

CONCURRENCE COPY

LOCAL GOVERNMENT (CITY OF SYDNEY BOUNDARIES) BILL, 1981

EXPLANATORY NOTE

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

The Gas and Electricity (Amendment) Bill, 1981, is cognate with this Bill.

The objects of this Bill are to unite the City of Sydney and the Municipality of South Sydney and to make certain provisions relating to the united area.

The Bill contains the following provisions:—

Clause 1. Short title.

Clause 2. Commencement.

Clause 3. Interpretation.

Clause 4 unites the City of Sydney and the Municipality of South Sydney on 1st January, 1982 ("the appointed day"), and states that the united area is to be named the City of Sydney.

Clause 5 dissolves the constituent areas, being the present City of Sydney and Municipality of South Sydney, and abolishes the councils for those areas.

Clause 6 provides that there shall be 27 aldermen for the council of the united area.

Clause 7 provides that the aldermen for the constituent areas, immediately before the appointed day, shall be deemed to be elected aldermen of the united area and that the mayor of the City of Sydney, at that time, shall be the mayor of the united area.

Clause 8 empowers the Governor to appoint aldermen for the City of Sydney, but not so as to increase their number, exclusive of the mayor of that area, to more than 27.

Clause 9 varies a provision of the Local Government Act, 1919 ("the Principal Act"), so that the Governor will not have to appoint a day for the first ordinary election of aldermen for the City of Sydney to be held after the appointed day.

Clause 10 declares that the deputy-mayor and members of committees of the former council of the City of Sydney shall vacate their offices on the appointed day.

Clause 11 provides that the wards of the constituent areas shall be wards of the united area.

Clause 12 makes provisions of a saving nature with respect to persons who are servants of the councils of the constituent areas immediately before the appointed day.

Clause 13 provides for the appointment of staff committees which may report to the council of the united area on certain matters arising from the operation of the proposed Act.

Schedule 1 specifies certain offices of the council of the City of Sydney for the purposes of a saving provision made by clause 12 (5).

LOCAL GOVERNMENT (CITY OF SYDNEY BOUNDARIES) BILL, 1981

It is enacted by the Queen's Most Excellent Majesty in Council, and by the authority of the Senate of New South Wales in Parliament assembled, and by the authority of the House of Representatives in Parliament assembled, as follows:—

1. This Act may be cited as the "Local Government (City of Sydney Boundaries) Act, 1981".

2. (1) This section and section 3 shall commence on the date of assent to this Act.

(2) Every provision of subsection (1) of this Act shall commence on the day on which this Act is assented to.

No. , 1981.

A BILL FOR

An Act to amend the Local Government Act, 1919, to unite certain areas, within the meaning of that Act; and for other purposes.

[MR GORDON—2 December, 1981.]

See also Gas and Electricity (Amendment) Bill, 1981.

Local Government (City of Sydney Boundaries).

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 Short title.

1. This Act may be cited as the "Local Government (City of Sydney Boundaries) Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent 10 to this Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st January, 1982.

Interpretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise 15 indicates or requires—

"appointed day" means 1st January, 1982;

"constituent areas" means the City of Sydney and the Municipality of South Sydney, in each case as constituted immediately before the appointed day;

20 "Principal Act" means the Local Government Act, 1919;

"united area" means the area constituted by section 4 (a).

(2) This Act shall be construed with and as part of the Principal Act, but this Act has effect notwithstanding anything in the Principal Act.

Local Government (City of Sydney Boundaries).

Amalgamation of areas.

4. On the appointed day—
- 5 (a) the constituent areas shall be deemed to be united, and the united area shall be deemed to be constituted as a municipality, by a proclamation under section 16 (e) of the Principal Act; and
- (b) the municipality so constituted shall be deemed to be proclaimed as a city, named the City of Sydney, by a proclamation under section 11 (2) of the Principal Act.

Abolition of certain areas.

- 10 5. On the appointed day, the constituent areas are dissolved and the councils for those areas, as constituted immediately before that day, are abolished.

Determination of number of aldermen.

- 15 6. The Governor shall be deemed to have determined, under section 23 (2) of the Principal Act, that the number of aldermen for the council of the City of Sydney shall be 27, but nothing in this section prevents the Governor from making any further determination of that number under that subsection after the appointed day.

Certain persons deemed elected.

- 20 7. (1) On the appointed day—
- (a) a person who, immediately before that day, held office as alderman of either of the constituent areas shall be deemed to be elected under the Principal Act to the office of alderman for the City of Sydney; and
- 25 (b) the person who, immediately before that day, held office as mayor of the former City of Sydney shall be deemed to be elected under the Principal Act to the office of mayor of the united area.

Local Government (City of Sydney Boundaries).

(2) Any person deemed to be elected pursuant to subsection (1) (a) or (b) shall be deemed to be elected for a term of office ending with the day appointed under the Principal Act for the first ordinary election of aldermen for the City of Sydney held after the appointed day.

5 (3) For the purposes of section 29 (5) of the Principal Act, the first person who accedes to the office of mayor of the council of the City of Sydney on or after the appointed day shall be deemed to have been elected, on the day on which he accedes to that office, at an ordinary election, within the meaning of that subsection.

10 (4) Subject to this section, section 25A of the Principal Act applies to the united area in the same way as it applied, immediately before the appointed day, to the former City of Sydney.

Appointments by the Governor.

8. (1) In subsection (2), references to aldermen for the City of Sydney do not include references to the mayor of that area.

(2) Where, before the first ordinary election of aldermen for the City of Sydney has been held under the Principal Act after the appointed day, the number of those aldermen is less than 27, the Governor may appoint such person or persons as he thinks fit to the office of alderman for the City of Sydney, but not so that the number of those aldermen shall exceed 27 at any one time.

(3) A person appointed under subsection (2) to the office of alderman for the City of Sydney shall be deemed to have been appointed under the Principal Act to fill an extraordinary vacancy in that office.

25 Application of section 39 (1) of the Principal Act.

9. The first ordinary election of aldermen for the City of Sydney held after the appointed day shall be deemed not to be the first election after the constitution of that area, within the meaning of section 39 (1) (c) of the Principal Act.

Local Government (City of Sydney Boundaries).

Former deputy-mayor and committee members.

10. For the purpose of removal of doubt, it is hereby declared that any person who, immediately before the appointed day, held office—

(a) as deputy-mayor; or

5 (b) as member of a committee,

of the former council of the City of Sydney shall, on that day, vacate that office.

Wards.

11. (1) The wards of the constituent areas shall be deemed to have been
10 proclaimed, under section 58 (1) of the Principal Act, as the wards of the City of Sydney under the names by which they were known immediately before the appointed day.

(2) Within the period of 15 months commencing with the appointed day, the council of the City of Sydney shall submit a proposal to the Minister
15 for the division of the City of Sydney into wards or that the division of that area into wards shall be abolished.

Remuneration, etc., of certain servants.

12. (1) In this section, "affected person" means a person who, pursuant to section 20c of the Principal Act, is transferred on 1st January, 1982, to
20 the service of the council of the City of Sydney.

(2) Subject to subsections (3) and (4), the provisions of section 20c of the Principal Act, as in force immediately before the date of assent to the Local Government (Further Amendment) Act, 1980, apply to and in respect of an affected person.

25 (3) An affected person—

(a) shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by the council of the City of Sydney on terms not less advantageous than those on which he was remunerated by the council of the constituent area of which he was a servant
30 immediately before 1st January, 1982;

Local Government (City of Sydney Boundaries).

5 (b) subject to subsection (4), may not, without his consent, be required by that council to be based, as a servant of that council, at a place outside the constituent area in which, immediately before 1st January, 1982, he was based as a servant of the council of that constituent area; and

(c) shall not have his employment as a servant of that council terminated on the ground of redundancy arising from the operation of this Act.

10 (4) Where an affected person has, on or after the date of assent to this Act, once given an unconditional consent for the purposes of subsection (3) (b), that paragraph does not apply in respect of him.

(5) On the appointed day, any person who, immediately before that day, held—

15 (a) the office of town clerk or deputy town clerk of the former council of the City of Sydney; or

(b) an office of that council specified in Schedule 1,

shall be deemed to be appointed to the corresponding office of the council of the united area.

Staff committees.

20 13. (1) The Minister may, in respect of the council of the City of Sydney, appoint a staff committee to report to the council on any matter arising from the operation of this Act in relation to servants of the council.

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

25 (a) a chairman nominated by the Minister;

(b) 2 persons nominated by the council; and

(c) 2 persons nominated by the Minister, after consulting such persons as he thinks fit, to represent servants of the council.

Local Government (City of Sydney Boundaries).

(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.

SCHEDULE 1.

5

(Sec. 12 (5) (b).)

COUNCIL OFFICES.

Director of Administration

Director of Cleansing

City Engineer

10 Director of City Health and Community Services

Director of Industrial Relations

City Medical Officer

Director of Parks and Civic Affairs

City Planner

15 City Treasurer and Information Controller

Director of Sydney City Library and Information Centre

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1981

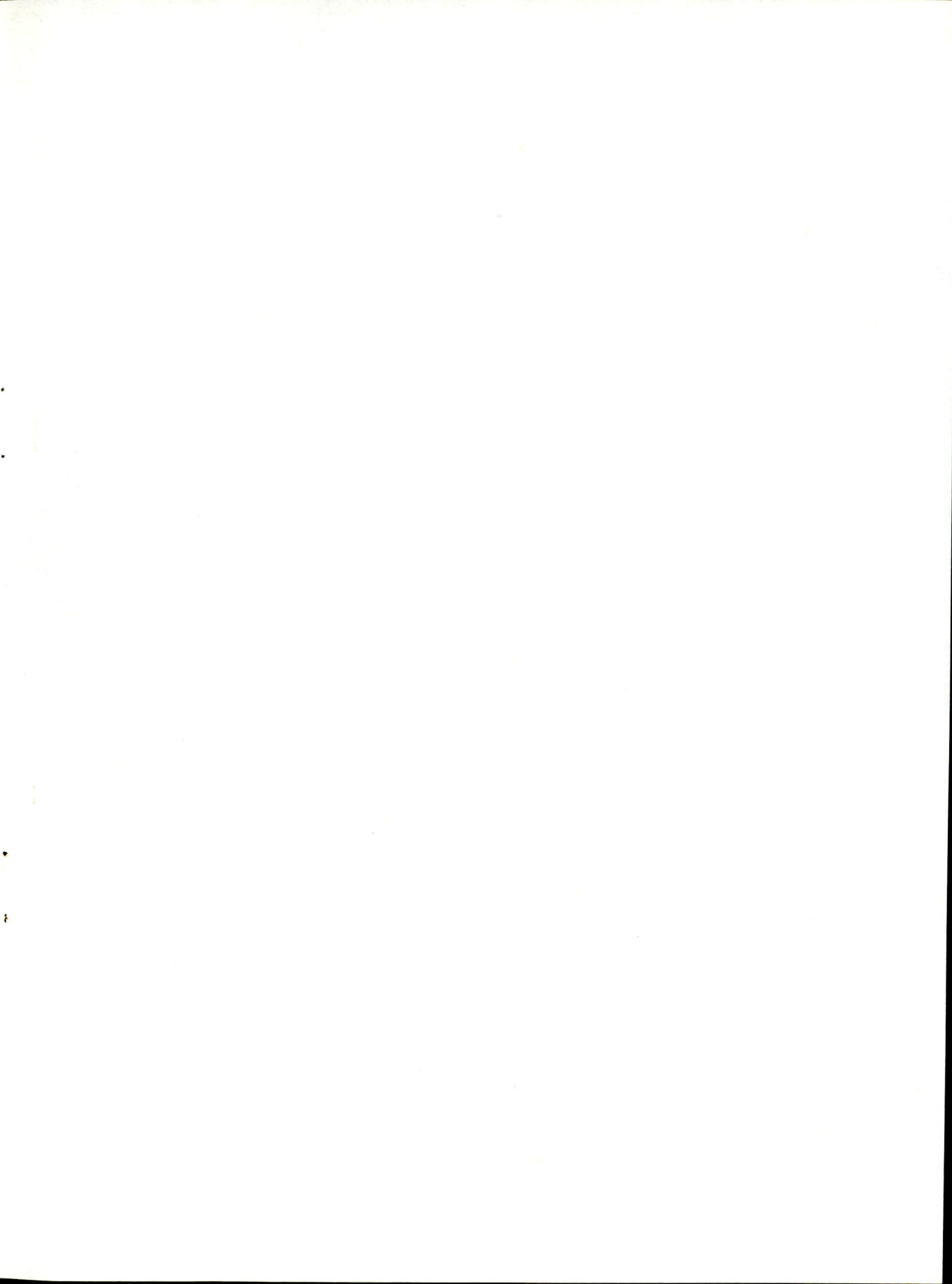
(40c)

Local Government (City of Sydney, Boundaries).

(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. (1) The Minister may, in relation to the City of Sydney, 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 Director of City Health and Community Services
- Director of Internal Relations
- City Medical Officer
- Director of Public Health and Welfare
- City Planner
- 12 City Treasurer and Financial Controller
- Director of Sydney City Library and Information Services



**LOCAL GOVERNMENT (CITY OF SYDNEY BOUNDARIES)
ACT, 1981, No. 112**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 112, 1981.

An Act to amend the Local Government Act, 1919, to unite certain areas, within the meaning of that Act; and for other purposes. [Assented to 18th December, 1981.]

See also Gas and Electricity (Amendment) Act, 1981.

Local Government (City of Sydney Boundaries).

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 "Local Government (City of Sydney Boundaries) Act, 1981".

Commencement.

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided by subsection (1), this Act shall commence on 1st January, 1982.

Interpretation.

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

"appointed day" means 1st January, 1982;

"constituent areas" means the City of Sydney and the Municipality of South Sydney, in each case as constituted immediately before the appointed day;

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

"united area" means the area constituted by section 4 (a).

(2) This Act shall be construed with and as part of the Principal Act, but this Act has effect notwithstanding anything in the Principal Act.

Local Government (City of Sydney Boundaries).

Amalgamation of areas.

4. On the appointed day—
- (a) the constituent areas shall be deemed to be united, and the united area shall be deemed to be constituted as a municipality, by a proclamation under section 16 (e) of the Principal Act; and
 - (b) the municipality so constituted shall be deemed to be proclaimed as a city, named the City of Sydney, by a proclamation under section 11 (2) of the Principal Act.

Abolition of certain areas.

5. On the appointed day, the constituent areas are dissolved and the councils for those areas, as constituted immediately before that day, are abolished.

Determination of number of aldermen.

6. The Governor shall be deemed to have determined, under section 23 (2) of the Principal Act, that the number of aldermen for the council of the City of Sydney shall be 27, but nothing in this section prevents the Governor from making any further determination of that number under that subsection after the appointed day.

Certain persons deemed elected.

7. (1) On the appointed day—
- (a) a person who, immediately before that day, held office as alderman of either of the constituent areas shall be deemed to be elected under the Principal Act to the office of alderman for the City of Sydney; and
 - (b) the person who, immediately before that day, held office as mayor of the former City of Sydney shall be deemed to be elected under the Principal Act to the office of mayor of the united area.

Local Government (City of Sydney Boundaries).

(2) Any person deemed to be elected pursuant to subsection (1) (a) or (b) shall be deemed to be elected for a term of office ending with the day appointed under the Principal Act for the first ordinary election of aldermen for the City of Sydney held after the appointed day.

(3) For the purposes of section 29 (5) of the Principal Act, the first person who accedes to the office of mayor of the council of the City of Sydney on or after the appointed day shall be deemed to have been elected, on the day on which he accedes to that office, at an ordinary election, within the meaning of that subsection.

(4) Subject to this section, section 25A of the Principal Act applies to the united area in the same way as it applied, immediately before the appointed day, to the former City of Sydney.

Appointments by the Governor.

8. (1) In subsection (2), references to aldermen for the City of Sydney do not include references to the mayor of that area.

(2) Where, before the first ordinary election of aldermen for the City of Sydney has been held under the Principal Act after the appointed day, the number of those aldermen is less than 27, the Governor may appoint such person or persons as he thinks fit to the office of alderman for the City of Sydney, but not so that the number of those aldermen shall exceed 27 at any one time.

(3) A person appointed under subsection (2) to the office of alderman for the City of Sydney shall be deemed to have been appointed under the Principal Act to fill an extraordinary vacancy in that office.

Application of section 39 (1) of the Principal Act.

9. The first ordinary election of aldermen for the City of Sydney held after the appointed day shall be deemed not to be the first election after the constitution of that area, within the meaning of section 39 (1) (c) of the Principal Act.

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10. For the purpose of removal of doubt, it is hereby declared that any person who, immediately before the appointed day, held office—

- (a) as deputy-mayor; or
- (b) as member of a committee,

of the former council of the City of Sydney shall, on that day, vacate that office.

Wards.

11. (1) The wards of the constituent areas shall be deemed to have been proclaimed, under section 58 (1) of the Principal Act, as the wards of the City of Sydney under the names by which they were known immediately before the appointed day.

(2) Within the period of 15 months commencing with the appointed day, the council of the City of Sydney shall submit a proposal to the Minister for the division of the City of Sydney into wards or that the division of that area into wards shall be abolished.

Remuneration, etc., of certain servants.

12. (1) In this section, "affected person" means a person who, pursuant to section 20c of the Principal Act, is transferred on 1st January, 1982, to the service of the council of the City of Sydney.

(2) Subject to subsections (3) and (4), the provisions of section 20c of the Principal Act, as in force immediately before the date of assent to the Local Government (Further Amendment) Act, 1980, apply to and in respect of an affected person.

(3) An affected person—

- (a) shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by the council of the City of Sydney on terms not less advantageous than those on which he was remunerated by the council of the constituent area of which he was a servant immediately before 1st January, 1982;

Local Government (City of Sydney Boundaries).

- (b) subject to subsection (4), may not, without his consent, be required by that council to be based, as a servant of that council, at a place outside the constituent area in which, immediately before 1st January, 1982, he was based as a servant of the council of that constituent area; and
- (c) shall not have his employment as a servant of that council terminated on the ground of redundancy arising from the operation of this Act.

(4) Where an affected person has, on or after the date of assent to this Act, once given an unconditional consent for the purposes of subsection (3) (b), that paragraph does not apply in respect of him.

(5) On the appointed day, any person who, immediately before that day, held—

- (a) the office of town clerk or deputy town clerk of the former council of the City of Sydney; or
- (b) an office of that council specified in Schedule 1,

shall be deemed to be appointed to the corresponding office of the council of the united area.

Staff committees.

13. (1) The Minister may, in respect of the council of the City of Sydney, appoint a staff committee to report to the council on any matter arising from the operation of this Act in relation to servants of the council.

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

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

Local Government (City of Sydney Boundaries).

(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.

SCHEDULE 1.

(Sec. 12 (5) (b))

COUNCIL OFFICES.

Director of Administration
Director of Cleansing
City Engineer
Director of City Health and Community Services
Director of Industrial Relations
City Medical Officer
Director of Parks and Civic Affairs
City Planner
City Treasurer and Information Controller
Director of Sydney City Library and Information Centre

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

J. A. ROWLAND,
Governor.

*Government House,
Sydney, 18th December, 1981.*

