

*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.*

**R. E. WARD,**  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 12 March, 1975.*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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**Act No. 21, 1975.**

An Act to make further provision for regulating the use of land in connection with movable dwellings and the use of movable dwellings on any such land; for this and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith. [Assented to, 14th April, 1975.]

BE

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

**H. G. COATES,**  
*Acting Chairman of Committees of the Legislative Assembly.*

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*Local Government (Amendment).*

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

Short title.      **1.** This Act may be cited as the "Local Government (Amendment) Act, 1975".

Commence-      **2.** (1) Except as provided in subsection (2), this Act  
ment.            shall commence on the date of assent to this Act.

(2) Section 3 (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Amendment      **3.** The Local Government Act, 1919, is amended—  
of Act No.  
41, 1919.

Sec. 288A.      (a) by omitting section 288A and by inserting instead the following section :—

Movable      288A. (1) In this section, "movable dwelling"  
dwellings.      includes any tent, any van or other conveyance whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at certain seasons only or intermittently, for human habitation, but does not include a structure to which a building ordinance under Part XI applies.

(2) An ordinance may, in so far as it makes provision for or with respect to regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land, bind the Crown to the extent expressed in the ordinance.

(3)

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*Local Government (Amendment).*

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(3) Nothing in subsection (2) affects the operation of section 111 of the Public Health Act, 1902.

(4) Where an ordinance regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land so provides, a person who is aggrieved—

- (a) by a decision of the council relating to licensing; or
- (b) by a decision of the council relating to licensing that is deemed by the ordinance to have been made on the occurrence of an event,

may, under this section, appeal against the decision to a court of petty sessions.

(5) An appeal under this section may be made within twelve months after written notice of the decision—

- (a) has been given in the prescribed manner; or
- (b) is deemed by the ordinance to have been given,

to the person entitled to appeal.

(6) The decision of the court of petty sessions on an appeal under this section shall be final and shall be binding on the council and the appellant.

(7) A court of petty sessions—

- (a) shall not grant an appeal under this section unless it is satisfied that the decision appealed against is incorrect;

(b)

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*Local Government (Amendment).*


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- (b) shall dismiss the appeal if it is satisfied that the decision appealed against is correct; and
- (c) subject to paragraph (a), may, on granting an appeal under this section, direct that a license be issued or transferred subject to such conditions as the council is authorised to impose when issuing or transferring a license of the kind in relation to which the appeal is brought.

(8) Where the council gives written notice to a person of any decision from which an appeal lies under this section, the notice shall indicate that he has a right of appeal under this Act.

Sec. 303.  
(Ordinances.)

- (b) (i) by omitting from section 303 (1) (r) the matter "section 289c." and by inserting instead the following matter and paragraphs :—

section 289c;

- (s) regulating the use of land in connection with movable dwellings, the use of movable dwellings on that land, and (without limiting the generality of the foregoing provisions of this paragraph)—

- (i) the making, keeping and production of records and returns;

- (ii) the issue, transfer, cancellation and suspension of licenses and the imposition of conditions thereon;

(iii)

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*Local Government (Amendment).*

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(iii) the provision and maintenance of water supplies, washing facilities, garbage receptacles, privy accommodation, lighting and fire-fighting equipment and other prescribed matters or things; and

(iv) regulating the presence of animals and the lighting and use of fires,

in relation to that land and those movable dwellings;

(t) appeals under section 288A and (without limiting the generality of the foregoing provision of this paragraph) prescribing the court of petty sessions to which an appeal under section 288A may be made.

(ii) by inserting after section 303 (2) the following subsection :—

(3) In this section, a reference to a movable dwelling is a reference to a movable dwelling within the meaning of section 288A.

(c) (i) by inserting after section 576 (2) the following subsection :—

Sec. 576.  
(General  
power to  
make  
ordinances.)

(2A) An ordinance may be made, and shall be deemed always to have been able to be made, so as—

(a) to be of general application or limited in its application by reference to time, place or circumstances;

(b)

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*Local Government (Amendment).*

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- (b) to be restricted in its application to any specified class of subject-matter or to all subject-matter other than that of a specified class; and
  - (c) to differ in its application according to specified factors or circumstances.
- (ii) by omitting from section 576 (3) the word "An" and by inserting instead the words "Without affecting the generality of subsection (2A), an".

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

**L. W. STREET,**  
*Lieutenant-Governor.*

*Government House,  
Sydney, 14th April, 1975.*







*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.*

R. E. WARD,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 5 March, 1975*

## New South Wales



ANNO VICESIMO QUARTO

**ELIZABETHÆ II REGINÆ**

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Act No.           , 1975.

An Act to make further provision for regulating the use of land in connection with movable dwellings and the use of movable dwellings on any such land; for this and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith.

BE

*Local Government (Amendment).*

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

1. This Act may be cited as the "Local Government Short title. (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence- shall commence on the date of assent to this Act. ment.

10 (2) Section 3 (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Local Government Act, 1919, is amended— Amendment of Act No. 41, 1919.

15 (a) by omitting section 288A and by inserting instead Sec. 288A. the following section :—

20 288A. (1) In this section, "movable dwelling" Movable dwellings. includes any tent, any van or other conveyance whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at certain seasons only or intermittently, for human habitation, but does not include a structure to which a building ordinance under Part XI applies.

25 (2) An ordinance may, in so far as it makes provision for or with respect to regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land, bind the Crown to the extent expressed in the ordinance.

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(3)

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*Local Government (Amendment).*

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(3) Nothing in subsection (2) affects the operation of section 111 of the Public Health Act, 1902.

5 (4) Where an ordinance regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land so provides, a person who is aggrieved—

(a) by a decision of the council relating to licensing; or

10 (b) by a decision of the council relating to licensing that is deemed by the ordinance to have been made on the occurrence of an event,

15 may, under this section, appeal against the decision to a court of petty sessions.

(5) An appeal under this section may be made within twelve months after written notice of the decision—

(a) has been given in the prescribed manner; or

20 (b) is deemed by the ordinance to have been given,

to the person entitled to appeal.

25 (6) The decision of the court of petty sessions on an appeal under this section shall be final and shall be binding on the council and the appellant.

(7) A court of petty sessions—

30 (a) shall not grant an appeal under this section unless it is satisfied that the decision appealed against is incorrect;

(b)

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*Local Government (Amendment).*

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(b) shall dismiss the appeal if it is satisfied that the decision appealed against is correct; and

5 (c) subject to paragraph (a), may, on granting an appeal under this section, direct that a license be issued or transferred subject to such conditions as the council is authorised to impose when issuing or transferring a license of the kind in relation to which the appeal is brought.

10 (8) Where the council gives written notice to a person of any decision from which an appeal lies under this section, the notice shall indicate that he has a right of appeal under this Act.

15 (b) (i) by omitting from section 303 (1) (r) the matter "section 289c." and by inserting instead the following matter and paragraphs : — Sec. 303. (Ordinances.)

section 289c;

20 (s) regulating the use of land in connection with movable dwellings, the use of movable dwellings on that land, and (without limiting the generality of the foregoing provisions of this paragraph)—

25 (i) the making, keeping and production of records and returns;

30 (ii) the issue, transfer, cancellation and suspension of licenses and the imposition of conditions thereon;

(iii)

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*Local Government (Amendment).*

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5 (iii) the provision and maintenance of water supplies, washing facilities, garbage receptacles, privy accommodation, lighting and fire-fighting equipment and other prescribed matters or things; and

10 (iv) regulating the presence of animals and the lighting and use of fires,

in relation to that land and those movable dwellings;

15 (t) appeals under section 288A and (without limiting the generality of the foregoing provision of this paragraph) prescribing the court of petty sessions to which an appeal under section 288A may be made.

20 (ii) by inserting after section 303 (2) the following subsection :—

(3) In this section, a reference to a movable dwelling is a reference to a movable dwelling within the meaning of section 288A.

25 (c) (i) by inserting after section 576 (2) the following subsection :—

(2A) An ordinance may be made, and shall be deemed always to have been able to be made, so as—

30 (a) to be of general application or limited in its application by reference to time, place or circumstances;

(b)

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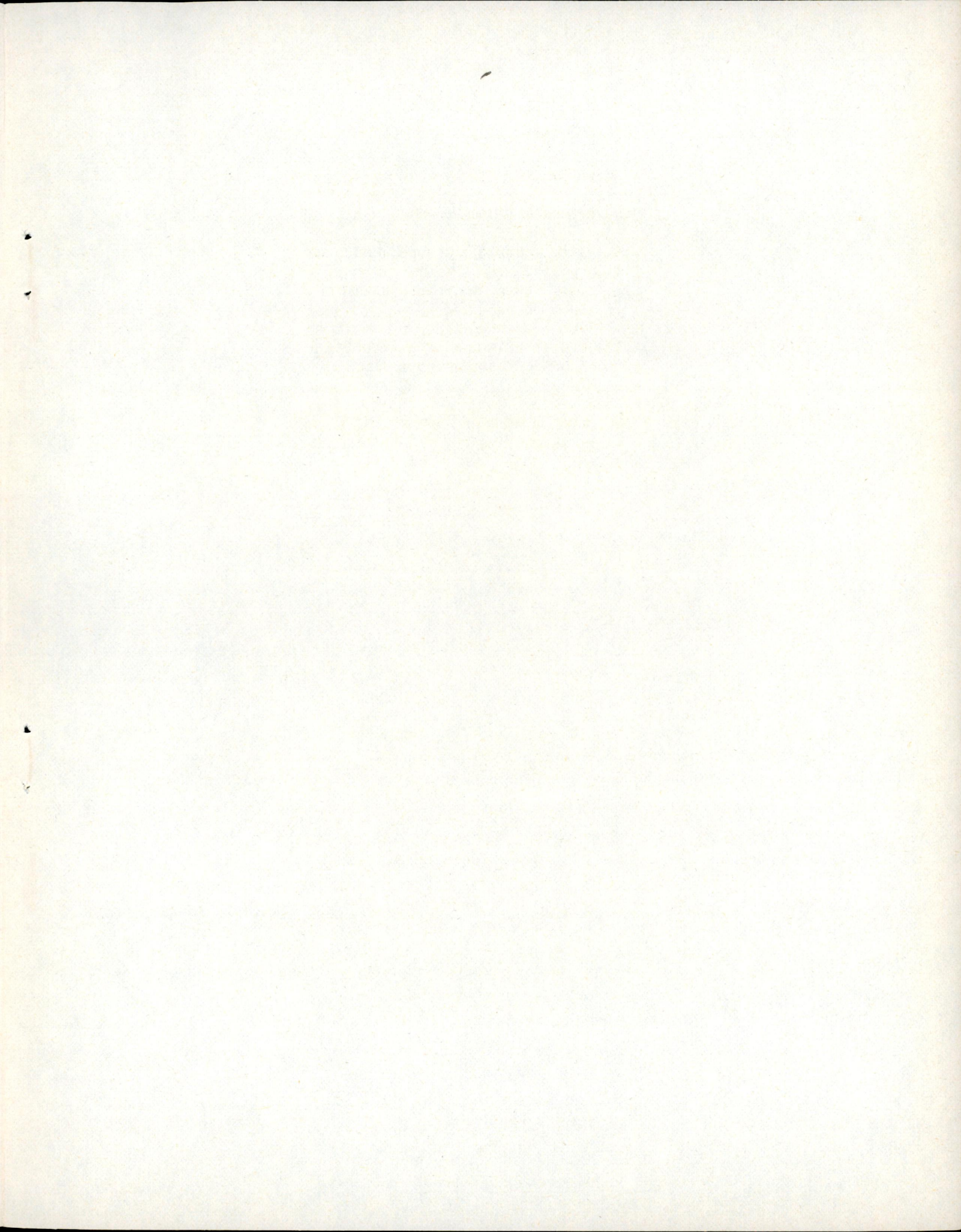
*Local Government (Amendment).*

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- (b) to be restricted in its application to any specified class of subject-matter or to all subject-matter other than that of a specified class; and
- 5 (c) to differ in its application according to specified factors or circumstances.
- (ii) by omitting from section 576 (3) the word "An" and by inserting instead the words  
10 "Without affecting the generality of subsection (2A), an".

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[8c]







No. , 1975.

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## A BILL

To make further provision for regulating the use of land in connection with movable dwellings and the use of movable dwellings on any such land; for this and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith.

[SIR CHARLES CUTLER—26 February, 1975.]

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BE

*Local Government (Amendment).*

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

1. This Act may be cited as the "Local Government Short title. (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence- shall commence on the date of assent to this Act. ment.

10 (2) Section 3 (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Local Government Act, 1919, is amended— Amendment of Act No. 41, 1919.

15 (a) by omitting section 288A and by inserting instead Sec. 288A. the following section :—

20 288A. (1) In this section, "movable dwelling" Movable dwellings. includes any tent, any van or other conveyance whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at certain seasons only or intermittently, for human habitation, but does not include a structure to which a building ordinance under Part XI applies.

25 (2) An ordinance may, in so far as it makes provision for or with respect to regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land, bind the Crown to the extent expressed in the ordinance.

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(3)

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*Local Government (Amendment).*

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(3) Nothing in subsection (2) affects the operation of section 111 of the Public Health Act, 1902.

5 (4) Where an ordinance regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land so provides, a person who is aggrieved—

(a) by a decision of the council relating to licensing; or

10 (b) by a decision of the council relating to licensing that is deemed by the ordinance to have been made on the occurrence of an event,

15 may, under this section, appeal against the decision to a court of petty sessions.

(5) An appeal under this section may be made within twelve months after written notice of the decision—

(a) has been given in the prescribed manner; or

20 (b) is deemed by the ordinance to have been given,

to the person entitled to appeal.

25 (6) The decision of the court of petty sessions on an appeal under this section shall be final and shall be binding on the council and the appellant.

(7) A court of petty sessions—

30 (a) shall not grant an appeal under this section unless it is satisfied that the decision appealed against is incorrect;

(b)

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*Local Government (Amendment).*

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(b) shall dismiss the appeal if it is satisfied that the decision appealed against is correct; and

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(c) subject to paragraph (a), may, on granting an appeal under this section, direct that a license be issued or transferred subject to such conditions as the council is authorised to impose when issuing or transferring a license of the kind in relation to which the appeal is brought.

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(8) Where the council gives written notice to a person of any decision from which an appeal lies under this section, the notice shall indicate that he has a right of appeal under this Act.

15

(b) (i) by omitting from section 303 (1) (r) the matter "section 289c." and by inserting instead the following matter and paragraphs :—

Sec. 303.  
(Ordinances.)

section 289c;

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(s) regulating the use of land in connection with movable dwellings, the use of movable dwellings on that land, and (without limiting the generality of the foregoing provisions of this paragraph)—

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(i) the making, keeping and production of records and returns;

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(ii) the issue, transfer, cancellation and suspension of licenses and the imposition of conditions thereon;

(iii)

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*Local Government (Amendment).*

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5 (iii) the provision and maintenance of water supplies, washing facilities, garbage receptacles, privy accommodation, lighting and fire-fighting equipment and other prescribed matters or things; and

10 (iv) regulating the presence of animals and the lighting and use of fires,

in relation to that land and those movable dwellings;

15 (t) appeals under section 288A and (without limiting the generality of the foregoing provision of this paragraph) prescribing the court of petty sessions to which an appeal under section 288A may be made.

20 (ii) by inserting after section 303 (2) the following subsection :—

(3) In this section, a reference to a movable dwelling is a reference to a movable dwelling within the meaning of section 288A.

25 (c) (i) by inserting after section 576 (2) the following subsection :—

(2A) An ordinance may be made, and shall be deemed always to have been able to be made, so as—

30 (a) to be of general application or limited in its application by reference to time, place or circumstances;

(b)

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*Local Government (Amendment).*

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- (b) to be restricted in its application to any specified class of subject-matter or to all subject-matter other than that of a specified class; and
- 5 (c) to differ in its application according to specified factors or circumstances.
- (ii) by omitting from section 576 (3) the word "An" and by inserting instead the words  
10 "Without affecting the generality of subsection (2A), an".

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975  
[8c]







*PROOF*

**LOCAL GOVERNMENT (AMENDMENT) BILL, 1975**

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**EXPLANATORY NOTE**

THE object of this Bill is to make further provision for regulating or prohibiting the use of land in connection with movable dwellings.

The Bill—

- (a) amends the Local Government Act, 1919, to provide that ordinances may be made to regulate or prohibit the use of land in connection with movable dwellings and the use of movable dwellings on that land;
- (b) clarifies the power to make ordinances having an operation that differs according to time, place, circumstances and the like; and
- (c) makes other provisions of a minor, consequential or ancillary nature.



PROOF

No. , 1975.

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## A BILL

To make further provision for regulating the use of land in connection with movable dwellings and the use of movable dwellings on any such land; for this and other purposes to amend the Local Government Act, 1919; and for purposes connected therewith.

[SIR CHARLES CUTLER—26 *February*, 1975.]

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*Local Government (Amendment).*

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

1. This Act may be cited as the "Local Government Short title. (Amendment) Act, 1975".

2. (1) Except as provided in subsection (2), this Act Commence- shall commence on the date of assent to this Act. ment.

10 (2) Section 3 (a) and (b) shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Local Government Act, 1919, is amended— Amendment of Act No. 41, 1919.

15 (a) by omitting section 288A and by inserting instead Sec. 288A. the following section :—

20 288A. (1) In this section, "movable dwelling" Movable dwellings. includes any tent, any van or other conveyance whether on wheels or not, and any shed or similar structure, being a tent, conveyance or structure which is used either regularly or at certain seasons only or intermittently, for human habitation, but does not include a structure to which a building ordinance under Part XI applies.

25 (2) An ordinance may, in so far as it makes provision for or with respect to regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land, bind the Crown to the extent expressed in the ordinance.

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(3)

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*Local Government (Amendment).*

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(3) Nothing in subsection (2) affects the operation of section 111 of the Public Health Act, 1902.

5 (4) Where an ordinance regulating the use of land in connection with movable dwellings or the use of movable dwellings on that land so provides, a person who is aggrieved—

(a) by a decision of the council relating to licensing; or

10 (b) by a decision of the council relating to licensing that is deemed by the ordinance to have been made on the occurrence of an event,

15 may, under this section, appeal against the decision to a court of petty sessions.

(5) An appeal under this section may be made within twelve months after written notice of the decision—

(a) has been given in the prescribed manner; or

20 (b) is deemed by the ordinance to have been given,

to the person entitled to appeal.

25 (6) The decision of the court of petty sessions on an appeal under this section shall be final and shall be binding on the council and the appellant.

(7) A court of petty sessions—

30 (a) shall not grant an appeal under this section unless it is satisfied that the decision appealed against is incorrect;

(b)

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*Local Government (Amendment).*

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(b) shall dismiss the appeal if it is satisfied that the decision appealed against is correct; and

5 (c) subject to paragraph (a), may, on granting an appeal under this section, direct that a license be issued or transferred subject to such conditions as the council is authorised to impose when issuing or transferring a license of the kind in relation to which the appeal is brought.

10 (8) Where the council gives written notice to a person of any decision from which an appeal lies under this section, the notice shall indicate that he has a right of appeal under this Act.

15 (b) (i) by omitting from section 303 (1) (r) the matter "section 289C." and by inserting instead the following matter and paragraphs : — <sup>Sec. 303. (Ordinances.)</sup>

section 289c;

20 (s) regulating the use of land in connection with movable dwellings, the use of movable dwellings on that land, and (without limiting the generality of the foregoing provisions of this paragraph)—

25 (i) the making, keeping and production of records and returns;

30 (ii) the issue, transfer, cancellation and suspension of licenses and the imposition of conditions thereon;

(iii)

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*Local Government (Amendment).*

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5 (iii) the provision and maintenance of water supplies, washing facilities, garbage receptacles, privy accommodation, lighting and fire-fighting equipment and other prescribed matters or things; and

10 (iv) regulating the presence of animals and the lighting and use of fires,

in relation to that land and those movable dwellings;

15 (t) appeals under section 288A and (without limiting the generality of the foregoing provision of this paragraph) prescribing the court of petty sessions to which an appeal under section 288A may be made.

20 (ii) by inserting after section 303 (2) the following subsection :—

(3) In this section, a reference to a movable dwelling is a reference to a movable dwelling within the meaning of section 288A.

25 (c) (i) by inserting after section 576 (2) the following subsection :—

(2A) An ordinance may be made, and shall be deemed always to have been able to be made, so as—

Sec. 576.  
(General power to make ordinances.)

30 (a) to be of general application or limited in its application by reference to time, place or circumstances;

(b)

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*Local Government (Amendment).*

---

- (b) to be restricted in its application to any specified class of subject-matter or to all subject-matter other than that of a specified class; and
- 5 (c) to differ in its application according to specified factors or circumstances.
- (ii) by omitting from section 576 (3) the word "An" and by inserting instead the words
- 10 "Without affecting the generality of subsection (2A), an".

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BY AUTHORITY  
D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1975



