

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

Act No. , 1972.

An Act to provide for the division of New South Wales into regions or districts for the purpose of encouraging and stimulating regional development; to provide for the establishment of advisory councils for those regions and districts and to confer or impose on those advisory councils certain powers, authorities, duties and functions; to amend the State Planning Authority Act, 1963; and for purposes connected therewith.

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Regional Organisation Act, 1972". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–3.

15 PART II.—REGIONS AND DISTRICTS—s. 4.

PART III.—ADVISORY COUNCILS—ss. 5–25.

PART IV.—GENERAL—ss. 26–33.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

20 "administrative representative" means a member appointed under section fourteen of this Act;

"advisory council" means the council for a region or district constituted under this Act;

25 "citizen representative" means a member appointed under section fifteen of this Act;

"district"

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- “district” means a district established under this Act;
- “Electoral Commissioner” means the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act, 1912;
- 5 “electorate”, in relation to an election of local government representatives or alternate local government representatives, means—
- (a) where the election is to be held in respect of a region or district not divided into ridings—that region or district; or
- 10 (b) where the election is to be held in respect of a region or district divided into ridings—the riding or each of the ridings in respect of which the election is to be held;
- 15 “executive officer”, in relation to a region or district, means the person holding office as the executive officer of that region or district under section twenty-three of this Act;
- 20 “local government area” means an area within the meaning of the Local Government Act, 1919;
- “local government council” has the meaning ascribed to the expression “council” in the Local Government Act, 1919;
- 25 “local government representative” means a member elected as a local government representative under section ten of this Act;
- “member” means a member of an advisory council;
- “member of a local government council” has the meaning ascribed to the expression “member of a council”
- 30 in the Local Government Act, 1919;
- “region” means a region established under this Act.

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PART II.

REGIONS AND DISTRICTS.

4. (1) The Minister may, by order published in the Establishment of regions and districts.
Gazette—
- 5 (a) establish areas as regions or districts and define their boundaries;
- (b) change the boundaries of any region or district;
- (c) abolish any region or district; or
- (d) give a name or designation to any region or district.
- 10 (2) A region or district shall comprise or include one or more local government areas or parts of local government areas.
- (3) Where, pursuant to subsection one of this section, the boundaries of a region or district are changed, any ridings
15 into which the region or district is divided under Part III of this Act are thereupon abolished but the change does not affect the membership of the advisory council for that region or district except for the purposes of any subsequent election in respect of an electorate comprising or included in that region
20 or district.

PART III.

ADVISORY COUNCILS.

5. An advisory council for a region or district shall consist Constitution of advisory councils.
of the persons elected or appointed thereto in accordance with
25 the provisions of this Part as local government representatives, administrative representatives or citizen representatives.

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6. (1) Subject to this section, the Electoral Commis- Ridings.
sioner—

- (a) shall, within three months after the establishment
of a region or district; or
- 5 (b) shall, where any ridings into which a region or
district is divided are abolished under subsection
three of section four of this Act, within three months
after the abolition,

divide that region or district into ridings or determine that that
10 region or district shall not be divided into ridings.

(2) Subject to this section, the Electoral Commis-
sioner may—

- (a) where a region or district is not divided into ridings
—at any time divide the region or district into
15 ridings; or
- (b) where a region or district is divided into ridings—
from time to time, change the boundaries of the
ridings into which the region or district is divided
or abolish the ridings into which the region or
20 district is divided.

(3) A region or district shall not be divided into more
than seven ridings.

(4) In exercising or performing any of his powers or
duties under subsection one or two of this section in relation
25 to a region or district the Electoral Commissioner shall have
regard to—

- (a) the distribution of population within that region or
district;
- (b) the community of interest of groups of persons
30 within that region or district;

(c)

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- (c) the boundaries of the local government areas within that region or district;
- (d) the areas of any ridings into which it is proposed to divide that region or district; and
- 5 (e) any recommendations made to him by—
 - (i) the Director of the Department of Decentralisation and Development;
 - (ii) the Local Government Association of New South Wales; and
 - 10 (iii) the Shires Association of New South Wales,

in relation to that exercise or performance.

(5) As soon as practicable after exercising or performing any of his powers or duties under subsection one or two of this section, the Electoral Commissioner shall—

- 15 (a) give the prescribed notice in a newspaper circulating in the region or district affected; and
- (b) forward the prescribed notice to the Minister and to the executive officer of the region or district affected.

20 7. (1) The Minister shall, within one month after receipt by him of a notice under subsection five of section six of this Act relating to the performance by the Electoral Commissioner of a duty imposed on him by subsection one of that section or to the exercise of that Commissioner's powers
 25 under paragraph (a) of subsection two of that section, determine in respect of the region or district to which the notice relates—

- (a) the number (not exceeding seven) of persons to be elected; and
- 30 (b) where that region or district has been divided into ridings, how many of that number are to be elected in respect of each of those ridings,

as

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as local government representatives at elections of the local government representatives on the advisory council for that region or district.

5 (2) The Minister may, at any time after a determination has been made under subsection one of this section in relation to a region or district, make a further determination, in relation to that region or district (whether or not its boundaries have been changed), as to either of the matters referred to in paragraphs (a) and (b) of that subsection.

10 (3) Any determination made under this section supersedes any previous determination so made and relating to the region or district affected.

15 (4) The Minister shall, as soon as practicable after making a determination referred to in subsection one or two of this section, give notice in writing of that determination to the executive officer of the region or district affected.

20 8. Any division of a region or district into ridings or any change of the boundaries of, or the abolition of, the ridings into which a region or district is divided, effected under this Part, and any determination made under section seven of this Act does not affect the membership of the advisory council for the region or district affected but any such determination has effect for the purposes of any subsequent election in respect of an electorate to which the determination relates.

Alteration of division of region or district not to affect membership of advisory council.

25 9. (1) Where the Minister makes a determination under subsection one or two of section seven of this Act—

Direction for elections to be held.

30 (a) in the case of a determination made by reason of the Electoral Commissioner having given a notice under subsection five of section six of this Act of the performance of his duties under subsection one of that section by reason of the establishment of a region or district, the Minister shall; or

(b) in any other case, the Minister may,

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at the time he makes the determination, direct that an election shall be held in respect of the region or district affected by the determination or, if the region or district is divided into ridings, in respect of the ridings or any one or more of the
5 ridings of that region or district.

(2) The Minister shall, as soon as practicable after giving a direction under subsection one of this section, give notice in writing of that direction to the executive officer of the region or district affected by the direction.

10 10. (1) The executive officer of a region or district shall Elections.
as soon as practicable after receipt of notice of a direction given by the Minister under subsection one of section nine of this Act in respect of an electorate, cause elections to be held in the prescribed manner for the election of—

15 (a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that electorate; and

20 (b) an equal number of alternate local government representatives.

(2) Subject to subsection three of this section, the executive officer of a region or district shall, within two months after the day appointed by paragraph (b) of subsection
25 one of section thirty-nine of the Local Government Act, 1919, cause elections to be held in the prescribed manner for the election of—

(a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that region
30 or district; and

(b)

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- (b) an equal number of alternate local government representatives,

for the electorate, or each electorate, comprised in the region or district.

- 5 (3) Where elections are held under subsection one of this section in respect of any electorate, being the whole of a region or district, within a period of six months before the day referred to in subsection two of this section, the next subsequent election for that electorate that, but for this sub-
10 section, would be required to be held by subsection two of this section, shall not be held.

11. A person shall be eligible for election under this Part Elections—
as a local government representative or alternate local eligibility
government representative if he— for election.

- 15 (a) is nominated as prescribed ;
(b) is ordinarily resident in the electorate for which he is a candidate for election ; and
(c) is not an officer, employee, member or servant of a
20 Government Department or public authority, other than a local government council of a local government area comprised wholly or partly within that electorate.

12. A member of a local government council of a local Elections—
government area comprised wholly or partly within an elec- eligibility
25 torate and holding office at the date of an election under this to vote.
Part shall be eligible to vote at that election in respect of that electorate.

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13. (1) Upon the completion of an election held under section ten of this Act in respect of any electorate, the executive officer of the region or district concerned shall forthwith give notice in writing to the Minister specifying the persons he declares to be elected for that electorate.

Declaration
of poll.

(2) As soon as practicable after the receipt of a notice referred to in subsection one of this section, the Minister shall cause particulars of that notice to be published in the Gazette.

10 (3) On the publication under subsection two of this section of the particulars referred to in that subsection—

15 (a) the persons, if any, holding office immediately before that publication as local government representatives for the electorate to which the particulars relate or for any previous electorate forming part of that electorate, shall cease to hold office and the persons specified in the particulars so published as local government representatives for that electorate shall take office as local government representatives for that electorate;

20 (b) the previous alternate local government representatives, if any, for that electorate or for any previous electorate forming part of that electorate shall cease to be alternate local government representatives for that electorate and the persons specified in the particulars so published as alternate local government representatives for that electorate shall become alternate local government representatives for that electorate; and

25 (c) where the election is held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act, the persons, if any, holding office immediately before that publication as citizen representatives for the electorate to which the particulars relate shall cease to hold office and the persons appointed as
35 citizen

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citizen representatives for that electorate pursuant to subsection one of section fifteen of this Act shall take office as citizen representatives for that electorate.

5 **14.** (1) The Minister may at any time require the officer in charge of any Government Department or public authority to submit to him, within such time and in such manner as he may specify in that requirement, a list of persons, being respectively—

10 (a) officers or employees of that Government Department; or

(b) members or servants of that public authority, nominated by that officer for appointment under this section.

(2) The Minister shall from time to time appoint as
15 administrative representatives on an advisory council for a region or district such number of persons nominated in accordance with subsection one of this section as is necessary for the advisory council to include the same number of administrative
20 representatives as the number of local government representatives elected at the last election for that region or district held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act.

(3) In appointing persons as administrative representatives, the Minister shall have regard to—

(a) the age, experience, qualifications and training of those persons; and

(b) any recommendations made by the Minister for
30 Local Government as to the suitability of each of those persons for appointment under this section.

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15. (1) The Minister shall, whenever an election of the local government representatives on an advisory council is held pursuant to a direction given by him in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act or whenever the number of citizen representatives on an advisory council is less than the prescribed number, appoint to be citizen representatives on that advisory council such number of persons who—
- 10 (a) are ordinarily resident in the region or district of that advisory council; and
 - (b) are not officers, employees, members or servants of a Government Department or public authority other than—
- 15 (i) a local government council of a local government area comprised wholly or partly in that region or district; or
 - (ii) a research institution or tertiary educational establishment,
- 20 as is necessary for that advisory council to include the prescribed number of citizen representatives.
- (2) The Minister shall, as far as practicable, appoint as a citizen representative on each advisory council at least one person who is employed in the conduct of a research
- 25 institution or tertiary educational establishment.
- (3) In appointing persons as citizen representatives the Minister shall have regard to any recommendations made by the Minister for Local Government as to the suitability of each of those persons for appointment under this section.
- 30 (4) In this section, "prescribed number", in relation to an advisory council, means the number equal to the number of local government representatives last elected to that advisory council at an election referred to in subsection one of this section.

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16. (1) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate, an alternate local government representative for that electorate, selected as prescribed, shall assume office as a member of that advisory council and shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

(2) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate and there is no alternate local government representative for that electorate to fill the vacancy, the Minister may appoint a person eligible to be elected as a local government representative for that electorate to act as a local government representative on that advisory council and any person so appointed shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

(3) Where a member of an advisory council for a region or district who holds office as a local government representative for an electorate is absent from any meeting of that advisory council or of any committee of that advisory council of which that member is a member, an alternate local government representative for that electorate, selected as prescribed, may act in the place of that local government representative at that meeting and when so acting shall have all the powers, authorities, duties and functions of that local government representative.

17. (1) A member of an advisory council, other than a member holding office as an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that advisory council as the Minister may from time to time determine.

Members—
incidents
of office.

(2)

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(2) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any allowances or expenses payable to him under this section.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

18. (1) A member shall be deemed to have vacated his office— Casual vacancies.

- (a) if he dies;
- 15 (b) if he resigns his office by writing under his hand addressed to the Minister;
- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate or of the allowances and expenses payable to him under this Act for their benefit;
- 20 (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 25 (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;
- 30

(f)

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- 5 (f) if he is absent from three consecutive ordinary meetings of the advisory council of which he is a member of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by the advisory council before the last of those meetings;
- 10 (g) where he is a citizen representative, as a citizen representative, if he is elected as a member, to hold office as a local government representative, of the advisory council for the region or district for which he was appointed as a citizen representative;
- 15 (h) where he is a local government representative, as a local government representative, if he is appointed as a citizen representative on the advisory council for the region or district for which he was elected as a local government representative;
- 20 (i) if, in the case of a citizen representative or a local government representative, he ceases to be eligible for appointment or election, as the case may be, as a member of an advisory council by reason of his becoming an officer, employee, member or servant of a Government Department or public authority;
- 25 (j) if, in the case of an administrative representative, he ceases to hold the office by virtue of which he was appointed; or
- (k) if he is removed from office by the Minister.

(2) The Minister may, for any cause which appears to him sufficient, remove any member from office and, without limiting the generality of the foregoing provisions of this sub-
30 section, may remove from office any member holding office as an administrative representative or citizen representative on an advisory council if the number of administrative representatives or citizen representatives, as the case may be, exceeds the number of local government representatives on
35 that advisory council.

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19. (1) The procedure for the calling of meetings of an advisory council and for the conduct of business at those meetings shall, subject to this Act and the regulations made under this Act, be as determined by that advisory council. Meetings of advisory councils.

5 (2) At the first meeting of an advisory council for a region or district after an election of all the local government representatives on that advisory council the members of that advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next such election.

(3) Where a vacancy occurs in the office of the chairman of an advisory council for a region or district the members present at the next meeting of the advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next election of all the local government representatives on the advisory council.

(4) Except where a person is appointed to preside at a meeting of an advisory council in accordance with subsection four of section twenty-four of this Act, the chairman shall preside at all meetings of that advisory council at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting.

(5) The prescribed number of members shall form a quorum at any duly convened meeting of an advisory council and any duly convened meeting of an advisory council at which a quorum is present shall be competent to transact any business of that advisory council and shall have and may exercise and discharge all the powers, authorities, duties and functions of that advisory council.

(6) In the event of an equality of votes at any meeting of an advisory council, the person presiding at that meeting shall have, in addition to a deliberative vote, a second or casting vote.

(7)

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(7) A decision of the majority of the members present at a meeting of an advisory council at which a quorum is present shall be the decision of that advisory council.

(8) An advisory council shall cause full and accurate minutes to be kept of the proceedings at its meetings and shall submit to the Minister a copy of the minutes of each meeting within twenty-one days after the day on which it was held.

(9) No matter or thing done, and no contract entered into, by an advisory council and no matter or thing done by any member or by any other person whomsoever acting under the direction of an advisory council shall, if the matter or thing was done, or the contract was entered into bona fide for the purpose of executing this Act, subject such member or person so acting personally to any action, liability, claim or demand whatsoever.

(10) Nothing in subsection nine of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of an advisory council and which the member authorised or joined in authorising and for the purposes of the Audit Act, 1902, any moneys received or disbursed by an advisory council shall be deemed to be public moneys.

25 **20.** (1) An advisory council may establish committees for the purpose of advising that advisory council upon such matters within the scope of that advisory council's powers, authorities, duties or functions as may be referred to any such committee by that advisory council. Committees.

30 (2) A person may be appointed to a committee whether or not he is a member of an advisory council.

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(3) Except where a person is appointed to preside at a meeting of a committee in accordance with subsection four of section twenty-four of this Act, the chairman of an advisory council shall be a member of and shall preside at all meetings of committees of that advisory council at which he is present.

(4) A committee may exercise and discharge such of an advisory council's powers, authorities, duties and functions as may be delegated to it by that advisory council.

(5) Notwithstanding any such delegation, an advisory council may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) An advisory council may at any time revoke any such delegation, either wholly or in part.

(7) Every member of a committee, other than an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that committee as the Minister may from time to time determine.

(8) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of a committee or from accepting and retaining any allowances or expenses payable to him under this section.

(9) The office of a member of a committee shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

21. A meeting of an advisory council or a committee of an advisory council shall, unless that advisory council or committee otherwise determines, be open to the public.

Admittance
of public to
meetings.

22.

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22. (1) The Governor may appoint under and subject to the Public Service Act, 1902, such officers and employees as may be necessary for the purpose of carrying out the provisions of this Act. Officers and employees.

5 (2) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on an advisory council by this Act, that advisory council may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make
10 use of the services of any of the officers or employees of any Government Department.

(3) An advisory council may for the like purposes, with the approval of any public authority and on such terms as may be arranged, make use of the services of any of the
15 officers, servants or employees of that public authority.

23. (1) There shall be an executive officer of each region or district who shall, unless the Minister otherwise directs, be an officer, servant or employee referred to in section twenty-two of this Act. Executive officer.

20 (2) An executive officer of a region or district shall carry out—

- (a) the duties imposed on him by this Act; and
- (b) such duties and functions relating to the activities of the advisory council for that region or district as
25 it may from time to time direct.

24. (1) A meeting of an advisory council shall be held at least once in every period of three months after the constitution of that council. Convening of meetings, etc.

(2) A meeting of an advisory council for a region or
30 district or of a committee of such an advisory council shall, at the direction of the chairman, be summoned in the prescribed manner by the executive officer of that region or district.

(3)

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(3) Upon the request of—

- (a) the Minister;
- (b) The State Planning Authority of New South Wales;
or

5 (c) a Government Department or public authority,

the chairman of an advisory council shall cause to be summoned a special meeting of that advisory council or of any committee of that advisory council specified in the request to consider and make recommendations to that person or body
10 upon any matter specified in the request and relating to the powers, authorities, duties or functions of that advisory council or committee.

(4) The person or body requesting a meeting referred to in subsection three of this section may appoint a person to
15 preside at that meeting and to report to the person or body on the considerations or recommendations of that advisory council or committee.

(5) A person who is not a member of an advisory council shall not be entitled to attend a meeting of a committee
20 of that advisory council referred to in subsection three of this section except with the permission of the person presiding at that meeting.

25. (1) An advisory council shall, in relation to the region or district for which it is established and so far as it
25 legally may—

- (a) take all necessary action to encourage and stimulate the social and economic development of that region or district as a whole; and
- (b) ascertain and recommend the most appropriate
30 means of achieving that development.

Powers,
authorities,
duties and
functions of
advisory
councils.

(2)

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(2) For the purposes of, but without limiting the generality of, subsection one of this section, an advisory council may, in relation to the region or district for which it is established—

- 5 (a) collect and maintain statistical data concerning natural and economic resources;
- (b) record and review trends in population, production, housing, employment, commerce and industry;
- 10 (c) initiate or assist in the preparation of schemes or proposals for the improvement of transport services and means of communication;
- (d) initiate or assist in the preparation of feasibility studies relating to development projects;
- 15 (e) furnish advice or make recommendations relating to the encouragement of primary, secondary or tertiary industrial development;
- (f) furnish advice or make recommendations relating to public works or services;
- 20 (g) make recommendations for the undertaking of civic improvements, community welfare projects and measures to improve the quality of life;
- (h) assist in and make recommendations concerning the co-ordination and decentralisation of the activities of Government Departments and public authorities; and
- 25 (i) facilitate the discussion and ascertainment of the views of persons concerning the social and economic development of the region or district.

(3) In relation to any of the matters the subject of a power, authority, duty or function of an advisory council under this section, the advisory council may undertake such research, investigation and surveys as that advisory council may deem necessary or desirable.

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PART IV.

GENERAL.

26. (1) The funds of an advisory council shall consist Finance.
of such moneys as may be provided by Parliament for the
5 exercise or performance of the powers, authorities, duties and
functions of the advisory council and such subscriptions, con-
tributions, donations or subsidies (whether or not subject to
conditions) raised or received for the purposes of this Act
by that advisory council from any person, organisation or
10 Government Department or from the public.

(2) The Minister may approve of a grant, out of
moneys provided by Parliament, to an advisory council of
such amount and on such conditions as he thinks fit in con-
nection with the carrying out of any specified project of
15 research or development by that advisory council.

27. (1) An advisory council may acquire by gift, bequest Power to
or devise any property for any of the purposes of this Act accept
and may agree to and carry out the conditions of the gift, gifts, etc.
bequest or devise.

20 (2) The rule of law relating to perpetuities does not
apply to any condition of a gift, bequest or devise to which
an advisory council has agreed.

(3) Nothing contained in the Stamp Duties Act,
1920, shall apply to any real or personal property of any
25 nature or kind whatsoever comprised in any gift inter vivos,
endowment, devise or bequest made to an advisory council.

28. (1) Subject to subsections two and three of this Banking
section, all moneys received by an advisory council shall be and invest-
deposited to the credit of a bank account opened in the name ment.
30 of that advisory council and operated as prescribed.

(2)

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(2) An advisory council may, with the approval of the Minister, open and operate a separate bank account in respect of any moneys forming part of the funds of that advisory council.

5 (3) An advisory council may, with the approval of the Minister, invest any of its funds not immediately required for its purposes in any manner in which trustees are for the time being authorised to invest trust funds.

29. Where an advisory council makes a recommendation
10 or gives advice concerning any matter affecting the powers, Advice to Ministers.
authorities, duties or functions of a Government Department or public authority—

(a) that recommendation or advice shall be submitted in writing to the Minister of State responsible for
15 that Government Department or public authority;
and

(b) a copy of that recommendation or advice shall be submitted in writing to the Minister unless he is the Minister referred to in paragraph (a) of this
20 section.

30. (1) An advisory council shall, in respect of its operations, cause to be kept proper books of account in such form Books and accounts.
as may be prescribed or, where no regulations have been made under this Act prescribing the form of books or
25 accounts, in such form as the Minister may approve.

(2) An advisory council shall upon request produce for inspection all books, accounts and records relating to its financial affairs to any person authorised in writing in that behalf by the Minister or by the Auditor-General.

30 (3) An advisory council shall on or before the thirtieth day of September in each year prepare and submit to the Minister—

(a) an account of its receipts and expenditure during the period of twelve months ending on the preceding
35 thirtieth day of June; and

(b) a balance sheet as at that thirtieth day of June,
duly

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duly audited by a person registered as a public accountant under the Public Accountants Registration Act, 1945, or by a person authorised by the Minister.

5 **31.** As soon as practicable after the thirtieth day of June Annual
in each year, an advisory council shall prepare and furnish reports.
to the Minister a report upon its operations and activities
during the year ending on that day.

32. (1) The Governor may make regulations not incon- Regulations.
sistent with this Act prescribing all matters which by this Act
10 are required or permitted to be prescribed or which are neces-
sary or convenient to be prescribed for carrying out or giving
effect to this Act.

(2) A regulation made under this section may make
different provisions for or with respect to different advisory
15 councils.

33. The State Planning Authority Act, 1963, is amended Amendment
by inserting next after subsection one of section twenty-three of Act No.
the following new subsection :— 59, 1963.

20 (1A) On and from the commencement of the
Regional Organisation Act, 1972, the Authority shall,
as far as practicable when making any appointment on or
after that commencement of members of a regional
planning committee for a regional planning district which
25 is wholly or partly comprised in a region or district
established under that Act, appoint under paragraph (d)
of subsection one of this section persons who are mem-
bers of an advisory council so established for that region
or district.

Sec. 23.

(Regional
planning
commit-
tees.)

BY AUTHORITY

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

[20c]

No. , 1972.

A BILL

To provide for the division of New South Wales into regions or districts for the purpose of encouraging and stimulating regional development; to provide for the establishment of advisory councils for those regions and districts and to confer or impose on those advisory councils certain powers, authorities, duties and functions; to amend the State Planning Authority Act, 1963; and for purposes connected therewith.

[MR HUGHES—21 *March*, 1972.]

BE

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BE it enacted by the Queen's Most Excellent Majesty, by
and with the advice and consent of the Legislative
Council and Legislative Assembly of New South Wales in
Parliament assembled, and by the authority of the same, as
5 follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Regional
Organisation Act, 1972". Short title
and com-
mencement.

10 (2) This Act shall commence upon a day to be
appointed by the Governor and notified by proclamation
published in the Gazette.

2. This Act is divided as follows :—

Division
of Act.

PART I.—PRELIMINARY—ss. 1–3.

15 PART II.—REGIONS AND DISTRICTS—s. 4.

PART III.—ADVISORY COUNCILS—ss. 5–25.

PART IV.—GENERAL—ss. 26–33.

3. In this Act, except in so far as the context or subject-
matter otherwise indicates or requires— Interpre-
tation.

20 "administrative representative" means a member
appointed under section fourteen of this Act;

"advisory council" means the council for a region or
district constituted under this Act;

25 "citizen representative" means a member appointed
under section fifteen of this Act;

"district"

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- “district” means a district established under this Act;
- “Electoral Commissioner” means the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act, 1912;
- 5 “electorate”, in relation to an election of local government representatives or alternate local government representatives, means—
- (a) where the election is to be held in respect of a region or district not divided into ridings —that region or district; or
- 10 (b) where the election is to be held in respect of a region or district divided into ridings —the riding or each of the ridings in respect of which the election is to be held;
- 15 “executive officer”, in relation to a region or district, means the person holding office as the executive officer of that region or district under section twenty-three of this Act;
- 20 “local government area” means an area within the meaning of the Local Government Act, 1919;
- “local government council” has the meaning ascribed to the expression “council” in the Local Government Act, 1919;
- 25 “local government representative” means a member elected as a local government representative under section ten of this Act;
- “member” means a member of an advisory council;
- “member of a local government council” has the meaning ascribed to the expression “member of a council”
- 30 in the Local Government Act, 1919;
- “region” means a region established under this Act.

PART

Regional Organisation.

PART II.

REGIONS AND DISTRICTS.

4. (1) The Minister may, by order published in the Establishment of regions and districts.
Gazette—
- 5 (a) establish areas as regions or districts and define their boundaries;
- (b) change the boundaries of any region or district;
- (c) abolish any region or district; or
- (d) give a name or designation to any region or district.
- 10 (2) A region or district shall comprise or include one or more local government areas or parts of local government areas.
- (3) Where, pursuant to subsection one of this section, the boundaries of a region or district are changed, any ridings
15 into which the region or district is divided under Part III of this Act are thereupon abolished but the change does not affect the membership of the advisory council for that region or district except for the purposes of any subsequent election in respect of an electorate comprising or included in that region
20 or district.

PART III.

ADVISORY COUNCILS.

5. An advisory council for a region or district shall consist of the persons elected or appointed thereto in accordance with
25 the provisions of this Part as local government representatives, administrative representatives or citizen representatives. Constitution of advisory councils.

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6. (1) Subject to this section, the Electoral Commis- Ridings.
sioner—

(a) shall, within three months after the establishment
of a region or district; or

5 (b) shall, where any ridings into which a region or
district is divided are abolished under subsection
three of section four of this Act, within three months
after the abolition,

divide that region or district into ridings or determine that that
10 region or district shall not be divided into ridings.

(2) Subject to this section, the Electoral Commis-
sioner may—

(a) where a region or district is not divided into ridings
—at any time divide the region or district into
15 ridings; or

(b) where a region or district is divided into ridings—
from time to time, change the boundaries of the
ridings into which the region or district is divided
or abolish the ridings into which the region or
20 district is divided.

(3) A region or district shall not be divided into more
than seven ridings.

(4) In exercising or performing any of his powers or
duties under subsection one or two of this section in relation
25 to a region or district the Electoral Commissioner shall have
regard to—

(a) the distribution of population within that region or
district;

(b) the community of interest of groups of persons
30 within that region or district;

(c)

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- (c) the boundaries of the local government areas within that region or district;
- (d) the areas of any ridings into which it is proposed to divide that region or district; and
- 5 (e) any recommendations made to him by—
 - (i) the Director of the Department of Decentralisation and Development;
 - (ii) the Local Government Association of New South Wales; and
 - 10 (iii) the Shires Association of New South Wales, in relation to that exercise or performance.

(5) As soon as practicable after exercising or performing any of his powers or duties under subsection one or two of this section, the Electoral Commissioner shall—

- 15 (a) give the prescribed notice in a newspaper circulating in the region or district affected; and
- (b) forward the prescribed notice to the Minister and to the executive officer of the region or district affected.

20 7. (1) The Minister shall, within one month after receipt by him of a notice under subsection five of section six of this Act relating to the performance by the Electoral Commissioner of a duty imposed on him by subsection one of that section or to the exercise of that Commissioner's powers
 25 under paragraph (a) of subsection two of that section, determine in respect of the region or district to which the notice relates—

- (a) the number (not exceeding seven) of persons to be elected; and
- 30 (b) where that region or district has been divided into ridings, how many of that number are to be elected in respect of each of those ridings,

as

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as local government representatives at elections of the local government representatives on the advisory council for that region or district.

5 (2) The Minister may, at any time after a determination has been made under subsection one of this section in relation to a region or district, make a further determination, in relation to that region or district (whether or not its boundaries have been changed), as to either of the matters referred to in paragraphs (a) and (b) of that subsection.

10 (3) Any determination made under this section supercedes any previous determination so made and relating to the region or district affected.

15 (4) The Minister shall, as soon as practicable after making a determination referred to in subsection one or two of this section, give notice in writing of that determination to the executive officer of the region or district affected.

20 8. Any division of a region or district into ridings or any change of the boundaries of, or the abolition of, the ridings into which a region or district is divided, effected under this Part, and any determination made under section seven of this Act does not affect the membership of the advisory council for the region or district affected but any such determination has effect for the purposes of any subsequent election in respect of an electorate to which the determination relates.

Alteration of division of region or district not to affect membership of advisory council.

25 9. (1) Where the Minister makes a determination under subsection one or two of section seven of this Act—

Direction for elections to be held.

30 (a) in the case of a determination made by reason of the Electoral Commissioner having given a notice under subsection five of section six of this Act of the performance of his duties under subsection one of that section by reason of the establishment of a region or district, the Minister shall; or

(b) in any other case, the Minister may,

at

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at the time he makes the determination, direct that an election shall be held in respect of the region or district affected by the determination or, if the region or district is divided into ridings, in respect of the ridings or any one or more of the
5 ridings of that region or district.

(2) The Minister shall, as soon as practicable after giving a direction under subsection one of this section, give notice in writing of that direction to the executive officer of the region or district affected by the direction.

10 **10.** (1) The executive officer of a region or district shall Elections.
as soon as practicable after receipt of notice of a direction given by the Minister under subsection one of section nine of this Act in respect of an electorate, cause elections to be held in the prescribed manner for the election of—

15 (a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that electorate; and

20 (b) an equal number of alternate local government representatives.

(2) Subject to subsection three of this section, the executive officer of a region or district shall, within two months after the day appointed by paragraph (b) of subsection
25 one of section thirty-nine of the Local Government Act, 1919, cause elections to be held in the prescribed manner for the election of—

(a) the number of local government representatives referred to in the last determination made by the
30 Minister under paragraph (a) of subsection one of section seven of this Act in respect of that region or district; and

(b)

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- (b) an equal number of alternate local government representatives,

for the electorate, or each electorate, comprised in the region or district.

- 5 (3) Where elections are held under subsection one of this section in respect of any electorate, being the whole of a region or district, within a period of six months before the day referred to in subsection two of this section, the next subsequent election for that electorate that, but for this sub-
10 section, would be required to be held by subsection two of this section, shall not be held.

11. A person shall be eligible for election under this Part Elections—
as a local government representative or alternate local eligibility
government representative if he— for election.

- 15 (a) is nominated as prescribed ;
(b) is ordinarily resident in the electorate for which he is a candidate for election ; and
(c) is not an officer, employee, member or servant of a
20 Government Department or public authority, other than a local government council of a local government area comprised wholly or partly within that electorate.

12. A member of a local government council of a local Elections—
government area comprised wholly or partly within an elec- eligibility
25 torate and holding office at the date of an election under this to vote.
Part shall be eligible to vote at that election in respect of that electorate.

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13. (1) Upon the completion of an election held under section ten of this Act in respect of any electorate, the executive officer of the region or district concerned shall forthwith give notice in writing to the Minister specifying the persons he declares to be elected for that electorate. Declaration
of poll.

(2) As soon as practicable after the receipt of a notice referred to in subsection one of this section, the Minister shall cause particulars of that notice to be published in the Gazette.

(3) On the publication under subsection two of this section of the particulars referred to in that subsection—

(a) the persons, if any, holding office immediately before that publication as local government representatives for the electorate to which the particulars relate or for any previous electorate forming part of that electorate, shall cease to hold office and the persons specified in the particulars so published as local government representatives for that electorate shall take office as local government representatives for that electorate;

(b) the previous alternate local government representatives, if any, for that electorate or for any previous electorate forming part of that electorate shall cease to be alternate local government representatives for that electorate and the persons specified in the particulars so published as alternate local government representatives for that electorate shall become alternate local government representatives for that electorate; and

(c) where the election is held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act, the persons, if any, holding office immediately before that publication as citizen representatives for the electorate to which the particulars relate shall cease to hold office and the persons appointed as citizen

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citizen representatives for that electorate pursuant to subsection one of section fifteen of this Act shall take office as citizen representatives for that electorate.

5 **14.** (1) The Minister may at any time require the officer Administrative
in charge of any Government Department or public authority tive represen-
to submit to him, within such time and in such manner as he tatives.
may specify in that requirement, a list of persons, being
respectively—

10 (a) officers or employees of that Government Depart-
ment; or

(b) members or servants of that public authority,
nominated by that officer for appointment under this section.

(2) The Minister shall from time to time appoint as
15 administrative representatives on an advisory council for a
region or district such number of persons nominated in accord-
ance with subsection one of this section as is necessary for the
advisory council to include the same number of administrative
representatives as the number of local government represen-
20 tatives elected at the last election for that region or district
held pursuant to a direction given by the Minister in the case
referred to in paragraph (a) of subsection one of section nine,
or pursuant to subsection two of section ten, of this Act.

(3) In appointing persons as administrative represen-
25 tatives, the Minister shall have regard to—

(a) the age, experience, qualifications and training of
those persons; and

(b) any recommendations made by the Minister for
Local Government as to the suitability of each of
30 those persons for appointment under this section.

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15 **15.** (1) The Minister shall, whenever an election of the local government representatives on an advisory council is held pursuant to a direction given by him in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act or when-
ever the number of citizen representatives on an advisory council is less than the prescribed number, appoint to be citizen representatives on that advisory council such number of persons who—

10 (a) are ordinarily resident in the region or district of that advisory council; and

(b) are not officers, employees, members or servants of a Government Department or public authority other than—

15 (i) a local government council of a local government area comprised wholly or partly in that region or district; or

(ii) a research institution or tertiary educational establishment,

20 as is necessary for that advisory council to include the prescribed number of citizen representatives.

(2) The Minister shall, as far as practicable, appoint as a citizen representative on each advisory council at least one person who is employed in the conduct of a research
25 institution or tertiary educational establishment.

(3) In appointing persons as citizen representatives the Minister shall have regard to any recommendations made by the Minister for Local Government as to the suitability of each of those persons for appointment under this section.

30 (4) In this section, "prescribed number", in relation to an advisory council, means the number equal to the number of local government representatives last elected to that advisory council at an election referred to in subsection one of this section.

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16. (1) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate, an alternate local government representative for that electorate, selected as prescribed, shall assume office as a member of that advisory council and shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

Alternate
local
government
representatives.

(2) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate and there is no alternate local government representative for that electorate to fill the vacancy, the Minister may appoint a person eligible to be elected as a local government representative for that electorate to act as a local government representative on that advisory council and any person so appointed shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

(3) Where a member of an advisory council for a region or district who holds office as a local government representative for an electorate is absent from any meeting of that advisory council or of any committee of that advisory council of which that member is a member, an alternate local government representative for that electorate, selected as prescribed, may act in the place of that local government representative at that meeting and when so acting shall have all the powers, authorities, duties and functions of that local government representative.

17. (1) A member of an advisory council, other than a member holding office as an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that advisory council as the Minister may from time to time determine.

Members—
incidents
of office.

(2)

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(2) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any allowances or expenses payable to him under this section.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

18. (1) A member shall be deemed to have vacated his office— Casual vacancies.

- (a) if he dies;
- 15 (b) if he resigns his office by writing under his hand addressed to the Minister;
- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate or of the allowances and expenses payable to him under this Act for their benefit;
- 20 (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 25 (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;
- 30

(f)

Regional Organisation.

- 5 (f) if he is absent from three consecutive ordinary meetings of the advisory council of which he is a member of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by the advisory council before the last of those meetings;
- 10 (g) where he is a citizen representative, as a citizen representative, if he is elected as a member, to hold office as a local government representative, of the advisory council for the region or district for which he was appointed as a citizen representative;
- 15 (h) where he is a local government representative, as a local government representative, if he is appointed as a citizen representative on the advisory council for the region or district for which he was elected as a local government representative;
- 20 (i) if, in the case of a citizen representative or a local government representative, he ceases to be eligible for appointment or election, as the case may be, as a member of an advisory council by reason of his becoming an officer, employee, member or servant of a Government Department or public authority;
- 25 (j) if, in the case of an administrative representative, he ceases to hold the office by virtue of which he was appointed; or
- (k) if he is removed from office by the Minister.

(2) The Minister may, for any cause which appears to him sufficient, remove any member from office and, without limiting the generality of the foregoing provisions of this sub-
30 section, may remove from office any member holding office as an administrative representative or citizen representative on an advisory council if the number of administrative representatives or citizen representatives, as the case may be, exceeds the number of local government representatives on
35 that advisory council.

Regional Organisation.

19. (1) The procedure for the calling of meetings of an advisory council and for the conduct of business at those meetings shall, subject to this Act and the regulations made under this Act, be as determined by that advisory council. Meetings of advisory councils.

5 (2) At the first meeting of an advisory council for a region or district after an election of all the local government representatives on that advisory council the members of that advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next such election. 10

(3) Where a vacancy occurs in the office of the chairman of an advisory council for a region or district the members present at the next meeting of the advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next election of all the local government representatives on the advisory council. 15

(4) Except where a person is appointed to preside at a meeting of an advisory council in accordance with subsection four of section twenty-four of this Act, the chairman shall preside at all meetings of that advisory council at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting. 20

(5) The prescribed number of members shall form a quorum at any duly convened meeting of an advisory council and any duly convened meeting of an advisory council at which a quorum is present shall be competent to transact any business of that advisory council and shall have and may exercise and discharge all the powers, authorities, duties and functions of that advisory council. 25 30

(6) In the event of an equality of votes at any meeting of an advisory council, the person presiding at that meeting shall have, in addition to a deliberative vote, a second or casting vote.

(7)

Regional Organisation.

(7) A decision of the majority of the members present at a meeting of an advisory council at which a quorum is present shall be the decision of that advisory council.

(8) An advisory council shall cause full and accurate minutes to be kept of the proceedings at its meetings and shall submit to the Minister a copy of the minutes of each meeting within twenty-one days after the day on which it was held.

(9) No matter or thing done, and no contract entered into, by an advisory council and no matter or thing done by any member or by any other person whomsoever acting under the direction of an advisory council shall, if the matter or thing was done, or the contract was entered into bona fide for the purpose of executing this Act, subject such member or person so acting personally to any action, liability, claim or demand whatsoever.

(10) Nothing in subsection nine of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of an advisory council and which the member authorised or joined in authorising and for the purposes of the Audit Act, 1902, any moneys received or disbursed by an advisory council shall be deemed to be public moneys.

25 **20.** (1) An advisory council may establish committees Committees. for the purpose of advising that advisory council upon such matters within the scope of that advisory council's powers, authorities, duties or functions as may be referred to any such committee by that advisory council.

30 (2) A person may be appointed to a committee whether or not he is a member of an advisory council.

Regional Organisation.

(3) Except where a person is appointed to preside at a meeting of a committee in accordance with subsection four of section twenty-four of this Act, the chairman of an advisory council shall be a member of and shall preside at all
5 meetings of committees of that advisory council at which he is present.

(4) A committee may exercise and discharge such of an advisory council's powers, authorities, duties and functions as may be delegated to it by that advisory council.

10 (5) Notwithstanding any such delegation, an advisory council may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) An advisory council may at any time revoke any such delegation, either wholly or in part.

15 (7) Every member of a committee, other than an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that committee as the Minister may from time to time determine.

20 (8) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from
25 holding that office and also the office of a member of a committee or from accepting and retaining any allowances or expenses payable to him under this section.

(9) The office of a member of a committee shall, for the purposes of any Act, be deemed not to be an office or
30 place of profit under the Crown.

21. A meeting of an advisory council or a committee of an advisory council shall, unless that advisory council or committee otherwise determines, be open to the public.
Admittance of public to meetings.

22.

Regional Organisation.

22. (1) The Governor may appoint under and subject to the Public Service Act, 1902, such officers and employees as may be necessary for the purpose of carrying out the provisions of this Act. Officers and employees.

5 (2) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on an advisory council by this Act, that advisory council may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make
10 use of the services of any of the officers or employees of any Government Department.

(3) An advisory council may for the like purposes, with the approval of any public authority and on such terms as may be arranged, make use of the services of any of the
15 officers, servants or employees of that public authority.

23. (1) There shall be an executive officer of each region or district who shall, unless the Minister otherwise directs, be an officer, servant or employee referred to in section twenty-two of this Act. Executive officer.

20 (2) An executive officer of a region or district shall carry out—
(a) the duties imposed on him by this Act; and
(b) such duties and functions relating to the activities of the advisory council for that region or district as
25 it may from time to time direct.

24. (1) A meeting of an advisory council shall be held at least once in every period of three months after the constitution of that council. Convening of meetings, etc.

(2) A meeting of an advisory council for a region or
30 district or of a committee of such an advisory council shall, at the direction of the chairman, be summoned in the prescribed manner by the executive officer of that region or district.

(3)

Regional Organisation.

(3) Upon the request of—

- (a) the Minister;
- (b) The State Planning Authority of New South Wales;
or
- 5 (c) a Government Department or public authority,

the chairman of an advisory council shall cause to be summoned a special meeting of that advisory council or of any committee of that advisory council specified in the request to consider and make recommendations to that person or body
10 upon any matter specified in the request and relating to the powers, authorities, duties or functions of that advisory council or committee.

(4) The person or body requesting a meeting referred to in subsection three of this section may appoint a person to
15 preside at that meeting and to report to the person or body on the considerations or recommendations of that advisory council or committee.

(5) A person who is not a member of an advisory council shall not be entitled to attend a meeting of a committee
20 of that advisory council referred to in subsection three of this section except with the permission of the person presiding at that meeting.

25. (1) An advisory council shall, in relation to the region or district for which it is established and so far as it
25 legally may—

- (a) take all necessary action to encourage and stimulate the social and economic development of that region or district as a whole; and
- (b) ascertain and recommend the most appropriate
30 means of achieving that development.

(2)

Powers,
authorities,
duties and
functions of
advisory
councils.

Regional Organisation.

(2) For the purposes of, but without limiting the generality of, subsection one of this section, an advisory council may, in relation to the region or district for which it is established—

- 5 (a) collect and maintain statistical data concerning natural and economic resources;
- (b) record and review trends in population, production, housing, employment, commerce and industry;
- 10 (c) initiate or assist in the preparation of schemes or proposals for the improvement of transport services and means of communication;
- (d) initiate or assist in the preparation of feasibility studies relating to development projects;
- 15 (e) furnish advice or make recommendations relating to the encouragement of primary, secondary or tertiary industrial development;
- (f) furnish advice or make recommendations relating to public works or services;
- 20 (g) make recommendations for the undertaking of civic improvements, community welfare projects and measures to improve the quality of life;
- (h) assist in and make recommendations concerning the co-ordination and decentralisation of the activities of Government Departments and public authorities; and
- 25 (i) facilitate the discussion and ascertainment of the views of persons concerning the social and economic development of the region or district.

(3) In relation to any of the matters the subject of a
30 power, authority, duty or function of an advisory council under this section, the advisory council may undertake such research, investigation and surveys as that advisory council may deem necessary or desirable.

PART

Regional Organisation.

PART IV.

GENERAL.

26. (1) The funds of an advisory council shall consist Finance.
of such moneys as may be provided by Parliament for the
5 exercise or performance of the powers, authorities, duties and
functions of the advisory council and such subscriptions, con-
tributions, donations or subsidies (whether or not subject to
conditions) raised or received for the purposes of this Act
by that advisory council from any person, organisation or
10 Government Department or from the public.

(2) The Minister may approve of a grant, out of
moneys provided by Parliament, to an advisory council of
such amount and on such conditions as he thinks fit in con-
nection with the carrying out of any specified project of
15 research or development by that advisory council.

27. (1) An advisory council may acquire by gift, bequest Power to
or devise any property for any of the purposes of this Act accept
and may agree to and carry out the conditions of the gift, gifts, etc.
bequest or devise.

20 (2) The rule of law relating to perpetuities does not
apply to any condition of a gift, bequest or devise to which
an advisory council has agreed.

(3) Nothing contained in the Stamp Duties Act,
1920, shall apply to any real or personal property of any
25 nature or kind whatsoever comprised in any gift inter vivos,
endowment, devise or bequest made to an advisory council.

28. (1) Subject to subsections two and three of this Banking
section, all moneys received by an advisory council shall be and invest-
deposited to the credit of a bank account opened in the name ment.
30 of that advisory council and operated as prescribed.

(2)

Regional Organisation.

(2) An advisory council may, with the approval of the Minister, open and operate a separate bank account in respect of any moneys forming part of the funds of that advisory council.

- 5 (3) An advisory council may, with the approval of the Minister, invest any of its funds not immediately required for its purposes in any manner in which trustees are for the time being authorised to invest trust funds.

10 **29.** Where an advisory council makes a recommendation or gives advice concerning any matter affecting the powers, authorities, duties or functions of a Government Department or public authority— Advice to Ministers.

- 15 (a) that recommendation or advice shall be submitted in writing to the Minister of State responsible for that Government Department or public authority; and
- (b) a copy of that recommendation or advice shall be submitted in writing to the Minister unless he is the Minister referred to in paragraph (a) of this section.
- 20

30. (1) An advisory council shall, in respect of its operations, cause to be kept proper books of account in such form as may be prescribed or, where no regulations have been made under this Act prescribing the form of books or accounts, in such form as the Minister may approve. Books and accounts.

25

(2) An advisory council shall upon request produce for inspection all books, accounts and records relating to its financial affairs to any person authorised in writing in that behalf by the Minister or by the Auditor-General.

30 (3) An advisory council shall on or before the thirtieth day of September in each year prepare and submit to the Minister—

- (a) an account of its receipts and expenditure during the period of twelve months ending on the preceding thirtieth day of June; and
- 35 (b) a balance sheet as at that thirtieth day of June, duly

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duly audited by a person registered as a public accountant under the Public Accountants Registration Act, 1945, or by a person authorised by the Minister.

5 **31.** As soon as practicable after the thirtieth day of June Annual reports.
in each year, an advisory council shall prepare and furnish
to the Minister a report upon its operations and activities
during the year ending on that day.

32. (1) The Governor may make regulations not incon- Regulations.
sistent with this Act prescribing all matters which by this Act
10 are required or permitted to be prescribed or which are neces-
sary or convenient to be prescribed for carrying out or giving
effect to this Act.

(2) A regulation made under this section may make
different provisions for or with respect to different advisory
15 councils.

33. The State Planning Authority Act, 1963, is amended Amendment of Act No. 59, 1963.
by inserting next after subsection one of section twenty-three
the following new subsection :— Sec. 23.

20 (1A) On and from the commencement of the (Regional planning committees.)
Regional Organisation Act, 1972, the Authority shall,
as far as practicable when making any appointment on or
after that commencement of members of a regional
planning committee for a regional planning district which
25 is wholly or partly comprised in a region or district
established under that Act, appoint under paragraph (d)
of subsection one of this section persons who are mem-
bers of an advisory council so established for that region
or district.

BY AUTHORITY

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

[20c]

REGIONAL ORGANISATION BILL, 1972

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to empower the Minister to establish regions or districts in New South Wales for the purpose of encouraging and stimulating regional development;
- (b) to provide for the establishment of an advisory council for each region and district and to confer on each advisory council certain powers, authorities, duties and functions with respect to the encouragement and stimulation of regional development;
- (c) to provide that each advisory council shall consist of an equal number, not exceeding seven, of local government representatives, administrative representatives and citizen representatives, the local government representatives to be elected by the members of councils of areas comprised or partly comprised within the region or district and the administrative and citizen representatives to be appointed by the Minister;
- (d) to make provision for the division of regions and districts into ridings for the purpose of holding elections of local government representatives;
- (e) to provide for the appointment of an executive officer of each region or district who shall be responsible for the conduct of elections of local government representatives on the advisory council for that region or district and for the carrying out of such other duties and functions as the advisory council may direct;
- (f) to require the State Planning Authority when appointing members of certain regional planning committees to include as far as practicable in the membership of those regional planning committees members of advisory councils for regions or districts established under the Act to give effect to this Bill;
- (g) to make other provisions of an ancillary or consequential character.

REGIONAL ORGANIZATION BILL, 1972

ENACTED BY THE PARLIAMENT OF CANADA

The object of this Bill is—

- (a) to provide for the establishment of a Regional Organization of the Government of Canada in each of the provinces and territories;
- (b) to provide for the appointment of a Regional Administrator in each of the provinces and territories;
- (c) to provide for the appointment of a Regional Council in each of the provinces and territories;
- (d) to provide for the appointment of a Regional Committee in each of the provinces and territories;
- (e) to provide for the appointment of a Regional Board in each of the provinces and territories;
- (f) to provide for the appointment of a Regional Commission in each of the provinces and territories;
- (g) to provide for the appointment of a Regional Tribunal in each of the provinces and territories;
- (h) to provide for the appointment of a Regional Agency in each of the provinces and territories;
- (i) to provide for the appointment of a Regional Office in each of the provinces and territories;
- (j) to provide for the appointment of a Regional Unit in each of the provinces and territories;
- (k) to provide for the appointment of a Regional Division in each of the provinces and territories;
- (l) to provide for the appointment of a Regional Branch in each of the provinces and territories;
- (m) to provide for the appointment of a Regional Section in each of the provinces and territories;
- (n) to provide for the appointment of a Regional Department in each of the provinces and territories;
- (o) to provide for the appointment of a Regional Ministry in each of the provinces and territories;
- (p) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;
- (q) to provide for the appointment of a Regional Ministry of the Government of Canada in each of the provinces and territories;
- (r) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;
- (s) to provide for the appointment of a Regional Ministry of the Government of Canada in each of the provinces and territories;
- (t) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;
- (u) to provide for the appointment of a Regional Ministry of the Government of Canada in each of the provinces and territories;
- (v) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;
- (w) to provide for the appointment of a Regional Ministry of the Government of Canada in each of the provinces and territories;
- (x) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;
- (y) to provide for the appointment of a Regional Ministry of the Government of Canada in each of the provinces and territories;
- (z) to provide for the appointment of a Regional Department of the Government of Canada in each of the provinces and territories;

PROOF

No. , 1972.

A BILL

To provide for the division of New South Wales into regions or districts for the purpose of encouraging and stimulating regional development; to provide for the establishment of advisory councils for those regions and districts and to confer or impose on those advisory councils certain powers, authorities, duties and functions; to amend the State Planning Authority Act, 1963; and for purposes connected therewith.

[MR HUGHES—21 March, 1972.]

BE

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BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

1. (1) This Act may be cited as the "Regional Organisation Act, 1972". Short title and commencement.

10 (2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

2. This Act is divided as follows :—

Division of Act.

PART I.—PRELIMINARY—ss. 1–3.

15 PART II.—REGIONS AND DISTRICTS—s. 4.

PART III.—ADVISORY COUNCILS—ss. 5–25.

PART IV.—GENERAL—ss. 26–33.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires— Interpretation.

20 "administrative representative" means a member appointed under section fourteen of this Act;

"advisory council" means the council for a region or district constituted under this Act;

25 "citizen representative" means a member appointed under section fifteen of this Act;

"district"

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- “district” means a district established under this Act;
- “Electoral Commissioner” means the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act, 1912;
- 5 “electorate”, in relation to an election of local government representatives or alternate local government representatives, means—
- (a) where the election is to be held in respect of a region or district not divided into ridings—that region or district; or
- 10 (b) where the election is to be held in respect of a region or district divided into ridings—the riding or each of the ridings in respect of which the election is to be held;
- 15 “executive officer”, in relation to a region or district, means the person holding office as the executive officer of that region or district under section twenty-three of this Act;
- 20 “local government area” means an area within the meaning of the Local Government Act, 1919;
- “local government council” has the meaning ascribed to the expression “council” in the Local Government Act, 1919;
- 25 “local government representative” means a member elected as a local government representative under section ten of this Act;
- “member” means a member of an advisory council;
- “member of a local government council” has the meaning ascribed to the expression “member of a council”
- 30 in the Local Government Act, 1919;
- “region” means a region established under this Act.

PART

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PART II.

REGIONS AND DISTRICTS.

4. (1) The Minister may, by order published in the Establishment of regions and districts.
Gazette—
- 5 (a) establish areas as regions or districts and define their boundaries;
- (b) change the boundaries of any region or district;
- (c) abolish any region or district; or
- (d) give a name or designation to any region or district.
- 10 (2) A region or district shall comprise or include one or more local government areas or parts of local government areas.
- (3) Where, pursuant to subsection one of this section, the boundaries of a region or district are changed, any ridings
15 into which the region or district is divided under Part III of this Act are thereupon abolished but the change does not affect the membership of the advisory council for that region or district except for the purposes of any subsequent election in
20 respect of an electorate comprising or included in that region or district.

PART III.

ADVISORY COUNCILS.

5. An advisory council for a region or district shall consist Constitution of advisory councils.
of the persons elected or appointed thereto in accordance with
25 the provisions of this Part as local government representatives, administrative representatives or citizen representatives.

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6. (1) Subject to this section, the Electoral Commis- Ridings.
sioner—

(a) shall, within three months after the establishment
of a region or district; or

5 (b) shall, where any ridings into which a region or
district is divided are abolished under subsection
three of section four of this Act, within three months
after the abolition,

divide that region or district into ridings or determine that that
10 region or district shall not be divided into ridings.

(2) Subject to this section, the Electoral Commis-
sioner may—

(a) where a region or district is not divided into ridings
—at any time divide the region or district into
15 ridings; or

(b) where a region or district is divided into ridings—
from time to time, change the boundaries of the
ridings into which the region or district is divided
or abolish the ridings into which the region or
20 district is divided.

(3) A region or district shall not be divided into more
than seven ridings.

(4) In exercising or performing any of his powers or
duties under subsection one or two of this section in relation
25 to a region or district the Electoral Commissioner shall have
regard to—

(a) the distribution of population within that region or
district;

(b) the community of interest of groups of persons
30 within that region or district;

(c)

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- (c) the boundaries of the local government areas within that region or district;
- (d) the areas of any ridings into which it is proposed to divide that region or district; and
- 5 (e) any recommendations made to him by—
 - (i) the Director of the Department of Decentralisation and Development;
 - (ii) the Local Government Association of New South Wales; and
 - 10 (iii) the Shires Association of New South Wales, in relation to that exercise or performance.

(5) As soon as practicable after exercising or performing any of his powers or duties under subsection one or two of this section, the Electoral Commissioner shall—

- 15 (a) give the prescribed notice in a newspaper circulating in the region or district affected; and
- (b) forward the prescribed notice to the Minister and to the executive officer of the region or district affected.

20 7. (1) The Minister shall, within one month after receipt by him of a notice under subsection five of section six of this Act relating to the performance by the Electoral Commissioner of a duty imposed on him by subsection one of that section or to the exercise of that Commissioner's powers 25 under paragraph (a) of subsection two of that section, determine in respect of the region or district to which the notice relates—

- (a) the number (not exceeding seven) of persons to be elected; and
- 30 (b) where that region or district has been divided into ridings, how many of that number are to be elected in respect of each of those ridings,

as

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as local government representatives at elections of the local government representatives on the advisory council for that region or district.

5 (2) The Minister may, at any time after a determination has been made under subsection one of this section in relation to a region or district, make a further determination, in relation to that region or district (whether or not its boundaries have been changed), as to either of the matters referred to in paragraphs (a) and (b) of that subsection.

10 (3) Any determination made under this section supercedes any previous determination so made and relating to the region or district affected.

(4) The Minister shall, as soon as practicable after making a determination referred to in subsection one or two
15 of this section, give notice in writing of that determination to the executive officer of the region or district affected.

8. Any division of a region or district into ridings or any change of the boundaries of, or the abolition of, the ridings into which a region or district is divided, effected under this
20 Part, and any determination made under section seven of this Act does not affect the membership of the advisory council for the region or district affected but any such determination has effect for the purposes of any subsequent election in respect of an electorate to which the determination relates.

Alteration
of division
of region
or district
not to affect
membership
of advisory
council.

25 9. (1) Where the Minister makes a determination under subsection one or two of section seven of this Act—

Direction
for elections
to be held.

(a) in the case of a determination made by reason of the Electoral Commissioner having given a notice under subsection five of section six of this Act of the performance of his duties under subsection one
30 of that section by reason of the establishment of a region or district, the Minister shall; or

(b) in any other case, the Minister may,

at

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at the time he makes the determination, direct that an election shall be held in respect of the region or district affected by the determination or, if the region or district is divided into ridings, in respect of the ridings or any one or more of the
5 ridings of that region or district.

(2) The Minister shall, as soon as practicable after giving a direction under subsection one of this section, give notice in writing of that direction to the executive officer of the region or district affected by the direction.

10 **10.** (1) The executive officer of a region or district shall Elections.
as soon as practicable after receipt of notice of a direction given by the Minister under subsection one of section nine of this Act in respect of an electorate, cause elections to be held in the prescribed manner for the election of—

15 (a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that electorate; and

20 (b) an equal number of alternate local government representatives.

(2) Subject to subsection three of this section, the executive officer of a region or district shall, within two months after the day appointed by paragraph (b) of subsection one of section thirty-nine of the Local Government Act, 1919, cause elections to be held in the prescribed manner for the election of—

(a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that region or district; and

30

(b)

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- (b) an equal number of alternate local government representatives,

for the electorate, or each electorate, comprised in the region or district.

- 5 (3) Where elections are held under subsection one of this section in respect of any electorate, being the whole of a region or district, within a period of six months before the day referred to in subsection two of this section, the next subsequent election for that electorate that, but for this sub-
10 section, would be required to be held by subsection two of this section, shall not be held.

11. A person shall be eligible for election under this Part Elections—
as a local government representative or alternate local eligibility
government representative if he— for election.

- 15 (a) is nominated as prescribed ;
(b) is ordinarily resident in the electorate for which he is a candidate for election ; and
(c) is not an officer, employee, member or servant of a
20 Government Department or public authority, other than a local government council of a local government area comprised wholly or partly within that electorate.

12. A member of a local government council of a local Elections—
government area comprised wholly or partly within an elec- eligibility
25 torate and holding office at the date of an election under this to vote.
Part shall be eligible to vote at that election in respect of that electorate.

13.

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13. (1) Upon the completion of an election held under section ten of this Act in respect of any electorate, the executive officer of the region or district concerned shall forthwith give notice in writing to the Minister specifying the persons he declares to be elected for that electorate.

Declaration
of poll.

(2) As soon as practicable after the receipt of a notice referred to in subsection one of this section, the Minister shall cause particulars of that notice to be published in the Gazette.

(3) On the publication under subsection two of this section of the particulars referred to in that subsection—

(a) the persons, if any, holding office immediately before that publication as local government representatives for the electorate to which the particulars relate or for any previous electorate forming part of that electorate, shall cease to hold office and the persons specified in the particulars so published as local government representatives for that electorate shall take office as local government representatives for that electorate;

(b) the previous alternate local government representatives, if any, for that electorate or for any previous electorate forming part of that electorate shall cease to be alternate local government representatives for that electorate and the persons specified in the particulars so published as alternate local government representatives for that electorate shall become alternate local government representatives for that electorate; and

(c) where the election is held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act, the persons, if any, holding office immediately before that publication as citizen representatives for the electorate to which the particulars relate shall cease to hold office and the persons appointed as citizen

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citizen representatives for that electorate pursuant to subsection one of section fifteen of this Act shall take office as citizen representatives for that electorate.

5 **14.** (1) The Minister may at any time require the officer in charge of any Government Department or public authority to submit to him, within such time and in such manner as he may specify in that requirement, a list of persons, being respectively—

10 (a) officers or employees of that Government Department; or

 (b) members or servants of that public authority, nominated by that officer for appointment under this section.

 (2) The Minister shall from time to time appoint as
15 administrative representatives on an advisory council for a region or district such number of persons nominated in accordance with subsection one of this section as is necessary for the advisory council to include the same number of administrative
20 representatives as the number of local government representatives elected at the last election for that region or district held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act.

 (3) In appointing persons as administrative representatives, the Minister shall have regard to—

 (a) the age, experience, qualifications and training of those persons; and

 (b) any recommendations made by the Minister for
30 Local Government as to the suitability of each of those persons for appointment under this section.

15.

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15. (1) The Minister shall, whenever an election of the local government representatives on an advisory council is held pursuant to a direction given by him in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act or when-
 5 ever the number of citizen representatives on an advisory council is less than the prescribed number, appoint to be citizen representatives on that advisory council such number of persons who—

10 (a) are ordinarily resident in the region or district of that advisory council; and

(b) are not officers, employees, members or servants of a Government Department or public authority other than—

15 (i) a local government council of a local government area comprised wholly or partly in that region or district; or

(ii) a research institution or tertiary educational establishment,

20 as is necessary for that advisory council to include the prescribed number of citizen representatives.

(2) The Minister shall, as far as practicable, appoint as a citizen representative on each advisory council at least one person who is employed in the conduct of a research
 25 institution or tertiary educational establishment.

(3) In appointing persons as citizen representatives the Minister shall have regard to any recommendations made by the Minister for Local Government as to the suitability of each of those persons for appointment under this section.

30 (4) In this section, "prescribed number", in relation to an advisory council, means the number equal to the number of local government representatives last elected to that advisory council at an election referred to in subsection one of this section.

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16. (1) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate, an alternate local government representative for that electorate, selected as prescribed, shall assume office as a member of that advisory council and shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

Alternate
local
government
representatives.

(2) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate and there is no alternate local government representative for that electorate to fill the vacancy, the Minister may appoint a person eligible to be elected as a local government representative for that electorate to act as a local government representative on that advisory council and any person so appointed shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

(3) Where a member of an advisory council for a region or district who holds office as a local government representative for an electorate is absent from any meeting of that advisory council or of any committee of that advisory council of which that member is a member, an alternate local government representative for that electorate, selected as prescribed, may act in the place of that local government representative at that meeting and when so acting shall have all the powers, authorities, duties and functions of that local government representative.

17. (1) A member of an advisory council, other than a member holding office as an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that advisory council as the Minister may from time to time determine.

Members—
incidents
of office.

(2)

Regional Organisation.

(2) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any allowances or expenses payable to him under this section.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

18. (1) A member shall be deemed to have vacated his office— Casual vacancies.

- (a) if he dies;
- 15 (b) if he resigns his office by writing under his hand addressed to the Minister;
- 20 (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate or of the allowances and expenses payable to him under this Act for their benefit;
- 25 (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- 30 (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;

(f)

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- 5 (f) if he is absent from three consecutive ordinary meetings of the advisory council of which he is a member of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by the advisory council before the last of those meetings;
- 10 (g) where he is a citizen representative, as a citizen representative, if he is elected as a member, to hold office as a local government representative, of the advisory council for the region or district for which he was appointed as a citizen representative;
- 15 (h) where he is a local government representative, as a local government representative, if he is appointed as a citizen representative on the advisory council for the region or district for which he was elected as a local government representative;
- 20 (i) if, in the case of a citizen representative or a local government representative, he ceases to be eligible for appointment or election, as the case may be, as a member of an advisory council by reason of his becoming an officer, employee, member or servant of a Government Department or public authority;
- 25 (j) if, in the case of an administrative representative, he ceases to hold the office by virtue of which he was appointed; or
- (k) if he is removed from office by the Minister.

(2) The Minister may, for any cause which appears to him sufficient, remove any member from office and, without limiting the generality of the foregoing provisions of this sub-
30 section, may remove from office any member holding office as an administrative representative or citizen representative on an advisory council if the number of administrative representatives or citizen representatives, as the case may be, exceeds the number of local government representatives on
35 that advisory council.

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19. (1) The procedure for the calling of meetings of an advisory council and for the conduct of business at those meetings shall, subject to this Act and the regulations made under this Act, be as determined by that advisory council.

Meetings of
advisory
councils.

5 (2) At the first meeting of an advisory council for a region or district after an election of all the local government representatives on that advisory council the members of that advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory
10 council and to hold office until the next such election.

(3) Where a vacancy occurs in the office of the chairman of an advisory council for a region or district the members present at the next meeting of the advisory council shall elect one of their number, who is resident in that region
15 or district, to be chairman of that advisory council and to hold office until the next election of all the local government representatives on the advisory council.

(4) Except where a person is appointed to preside at a meeting of an advisory council in accordance with sub-
20 section four of section twenty-four of this Act, the chairman shall preside at all meetings of that advisory council at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting.

(5) The prescribed number of members shall form a
25 quorum at any duly convened meeting of an advisory council and any duly convened meeting of an advisory council at which a quorum is present shall be competent to transact any business of that advisory council and shall have and may exercise and discharge all the powers, authorities, duties and
30 functions of that advisory council.

(6) In the event of an equality of votes at any meeting of an advisory council, the person presiding at that meeting shall have, in addition to a deliberative vote, a second or casting vote.

(7)

Regional Organisation.

(7) A decision of the majority of the members present at a meeting of an advisory council at which a quorum is present shall be the decision of that advisory council.

(8) An advisory council shall cause full and accurate
5 minutes to be kept of the proceedings at its meetings and shall submit to the Minister a copy of the minutes of each meeting within twenty-one days after the day on which it was held.

(9) No matter or thing done, and no contract
10 entered into, by an advisory council and no matter or thing done by any member or by any other person whomsoever acting under the direction of an advisory council shall, if the matter or thing was done, or the contract was entered into
15 bona fide for the purpose of executing this Act, subject such member or person so acting personally to any action, liability, claim or demand whatsoever.

(10) Nothing in subsection nine of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-
20 General in the accounts of an advisory council and which the member authorised or joined in authorising and for the purposes of the Audit Act, 1902, any moneys received or disbursed by an advisory council shall be deemed to be public moneys.

25 **20.** (1) An advisory council may establish committees ^{Commit-} for the purpose of advising that advisory council upon such ^{tees.} matters within the scope of that advisory council's powers, authorities, duties or functions as may be referred to any such committee by that advisory council.

30 (2) A person may be appointed to a committee whether or not he is a member of an advisory council.

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(3) Except where a person is appointed to preside at a meeting of a committee in accordance with subsection four of section twenty-four of this Act, the chairman of an advisory council shall be a member of and shall preside at all
5 meetings of committees of that advisory council at which he is present.

(4) A committee may exercise and discharge such of an advisory council's powers, authorities, duties and functions as may be delegated to it by that advisory council.

10 (5) Notwithstanding any such delegation, an advisory council may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) An advisory council may at any time revoke any such delegation, either wholly or in part.

15 (7) Every member of a committee, other than an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that committee as the Minister may from time to time determine.

20 (8) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from
25 holding that office and also the office of a member of a committee or from accepting and retaining any allowances or expenses payable to him under this section.

(9) The office of a member of a committee shall, for the purposes of any Act, be deemed not to be an office or
30 place of profit under the Crown.

21. A meeting of an advisory council or a committee of
an advisory council shall, unless that advisory council or com-
mittee otherwise determines, be open to the public.

Admittance
of public to
meetings.

22.

Regional Organisation.

22. (1) The Governor may appoint under and subject to the Public Service Act, 1902, such officers and employees as may be necessary for the purpose of carrying out the provisions of this Act. Officers and employees.

5 (2) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on an advisory council by this Act, that advisory council may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make
10 use of the services of any of the officers or employees of any Government Department.

(3) An advisory council may for the like purposes, with the approval of any public authority and on such terms as may be arranged, make use of the services of any of the
15 officers, servants or employees of that public authority.

23. (1) There shall be an executive officer of each region or district who shall, unless the Minister otherwise directs, be an officer, servant or employee referred to in section twenty-two of this Act. Executive officer.

20 (2) An executive officer of a region or district shall carry out—
(a) the duties imposed on him by this Act; and
(b) such duties and functions relating to the activities of the advisory council for that region or district as
25 it may from time to time direct.

24. (1) A meeting of an advisory council shall be held at least once in every period of three months after the constitution of that council. Convening of meetings, etc.

(2) A meeting of an advisory council for a region or
30 district or of a committee of such an advisory council shall, at the direction of the chairman, be summoned in the prescribed manner by the executive officer of that region or district.

(3)

Regional Organisation.

(3) Upon the request of—

- (a) the Minister;
- (b) The State Planning Authority of New South Wales ;
or

5 (c) a Government Department or public authority,

the chairman of an advisory council shall cause to be summoned a special meeting of that advisory council or of any committee of that advisory council specified in the request to consider and make recommendations to that person or body
15 upon any matter specified in the request and relating to the powers, authorities, duties or functions of that advisory council or committee.

(4) The person or body requesting a meeting referred to in subsection three of this section may appoint a person to
15 preside at that meeting and to report to the person or body on the considerations or recommendations of that advisory council or committee.

(5) A person who is not a member of an advisory council shall not be entitled to attend a meeting of a committee
20 of that advisory council referred to in subsection three of this section except with the permission of the person presiding at that meeting.

25. (1) An advisory council shall, in relation to the region or district for which it is established and so far as it
25 legally may—

(a) take all necessary action to encourage and stimulate the social and economic development of that region or district as a whole; and

30 (b) ascertain and recommend the most appropriate means of achieving that development.

(2)

Powers,
authorities,
duties and
functions of
advisory
councils.

Regional Organisation.

(2) For the purposes of, but without limiting the generality of, subsection one of this section, an advisory council may, in relation to the region or district for which it is established—

- 5 (a) collect and maintain statistical data concerning natural and economic resources;
- (b) record and review trends in population, production, housing, employment, commerce and industry;
- 10 (c) initiate or assist in the preparation of schemes or proposals for the improvement of transport services and means of communication;
- (d) initiate or assist in the preparation of feasibility studies relating to development projects;
- 15 (e) furnish advice or make recommendations relating to the encouragement of primary, secondary or tertiary industrial development;
- (f) furnish advice or make recommendations relating to public works or services;
- 20 (g) make recommendations for the undertaking of civic improvements, community welfare projects and measures to improve the quality of life;
- (h) assist in and make recommendations concerning the co-ordination and decentralisation of the activities of Government Departments and public authorities; and
- 25 (i) facilitate the discussion and ascertainment of the views of persons concerning the social and economic development of the region or district.

(3) In relation to any of the matters the subject of a
30 power, authority, duty or function of an advisory council under this section, the advisory council may undertake such research, investigation and surveys as that advisory council may deem necessary or desirable.

PART

Regional Organisation.

PART IV.

GENERAL.

26. (1) The funds of an advisory council shall consist Finance.
of such moneys as may be provided by Parliament for the
5 exercise or performance of the powers, authorities, duties and
functions of the advisory council and such subscriptions, con-
tributions, donations or subsidies (whether or not subject to
conditions) raised or received for the purposes of this Act
by that advisory council from any person, organisation or
10 Government Department or from the public.

(2) The Minister may approve of a grant, out of
moneys provided by Parliament, to an advisory council of
such amount and on such conditions as he thinks fit in con-
nection with the carrying out of any specified project of
15 research or development by that advisory council.

27. (1) An advisory council may acquire by gift, bequest Power to
or devise any property for any of the purposes of this Act accept
and may agree to and carry out the conditions of the gift, gifts, etc.
bequest or devise.

20 (2) The rule of law relating to perpetuities does not
apply to any condition of a gift, bequest or devise to which
an advisory council has agreed.

(3) Nothing contained in the Stamp Duties Act,
1920, shall apply to any real or personal property of any
25 nature or kind whatsoever comprised in any gift inter vivos,
endowment, devise or bequest made to an advisory council.

28. (1) Subject to subsections two and three of this Banking
section, all moneys received by an advisory council shall be and invest-
deposited to the credit of a bank account opened in the name ment.
30 of that advisory council and operated as prescribed.

(2)

Regional Organisation.

(2) An advisory council may, with the approval of the Minister, open and operate a separate bank account in respect of any moneys forming part of the funds of that advisory council.

5 (3) An advisory council may, with the approval of the Minister, invest any of its funds not immediately required for its purposes in any manner in which trustees are for the time being authorised to invest trust funds.

10 **29.** Where an advisory council makes a recommendation or gives advice concerning any matter affecting the powers, authorities, duties or functions of a Government Department or public authority— Advice to Ministers.

15 (a) that recommendation or advice shall be submitted in writing to the Minister of State responsible for that Government Department or public authority; and

20 (b) a copy of that recommendation or advice shall be submitted in writing to the Minister unless he is the Minister referred to in paragraph (a) of this section.

30. (1) An advisory council shall, in respect of its operations, cause to be kept proper books of account in such form as may be prescribed or, where no regulations have been made under this Act prescribing the form of books or 25 accounts, in such form as the Minister may approve. Books and accounts.

(2) An advisory council shall upon request produce for inspection all books, accounts and records relating to its financial affairs to any person authorised in writing in that behalf by the Minister or by the Auditor-General.

30 (3) An advisory council shall on or before the thirtieth day of September in each year prepare and submit to the Minister—

35 (a) an account of its receipts and expenditure during the period of twelve months ending on the preceding thirtieth day of June; and

(b) a balance sheet as at that thirtieth day of June,
duly

Regional Organisation.

duly audited by a person registered as a public accountant under the Public Accountants Registration Act, 1945, or by a person authorised by the Minister.

5 **31.** As soon as practicable after the thirtieth day of June Annual reports.
in each year, an advisory council shall prepare and furnish
to the Minister a report upon its operations and activities
during the year ending on that day.

32. (1) The Governor may make regulations not incon- Regulations.
sistent with this Act prescribing all matters which by this Act
10 are required or permitted to be prescribed or which are neces-
sary or convenient to be prescribed for carrying out or giving
effect to this Act.

(2) A regulation made under this section may make
different provisions for or with respect to different advisory
15 councils.

33. The State Planning Authority Act, 1963, is amended Amendment
by inserting next after subsection one of section twenty-three of Act No.
the following new subsection : — 59, 1963.

(1A) On and from the commencement of the (Regional
20 Regional Organisation Act, 1972, the Authority shall, planning
as far as practicable when making any appointment on or commit-
after that commencement of members of a regional tees.)
planning committee for a regional planning district which
25 is wholly or partly comprised in a region or district
established under that Act, appoint under paragraph (d)
of subsection one of this section persons who are mem-
bers of an advisory council so established for that region
or district.

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

Act No. 38, 1972.

An Act to provide for the division of New South Wales into regions or districts for the purpose of encouraging and stimulating regional development; to provide for the establishment of advisory councils for those regions and districts and to confer or impose on those advisory councils certain powers, authorities, duties and functions; to amend the State Planning Authority Act, 1963; 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.

Regional Organisation.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title
and com-
mencement.

1. (1) This Act may be cited as the "Regional Organisation Act, 1972".

(2) This Act shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette.

Division
of Act.

2. This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–3.

PART II.—REGIONS AND DISTRICTS—s. 4.

PART III.—ADVISORY COUNCILS—ss. 5–25.

PART IV.—GENERAL—ss. 26–33.

Interpre-
tation.

3. In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"administrative representative" means a member appointed under section fourteen of this Act;

"advisory council" means the council for a region or district constituted under this Act;

"citizen representative" means a member appointed under section fifteen of this Act;

"district"

Regional Organisation.

“district” means a district established under this Act;

“Electoral Commissioner” means the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act, 1912;

“electorate”, in relation to an election of local government representatives or alternate local government representatives, means—

- (a) where the election is to be held in respect of a region or district not divided into ridings—that region or district; or
- (b) where the election is to be held in respect of a region or district divided into ridings—the riding or each of the ridings in respect of which the election is to be held;

“executive officer”, in relation to a region or district, means the person holding office as the executive officer of that region or district under section twenty-three of this Act;

“local government area” means an area within the meaning of the Local Government Act, 1919;

“local government council” has the meaning ascribed to the expression “council” in the Local Government Act, 1919;

“local government representative” means a member elected as a local government representative under section ten of this Act;

“member” means a member of an advisory council;

“member of a local government council” has the meaning ascribed to the expression “member of a council” in the Local Government Act, 1919;

“region” means a region established under this Act.

PART

Regional Organisation.

PART II.

REGIONS AND DISTRICTS.

Establish-
ment of
regions and
districts.

4. (1) The Minister may, by order published in the Gazette—

- (a) establish areas as regions or districts and define their boundaries;
- (b) change the boundaries of any region or district;
- (c) abolish any region or district; or
- (d) give a name or designation to any region or district.

(2) A region or district shall comprise or include one or more local government areas or parts of local government areas.

(3) Where, pursuant to subsection one of this section, the boundaries of a region or district are changed, any ridings into which the region or district is divided under Part III of this Act are thereupon abolished but the change does not affect the membership of the advisory council for that region or district except for the purposes of any subsequent election in respect of an electorate comprising or included in that region or district.

PART III.

ADVISORY COUNCILS.

Constitution
of advisory
councils.

5. An advisory council for a region or district shall consist of the persons elected or appointed thereto in accordance with the provisions of this Part as local government representatives, administrative representatives or citizen representatives.

6.

Regional Organisation.

6. (1) Subject to this section, the Electoral Commissioner—

- (a) shall, within three months after the establishment of a region or district; or
- (b) shall, where any ridings into which a region or district is divided are abolished under subsection three of section four of this Act, within three months after the abolition,

divide that region or district into ridings or determine that that region or district shall not be divided into ridings.

(2) Subject to this section, the Electoral Commissioner may—

- (a) where a region or district is not divided into ridings—at any time divide the region or district into ridings; or
- (b) where a region or district is divided into ridings—from time to time, change the boundaries of the ridings into which the region or district is divided or abolish the ridings into which the region or district is divided.

(3) A region or district shall not be divided into more than seven ridings.

(4) In exercising or performing any of his powers or duties under subsection one or two of this section in relation to a region or district the Electoral Commissioner shall have regard to—

- (a) the distribution of population within that region or district;
- (b) the community of interest of groups of persons within that region or district;

(c)

Regional Organisation.

- (c) the boundaries of the local government areas within that region or district;
- (d) the areas of any ridings into which it is proposed to divide that region or district; and
- (e) any recommendations made to him by—
 - (i) the Director of the Department of Decentralisation and Development;
 - (ii) the Local Government Association of New South Wales; and
 - (iii) the Shires Association of New South Wales,
 in relation to that exercise or performance.

(5) As soon as practicable after exercising or performing any of his powers or duties under subsection one or two of this section, the Electoral Commissioner shall—

- (a) give the prescribed notice in a newspaper circulating in the region or district affected; and
- (b) forward the prescribed notice to the Minister and to the executive officer of the region or district affected.

Determina-
tions by
Minister.

7. (1) The Minister shall, within one month after receipt by him of a notice under subsection five of section six of this Act relating to the performance by the Electoral Commissioner of a duty imposed on him by subsection one of that section or to the exercise of that Commissioner's powers under paragraph (a) of subsection two of that section, determine in respect of the region or district to which the notice relates—

- (a) the number (not exceeding seven) of persons to be elected; and
- (b) where that region or district has been divided into ridings, how many of that number are to be elected in respect of each of those ridings,

as

Regional Organisation.

as local government representatives at elections of the local government representatives on the advisory council for that region or district.

(2) The Minister may, at any time after a determination has been made under subsection one of this section in relation to a region or district, make a further determination, in relation to that region or district (whether or not its boundaries have been changed), as to either of the matters referred to in paragraphs (a) and (b) of that subsection.

(3) Any determination made under this section supersedes any previous determination so made and relating to the region or district affected.

(4) The Minister shall, as soon as practicable after making a determination referred to in subsection one or two of this section, give notice in writing of that determination to the executive officer of the region or district affected.

8. Any division of a region or district into ridings or any change of the boundaries of, or the abolition of, the ridings into which a region or district is divided, effected under this Part, and any determination made under section seven of this Act does not affect the membership of the advisory council for the region or district affected but any such determination has effect for the purposes of any subsequent election in respect of an electorate to which the determination relates.

Alteration of division of region or district not to affect membership of advisory council.

9. (1) Where the Minister makes a determination under subsection one or two of section seven of this Act—

Direction for elections to be held.

(a) in the case of a determination made by reason of the Electoral Commissioner having given a notice under subsection five of section six of this Act of the performance of his duties under subsection one of that section by reason of the establishment of a region or district, the Minister shall; or

(b) in any other case, the Minister may,

at

Regional Organisation.

at the time he makes the determination, direct that an election shall be held in respect of the region or district affected by the determination or, if the region or district is divided into ridings, in respect of the ridings or any one or more of the ridings of that region or district.

(2) The Minister shall, as soon as practicable after giving a direction under subsection one of this section, give notice in writing of that direction to the executive officer of the region or district affected by the direction.

Elections.

10. (1) The executive officer of a region or district shall as soon as practicable after receipt of notice of a direction given by the Minister under subsection one of section nine of this Act in respect of an electorate, cause elections to be held in the prescribed manner for the election of—

- (a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that electorate; and
- (b) an equal number of alternate local government representatives.

(2) Subject to subsection three of this section, the executive officer of a region or district shall, within two months after the day appointed by paragraph (b) of subsection one of section thirty-nine of the Local Government Act, 1919, cause elections to be held in the prescribed manner for the election of—

- (a) the number of local government representatives referred to in the last determination made by the Minister under paragraph (a) of subsection one of section seven of this Act in respect of that region or district; and

(b)

Regional Organisation.

- (b) an equal number of alternate local government representatives,

for the electorate, or each electorate, comprised in the region or district.

(3) Where elections are held under subsection one of this section in respect of any electorate, being the whole of a region or district, within a period of six months before the day referred to in subsection two of this section, the next subsequent election for that electorate that, but for this subsection, would be required to be held by subsection two of this section, shall not be held.

11. A person shall be eligible for election under this Part as a local government representative or alternate local government representative if he— Elections—
eligibility
for election.

- (a) is nominated as prescribed;
- (b) is ordinarily resident in the electorate for which he is a candidate for election; and
- (c) is not an officer, employee, member or servant of a Government Department or public authority, other than a local government council of a local government area comprised wholly or partly within that electorate.

12. A member of a local government council of a local government area comprised wholly or partly within an electorate and holding office at the date of an election under this Part shall be eligible to vote at that election in respect of that electorate. Elections—
eligibility
to vote.

13.

Regional Organisation.

Declaration
of poll.

13. (1) Upon the completion of an election held under section ten of this Act in respect of any electorate, the executive officer of the region or district concerned shall forthwith give notice in writing to the Minister specifying the persons he declares to be elected for that electorate.

(2) As soon as practicable after the receipt of a notice referred to in subsection one of this section, the Minister shall cause particulars of that notice to be published in the Gazette.

(3) On the publication under subsection two of this section of the particulars referred to in that subsection—

- (a) the persons, if any, holding office immediately before that publication as local government representatives for the electorate to which the particulars relate or for any previous electorate forming part of that electorate, shall cease to hold office and the persons specified in the particulars so published as local government representatives for that electorate shall take office as local government representatives for that electorate;
- (b) the previous alternate local government representatives, if any, for that electorate or for any previous electorate forming part of that electorate shall cease to be alternate local government representatives for that electorate and the persons specified in the particulars so published as alternate local government representatives for that electorate shall become alternate local government representatives for that electorate; and
- (c) where the election is held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act, the persons, if any, holding office immediately before that publication as citizen representatives for the electorate to which the particulars relate shall cease to hold office and the persons appointed as
citizen

Regional Organisation.

citizen representatives for that electorate pursuant to subsection one of section fifteen of this Act shall take office as citizen representatives for that electorate.

14. (1) The Minister may at any time require the officer in charge of any Government Department or public authority to submit to him, within such time and in such manner as he may specify in that requirement, a list of persons, being respectively—

(a) officers or employees of that Government Department; or

(b) members or servants of that public authority, nominated by that officer for appointment under this section.

(2) The Minister shall from time to time appoint as administrative representatives on an advisory council for a region or district such number of persons nominated in accordance with subsection one of this section as is necessary for the advisory council to include the same number of administrative representatives as the number of local government representatives elected at the last election for that region or district held pursuant to a direction given by the Minister in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act.

(3) In appointing persons as administrative representatives, the Minister shall have regard to—

(a) the age, experience, qualifications and training of those persons; and

(b) any recommendations made by the Minister for Local Government as to the suitability of each of those persons for appointment under this section.

15.

Regional Organisation.

Citizen
representatives.

15. (1) The Minister shall, whenever an election of the local government representatives on an advisory council is held pursuant to a direction given by him in the case referred to in paragraph (a) of subsection one of section nine, or pursuant to subsection two of section ten, of this Act or whenever the number of citizen representatives on an advisory council is less than the prescribed number, appoint to be citizen representatives on that advisory council such number of persons who—

- (a) are ordinarily resident in the region or district of that advisory council; and
- (b) are not officers, employees, members or servants of a Government Department or public authority other than—
 - (i) a local government council of a local government area comprised wholly or partly in that region or district; or
 - (ii) a research institution or tertiary educational establishment,

as is necessary for that advisory council to include the prescribed number of citizen representatives.

(2) The Minister shall, as far as practicable, appoint as a citizen representative on each advisory council at least one person who is employed in the conduct of a research institution or tertiary educational establishment.

(3) In appointing persons as citizen representatives the Minister shall have regard to any recommendations made by the Minister for Local Government as to the suitability of each of those persons for appointment under this section.

(4) In this section, "prescribed number", in relation to an advisory council, means the number equal to the number of local government representatives last elected to that advisory council at an election referred to in subsection one of this section.

Regional Organisation.

16. (1) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate, an alternate local government representative for that electorate, selected as prescribed, shall assume office as a member of that advisory council and shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

Alternate
local
government
representatives.

(2) Where a vacancy occurs in the office of a member of an advisory council holding office as a local government representative for an electorate and there is no alternate local government representative for that electorate to fill the vacancy, the Minister may appoint a person eligible to be elected as a local government representative for that electorate to act as a local government representative on that advisory council and any person so appointed shall be deemed to be a member of that advisory council holding office as a local government representative for that electorate.

(3) Where a member of an advisory council for a region or district who holds office as a local government representative for an electorate is absent from any meeting of that advisory council or of any committee of that advisory council of which that member is a member, an alternate local government representative for that electorate, selected as prescribed, may act in the place of that local government representative at that meeting and when so acting shall have all the powers, authorities, duties and functions of that local government representative.

17. (1) A member of an advisory council, other than a member holding office as an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that advisory council as the Minister may from time to time determine.

Members—
incidents
of office.

(2)

Regional Organisation.

(2) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member or from accepting and retaining any allowances or expenses payable to him under this section.

(3) The office of a member shall for the purposes of any Act be deemed not to be an office or place of profit under the Crown.

Casual
vacancies.

18. (1) A member shall be deemed to have vacated his office—

- (a) if he dies;
- (b) if he resigns his office by writing under his hand addressed to the Minister;
- (c) if he becomes a bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment of his estate or of the allowances and expenses payable to him under this Act for their benefit;
- (d) if he is convicted in New South Wales of a crime or offence which is punishable by imprisonment for twelve months or upwards, or if he is convicted elsewhere than in New South Wales of a crime or offence which if committed in New South Wales would be a crime or offence so punishable;
- (e) if he becomes a mentally ill person, a protected person or an incapable person, within the meaning of the Mental Health Act, 1958;

(f)

Regional Organisation.

- (f) if he is absent from three consecutive ordinary meetings of the advisory council of which he is a member of which reasonable notice has been given to him either personally or in the ordinary course of post except on leave granted by the advisory council before the last of those meetings;
- (g) where he is a citizen representative, as a citizen representative, if he is elected as a member, to hold office as a local government representative, of the advisory council for the region or district for which he was appointed as a citizen representative;
- (h) where he is a local government representative, as a local government representative, if he is appointed as a citizen representative on the advisory council for the region or district for which he was elected as a local government representative;
- (i) if, in the case of a citizen representative or a local government representative, he ceases to be eligible for appointment or election, as the case may be, as a member of an advisory council by reason of his becoming an officer, employee, member or servant of a Government Department or public authority;
- (j) if, in the case of an administrative representative, he ceases to hold the office by virtue of which he was appointed; or
- (k) if he is removed from office by the Minister.

(2) The Minister may, for any cause which appears to him sufficient, remove any member from office and, without limiting the generality of the foregoing provisions of this subsection, may remove from office any member holding office as an administrative representative or citizen representative on an advisory council if the number of administrative representatives or citizen representatives, as the case may be, exceeds the number of local government representatives on that advisory council.

Regional Organisation.

Meetings of
advisory
councils.

19. (1) The procedure for the calling of meetings of an advisory council and for the conduct of business at those meetings shall, subject to this Act and the regulations made under this Act, be as determined by that advisory council.

(2) At the first meeting of an advisory council for a region or district after an election of all the local government representatives on that advisory council the members of that advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next such election.

(3) Where a vacancy occurs in the office of the chairman of an advisory council for a region or district the members present at the next meeting of the advisory council shall elect one of their number, who is resident in that region or district, to be chairman of that advisory council and to hold office until the next election of all the local government representatives on the advisory council.

(4) Except where a person is appointed to preside at a meeting of an advisory council in accordance with subsection four of section twenty-four of this Act, the chairman shall preside at all meetings of that advisory council at which he is present and, if he is absent from any meeting, a member elected by the members present shall preside at that meeting.

(5) The prescribed number of members shall form a quorum at any duly convened meeting of an advisory council and any duly convened meeting of an advisory council at which a quorum is present shall be competent to transact any business of that advisory council and shall have and may exercise and discharge all the powers, authorities, duties and functions of that advisory council.

(6) In the event of an equality of votes at any meeting of an advisory council, the person presiding at that meeting shall have, in addition to a deliberative vote, a second or casting vote.

(7)

Regional Organisation.

(7) A decision of the majority of the members present at a meeting of an advisory council at which a quorum is present shall be the decision of that advisory council.

(8) An advisory council shall cause full and accurate minutes to be kept of the proceedings at its meetings and shall submit to the Minister a copy of the minutes of each meeting within twenty-one days after the day on which it was held.

(9) No matter or thing done, and no contract entered into, by an advisory council and no matter or thing done by any member or by any other person whomsoever acting under the direction of an advisory council shall, if the matter or thing was done, or the contract was entered into bona fide for the purpose of executing this Act, subject such member or person so acting personally to any action, liability, claim or demand whatsoever.

(10) Nothing in subsection nine of this section shall exempt any member from liability to be surcharged with the amount of any payment which is disallowed by the Auditor-General in the accounts of an advisory council and which the member authorised or joined in authorising and for the purposes of the Audit Act, 1902, any moneys received or disbursed by an advisory council shall be deemed to be public moneys.

20. (1) An advisory council may establish committees Committees. for the purpose of advising that advisory council upon such matters within the scope of that advisory council's powers, authorities, duties or functions as may be referred to any such committee by that advisory council.

(2) A person may be appointed to a committee whether or not he is a member of an advisory council.

(3)

Regional Organisation.

(3) Except where a person is appointed to preside at a meeting of a committee in accordance with subsection four of section twenty-four of this Act, the chairman of an advisory council shall be a member of and shall preside at all meetings of committees of that advisory council at which he is present.

(4) A committee may exercise and discharge such of an advisory council's powers, authorities, duties and functions as may be delegated to it by that advisory council.

(5) Notwithstanding any such delegation, an advisory council may continue to exercise and discharge any of the powers, authorities, duties and functions so delegated.

(6) An advisory council may at any time revoke any such delegation, either wholly or in part.

(7) Every member of a committee, other than an administrative representative, shall be entitled to be paid such allowances and travelling expenses for attending meetings and transacting business of that committee as the Minister may from time to time determine.

(8) Where by or under any Act provision is made requiring the holder of an office specified therein to devote the whole of his time to the duties of his office, or prohibiting him from engaging in employment outside the duties of his office, that provision shall not operate to disqualify him from holding that office and also the office of a member of a committee or from accepting and retaining any allowances or expenses payable to him under this section.

(9) The office of a member of a committee shall, for the purposes of any Act, be deemed not to be an office or place of profit under the Crown.

Admittance
of public to
meetings.

21. A meeting of an advisory council or a committee of an advisory council shall, unless that advisory council or committee otherwise determines, be open to the public.

22.

Regional Organisation.

22. (1) The Governor may appoint under and subject to the Public Service Act, 1902, such officers and employees as may be necessary for the purpose of carrying out the provisions of this Act. ^{Officers and employees.}

(2) For the purposes of exercising and performing the powers, authorities, duties and functions conferred or imposed on an advisory council by this Act, that advisory council may, with the approval of the Minister of the Department concerned and on such terms as may be arranged, make use of the services of any of the officers or employees of any Government Department.

(3) An advisory council may for the like purposes, with the approval of any public authority and on such terms as may be arranged, make use of the services of any of the officers, servants or employees of that public authority.

23. (1) There shall be an executive officer of each region or district who shall, unless the Minister otherwise directs, be an officer, servant or employee referred to in section twenty-two of this Act. ^{Executive officer.}

(2) An executive officer of a region or district shall carry out—

- (a) the duties imposed on him by this Act; and
- (b) such duties and functions relating to the activities of the advisory council for that region or district as it may from time to time direct.

24. (1) A meeting of an advisory council shall be held at least once in every period of three months after the constitution of that council. ^{Convening of meetings, etc.}

(2) A meeting of an advisory council for a region or district or of a committee of such an advisory council shall, at the direction of the chairman, be summoned in the prescribed manner by the executive officer of that region or district.

(3)

Regional Organisation.

(3) Upon the request of—

- (a) the Minister;
- (b) The State Planning Authority of New South Wales;
or
- (c) a Government Department or public authority,

the chairman of an advisory council shall cause to be summoned a special meeting of that advisory council or of any committee of that advisory council specified in the request to consider and make recommendations to that person or body upon any matter specified in the request and relating to the powers, authorities, duties or functions of that advisory council or committee.

(4) The person or body requesting a meeting referred to in subsection three of this section may appoint a person to preside at that meeting and to report to the person or body on the considerations or recommendations of that advisory council or committee.

(5) A person who is not a member of an advisory council shall not be entitled to attend a meeting of a committee of that advisory council referred to in subsection three of this section except with the permission of the person presiding at that meeting.

Powers,
authorities,
duties and
functions of
advisory
councils.

25. (1) An advisory council shall, in relation to the region or district for which it is established and so far as it legally may—

- (a) take all necessary action to encourage and stimulate the social and economic development of that region or district as a whole; and
- (b) ascertain and recommend the most appropriate means of achieving that development.

(2)

Regional Organisation.

(2) For the purposes of, but without limiting the generality of, subsection one of this section, an advisory council may, in relation to the region or district for which it is established—

- (a) collect and maintain statistical data concerning natural and economic resources;
- (b) record and review trends in population, production, housing, employment, commerce and industry;
- (c) initiate or assist in the preparation of schemes or proposals for the improvement of transport services and means of communication;
- (d) initiate or assist in the preparation of feasibility studies relating to development projects;
- (e) furnish advice or make recommendations relating to the encouragement of primary, secondary or tertiary industrial development;
- (f) furnish advice or make recommendations relating to public works or services;
- (g) make recommendations for the undertaking of civic improvements, community welfare projects and measures to improve the quality of life;
- (h) assist in and make recommendations concerning the co-ordination and decentralisation of the activities of Government Departments and public authorities; and
- (i) facilitate the discussion and ascertainment of the views of persons concerning the social and economic development of the region or district.

(3) In relation to any of the matters the subject of a power, authority, duty or function of an advisory council under this section, the advisory council may undertake such research, investigation and surveys as that advisory council may deem necessary or desirable.

Regional Organisation.

PART IV.**GENERAL.****Finance.**

26. (1) The funds of an advisory council shall consist of such moneys as may be provided by Parliament for the exercise or performance of the powers, authorities, duties and functions of the advisory council and such subscriptions, contributions, donations or subsidies (whether or not subject to conditions) raised or received for the purposes of this Act by that advisory council from any person, organisation or Government Department or from the public.

(2) The Minister may approve of a grant, out of moneys provided by Parliament, to an advisory council of such amount and on such conditions as he thinks fit in connection with the carrying out of any specified project of research or development by that advisory council.

**Power to
accept
gifts, etc.**

27. (1) An advisory council may acquire by gift, bequest or devise any property for any of the purposes of this Act and may agree to and carry out the conditions of the gift, bequest or devise.

(2) The rule of law relating to perpetuities does not apply to any condition of a gift, bequest or devise to which an advisory council has agreed.

(3) Nothing contained in the Stamp Duties Act, 1920, shall apply to any real or personal property of any nature or kind whatsoever comprised in any gift inter vivos, endowment, devise or bequest made to an advisory council.

**Banking
and invest-
ment.**

28. (1) Subject to subsections two and three of this section, all moneys received by an advisory council shall be deposited to the credit of a bank account opened in the name of that advisory council and operated as prescribed.

(2)

Regional Organisation.

(2) An advisory council may, with the approval of the Minister, open and operate a separate bank account in respect of any moneys forming part of the funds of that advisory council.

(3) An advisory council may, with the approval of the Minister, invest any of its funds not immediately required for its purposes in any manner in which trustees are for the time being authorised to invest trust funds.

29. Where an advisory council makes a recommendation or gives advice concerning any matter affecting the powers, authorities, duties or functions of a Government Department or public authority—

Advice to
Ministers.

- (a) that recommendation or advice shall be submitted in writing to the Minister of State responsible for that Government Department or public authority; and
- (b) a copy of that recommendation or advice shall be submitted in writing to the Minister unless he is the Minister referred to in paragraph (a) of this section.

30. (1) An advisory council shall, in respect of its operations, cause to be kept proper books of account in such form as may be prescribed or, where no regulations have been made under this Act prescribing the form of books or accounts, in such form as the Minister may approve.

Books and
accounts.

(2) An advisory council shall upon request produce for inspection all books, accounts and records relating to its financial affairs to any person authorised in writing in that behalf by the Minister or by the Auditor-General.

(3) An advisory council shall on or before the thirtieth day of September in each year prepare and submit to the Minister—

- (a) an account of its receipts and expenditure during the period of twelve months ending on the preceding thirtieth day of June; and
- (b) a balance sheet as at that thirtieth day of June,
duly

Regional Organisation.

duly audited by a person registered as a public accountant under the Public Accountants Registration Act, 1945, or by a person authorised by the Minister.

Annual
reports.

31. As soon as practicable after the thirtieth day of June in each year, an advisory council shall prepare and furnish to the Minister a report upon its operations and activities during the year ending on that day.

Regulations.

32. (1) The Governor may make regulations not inconsistent with this Act prescribing all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) A regulation made under this section may make different provisions for or with respect to different advisory councils.

Amendment
of Act No.
59, 1963.
Sec. 23.
(Regional
planning
commit-
tees.)

33. The State Planning Authority Act, 1963, is amended by inserting next after subsection one of section twenty-three the following new subsection :—

(1A) On and from the commencement of the Regional Organisation Act, 1972, the Authority shall, as far as practicable when making any appointment on or after that commencement of members of a regional planning committee for a regional planning district which is wholly or partly comprised in a region or district established under that Act, appoint under paragraph (d) of subsection one of this section persons who are members of an advisory council so established for that region or district.

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.*