof on which the pool is located,

10           in such manner, and within such reasonable time, as may be specified in the notice.

             (3) The council may revoke any direction given by it under this section.

15           (4) A notice under this section shall indicate that the owner has a right of appeal under this section.

20           (5) Any owner of land who is aggrieved by a direction given to him by notice under this section in relation to a swimming pool located on that land may, within one month after service of the notice upon him, appeal—

- (a) if that land is within an area to which Division 4c of Part XI of this Act applies—to the Cumberland, Newcastle and Wollongong Board of Appeal; or
- 25           (b) if that land is within an area, or part thereof, to which Division 4d of Part XI of this Act applies—to the Country Board of Appeal,

against the direction.

30           (6) Where an appeal is made under this section—

- (a) to the Cumberland, Newcastle and Wollongong Board of Appeal, the provisions of Division 4c of Part XI of this Act shall

apply



*Local Government (Amendment).*

apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division; or

- 5 (b) to the Country Board of Appeal, the provisions of Division 4D of Part XI of this Act shall apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division,
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and for the purposes of the appeal under this section, a reference in those provisions to a decision of the council, howsoever expressed, includes a reference to the direction of the council appealed against under this section.

15

- (7) If a direction given under this section to the owner of land is not complied with within the time specified in the notice by which the direction was given, the council may enter upon the land and carry out the work which ought to have been carried out in compliance with the direction.
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- (8) All costs and expenses incurred by the council in connection with work carried out by it under subsection seven of this section upon any land shall be recoverable from the owner of the land as a debt in any court of competent jurisdiction.
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- (b) by inserting in the definition of "dangerous water-hole" in paragraph (m) of section two hundred and eighty-nine after the word "life" the words " , but does not include a swimming pool within the meaning of section 288c of this Act";
- 30
- Sec. 289.  
(Various powers of the council.)

(c)



*Local Government (Amendment).*

- (c) by omitting section 299A and by inserting in lieu thereof the following section :—

Subst. sec.  
299A.

5      299A. (1) Subject to subsection two of this section, the council may undertake the immunisation of persons voluntarily seeking immunisation against diphtheria or any other infectious or contagious disease.

Immunisation against disease.

10      (2) Immunisation under this section shall be carried out subject to and in accordance with the approval of the Board of Health as to—

- 15      (a) the antigen to be used ;  
(b) the method of administration of the antigen ;  
(c) the qualifications of the persons who may administer the antigen ;  
(d) the persons or groups or classes of persons voluntarily seeking immunisation to whom the antigen may be administered ; and  
(e) the maintenance of records of immunisation.

20      4. Part XIII of the Principal Act is amended by omitting subsection five of section 365A and by inserting in lieu thereof the following subsection :—

Further amendment of Act No. 41, 1919.

(Part XIII.—Public Recreation.)

25      (5) The foregoing provisions of this section apply to and in respect of the Cenotaph, situated on land which, at the commencement of the subsection which this subsection replaces, was part of Martin Place in the City of Sydney, and those provisions so apply in the same manner as they apply to and in respect of other public monuments, memorials, statues and the like referred to in subsection two of this section.

Sec. 365A. (Control of Cenotaph, monuments and the like.)



*Local Government (Amendment).*

5. (1) The Local Government (Appeals) Amendment Act, 1971, is amended by inserting next after section seven the following new section :—

Amendment  
of Act No.  
78, 1971.  
New sec.  
7A.

5 7A. Part X of the Principal Act, as amended by section three of the Local Government (Amendment) Act, 1972, is amended by omitting subsections five and six of section 288c and by inserting in lieu thereof the following subsections :—

Further  
amendment  
of Act No.  
41, 1919.

10 (5) Any owner of land who is aggrieved by a direction given to him under this section may, within one month after service of the notice upon him, appeal against the direction to the Tribunal.

(Part X.—  
Public  
Health,  
Safety, and  
Conven-  
ience.)  
Sec. 288c.  
(Fencing of  
swimming  
pools.)

15 (6) Where an appeal is made under this section, a reference in Part XIIB of this Act to a decision of a council, howsoever expressed, includes a reference to that direction.

20 (2) A reference in section eleven of the Local Government (Appeals) Amendment Act, 1971, to the Principal Act includes a reference to the Local Government Act, 1919, as amended by section three of this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972  
[10c]



1. The first of these is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.

2. The second is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.

3. The third is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.

4. The fourth is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.

5. The fifth is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.

6. The sixth is the fact that the Government has not yet decided whether it will accept the recommendations of the Committee on the Administration of Justice.



No. , 1972.

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# A BILL

Relating to the fencing of swimming pools and the exercise and performance of certain powers, authorities, duties and functions of councils; for these and other purposes to amend the Local Government Act, 1919, and the Local Government (Appeals) Amendment Act, 1971; and for purposes connected therewith.

[MR MORTON—21 March, 1972.]

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

10 (3) Subject to subsection four of this section, this Act shall commence upon the day on which it receives the Royal assent.

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2. (1) Part IX of the Principal Act is amended by inserting next after subsection four of section two hundred and sixty-two the following new subsection :—

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41, 1919.

(Part IX.—  
Public  
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20 (4A) Compensation payable in accordance with sub-  
section four of this section shall, subject to this subsec-  
tion, bear interest at the same rates and during the same  
periods as are provided in section one hundred and  
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compensation became payable, but the date as from  
which the compensation shall commence so to bear  
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Sec. 262.

(Realign-  
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30 (a) where the claim for compensation was made not  
later than ninety days after the date as at which  
the compensation became payable—be that date;  
or

(b)



*Local Government (Amendment).*

(b) where the claim for compensation was made after ninety days after the date as at which the compensation became payable—be the date of service of that claim.

5 (2) The provisions of subsection (4A) of section two hundred and sixty-two of the Principal Act, as amended by this section, apply only to and in respect of compensation payable as at a date that is not earlier than the commencement of this section.

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Further amendment of Act No. 41, 1919.  
(Part X.—Public Health, Safety, and Convenience.)

(a) by inserting next after section 288B the following new section :—

New sec. 288c.

20 288c. (1) In this section, "swimming pool" means an excavation or structure that is capable of holding water and that is solely or principally used, or designed or intended to be solely or principally used, by one or more persons for the  
25 purpose of swimming, wading or paddling.

Fencing of swimming pools.

(2) Where the council is, having regard to all the circumstances of the case, of the opinion that a swimming pool is or may be, by reason of

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*Local Government (Amendment).*

its accessibility, dangerous to human life, the council may, by notice in writing served on the owner of the land on which the pool is located, either—

- 5           (a) direct him to fence or enclose the pool; or  
              (b) direct him to fence or enclose the land or any part thereof on which the pool is located,

10           in such manner, and within such reasonable time, as may be specified in the notice.

             (3) The council may revoke any direction given by it under this section.

15           (4) A notice under this section shall indicate that the owner has a right of appeal under this section.

20           (5) Any owner of land who is aggrieved by a direction given to him by notice under this section in relation to a swimming pool located on that land may, within one month after service of the notice upon him, appeal—

- (a) if that land is within an area to which Division 4c of Part XI of this Act applies—to the Cumberland, Newcastle and Wollongong Board of Appeal; or  
 25           (b) if that land is within an area, or part thereof, to which Division 4p of Part XI of this Act applies—to the Country Board of Appeal,

against the direction.

30           (6) Where an appeal is made under this section—

- (a) to the Cumberland, Newcastle and Wollongong Board of Appeal, the provisions of Division 4c of Part XI of this Act shall

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*Local Government (Amendment).*

apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division; or

- 5 (b) to the Country Board of Appeal, the provisions of Division 4D of Part XI of this Act shall apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division,
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and for the purposes of the appeal under this section, a reference in those provisions to a decision of the council, howsoever expressed, includes a reference to the direction of the council appealed against under this section.

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- (7) If a direction given under this section to the owner of land is not complied with within the time specified in the notice by which the direction was given, the council may enter upon the land and carry out the work which ought to have been carried out in compliance with the direction.
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- (8) All costs and expenses incurred by the council in connection with work carried out by it under subsection seven of this section upon any land shall be recoverable from the owner of the land as a debt in any court of competent jurisdiction.
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- (b) by inserting in the definition of "dangerous water-hole" in paragraph (m) of section two hundred and eighty-nine after the word "life" the words " , but does not include a swimming pool within the meaning of section 288c of this Act";
- 30

Sec. 289.  
(Various powers of the council.)

(c)



*Local Government (Amendment).*

- (c) by omitting section 299A and by inserting in lieu thereof the following section :— Subst. sec. 299A.

5      299A. (1) Subject to subsection two of this section, the council may undertake the immunisation of persons voluntarily seeking immunisation against diphtheria or any other infectious or contagious disease. Immunisation against disease.

10      (2) Immunisation under this section shall be carried out subject to and in accordance with the approval of the Board of Health as to—

- 15      (a) the antigen to be used;
- (b) the method of administration of the antigen;
- (c) the qualifications of the persons who may administer the antigen;
- (d) the persons or groups or classes of persons voluntarily seeking immunisation to whom the antigen may be administered; and
- (e) the maintenance of records of immunisation.

20      4. Part XIII of the Principal Act is amended by omitting subsection five of section 365A and by inserting in lieu thereof the following subsection :— Further amendment of Act No. 41, 1919.

25      (5) The foregoing provisions of this section apply to and in respect of the Cenotaph, situated on land which, at the commencement of the subsection which this subsection replaces, was part of Martin Place in the City of Sydney, and those provisions so apply in the same manner as they apply to and in respect of other public monuments, memorials, statues and the like referred to in subsection two of this section. (Part XIII.—Public Recreation.)  
Sec. 365A.  
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*Local Government (Amendment).*

5. (1) The Local Government (Appeals) Amendment Act, 1971, is amended by inserting next after section seven the following new section :—

Amendment  
of Act No.  
78, 1971.  
New sec.  
7A.

5 7A. Part X of the Principal Act, as amended by section three of the Local Government (Amendment) Act, 1972, is amended by omitting subsections five and six of section 288c and by inserting in lieu thereof the following subsections :—

Further  
amendment  
of Act No.  
41, 1919.  
(Part X.—  
Public  
Health,  
Safety, and  
Convenience.)

10 (5) Any owner of land who is aggrieved by a direction given to him under this section may, within one month after service of the notice upon him, appeal against the direction to the Tribunal.

Sec. 288c.  
(Fencing of  
swimming  
pools.)

15 (6) Where an appeal is made under this section, a reference in Part XIIIB of this Act to a decision of a council, howsoever expressed, includes a reference to that direction.

(2) A reference in section eleven of the Local Government (Appeals) Amendment Act, 1971, to the Principal Act includes a reference to the Local Government Act, 1919, as amended by section three of this Act.

BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972  
[10c]



1. The Commission has received a request from the Government of the State of New York for a review of the State's financial management system.

2. The Commission has also received a request from the Government of the State of New York for a review of the State's financial management system.

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## **LOCAL GOVERNMENT (AMENDMENT) BILL, 1972**

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### **EXPLANATORY NOTE**

THE objects of this Bill are—

- (a) to provide for the payment of interest at certain rates on amounts payable as compensation by councils on land to which the realignment method of acquisition has been applied;
- (b) to enable a council to issue a direction requiring the owner of land on which a swimming pool is located to fence the swimming pool in certain circumstances;
- (c) to confer upon the owner of land a right of appeal against a direction referred to in paragraph (b) hereof;
- (d) to require that immunisation schemes undertaken by councils are to be subject to the approval of the Board of Health in certain respects;
- (e) to provide for the continuance of the control and protection of the Cenotaph in Martin Place, Sydney; and
- (f) to make other provisions of a consequential or ancillary character.



PROOF

# LOCAL GOVERNMENT ACT, 1972

## EXPLANATORY NOTES

The object of this Bill is to

- (a) to provide for the establishment of local government areas in the State;
- (b) to provide for the election of members to the local government areas;
- (c) to provide for the powers and functions of the local government areas;
- (d) to provide for the powers and functions of the State Government;
- (e) to provide for the powers and functions of the State Government;
- (f) to provide for the powers and functions of the State Government;
- (g) to provide for the powers and functions of the State Government;
- (h) to provide for the powers and functions of the State Government;
- (i) to provide for the powers and functions of the State Government;
- (j) to provide for the powers and functions of the State Government;
- (k) to provide for the powers and functions of the State Government;
- (l) to provide for the powers and functions of the State Government;
- (m) to provide for the powers and functions of the State Government;
- (n) to provide for the powers and functions of the State Government;
- (o) to provide for the powers and functions of the State Government;
- (p) to provide for the powers and functions of the State Government;
- (q) to provide for the powers and functions of the State Government;
- (r) to provide for the powers and functions of the State Government;
- (s) to provide for the powers and functions of the State Government;
- (t) to provide for the powers and functions of the State Government;
- (u) to provide for the powers and functions of the State Government;
- (v) to provide for the powers and functions of the State Government;
- (w) to provide for the powers and functions of the State Government;
- (x) to provide for the powers and functions of the State Government;
- (y) to provide for the powers and functions of the State Government;
- (z) to provide for the powers and functions of the State Government;



*PROOF*

No. , 1972.

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Relating to the fencing of swimming pools and the exercise and performance of certain powers, authorities, duties and functions of councils; for these and other purposes to amend the Local Government Act, 1919, and the Local Government (Appeals) Amendment Act, 1971; and for purposes connected therewith.

[Mr MORTON—21 *March*, 1972.]

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Short title,  
construction  
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mencement.

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

10 (3) Subject to subsection four of this section, this  
Act shall commence upon the day on which it receives the  
Royal assent.

(4) Section five of this Act shall commence upon the  
day on which the Local Government (Appeals) Amendment  
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2. (1) Part IX of the Principal Act is amended by  
inserting next after subsection four of section two hundred  
and sixty-two the following new subsection :—

Amendment  
of Act No.  
41, 1919.

(Part IX.—  
Public  
Roads.)

20 (4A) Compensation payable in accordance with sub-  
section four of this section shall, subject to this subsec-  
tion, bear interest at the same rates and during the same  
periods as are provided in section one hundred and  
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25 ence in that section to the time of the notification in the  
Gazette were a reference to the date as at which the  
compensation became payable, but the date as from  
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30 (a) where the claim for compensation was made not  
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the compensation became payable—be that date ;  
or

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*Local Government (Amendment).*

(b) where the claim for compensation was made after ninety days after the date as at which the compensation became payable—be the date of service of that claim.

5 (2) The provisions of subsection (4A) of section two hundred and sixty-two of the Principal Act, as amended by this section, apply only to and in respect of compensation payable as at a date that is not earlier than the commencement of this section.

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Further amendment of Act No. 41, 1919.

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(a) by inserting next after section 288B the following new section : —

New sec. 288c.

20 288c. (1) In this section, "swimming pool" means an excavation or structure that is capable of holding water and that is solely or principally used, or designed or intended to be solely or principally used, by one or more persons for the  
25 purpose of swimming, wading or paddling.

Fencing of swimming pools.

(2) Where the council is, having regard to all the circumstances of the case, of the opinion that a swimming pool is or may be, by reason of

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- 5 (a) direct him to fence or enclose the pool; or  
(b) direct him to fence or enclose the land or any part thereof on which the pool is located,

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(3) The council may revoke any direction given by it under this section.

15 (4) A notice under this section shall indicate that the owner has a right of appeal under this section.

20 (5) Any owner of land who is aggrieved by a direction given to him by notice under this section in relation to a swimming pool located on that land may, within one month after service of the notice upon him, appeal—

- (a) if that land is within an area to which Division 4C of Part XI of this Act applies—to the Cumberland, Newcastle and Wollongong Board of Appeal; or  
25 (b) if that land is within an area, or part thereof, to which Division 4D of Part XI of this Act applies—to the Country Board of Appeal,

against the direction.

30 (6) Where an appeal is made under this section—

- (a) to the Cumberland, Newcastle and Wollongong Board of Appeal, the provisions of Division 4C of Part XI of this Act shall

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apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division; or

- 5 (b) to the Country Board of Appeal, the provisions of Division 4D of Part XI of this Act shall apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division,
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and for the purposes of the appeal under this section, a reference in those provisions to a decision of the council, howsoever expressed, includes a reference to the direction of the council appealed against under this section.

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- (7) If a direction given under this section to the owner of land is not complied with within the time specified in the notice by which the direction was given, the council may enter upon the land and carry out the work which ought to have been carried out in compliance with the direction.
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- (8) All costs and expenses incurred by the council in connection with work carried out by it under subsection seven of this section upon any land shall be recoverable from the owner of the land as a debt in any court of competent jurisdiction.
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- (b) by inserting in the definition of "dangerous water-hole" in paragraph (m) of section two hundred and eighty-nine after the word "life" the words " , but does not include a swimming pool within the meaning of section 288C of this Act";
- 30
- Sec. 289. (Various powers of the council.)

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- (c) by omitting section 299A and by inserting in lieu thereof the following section :—

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5      299A. (1) Subject to subsection two of this section, the council may undertake the immunisation of persons voluntarily seeking immunisation against diphtheria or any other infectious or contagious disease.

Immunisation against disease.

10      (2) Immunisation under this section shall be carried out subject to and in accordance with the approval of the Board of Health as to—

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20      4. Part XIII of the Principal Act is amended by omitting subsection five of section 365A and by inserting in lieu thereof the following subsection :—

Further amendment of Act No. 41, 1919. (Part XIII.—Public Recreation.)

25      (5) The foregoing provisions of this section apply to and in respect of the Cenotaph, situated on land which, at the commencement of the subsection which this subsection replaces, was part of Martin Place in the City of Sydney, and those provisions so apply in the same manner as they apply to and in respect of other public monuments, memorials, statues and the like referred to in subsection two of this section.

Sec. 365A. (Control of Cenotaph, monuments and the like.)



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*Local Government (Amendment).*

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5. (1) The Local Government (Appeals) Amendment Act, 1971, is amended by inserting next after section seven the following new section :—

Amendment  
of Act No.  
78, 1971.  
New sec.  
7A.

5        7A. Part X of the Principal Act, as amended by section three of the Local Government (Amendment) Act, 1972, is amended by omitting subsections five and six of section 288c and by inserting in lieu thereof the following subsections :—

Further  
amendment  
of Act No.  
41, 1919.

(Part X.—  
Public  
Health,  
Safety, and  
Convenience.)

10        (5) Any owner of land who is aggrieved by a direction given to him under this section may, within one month after service of the notice upon him, appeal against the direction to the Tribunal.

Sec. 288c.  
(Fencing of  
swimming  
pools.)

15        (6) Where an appeal is made under this section, a reference in Part XIIIB of this Act to a decision of a council, howsoever expressed, includes a reference to that direction.

(2) A reference in section eleven of the Local Government (Appeals) Amendment Act, 1971, to the Principal Act includes a reference to the Local Government Act, 1919, as amended by section three of this Act.

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BY AUTHORITY

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1972







*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.*

**I. P. K. VIDLER,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 23 March, 1972.*

## **New South Wales**



ANNO VICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 30, 1972.**

An Act relating to the fencing of swimming pools and the exercise and performance of certain powers, authorities, duties and functions of councils; for these and other purposes to amend the Local Government Act, 1919, and the Local Government (Appeals) Amendment Act, 1971; and for purposes connected therewith. [Assented to, 11th April, 1972.]

BE

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

**L. A. PUNCH,**  
*Chairman of Committees of the Legislative Assembly.*



*Local Government (Amendment).*

**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 :—

Short title,  
construction  
and com-  
mencement.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1972".

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

(3) Subject to subsection four of this section, this Act shall commence upon the day on which it receives the Royal assent.

(4) Section five of this Act shall commence upon the day on which the Local Government (Appeals) Amendment Act, 1971, commences.

Amendment  
of Act No.  
41, 1919.  
(Part IX.—  
Public  
Roads.)  
Sec. 262.  
(Realign-  
ment.)

2. (1) Part IX of the Principal Act is amended by inserting next after subsection four of section two hundred and sixty-two the following new subsection :—

(4A) Compensation payable in accordance with subsection four of this section shall, subject to this subsection, bear interest at the same rates and during the same periods as are provided in section one hundred and twenty-six of the Public Works Act, 1912, as if a reference in that section to the time of the notification in the Gazette were a reference to the date as at which the compensation became payable, but the date as from which the compensation shall commence so to bear interest shall—

(a) where the claim for compensation was made not later than ninety days after the date as at which the compensation became payable—be that date;  
or

(b)



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*Local Government (Amendment).*

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- (b) where the claim for compensation was made after ninety days after the date as at which the compensation became payable—be the date of service of that claim.

(2) The provisions of subsection (4A) of section two hundred and sixty-two of the Principal Act, as amended by this section, apply only to and in respect of compensation payable as at a date that is not earlier than the commencement of this section.

(3) Where compensation payable in accordance with subsection four of section two hundred and sixty-two of the Principal Act as at a date that is before the commencement of this section bears interest by virtue of any law, nothing in this section shall be construed as affecting the operation of that law in as far as it applies to or in respect of that compensation.

3. Part X of the Principal Act is amended—

Further amendment of Act No. 41, 1919.  
(Part X.—Public Health, Safety, and Convenience.)

- (a) by inserting next after section 288B the following new section :—

New sec. 288c.

288c. (1) In this section, "swimming pool" means an excavation or structure that is capable of holding water and that is solely or principally used, or designed or intended to be solely or principally used, by one or more persons for the purpose of swimming, wading or paddling.

Fencing of swimming pools.

(2) Where the council is, having regard to all the circumstances of the case, of the opinion that a swimming pool is or may be, by reason of

its



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*Local Government (Amendment).*

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its accessibility, dangerous to human life, the council may, by notice in writing served on the owner of the land on which the pool is located, either—

- (a) direct him to fence or enclose the pool; or
- (b) direct him to fence or enclose the land or any part thereof on which the pool is located,

in such manner, and within such reasonable time, as may be specified in the notice.

(3) The council may revoke any direction given by it under this section.

(4) A notice under this section shall indicate that the owner has a right of appeal under this section.

(5) Any owner of land who is aggrieved by a direction given to him by notice under this section in relation to a swimming pool located on that land may, within one month after service of the notice upon him, appeal—

- (a) if that land is within an area to which Division 4c of Part XI of this Act applies—to the Cumberland, Newcastle and Wollongong Board of Appeal; or
- (b) if that land is within an area, or part thereof, to which Division 4d of Part XI of this Act applies—to the Country Board of Appeal,

against the direction.

(6) Where an appeal is made under this section—

- (a) to the Cumberland, Newcastle and Wollongong Board of Appeal, the provisions of Division 4c of Part XI of this Act shall

apply



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*Local Government (Amendment).*

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apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division; or

- (b) to the Country Board of Appeal, the provisions of Division 4D of Part XI of this Act shall apply to and in respect of the appeal in the same manner as they apply to and in respect of an appeal against a decision of a council dealt with under that Division,

and for the purposes of the appeal under this section, a reference in those provisions to a decision of the council, howsoever expressed, includes a reference to the direction of the council appealed against under this section.

(7) If a direction given under this section to the owner of land is not complied with within the time specified in the notice by which the direction was given, the council may enter upon the land and carry out the work which ought to have been carried out in compliance with the direction.

(8) All costs and expenses incurred by the council in connection with work carried out by it under subsection seven of this section upon any land shall be recoverable from the owner of the land as a debt in any court of competent jurisdiction.

- (b) by inserting in the definition of "dangerous water-hole" in paragraph (m) of section two hundred and eighty-nine after the word "life" the words ", but does not include a swimming pool within the meaning of section 288c of this Act";

Sec. 289.  
(Various powers of the council.)

(c)



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*Local Government (Amendment).*

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Subst. sec.  
299A.

- (c) by omitting section 299A and by inserting in lieu thereof the following section :—

Immunisa-  
tion against  
disease.

299A. (1) Subject to subsection two of this section, the council may undertake the immunisation of persons voluntarily seeking immunisation against diphtheria or any other infectious or contagious disease.

(2) Immunisation under this section shall be carried out subject to and in accordance with the approval of the Board of Health as to—

- (a) the antigen to be used ;
- (b) the method of administration of the antigen ;
- (c) the qualifications of the persons who may administer the antigen ;
- (d) the persons or groups or classes of persons voluntarily seeking immunisation to whom the antigen may be administered ; and
- (e) the maintenance of records of immunisation.

Further  
amendment  
of Act No.  
41, 1919.

(Part XIII.—  
Public  
Recreation.)

Sec. 365A.

(Control of  
Cenotaph,  
monuments  
and the  
like.)

4. Part XIII of the Principal Act is amended by omitting subsection five of section 365A and by inserting in lieu thereof the following subsection :—

(5) The foregoing provisions of this section apply to and in respect of the Cenotaph, situated on land which, at the commencement of the subsection which this subsection replaces, was part of Martin Place in the City of Sydney, and those provisions so apply in the same manner as they apply to and in respect of other public monuments, memorials, statues and the like referred to in subsection two of this section.



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*Local Government (Amendment).*

---

5. (1) The Local Government (Appeals) Amendment Act, 1971, is amended by inserting next after section seven the following new section :—

Amendment  
of Act No.  
78, 1971.

New sec.  
7A.

7A. Part X of the Principal Act, as amended by section three of the Local Government (Amendment) Act, 1972, is amended by omitting subsections five and six of section 288c and by inserting in lieu thereof the following subsections :—

Further  
amendment  
of Act No.  
41, 1919.

(Part X.—  
Public  
Health,  
Safety, and  
Conven-  
ience.)

(5) Any owner of land who is aggrieved by a direction given to him under this section may, within one month after service of the notice upon him, appeal against the direction to the Tribunal.

Sec. 288c.  
(Fencing of  
swimming  
pools.)

(6) Where an appeal is made under this section, a reference in Part XIIb of this Act to a decision of a council, howsoever expressed, includes a reference to that direction.

(2) A reference in section eleven of the Local Government (Appeals) Amendment Act, 1971, to the Principal Act includes a reference to the Local Government Act, 1919, as amended by section three of this Act.

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

L. J. HERRON, C.J.

*By Deputation from*

*His Excellency the Governor.*

*Government House,*

*Sydney, 11th April, 1972.*



Act No. 30, 1972

Local Government Act

1. The Local Government Act, 1972, is hereby repealed.

2. The Local Government Act, 1972, is hereby amended by substituting the following for section 2:

2. The Local Government Act, 1972, is hereby amended by substituting the following for section 2:

3. The Local Government Act, 1972, is hereby amended by substituting the following for section 3:

4. The Local Government Act, 1972, is hereby amended by substituting the following for section 4:

5. The Local Government Act, 1972, is hereby amended by substituting the following for section 5:

Government House,

Sydney, 11th June 1972.