

**COUNTY DISTRICTS RECONSTITUTION ACT,
1979, No. 185**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 185, 1979.

An Act to alter the boundaries of the county districts for certain
county councils constituted for the supply of electricity.
[Assented to, 18th December, 1979.]

County Districts Reconstitution.

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

Short
title.

1. This Act may be cited as the "County Districts Reconstitution Act, 1979".

Interpre-
tation.

2. (1) In this Act—

"appointed day" in relation to a county district reconstituted by this Act means the day appointed and notified under the provision that reconstitutes the county district;

"Principal Act" means the Local Government Act, 1919.

(2) This Act shall be construed with the Principal Act but this Act has effect notwithstanding anything in the Principal Act and anything in the Electricity Development Act, 1945.

Reconstitu-
tion of
Prospect,
Shortland,
Oxley,
Illawarra
and
Northern
Rivers
County
Districts.

3. (1) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Prospect County District is reconstituted by altering its boundaries to include therein—

(a) the areas and parts of areas that comprised the Hartley County District and the Nepean River County District, as they were constituted immediately before that day; and

(b) the area of the city of Blue Mountains.

(2) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Shortland County District is reconstituted by altering its boundaries to include therein the areas and parts of areas that comprised the Hunter Valley County District and the Upper Hunter County District, as they were constituted immediately before that day.

County Districts Reconstitution.

(3) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Oxley County District is reconstituted by—

- (a) uniting the Oxley County District and the Manning River County District, as they were constituted immediately before that day; and
- (b) altering the boundaries of the county districts referred to in paragraph (a) to include the area of the shire of Kempsey.

(4) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Illawarra County District is reconstituted by altering its boundaries to include therein—

- (a) the areas and parts of areas that comprised the Bega Valley County District and the Berrima County District, as they were constituted immediately before that day; and
- (b) the area of the city of Shoalhaven.

(5) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Northern Rivers County District is reconstituted by altering its boundaries to include therein the areas of the municipality of Mullumbimby and the shires of Byron and Tweed.

(6) The union of county districts and the alterations of the boundaries of county districts effected by this section shall, for the purposes of section 564BA of the Principal Act and for any other purpose, be deemed to have been duly effected by appropriate proclamations made by the Governor, and published in the Gazette and that union shall be deemed to have been so effected notwithstanding that the county councils so united did not, before being united, have the same functions, powers and duties.

(7) The powers conferred by section 564BA of the Principal Act may not be exercised in relation to an alteration of boundaries, or the union, referred to in subsection (6) in a manner inconsistent with this Act section 6 (2), (3) and (4) excepted.

County Districts Reconstitution.

Dissolution
of certain
county
councils.

4. (1) On the day appointed and notified under section 3 (1)—

- (a) The Hartley County Council; and
- (b) The Nepean River County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

(2) On the day appointed and notified under section 3 (2)—

- (a) The Hunter Valley County Council; and
- (b) The Upper Hunter County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

(3) On the day appointed and notified under section 3 (3)—

- (a) The Oxley County Council; and
- (b) The Manning River County Council,

as constituted immediately before that day, are dissolved.

(4) On the day appointed and notified under section 3 (4)—

- (a) The Bega Valley County Council; and
- (b) The Berrima County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

County
councils for
reconstituted
districts.

5. (1) On and from the appointed day for a county district reconstituted by section 3 (1), (2), (4) or (5), the county council for the county district shall comprise—

- (a) the delegates holding office as members of the county council immediately before that day; and
- (b) such other delegates as the Governor may appoint.

County Districts Reconstitution.

(2) On and from the appointed day for the county district reconstituted by section 3 (3), the county council for the county district shall comprise such delegates as the Governor may appoint.

(3) Delegates holding office under subsections (1) and (2) shall so hold office until the delegates elected at the next succeeding general election of delegates take office.

6. (1) In relation to the county council for a county district as reconstituted by section 3, the delegations made by section 564 (3A) or (3B) of the Principal Act shall be deemed to have been made as on and from the appointed day for that county district. ^{Statutory delegations.}

(2) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District were conferred or imposed upon The Oxley County Council with respect to public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Oxley County District.

(3) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District, were conferred or imposed upon The Manning River County Council with respect to water supply and public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Manning River County District.

(4) The functions, powers and duties that, immediately before the appointed day for the reconstituted Illawarra County District, were conferred or imposed upon The Berrima County Council with respect to the eradication of noxious plants and the publication of the history of the Berrima District are exercisable by The Illawarra County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Berrima County District.

County Districts Reconstitution.

Remunera-
tion of
servant.

7. (1) A person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by that county council on terms not less advantageous than those on which he was remunerated by a county council or the council of an area immediately before that day.

(2) Section 564B (1) (m) (i) (c) of the Principal Act does not apply to or in respect of a person to whom subsection (1) applies.

Mobility and
redundancy
of servants.

8. (1) Subject to subsection (2), a person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district may not, without his consent, be required by that county council to be based, as such a servant, at a place outside the county district, or outside the area, in which, immediately before that day, he was based as a servant of a county council or the council of an area, as the case may be.

(2) Where a person referred to in subsection (1) has once given an unconditional consent for the purposes of that subsection, the subsection ceases to apply to him.

(3) The employment of a servant referred to in subsection (1) may not be terminated on the ground of redundancy arising from the operation of this Act.

Staff
committee.

9. (1) The Minister shall, in respect of each county council for a county district reconstituted by section 3, appoint a staff committee to report to the county council on any matter arising from the operation of this Act in relation to servants of the county council.

County Districts Reconstitution.

(2) For the purposes of subsection (1), a staff committee for a county council shall comprise—

- (a) a chairman nominated by the Minister;
- (b) 2 persons nominated by the county council; and
- (c) 2 persons nominated by the Minister, after consulting such persons as he thinks fit, to represent servants of the county council.

(3) The Minister may constitute a staff committee under this section by appointing different persons according to the subject-matter with which it is at any time, or from time to time, required to deal.

10. On and from the appointed day for the reconstituted Northern Rivers County District—

Effect of certain Indenture.

- (a) the Indenture dated 15th July, 1958, and made between The Southern Electric Authority of Queensland and the council of the shire of Tweed; and
- (b) the Assignment dated 27th May, 1977, and made between The Southern Electric Authority of Queensland and The South East Queensland Electricity Board,

have effect as if The Northern Rivers County Council were a party to the Indenture instead of the council of the shire of Tweed.

11. (1) Where a county council dissolved by section 4—

Certain property held on trust.

- (a) disposed after 18th September, 1979, and before 26th November, 1979, of an estate or interest in land to the council of one of its constituent areas; or
- (b) disposed on or after 26th November, 1979, of an estate or interest in land to any person,

the estate or interest is, if the Minister so declares by order published in the Gazette for the purposes of this section not later than 2 months after the dissolution of the county council, held as trustee by the council or person in whom it is vested and is so held in

County Districts Reconstitution.

trust for a county council specified in the order, being the county council for the county district reconstituted by section 3 to include the county district for the dissolved county council.

(2) Where, before or after the disposition of an estate or interest in land by a county council, the Minister by instrument in writing approves the disposition, subsection (1) does not apply to or in respect of that estate or interest.

(3) It shall be presumed, unless the contrary is proved—

- (a) that an estate or interest in land described in an order under subsection (1) is an estate or interest to which that subsection applies; and
- (b) that the county council specified in the order is the county council beneficially entitled to the estate or interest.

(4) A transfer or conveyance of an estate or interest in land to a county council beneficially entitled thereto by the operation of this section is exempt from duty under the Stamp Duties Act, 1920.

(5) Where an estate or interest in land to which a county council is, by the operation of this section, beneficially entitled is transferred or conveyed to that county council—

- (a) the county council shall comply with such directions as the Governor may give with respect to a refund of the consideration for the disposition referred to in subsection (1) and any other matters arising from the operation of this section; and
- (b) the Commissioner for Stamp Duties shall comply with such directions as the Governor may give with respect to a refund of any stamp duty paid in connection with the disposition.

County Districts Reconstitution.

12. Where an ordinance in force under the Principal Act immediately before the dissolution of a county council under section 4 had effect in relation to that county council only, or in relation to that county council and other county councils but not to all county councils, the ordinance, until it is repealed, varied or amended under the Principal Act, continues in force in relation to the areas that comprised the county council immediately before its dissolution. Saving of
certain
ordinances.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 18th December, 1979.*







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.

Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, November, 1979.*

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. , 1979.

An Act to alter the boundaries of the county districts for certain county councils constituted for the supply of electricity.

County Districts Reconstitution.

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 :—

5 **1.** This Act may be cited as the “County Districts Reconstitu- Short
tion Act, 1979”. title.

2. (1) In this Act—

10 “appointed day” in relation to a county district reconstituted
by this Act means the day appointed and notified under
the provision that reconstitutes the county district;

Interpre-
tation.

“Principal Act” means the Local Government Act, 1919.

(2) This Act shall be construed with the Principal Act but this Act has effect notwithstanding anything in the Principal Act and anything in the Electricity Development Act, 1945.

15 **3.** (1) On and from a day to be appointed by the Governor Reconstitu-
for the purposes of this subsection and notified by proclamation tion of
published in the Gazette, the Prospect County District is Prospect,
reconstituted by altering its boundaries to include therein— Shortland,
Oxley,
Illawarra
and
Northern
Rivers
County
Districts.

20 (a) the areas and parts of areas that comprised the Hartley
County District and the Nepean River County District,
as they were constituted immediately before that day; and

(b) the area of the city of Blue Mountains.

25 (2) On and from a day to be appointed by the Governor
for the purposes of this subsection and notified by proclamation
published in the Gazette, the Shortland County District is recon-
stituted by altering its boundaries to include therein the areas and
parts of areas that comprised the Hunter Valley County District
and the Upper Hunter County District, as they were constituted
immediately before that day.

County Districts Reconstitution.

(3) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Oxley County District is reconstituted by—

- 5 (a) uniting the Oxley County District and the Manning River County District, as they were constituted immediately before that day; and
- (b) altering the boundaries of the county districts referred to in paragraph (a) to include the area of the shire of
10 Kempsey.

(4) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Illawarra County District is reconstituted by altering its boundaries to include therein—

- 15 (a) the areas and parts of areas that comprised the Bega Valley County District and the Berrima County District, as they were constituted immediately before that day; and
- (b) the area of the city of Shoalhaven.

20 (5) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Northern Rivers County District is reconstituted by altering its boundaries to include therein the areas of the municipality of Mullumbimby and the shires of Byron and
25 Tweed.

(6) The union of county districts and the alterations of the boundaries of county districts effected by this section shall, for the purposes of section 564BA of the Principal Act and for any other purpose, be deemed to have been duly effected by appropriate
30 proclamations made by the Governor, and published in the Gazette and that union shall be deemed to have been so effected notwithstanding that the county councils so united did not, before being united, have the same functions, powers and duties.

(7) The powers conferred by section 564BA of the Principal
35 Act may not be exercised in relation to an alteration of boundaries, or the union, referred to in subsection (6) in a manner inconsistent with this Act section 6 (2), (3) and (4) excepted.

County Districts Reconstitution.

4. (1) On the day appointed and notified under section 3
(1)—

Dissolution
of certain
county
councils.

- (a) The Hartley County Council; and
- (b) The Nepean River County Council,

5 as constituted immediately before that day, are dissolved and their
county districts are abolished.

(2) On the day appointed and notified under section 3
(2)—

- (a) The Hunter Valley County Council; and
- 10 (b) The Upper Hunter County Council,

as constituted immediately before that day, are dissolved and their
county districts are abolished.

(3) On the day appointed and notified under section 3
(3)—

- 15 (a) The Oxley County Council; and
- (b) The Manning River County Council,

as constituted immediately before that day, are dissolved.

(4) On the day appointed and notified under section 3
(4)—

- 20 (a) The Bega Valley County Council; and
- (b) The Berrima County Council,

as constituted immediately before that day, are dissolved and their
county districts are abolished.

5. (1) On and from the appointed day for a county district
25 reconstituted by section 3 (1), (2), (4) or (5), the county council
for the county district shall comprise—

County
councils for
reconstituted
districts.

- (a) the delegates holding office as members of the county
council immediately before that day; and
- (b) such other delegates as the Governor may appoint.

County Districts Reconstitution.

(2) On and from the appointed day for the county district reconstituted by section 3 (3), the county council for the county district shall comprise such delegates as the Governor may appoint.

(3) Delegates holding office under subsections (1) and (2) shall so hold office until the delegates elected at the next succeeding general election of delegates take office.

6. (1) In relation to the county council for a county district as reconstituted by section 3, the delegations made by section 564 (3A) or (3B) of the Principal Act shall be deemed to have been made as on and from the appointed day for that county district. Statutory delegations.

(2) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District were conferred or imposed upon The Oxley County Council with respect to public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Oxley County District.

(3) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District, were conferred or imposed upon The Manning River County Council with respect to water supply and public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Manning River County District.

(4) The functions, powers and duties that, immediately before the appointed day for the reconstituted Illawarra County District, were conferred or imposed upon The Berrima County Council with respect to the eradication of noxious plants and the publication of the history of the Berrima District are exercisable by The Illawarra County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Berrima County District.

County Districts Reconstitution.

7. (1) A person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by that county council on terms not less advantageous than those on which he was remunerated by a county council or the council of an area immediately before that day.

Remuneration of servant.

(2) Section 564B (1) (m) (i) (c) of the Principal Act does not apply to or in respect of a person to whom subsection (1) applies.

8. (1) Subject to subsection (2), a person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district may not, without his consent, be required by that county council to be based, as such a servant, at a place outside the county district, or outside the area, in which, immediately before that day, he was based as a servant of a county council or the council of an area, as the case may be.

Mobility and redundancy of servants.

(2) Where a person referred to in subsection (1) has once given an unconditional consent for the purposes of that subsection, the subsection ceases to apply to him.

(3) The employment of a servant referred to in subsection (1) may not be terminated on the ground of redundancy arising from the operation of this Act.

9. (1) The Minister shall, in respect of each county council for a county district reconstituted by section 3, appoint a staff committee to report to the county council on any matter arising from the operation of this Act in relation to servants of the county council.

Staff committee.

County Districts Reconstitution.

(2) For the purposes of subsection (1), a staff committee for a county council shall comprise—

- (a) a chairman nominated by the Minister;
- (b) 2 persons nominated by the county council; and
- 5 (c) 2 persons nominated by the Minister, after consulting such persons as he thinks fit, to represent servants of the county council.

(3) The Minister may constitute a staff committee under this section by appointing different persons according to the
10 subject-matter with which it is at any time, or from time to time, required to deal.

10. On and from the appointed day for the reconstituted Northern Rivers County District— Effect of certain Indenture.

- 15 (a) the Indenture dated 15th July, 1958, and made between The Southern Electric Authority of Queensland and the council of the shire of Tweed; and
- (b) the Assignment dated 27th May, 1977, and made between The Southern Electric Authority of Queensland and The South East Queensland Electricity Board,

20 have effect as if The Northern Rivers County Council were a party to the Indenture instead of the council of the shire of Tweed.

11. (1) Where a county council dissolved by section 4— Certain property held on trust.

- 25 (a) disposed after 18th September, 1979, and before 26th November, 1979, of an estate or interest in land to the council of one of its constituent areas; or
- (b) disposed on or after 26th November, 1979, of an estate or interest in land to any person,

the estate or interest is, if the Minister so declares by order published in the Gazette for the purposes of this section not later than
30 2 months after the dissolution of the county council, held as trustee by the council or person in whom it is vested and is so held in

County Districts Reconstitution.

trust for a county council specified in the order, being the county council for the county district reconstituted by section 3 to include the county district for the dissolved county council.

5 (2) Where, before or after the disposition of an estate or interest in land by a county council, the Minister by instrument in writing approves the disposition, subsection (1) does not apply to or in respect of that estate or interest.

(3) It shall be presumed, unless the contrary is proved—

- 10 (a) that an estate or interest in land described in an order under subsection (1) is an estate or interest to which that subsection applies; and
- (b) that the county council specified in the order is the county council beneficially entitled to the estate or interest.

15 (4) A transfer or conveyance of an estate or interest in land to a county council beneficially entitled thereto by the operation of this section is exempt from duty under the Stamp Duties Act, 1920.

20 (5) Where an estate or interest in land to which a county council is, by the operation of this section, beneficially entitled is transferred or conveyed to that county council—

- 25 (a) the county council shall comply with such directions as the Governor may give with respect to a refund of the consideration for the disposition referred to in subsection (1) and any other matters arising from the operation of this section; and
- 30 (b) the Commissioner for Stamp Duties shall comply with such directions as the Governor may give with respect to a refund of any stamp duty paid in connection with the disposition.

County Districts Reconstitution.

12. Where an ordinance in force under the Principal Act immediately before the dissolution of a county council under section 4 had effect in relation to that county council only, or in relation to that county council and other county councils but not to all **5** county councils, the ordinance, until it is repealed, varied or amended under the Principal Act, continues in force in relation to the areas that comprised the county council immediately before its dissolution.

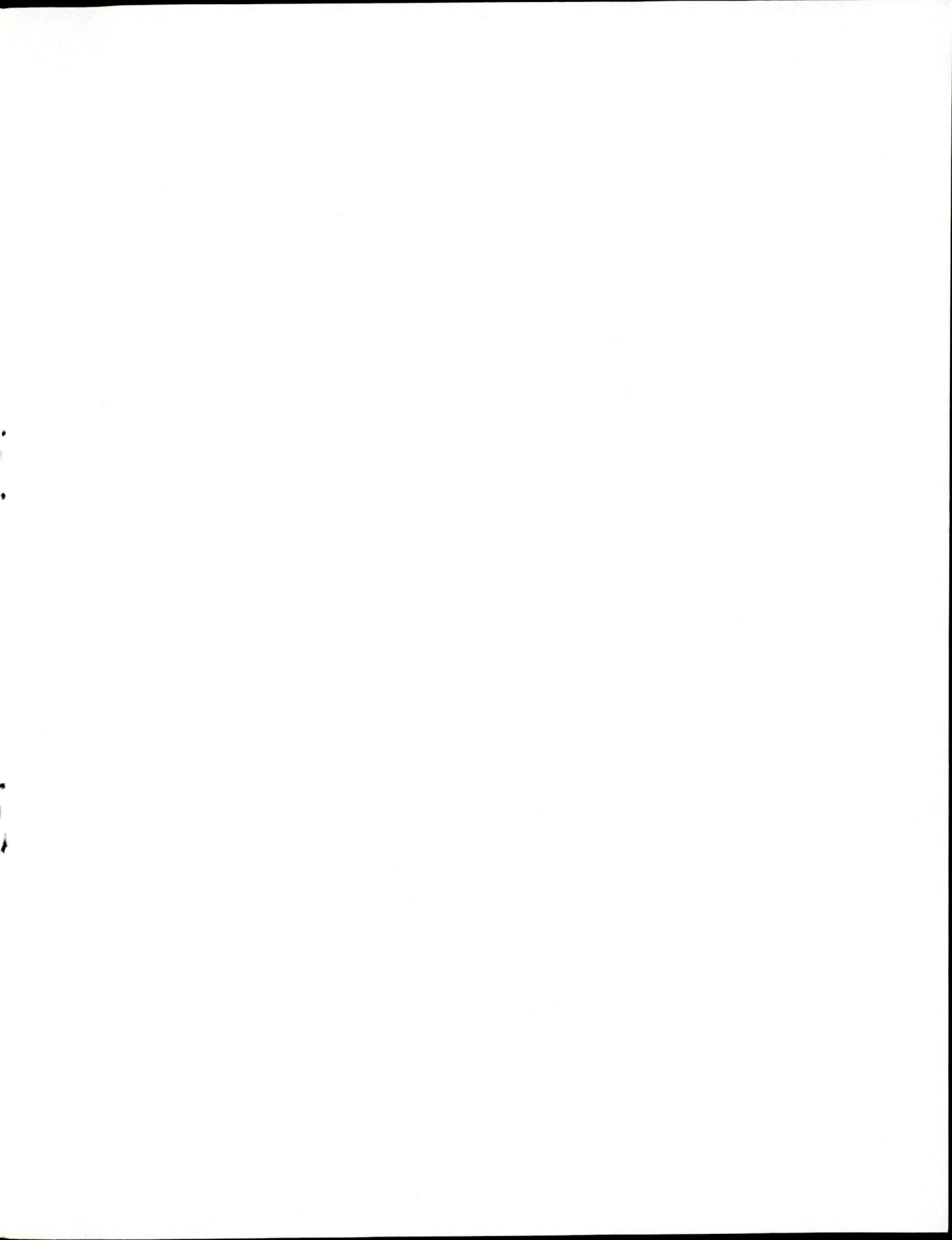
Saving of
certain
ordinances.

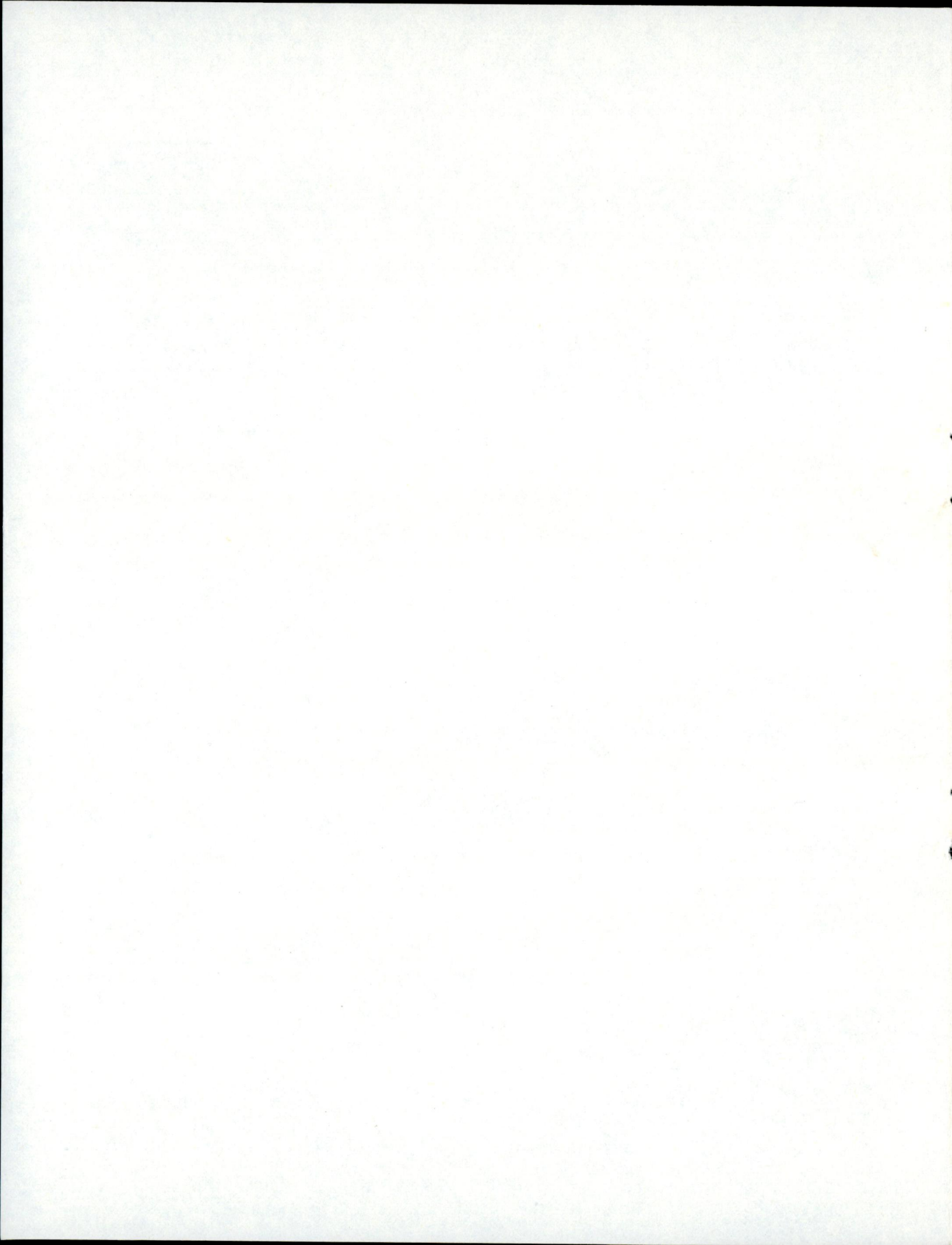
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COUNTY DISTRICTS RECONSTITUTION BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to alter the boundaries of certain county districts.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Interpretation.

Clause 3 provides for the alteration of boundaries of—

- (a) the Prospect County District—by including therein the areas and parts of areas that at present comprise the Hartley County District, the Nepean River County District and the city of Blue Mountains;
- (b) the Shortland County District—by including therein the areas and parts of areas that at present comprise the Hunter Valley County District and the Upper Hunter County District;
- (c) the Oxley County District—by including therein the areas and parts of areas that at present comprise the Manning River County District and the shire of Kempsey;
- (d) the Illawarra County District—by including therein the areas and parts of areas that at present comprise the Bega Valley County District, the Berrima County District and the city of Shoalhaven;
- (e) the Northern Rivers County District—by including therein the areas of the municipality of Mullumbimby and the shires of Byron and Tweed.

Clause 4 provides for the dissolution of The Hartley County Council, The Nepean River County Council, The Hunter Valley County Council, The Upper Hunter County Council, The Manning River County Council, The Bega Valley County Council and The Berrima County Council and for the abolition of their county districts.

Clause 5 provides for the continuation in office of the members of the county councils whose boundaries are being altered and for the appointment by the Governor of additional members.

Clause 6 provides for the manner in which some county councils whose boundaries are being altered are to exercise certain functions other than functions relating to the supply of electricity.

Clause 7 preserves the terms of remuneration of servants of the county councils whose boundaries are being altered and of those that are being dissolved.

Clause 8 restricts compulsory transfer of servants and prohibits termination of employment through redundancy caused by the operation of the proposed Act.

Clause 9 requires the Minister to constitute advisory staff committees.

Clause 10 substitutes The Northern Rivers County Council for the council of the shire of Tweed as a party to a certain agreement for the supply of electricity by The South East Queensland Electricity Board.

Clause 11 nullifies the effect of certain possible disposals of real estate by a county council to be dissolved by the proposed Act.

Clause 12 saves the effect of certain ordinances.

COUNTY DISTRICTS RECONSTITUTION BILL, 1979

No. , 1979.

A BILL FOR

An Act to alter the boundaries of the county districts for certain
county councils constituted for the supply of electricity.

[MR HILLS—22 *November*, 1979.]

County Districts Reconstitution.

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 :—

- 5 **1.** This Act may be cited as the “County Districts Reconstitution Act, 1979”. Short title.
- 2.** (1) In this Act— Interpre-
- “appointed day” in relation to a county district reconstituted tation.
 by this Act means the day appointed and notified under
10 the provision that reconstitutes the county district;
 “Principal Act” means the Local Government Act, 1919.
- (2) This Act shall be construed with the Principal Act but this Act has effect notwithstanding anything in the Principal Act and anything in the Electricity Development Act, 1945.
- 15 **3.** (1) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Prospect County District is reconstituted by altering its boundaries to include therein— Reconstitu-
- (a) the areas and parts of areas that comprised the Hartley tion of
 County District and the Nepean River County District, Prospect,
 as they were constituted immediately before that day; and Shortland,
 Oxley,
 Illawarra
 and
20 Northern
 Rivers
 County
 Districts.
 (b) the area of the city of Blue Mountains.
- (2) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation
25 published in the Gazette, the Shortland County District is reconstituted by altering its boundaries to include therein the areas and parts of areas that comprised the Hunter Valley County District and the Upper Hunter County District, as they were constituted immediately before that day.

County Districts Reconstitution.

(3) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Oxley County District is reconstituted by altering its boundaries to include therein—

- 5 (a) the areas and parts of areas that comprised the Manning River County District, as it was constituted immediately before that day; and
- (b) the area of the shire of Kempsey.

(4) On and from a day to be appointed by the Governor
10 for the purposes of this subsection and notified by proclamation published in the Gazette, the Illawarra County District is reconstituted by altering its boundaries to include therein—

- 15 (a) the areas and parts of areas that comprised the Bega Valley County District and the Berrima County District, as they were constituted immediately before that day; and
- (b) the area of the city of Shoalhaven.

(5) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation
20 published in the Gazette, the Northern Rivers County District is reconstituted by altering its boundaries to include therein the areas of the municipality of Mullumbimby and the shires of Byron and Tweed.

25 (6) The alterations of the boundaries of county districts effected by this section shall, for the purposes of section 564BA of the Principal Act and for any other purpose, be deemed to have been duly effected by appropriate proclamations made by the Governor, and published in the Gazette.

30 (7) The powers conferred by section 564BA of the Principal Act may not be exercised in relation to an alteration of boundaries referred to in subsection (6) in a manner inconsistent with this Act section 6 (2), (3) and (4) excepted.

County Districts Reconstitution.

4. (1) On the day appointed and notified under section 3
 (1)— Dissolution
of certain
county
councils.

- (a) The Hartley County Council; and
- (b) The Nepean River County Council,

5 as constituted immediately before that day, are dissolved and their county districts are abolished.

(2) On the day appointed and notified under section 3
 (2)—

- (a) The Hunter Valley County Council; and
- 10 (b) The Upper Hunter County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

(3) On the day appointed and notified under section 3 (3),
 15 The Manning River County Council, as constituted immediately before that day, is dissolved and its county district is abolished.

(4) On the day appointed and notified under section 3
 (4)—

- (a) The Bega Valley County Council; and
- (b) The Berrima County Council,

20 as constituted immediately before that day, are dissolved and their county districts are abolished.

5. (1) On and from the appointed day for a county district
 reconstituted by section 3, the county council for the county district
 shall comprise— County
councils for
reconstituted
districts.

- 25 (a) the delegates holding office as members of the county council immediately before that day; and
- (b) such other delegates as the Governor may appoint.

(2) Delegates holding office under subsection (1) shall so
 hold office until the delegates elected at the next succeeding general
 30 election of delegates take office.

County Districts Reconstitution.

6. (1) In relation to the county council for a county district as reconstituted by section 3, the delegations made by section 564 (3A) of the Principal Act shall be deemed to have been made as on and from the appointed day for that county district. Statutory delegations.

5 (2) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District were conferred or imposed upon The Oxley County Council with respect to public aviation stations are exercisable by The Oxley County Council as if its county district comprised only
10 the areas and parts of areas that, immediately before that day, constituted the Oxley County District.

(3) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District, were conferred or imposed upon The Manning River
15 County Council with respect to water supply and public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Manning River County District.

20 (4) The functions, powers and duties that, immediately before the appointed day for the reconstituted Illawarra County District, were conferred or imposed upon The Berrima County Council with respect to the eradication of noxious plants and the publication of the history of the Berrima District are exercisable
25 by The Illawarra County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Berrima County District.

7. (1) A person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal
30 Act on that day becomes, a servant of the county council for that county district shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by that county council on terms not less advantageous than those on which he was remunerated by a county council or the council of an area immediately before that
35 day. Remuneration of servant.

County Districts Reconstitution.

(2) Section 564B (1) (m) (i) (c) of the Principal Act does not apply to or in respect of a person to whom subsection (1) applies.

8. (1) Subject to subsection (2), a person who on the 5 appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district may not, without his consent, be required by that county council to be based, as such a servant, at a place outside the county district, or outside the 10 area, in which, immediately before that day, he was based as a servant of a county council or the council of an area, as the case may be.

Mobility and
redundancy
of servants.

(2) Where a person referred to in subsection (1) has once given an unconditional consent for the purposes of that subsection, 15 the subsection ceases to apply to him.

(3) The employment of a servant referred to in subsection (1) may not be terminated on the ground of redundancy arising from the operation of this Act.

9. (1) The Minister shall, in respect of each county council 20 for a county district reconstituted by section 3, appoint a staff committee to report to the county council on any matter arising from the operation of this Act in relation to servants of the county council.

Staff
committee.

(2) For the purposes of subsection (1), a staff committee 25 for a county council shall comprise—

- (a) a chairman nominated by the Minister;
- (b) 2 persons nominated by the county council; and
- (c) 2 persons nominated by the Minister, after consulting such persons as he thinks fit, to represent servants of 30 the county council.

County Districts Reconstitution.

(3) The Minister may constitute a staff committee under this section by appointing different persons according to the subject-matter with which it is at any time, or from time to time, required to deal.

5 **10.** On and from the appointed day for the reconstituted Northern Rivers County District— Effect of certain Indenture.

(a) the Indenture dated 15th July, 1958, and made between The Southern Electric Authority of Queensland and the council of the shire of Tweed; and

10 (b) the Assignment dated 27th May, 1977, and made between The Southern Electric Authority of Queensland and The South East Queensland Electricity Board,

have effect as if The Northern Rivers County Council were a party to the Indenture instead of the council of the shire of Tweed.

15 **11.** (1) Where a county council dissolved by section 4— Certain property held on trust.

(a) disposed after 18th September, 1979, and before 22nd November, 1979, of an estate or interest in land to the council of one of its constituent areas; or

20 (b) disposed on or after 22nd November, 1979, of an estate or interest in land to any person,

the estate or interest is, if the Minister so declares by order published in the Gazette for the purposes of this section not later than 2 months after the dissolution of the county council, held as trustee by the council or person in whom it is vested and is so held in

25 trust for a county council specified in the order, being the county council for the county district reconstituted by section 3 to include the county district for the dissolved county council.

County Districts Reconstitution.

(2) Where, before or after the disposition of an estate or interest in land by a county council, the Minister by instrument in writing approves the disposition, subsection (1) does not apply to or in respect of that estate or interest.

5 (3) It shall be presumed, unless the contrary is proved—

- (a) that an estate or interest in land described in an order under subsection (1) is an estate or interest to which that subsection applies; and
- 10 (b) that the county council specified in the order is the county council beneficially entitled to the estate or interest.

(4) A transfer or conveyance of an estate or interest in land to a county council beneficially entitled thereto by the operation of this section is exempt from duty under the Stamp
15 Duties Act, 1920.

(5) Where an estate or interest in land to which a county council is, by the operation of this section, beneficially entitled is transferred or conveyed to that county council—

- 20 (a) the county council shall comply with such directions as the Governor may give with respect to a refund of the consideration for the disposition referred to in subsection (1) and any other matters arising from the operation of this section; and
- 25 (b) the Commissioner for Stamp Duties shall comply with such directions as the Governor may give with respect to a refund of any stamp duty paid in connection with the disposition.

County Districts Reconstitution.

12. Where an ordinance in force under the Principal Act immediately before the dissolution of a county council under section 4 had effect in relation to that county council only, or in relation to that county council and other county councils but not to all 5 county councils, the ordinance, until it is repealed, varied or amended under the Principal Act, continues in force in relation to the areas that comprised the county council immediately before its dissolution.

Saving of
certain
ordinances.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[24c]

