

FIRST PRINT

**LOCAL GOVERNMENT (GENERAL REVISION)  
AMENDMENT BILL 1986**

NEW SOUTH WALES



**EXPLANATORY NOTE**

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

The Search Warrants (Local Government Inspectors) Amendment Bill 1986 is cognate with this Bill.

The object of this Bill is—

(a) to amend the Local Government Act 1919 with respect to—

- (i) rating and finance;
- (ii) elections and council members;
- (iii) the need for certain approvals to be obtained by councils in exercising their functions;
- (iv) local government inspectors and their reports;
- (v) delegations by councils of their functions; and
- (vi) other miscellaneous matters;

(b) to amend the Local Government (Purchases) Amendment Act 1983 to allow different rates of preference to be prescribed for the purchase of Commonwealth goods over foreign goods; and

- (c) to repeal certain provisions of the Borough of Newcastle Electric Lighting Act, the Municipal Council of Sydney Electric Lighting Act 1896 and the Electricity Commission Act 1950 which contain similar offences to that contained in section 512D of the Local Government Act 1919 (carelessly or accidentally damaging electric lines, etc.) which is also being repealed by the proposed Act.

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Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the provisions of the proposed Act will, with minor exceptions, commence on a day or days to be appointed by the Governor-in-Council.

Clause 3 provides that the Local Government Act 1919 is referred to in the proposed Act as the Principal Act.

Clause 4 is a formal provision which gives effect to Schedules 1-6.

Clause 5 is a formal provision which gives effect to Schedule 7.

Clause 6 is a formal provision which gives effect to Schedule 8.

#### SCHEDULE 1—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING AND FINANCE

Schedule 1 (1) amends section 87 of the Principal Act to increase the limit for urgent expenditure which a mayor or president of a council may authorise from \$20 to \$2,000 and to provide for accounts for that expenditure to be submitted for payment in the same way as accounts for ordinary council expenditure.

Schedule 1 (2) amends section 139 of the Principal Act to provide that a council need refund rates for land which becomes not ratable only if the owner of the land so requests.

Schedule 1 (3) amends section 160AA of the Principal Act to include as an eligible pensioner for the purposes of an application for the reduction of rates a person who holds a Pensioner Health Benefits Card issued by the Commonwealth Department of Veterans' Affairs.

Schedule 1 (4) amends section 160DA of the Principal Act to make it clear that, where rates are paid by instalments, interest is payable on the total amount of unpaid instalments from one month after the due date.

Schedule 1 (5) amends section 176 of the Principal Act to provide that a council need not levy a loan rate in respect of a renewal loan (a loan for the purpose of repaying or renewing another loan).

Schedule 1 (6) amends section 177 of the Principal Act to provide that a council need not levy a loan rate in respect of an ordinary loan.

Schedule 1 (7) inserts proposed section 177A into the Principal Act to enable the Minister to direct a council to levy a loan rate in respect of a renewal loan or an ordinary loan if the Minister thinks it necessary.

Schedule 1 (8) amends section 378 of the Principal Act to allow different minimum rates for water, sewerage or drainage to be prescribed by a council.

Schedule 1 (9) amends section 503 of the Principal Act to provide that the spouse of a person who is or has been engaged in war service is eligible for the writing off of rates and extra charges on overdue rates in hardship cases.

#### SCHEDULE 2—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO ELECTIONS AND COUNCIL MEMBERS

Schedule 2 (1) (a) and (b) amend section 30 of the Principal Act to make it clear that a person is disqualified from civic office if undergoing a sentence of imprisonment, including periodic detention, following a conviction for an offence, but not if the sentence of imprisonment is imposed for non-payment of a fine.

Schedule 2 (1) (c) amends section 30 of the Principal Act to require the council clerk to make available to a person nominated for election to a civic office a certificate showing any amounts owed to the council by that person.

Schedule 2 (2) amends section 30A of the Principal Act to provide that an interest that a council member has as a member of a club (other than a member holding a position in the club) is not a pecuniary interest in the club which disqualifies the member from considering, discussing or voting on council matters relating to the club.

Schedule 2 (3) amends section 73 of the Principal Act to enable a vote to be recorded by ticking or marking one box on a ballot paper for a council election where preferential voting applies and there is only one candidate to be elected, regardless of the number of candidates standing for election.

Schedule 2 (4) amends section 83 of the Principal Act to empower the Governor-in-Council to make ordinances with respect to the printing, notification, inspection and sale of rolls of electors or lists of electors.

#### SCHEDULE 3—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO APPROVALS

Schedule 3 (1) amends section 25A of the Principal Act—

- (a) to remove the role of the Governor-in-Council of applying to certain council areas the provisions of the Principal Act requiring the mayors or presidents of the councils of those areas to be elected by the electors at each general council election; and
- (b) to provide for each of the councils of those areas to exercise that role, subject to the decision of any poll required to be held concerning the application of those provisions to the council's area.

Schedule 3 (2) and (3) amend sections 88, 90, 90A, 90B and 90C of the Principal Act to eliminate the need for a council to obtain the approval of the Minister when appointing a clerk, engineer, electrical engineer, overseer of gas trading undertakings or building surveyor, who is also employed in the same capacity by another council.



Schedule 3 (4) inserts proposed section 94A into the Principal Act to provide that the Minister may direct a council to terminate the appointment of a person in the position of clerk, engineer, electrical engineer, overseer of gas trading undertakings, building surveyor or health surveyor if that person is employed in the same position by another council.

Schedule 3 (5) amends sections 108, 109 and 110 of the Principal Act to remove the Minister's power to direct, when a special, local or trading fund of a council is closed, to which other fund the remaining balance will be transferred.

Schedule 3 (6) amends section 237 of the Principal Act to eliminate the role of the Minister in approving the opening of new public roads by public bodies.

Schedule 3 (7) amends section 249 of the Principal Act to remove the requirement that a council obtain the approval of the Minister before naming or altering the name of certain roads.

Schedule 3 (8) amends section 253 of the Principal Act to allow a council to close a public ferry in its care without first obtaining the permission of the Minister.

Schedule 3 (9) amends section 276C of the Principal Act to transfer the Minister's functions in relation to the closing of temporary roads to councils. A council may declare a temporary road closed and shall, on application being made to it, supply the necessary documents for the conveyance of the lots comprising the road to the person entitled to them.

Schedule 3 (10) amends section 340F of the Principal Act to remove the requirement that a council obtain the approval of the Governor-in-Council before disposing of or dedicating council land which is reserved for drainage but is no longer needed for that purpose.

Schedule 3 (11) amends section 352A of the Principal Act to provide that a council need not obtain the approval of the Minister before granting permission to the cutting of a channel or the doing of any thing which is likely to cause water to flow on to council land or land adjacent to council land.

Schedule 3 (12) amends section 357A of the Principal Act to enable the trustees of an institution to transfer assets of the institution to the council without first obtaining the approval of the Governor-in-Council.

Schedule 3 (13) amends section 364A of the Principal Act to allow a council to lend money to a sporting club (not conducted for private profit) to construct or improve sporting and associated facilities without obtaining the approval of the Minister.

Schedule 3 (14) amends section 414 of the Principal Act so as to enable a council to declare any wharf it has constructed, together with any adjoining land which it owns, to be a public wharf.

Schedule 3 (15) amends section 418 of the Principal Act so that a council, when entering into an agreement with another council for the supply of electricity or gas or electrical or gas fittings and appliances, need not obtain the approval of the Governor-in-Council.



Schedule 3 (16) amends section 426 of the Principal Act to transfer from the Governor-in-Council to councils power to extend the provisions of the Principal Act relating to the impounding of animals by councils to those areas where animals are in danger of being affected by Texas or tick fever.

Schedule 3 (17) amends section 430 of the Principal Act to remove the power of the Minister to authorise a person to lodge an animal in the pound.

Schedule 3 (18) amends section 449 of the Principal Act to allow a council, rather than the Governor-in-Council on a council's recommendation, to prohibit burials on certain land in the interest of public health.

Schedule 3 (19) amends section 475P of the Principal Act to enable a council to do certain things to promote the manufacturing industry in its area (such as lending money, acquiring land for industry sites and constructing or altering buildings) without obtaining the Minister's approval.

Schedule 3 (20) amends section 475Q of the Principal Act to enable a council to do certain things to promote the tourist industry in its area (such as lending money, acquiring land for industry sites and constructing or altering buildings) without obtaining the Minister's approval.

Schedule 3 (21) amends section 494A of the Principal Act to permit a council to carry out dredging in tidal waters and to reclaim areas in tidal waters without the approval of the Governor-in-Council.

Schedule 3 (22) amends section 506 of the Principal Act in consequence of the amendment made by Schedule 3 (15).

Schedule 3 (23) amends section 519 of the Principal Act to remove additional restrictions placed on the leasing of council property for periods of more than 2 years.

Schedule 3 (24) amends section 519B of the Principal Act to replace the requirement that the Minister's approval be obtained to the leasing by a council of the land below the surface of, or the air space above, any public road vested in the council with the requirement that the written concurrence of the Director of Environment and Planning be obtained.

Schedule 3 (25) amends section 520B of the Principal Act to remove the requirement that the Minister's approval be obtained before a council grants a lease or licence of part of a footway for restaurant purposes.

Schedule 3 (26) amends section 520D of the Principal Act to replace the requirement that the Minister, when exercising the powers of a council to grant a lease or licence of a part of a footway for restaurant purposes, must consider a report of the Director of Environment and Planning with a provision that the Minister may consult with that Director.

Schedule 3 (27) amends section 541 of the Principal Act to remove the power of the Governor-in-Council to proclaim urban areas and to empower a shire council to declare a part of its shire to be an urban area.

Schedule 3 (28) substitutes sections 542 to 545 of the Principal Act and replaces them with the following proposed sections:

Proposed section 542 requires a shire council to hold a poll of electors on the question of whether to declare an urban area if requested to do so by not less than 100 electors.

Proposed section 543 requires a shire council to give notice of its intention to declare an urban area in a newspaper circulating in the shire.

Proposed section 544 removes the Minister's role in the declaration of urban areas and requires a shire council to declare an urban area if a poll of electors is in favour of doing so.

Proposed section 545 removes the power of the Governor-in-Council to dissolve urban areas and empowers a shire council to dissolve an urban area.

Proposed section 545A requires a shire council to give notice of the declaration or dissolution of an urban area in the Gazette and in a newspaper circulating in the shire.

Schedule 3 (29) amends section 546 of the Principal Act in consequence of the amendment made by Schedule 3 (27).

Schedule 3 (30) amends section 548 of the Principal Act to provide that a shire council may establish an urban committee and that electors may petition the council to take a poll of electors on the question of the establishment of an urban committee.

Schedule 3 (31) amends section 549 of the Principal Act in consequence of the amendment made by Schedule 3 (27).

Schedule 3 (32) amends section 549A of the Principal Act to enable a shire council to abolish an urban committee.

Schedule 3 (33) amends section 565 of the Principal Act to allow a majority of councils in a county district to enter into a joint agreement in respect of the powers delegated to the county council without obtaining the approval of the Governor-in-Council.

#### SCHEDULE 4—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL GOVERNMENT INSPECTORS

Schedule 4 (1) inserts proposed section 212A into the Principal Act which requires a council in respect of which a report has been written by a local government inspector to lay the report on the table at the next meeting of the council.

Schedule 4 (2) inserts proposed sections 213A, 213B and 213C into the Principal Act.

Proposed section 213A gives a local government inspector the power to enter premises where the local government inspector believes on reasonable grounds that an offence under the Principal Act has been committed or for the purpose of investigating any matter relating to an inspection of a council.



Proposed section 213B requires a local government inspector to obtain a search warrant before entering premises used for residential purposes without the permission of the occupier and applies Part III of the Search Warrants Act 1985 to such a search warrant.

Proposed section 213C enables the Secretary of the Department of Local Government to direct a council to have a management review carried out by a consultant appointed by the Secretary at the council's expense if the Secretary has reasonable grounds for believing that the council is not properly managing the local government of its area or is not being efficiently administered. The council is required to lay the report of the consultant on the table at its next meeting.

Schedule 4 (3) amends section 214 of the Principal Act to give a local government inspector the same powers in relation to all inspections for the purposes of the Principal Act as the inspector has in relation to inspections of accounts.

Schedule 4 (4) amends section 215 of the Principal Act to allow the Secretary of the Department of Local Government to provide a copy of a report by a local government inspector on request to an elector.

Schedule 4 (5) amends section 635 of the Principal Act to change an obsolete reference to an inspector of accounts to a reference to a local government inspector.

#### SCHEDULE 5—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO DELEGATIONS OF AUTHORITY

Schedule 5 (1) amends section 527 of the Principal Act to make it clear that a delegation to a committee of local citizens of the care, control and management of a work, park, reserve, cemetery or undertaking is subject to the same conditions and limitations as apply to other delegations by a council.

Schedule 5 (2) substitutes section 530A of the Principal Act (Power to delegate) to permit a delegate of a council to subdelegate functions and to allow a delegation to a person for the time being holding a specified office.

#### SCHEDULE 6—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

Schedule 6 (1) amends section 11 of the Principal Act to empower the Governor-in-Council to proclaim a municipality as a city where it is in the interests of the residents of the municipality and the circumstances of the case render it proper to do so.

Schedule 6 (2) substitutes section 93A of the Principal Act (Appointment of health surveyors)—

- (a) to provide that, unless exempted by the Minister, a council must appoint one or more chief health surveyors holding the qualifications prescribed by the Governor-in-Council;
- (b) to provide that a council may appoint one or more assistant health surveyors holding the qualifications prescribed by the Governor-in-Council; and
- (c) to remove the requirement that a council obtain the approval of the Minister when appointing a chief or assistant health surveyor who is employed in the same position by another council.



Schedule 6 (3) omits section 94 of the Principal Act as a consequence of the amendment made by Schedule 6 (2).

Schedule 6 (4) amends section 160 of the Principal Act to enable an employee of a council, who is authorised by the town or shire clerk, to sign certificates stating amounts owing to the council in respect of particular lands.

Schedule 6 (5) amends section 302 of the Principal Act to provide a right of appeal to the Land and Environment Court to a person—

- (a) who is prohibited from using premises as a boarding-house or as a house let in lodgings;
- (b) who is refused a licence or renewal of a licence to use premises as a boarding-house or as a house let in lodgings, or has conditions placed on the licence;
- (c) whose licence to use premises as a boarding-house or as a house let in lodgings is suspended or cancelled; or
- (d) who is served with a notice requiring that certain directions be complied with in relation to premises used as a boarding-house or as a house let in lodgings.

Schedule 6 (6) amends section 317 of the Principal Act to prevent a person from doing any work in connection with the erection of a building unless the person has obtained any necessary endorsement by the council, relating to the payment of any amount due under the Builders Licensing Act 1971 or the Building and Construction Industry Long Service Payments Act 1986, of the plans and specifications of the building.

Schedule 6 (7) amends section 335 of the Principal Act to provide for the lapsing of an approval of a subdivision of land if the plan of subdivision has not been lodged for registration in the office of the Registrar-General within 2 years of its being granted. A subdivision approval granted before the commencement of the amendment remains in force for 2 years from the date of commencement of the amendment before lapsing if the plan of subdivision has not been lodged for registration within the 2-year period.

Schedule 6 (8) amends section 495A of the Principal Act to allow a council to remove undergrowth on land and recover the costs from the owner of the land where the owner has been served with a notice and has not complied with it.

Schedule 6 (9) omits section 512D of the Principal Act which provides for the recovery of damages from a person who carelessly or accidentally damages any electric line, post, lamp, etc., belonging to the council or a person supplying electricity.

Schedule 6 (10) amends section 521A of the Principal Act to remove the power of the Governor-in-Council to approve of bodies with which a council may conduct a joint undertaking relating to the construction and maintenance of buildings and to empower the Minister to approve of bodies for those purposes.

Schedule 6 (11) amends section 573 of the Principal Act to make it clear that ordinances may be made applying the provisions of the Principal Act to the Sydney County Council.

SCHEDULE 7—AMENDMENTS TO THE LOCAL GOVERNMENT (PURCHASES)  
AMENDMENT ACT 1983

Schedule 7 amends section 517A as to be inserted in the Principal Act by section 3 of the Local Government (Purchases) Amendment Act 1983 to allow different percentages to be prescribed by the Governor-in-Council in respect of rates of preference to be given by a council to the purchase or obtaining of Commonwealth goods over foreign goods.

SCHEDULE 8—REPEALS

Schedule 8 omits—

- (a) section 27 of the Borough of Newcastle Electric Lighting Act (Penalty for breaking electric line, etc.);
- (b) section 32 of the Municipal Council of Sydney Electric Lighting Act 1896 (Penalty for breaking electric line, etc.); and
- (c) section 78 of the Electricity Commission Act 1950 (Penalty for breaking electric line, etc.),

which provide for the recovery of damages from a person who carelessly or accidentally damages electric lines and certain other works.

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# **LOCAL GOVERNMENT (GENERAL REVISION) AMENDMENT BILL 1986**

NEW SOUTH WALES



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**LOCAL GOVERNMENT (GENERAL REVISION)  
AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

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**A BILL FOR**

An Act to amend the Local Government Act 1919 in various respects, to amend the Local Government (Purchases) Amendment Act 1983 with respect to rates of preference for Commonwealth goods and to repeal certain provisions of other Acts.

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See also Search Warrants (Local Government Inspectors) Amendment Bill 1986.



*Local Government (General Revision) Amendment 1986*

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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:

**5 Short title**

1. This Act may be cited as the "Local Government (General Revision) Amendment Act 1986".

**Commencement**

2. (1) Except as provided by subsection (2), this Act shall commence  
10 on the date of assent to this Act.

(2) Schedules 1-6, and section 4 in its application to those Schedules, shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Principal Act**

15 3. The Local Government Act 1919 is referred to in this Act as the Principal Act.

**Amendment of Act No. 41, 1919**

4. The Principal Act is amended in the manner set forth in Schedules  
1-6.

20 **Amendment of Act No. 173, 1983**

5. The Local Government (Purchases) Amendment Act 1983 is amended in the manner set forth in Schedule 7.

**Repeals**

25 6. Each Act specified in Schedule 8 is, to the extent indicated in that Schedule, repealed.

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## SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE

- 5 (1) Section 87 (**Powers of mayor or president**)—
- (a) Section 87 (2) (e)—
- Omit “twenty dollars”, insert instead “\$2,000”.
- (b) Section 87 (2) (e)—
- 10 After “determine”, insert “, and shall ensure that the account for any work so authorised is submitted for payment by the council in the same way as other accounts for goods and services against the council”.
- (2) Section 139 (**Making and levying**)—
- (a) Section 139 (9) (a)—
- 15 After “council”, insert “on the request of the owner of the land”.
- (b) Section 139 (9) (b) (ii)—
- After “council”, insert “on the request of the owner of the land and”.
- 20 (3) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—
- Section 160AA (1), definition of “eligible pensioner”—
- Omit “pensioner health benefits card issued by the Commonwealth Department of Social Security” wherever occurring, insert instead “Pensioner Health Benefits Card (which is in force) issued, on behalf of the Commonwealth Department of Health, by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans’ Affairs”.
- 25
- (4) Section 160DA (**Payment of current rates by 4 instalments**)—
- Section 160DA (4) (b)—
- 30 Omit “unpaid balance of the rates”, insert instead “total amount of the instalments unpaid”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*

(5) Section 176 (**Renewal loans**)—

Section 176 (2)—

Omit “shall”, insert instead “may”.

(6) Section 177 (**Ordinary loans**)—

5      Section 177 (4)—

Omit “shall”, insert instead “may”.

(7) Section 177A—

After section 177, insert:

**Loan rates for renewal or ordinary loans**

10      177A. If the Minister thinks it necessary and directs a council to do so, the council shall levy a loan rate in respect of a renewal loan under section 176 (2) or in respect of an ordinary loan under section 177 (4).

(8) Section 378 (**Council shall levy a sufficient sum**)—

15      (a) Section 378 (6)–(6C)—

Omit section 378 (6), insert instead:

(6) A council, in a resolution making a water, sewerage or drainage rate—

20      (a) may specify a minimum amount of the rate which shall be levied in respect of each separate parcel;

(b) may specify—

(i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land; and

25      (ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land; or



SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*

(c) may specify—

- (i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land;
- 5 (ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land, other than a separate parcel consisting of vacant flood liable land; and
- 10 (iii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (ii), which shall be levied in respect of each separate parcel of vacant flood liable land.

15 (6A) In the case of vacant land or vacant flood liable land not supplied with water or vacant land or vacant flood liable land not connected with the council's sewers, a lower minimum amount may be specified than for other lands.

20 (6B) In subsections (6) and (6A), "vacant flood liable land" and "vacant land" have the same meanings as those expressions have in section 126 (1).

25 (6C) If a council makes a determination under subsection (3A) in respect of a water, sewerage or drainage rate, it may specify a different minimum amount pursuant to subsection (6) (a), or different minimum amounts pursuant to subsection (6) (b) or (c), of each amount of the rate so determined.

(b) Section 378 (8)—

After "(6)" wherever occurring, insert "or (6C)".

(9) Section 503 (**War expenditure**)—

30 (a) Section 503 (1) (f)—

After "person" where firstly occurring, insert "(or due by the person's spouse or jointly by the person and the person's spouse)".

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*

(b) Section 503 (1) (f)—

After “person” where lastly occurring, insert “or such person’s spouse”.

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SCHEDULE 2

5

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS

(1) Section 30 (**Qualification for office**)—

(a) Section 30 (2) (e)—

10 After “is”, insert “, following a conviction for an offence,”.

(b) Section 30 (2) (e)—

15 After “imprisonment”, insert “or is undergoing a sentence of imprisonment by way of periodic detention within the meaning of the Periodic Detention of Prisoners Act 1981, other than for the non-payment of a fine”.

(c) Section 30 (4)—

After section 30 (3), insert:

20 (4) The clerk shall, in respect of each person for whom a nomination for election to a civic office is made before 5.00 p.m. on the day which is 2 days before nomination day, make available for collection as soon as practicable (and in any event not later than noon on the day before nomination day) a certificate showing any amount due to the council by the person as referred to in subsection (2) (b).

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS—*continued*

(2) Section 30A (**Disability of members of councils for voting on account of interest in contracts, etc.**)—

(a) Section 30A (1), proviso—

Omit the proviso.

5 (b) Section 30A (1A)—

After section 30A (1), insert:

(1A) This section shall not apply—

(a) to an interest in a contract, proposed contract or other matter which a member may have as—

10 (i) a ratepayer or elector of the area;

(ii) a consumer of gas, electricity or water supplied by the council in a similar manner and subject to similar conditions as are applicable in the case of persons who are not members of the council; or

15 (iii) a member (other than a member holding a position, whether remunerated or not) of a club or other organisation or association; or

20 (b) to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) Section 73 (**Contested elections of aldermen or councillors**)—

Section 73 (4) (f)—

Omit “and at which there are not more than two candidates.”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS—*continued*

(4) Section 83 (**Ordinances**)—

Section 83 (e)—

Omit the paragraph, insert instead:

- (e) the printing, notification, inspection and sale of rolls of electors or lists of electors;

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SCHEDULE 3

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS

10 (1) Section 25A (**Election of mayor or president by electors**)—

(a) Section 25A (1) (b)—

Omit the paragraph, insert instead:

- (b) any other area in respect of which the council of the area has applied this section in accordance with subsection (7) or (8) by a resolution which is still in force.

15 (b) Section 25A (6)—

Omit “, and shall certify the result of the poll to the Governor not later than 28 days after the taking of the poll”.

(c) Section 25A (7), (8), (8A)—

20 Omit section 25A (7) and (8), insert instead:

(7) If the decision of a poll held under subsection (6)—

- (a) is in favour of applying this section to an area—the council of the area shall, by resolution, apply this section to the area; or



*Local Government (General Revision) Amendment 1986*

SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) is not in favour of continuing to apply this section to an area—the council of the area shall rescind the resolution applying this section to the area.

5 (8) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, apply this section to the area without holding a poll if the consent of the Minister is first obtained.

10 (8A) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, rescind a resolution applying this section to the area, but only if it is required to do so by subsection (7) (b) or if the consent of the Minister is first obtained.

(d) Section 25A (9)—

15 Omit “proclamation applying this section to an area may be revoked only pursuant to subsection (7) (b) and, if it is so revoked, the revocation”, insert instead “resolution applying this section to an area may be rescinded only pursuant to subsection (7) (b) or (8) and, if it is so rescinded, the rescission”.

(e) Section 25A (9A)—

20 After section 25A (9), insert:

25 (9A) A proclamation by the Governor under this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) applying this section to an area shall be deemed to be a resolution of the council of the area applying this section, as so amended, to the area.

(2) Sections 88 (4), 90A (2), 90B (2), 90C (2)—

Omit “Subject to the approval of the Minister, any” wherever occurring, insert instead “A”.

30 (3) Section 90 (3)—

Omit “Subject to the approval of the Minister any”, insert instead “A”.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

## (4) Section 94A—

Before section 95, insert:

**Council to terminate certain appointments**

94A. (1) A council shall terminate an appointment under section 88 (4), 90 (3), 90A (2), 90B (2), 90C (2) or 93A (4) if the Minister so directs.

(2) Section 99 does not apply to the termination of an appointment under subsection (1).

## (5) Sections 108 (3), 109 (3), 110 (3)—

Omit “Minister directs” wherever occurring, insert instead “council determines”.

(6) Section 237 (**Opening of new roads**)—

Section 237 (2), proviso—

Omit “, or the approval of the Minister after considering a report from the council,”.

(7) Section 249 (**Care, control and management of roads**)—

Section 249 (a), proviso—

Omit “and obtains the approval of the Minister in such cases as may be prescribed”.

(8) Section 253 (**Public ferries**)—

Omit “Minister grants permission to close”, insert instead “council closes”.

(9) Section 276C (**Closing of temporary road and transfer to person entitled**)—

## (a) Section 276C (3)—

Omit “Minister”, insert instead “council in which the lot or lots comprised in the temporary road is or are vested”.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

## (b) Section 276C (3)—

5 Omit “an order directing the council in which the lot or lots comprised in the temporary road is or are vested to convey or transfer” wherever occurring, insert instead “the conveyance or transfer of”.

## (c) Section 276C (3)—

Omit “entitled to that order”, insert instead “to whom the lot or lots should be conveyed or transferred”.

## (d) Section 276C (4)—

10 Omit the subsection, insert instead:

15 (4) On receipt of the application referred to in subsection (3), the council, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred and if the case requires, may, by notification published in the Gazette, declare the temporary road closed.

## (e) Section 276C (6)—

20 Omit “The council shall, at the request of the person referred to in a notification under subsection (4)”, insert instead “On receipt of the application referred to in subsection (3), the council shall, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred”.

## (f) Section 276C (6) (a), (b)—

25 Omit “that person” wherever occurring, insert instead “the applicant”.

## (g) Section 276C (6) (b)—

Omit “referred to in the notification”.

## (h) Section 276C (7)—

30 Omit “a copy of the notification referred to in subsection (4) and”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(i) Section 276C (9)—

Omit the subsection.

(j) Section 276C (10)—

5 Omit “On receipt of an application referred to in subsection (9), the Minister”, insert instead “Where an application referred to in subsection (3) (a) is not made to the council within 2 months after the date of publication in the Gazette of the notice referred to in subsection (1) (a), the council”.

(10) Section 340F (**Sale or lease of land held for drainage purposes**)—

10 Omit “The council shall not sell any land pursuant to this section except with the approval of the Governor.”.

(11) Section 352A (**Regulation of cutting of any channel through land owned or controlled by the council so as to release lake waters, etc.**)—

Section 352A (2)—

15 Omit the subsection.

(12) Section 357A (**Transfer of assets of school of arts, etc., to council**)—

Section 357A (1)—

Omit “and with the approval of the Governor”.

(13) Section 364A (**Loans to sporting clubs**)—

20 Section 364 (2) (a)—

Omit the paragraph.

(14) Section 414 (**Public wharves**)—

(a) Section 414 (1) (a)—

Omit “by the council, or”.



SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

## (b) Section 414 (1A)—

After section 414 (1), insert:

5 (1A) Where any wharf has been constructed by the council, the council may declare the wharf, together with any adjoining land which is the property of the council, to be a public wharf.

## (c) Section 414 (2)—

Omit “if the Minister’s consent first be obtained”.

(15) Section 418 (**What is a trading undertaking**)—

## (a) Section 418 (4) (a)—

10 Omit “Before entering into an agreement with the council of another area for the extension into such area of a trading undertaking referred to in paragraph (a) or paragraph (b) of subsection (1), the council proposing so to extend the trading  
15 undertaking shall submit the proposal with such details as may be prescribed to the Governor, and shall not proceed with the proposal until the Governor’s approval of the agreement is signified in writing thereon but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s  
20 approval to any such agreement where the council proposes to extend its electricity trading undertaking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road.”.

## (b) Section 418 (6), (7)—

25 Omit the subsections.

(16) Section 426 (**Impounding by councils**)—

## (a) Section 426 (3) (a)—

Omit “Governor proclaims”, insert instead “council of the shire declares, by notification published in the Gazette,”.

*Local Government (General Revision) Amendment 1986*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) Section 426 (3) (d)—

Omit “proclamation”, insert instead “notification by the council”.

(17) Section 430 (**Delivery to poundkeeper**)—

Section 430 (2)—

5 Omit “, or by the Minister”.

(18) Section 449 (**Prohibition of burials**)—

Omit “The Governor may, on the recommendation of the council,”, insert instead “The council may”.

(19) Section 475P (**Council’s powers to assist industrial development**)—

10 Section 475P (2)—

Omit the subsection.

(20) Section 475Q (**Council’s powers to assist tourist development**)—

Section 475Q (2)—

Omit the subsection.

15 (21) Section 494A (**Dredging and reclamation**)—

Omit “with the approval of the Governor and subject to such conditions as he may impose”.

(22) Section 506 (**Extension of water, gas, electricity, sewerage, and other works outside area**)—

20 Section 506 (2)—

Omit “In the case of a supply of gas or electricity this section shall not be acted upon unless with the approval of the Governor as provided in subsection (4) of section 418, where such approval is necessary under that subsection.”.

25 (23) Section 519 (**Power to let property**)—

Section 519 (2)—

Omit the subsection.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*(24) Section 519B (**Lease of lands under, or of air space above, roads vested in the council**)—

## (a) Section 519B (1)—

5 Omit “approval in writing of the Minister”, insert instead “written concurrence of the Director of Environment and Planning”.

## (b) Section 519B (2)—

Omit the subsection.

(25) Section 520B (**Granting of lease or licence of footway for restaurant purposes**)—

## 10 Section 520B (3)—

Omit the subsection.

(26) Section 520D (**Granting of lease, etc., by Minister**)—

## (a) Section 520D (1) (a)—

Omit the paragraph.

## 15 (b) Section 520D (1A)—

After section 520D (1), insert:

20 (1A) The Minister may, before exercising or performing the powers, authorities, duties and functions of a council under section 520B, consult with the Director of Environment and Planning.

(27) Section 541 (**Declaration of urban areas**)—

## (a) Section 541 (1)—

Omit “the Governor by proclamation”, insert instead “resolution of the shire council”.

## 25 (b) Section 541 (2)—

Omit the subsection.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(c) Section 541 (4)—

After section 541 (3), insert:

- 5 (4) An urban area declared under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been declared under this Part, as so amended.

(28) Sections 542–545A—

Omit sections 542–545, insert instead:

**Petitions**

- 10 542. (1) Any number of electors may petition the shire council to take a poll on the question of whether a part of the shire should be declared to be an urban area.

- 15 (2) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether a part of the shire should be declared to be an urban area, take a poll of the electors enrolled in respect of that part of the shire.

**Notice of intention to declare an urban area**

- 20 543. If a shire council proposes to declare under section 541 part of the shire to be an urban area (otherwise than as the result of a poll), it shall cause notice of its proposal to be given at least 1 month before the declaration in a newspaper circulating in the shire.

**Decision of poll**

- 25 544. If the decision of a poll taken under section 542 is in favour of declaring a part of the shire to be an urban area, the shire council shall by resolution declare the part of the shire to be an urban area.



SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued***Dissolution**

5 545. (1) A shire council may, by resolution, dissolve an urban area in accordance with the same procedure, subject to any ordinance made as referred to in subsection (2), by which it declared the urban area.

(2) Ordinances may be made modifying the procedure to be complied with in dissolving an urban area.

**Publication in Gazette**

10 545A. If a shire council declares by resolution under section 541 or 544 part of a shire to be an urban area or dissolves an urban area under section 545, it shall cause notice of the fact to be published in the Gazette and in a newspaper circulating in the shire as soon as practicable after the making of the resolution.

(29) Section 546 (**Various powers**)—

15 (a) Section 546 (1)—

Omit “The Governor may after consultation with the shire council by proclamation”, insert instead “A shire council may by resolution”.

(b) Section 546 (3), (4)—

20 After section 546 (2), insert:

(3) A shire council may, by resolution—

- (a) alter the boundaries of an urban area by taking part of one urban area and adding it to another urban area;
- 25 (b) alter the boundaries of an area by adding to the area any land which is not within the area;
- (c) take land from any one or more urban areas and constitute the land as a separate urban area;
- (d) unite urban areas or urban areas and parts of urban areas; and

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(e) correct errors in the declaration of the boundaries of urban areas.

(4) Notice of a shire council's intention to make a resolution referred to in subsection (3) shall be given in accordance with section 543 and a resolution made under subsection (3) shall be published in the same way as a resolution declaring a part of a shire to be an urban area.

(30) Section 548 (**Power to establish**)—

(a) Section 548 (1)–(1B)—

Omit section 548 (1), insert instead:

(1) A shire council may by resolution declare that an urban committee shall be established in respect of an urban area (whether the urban area was created or declared before or after the passing of this Act).

(1A) Any number of electors may petition the shire council to take a poll on the question of whether an urban committee should be established in respect of an urban area.

(1B) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether an urban committee should be established in respect of an urban area, take a poll of the electors enrolled in respect of the urban area.

(b) Section 548 (4)—

Omit “Applications, petitions, inquiries,”, insert instead “Petitions”.

(c) Section 548 (4)—

Omit “applications, petitions, inquiries, and polls in respect of the creation or”, insert instead “petitions in respect of the”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(d) Section 548 (5)—

After section 548 (4), insert:

- 5 (5) An urban committee established under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been established under this Part, as so amended.

(31) Section 549 (**Election, etc.**)—

(a) Section 549 (1)—

- 10 Omit “Where the Governor proclaims”, insert instead “If a shire council declares by resolution”.

(b) Section 549 (2)—

Omit “such proclamation”, insert instead “the resolution”.

(c) Section 549 (4)—

- 15 Omit “three or such other number as the Governor may determine from time to time”, insert instead “such number as the shire council may, by resolution, determine”.

(d) Section 549 (6A)—

Omit “Governor may appoint”, insert instead “shire council may, by resolution, appoint”.

20 (32) Section 549A (**Abolition of urban committees**)—

(a) Section 549A (1) (a1)—

After section 549A (1) (a), insert:

- 25 (a1) A shire council may, by resolution, abolish an urban committee and make such directions as in the circumstances it thinks necessary.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) Section 549A (3)—

After section 549A (2), insert:

5 (3) Section 549 applies to the establishment of an urban committee by the Governor by proclamation under subsection (2) in the same way as it applies to the establishment of an urban committee by a shire council by resolution under section 548 except that section 549 (4) and (6A) shall be read as if the words “, by resolution,” wherever occurring, were omitted.

(33) Section 565 (**Assessment of cost**)—

10 Section 565 (2)—

Omit the subsection.

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SCHEDULE 4

(Sec. 4)

15 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS

(1) Section 212A—

After section 212, insert:

**Local government inspectors' reports**

20 212A. A report under section 212 (3) shall be laid on the table by the council at the next ordinary meeting after delivery to it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.



SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

## (2) Sections 213A–213C—

After section 213, insert:

**Powers of local government inspectors**

5       213A. (1) For the purposes of this Act, a local government  
inspector may, with or without assistants, at any reasonable  
time—

- 10           (a) except as provided by subsection (2), enter any premises  
or any other place (including land or a building, or a place  
on or in a vehicle or vessel) for the purpose of investigating  
any matter relating to an inspection under section 212 or  
where the local government inspector believes on  
reasonable grounds that a provision of this Act or the  
ordinances has been or is being contravened;
- 15           (b) with respect to any such premises or place, make such  
inquiries, investigations or searches as are necessary to  
ascertain information on any matter relating to an  
inspection under section 212 or whether the provisions of  
this Act or the ordinances are being complied with;
- 20           (c) request a person to produce for examination by the  
inspector any licence, approval or certificate issued to the  
person under this Act or the ordinances, or alleged by the  
person to have been so issued, and any registers, books,  
records, accounts or documents required to be kept or  
made by the person under this Act or the ordinances;
- 25           (d) examine any article produced pursuant to paragraph (c)  
and make copies of or take extracts from any such article;
- (e) examine any equipment or materials found at any such  
premises or place;
- 30           (f) question any person found on any such premises or at any  
such place and require the person to answer any questions  
put to the person in relation to the use of those premises  
or of that place;

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

- 5 (g) require a person referred to in paragraph (f) to state the person's full name and residential address to the inspector and (if the inspector suspects, on reasonable grounds, that a name or address so stated is false) require the person to produce evidence of its correctness; or
- (h) use such assistance or force as is necessary in the exercise of the powers and authorities conferred or the discharge of the duties and functions imposed on the local government inspector by this Act.
- 10 (2) A local government inspector may not exercise the powers conferred by subsection (1) in relation to that part of any premises being used for residential purposes except—
- (a) with the permission of the occupier of that part of the premises; or
- 15 (b) under the authority conferred by a search warrant issued under section 213B.

**Search warrant**

213B. (1) In this section—

“authorised justice” means—

- 20 (a) a Magistrate; or
- (b) a justice of the peace employed in the Local Courts Administration, Attorney General's Department.

25 (2) A local government inspector may apply to an authorised justice for a search warrant if the local government inspector has reasonable grounds for believing that a provision of this Act or the ordinances has been or is being contravened on any premises being used for residential purposes.

SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising a local government inspector named in the warrant—

5           (a) to enter the premises; and

(b) to search the premises for evidence of a contravention of this Act or the ordinances.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

10           **Management reviews of councils**

213C. (1) If the Secretary of the Department of Local Government has reasonable grounds for believing that a council is not properly managing the local government of its area or that the council is not being efficiently administered, the Secretary may  
15           require that a management review of the council be carried out, in accordance with directions prepared by the Secretary in consultation with the council, by a consultant appointed by the Secretary.

20           (2) The management review shall be carried out at the expense of the council.

(3) The Secretary of the Department of Local Government, on receipt of the consultant's report, shall furnish a copy of the report to the council.

25           (4) The report shall be laid on the table by the council at the next ordinary meeting after receipt by it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.



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SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

(3) Section 214 (**Powers of auditors and inspectors**)—

Section 214 (1)—

- 5 Omit “For the purpose of any audit or inspection of accounts, an auditor or local government inspector may”, insert instead “An auditor may, for the purpose of any audit, or a local government inspector may, for the purpose of any inspection under section 212,”.

(4) Section 215 (**Right to inspect books of account and certain reports**)—

Section 215 (2)—

- 10 At the end of section 215, insert:

(2) The Secretary of the Department of Local Government may, on the request of an elector, provide a copy to the elector of a report by a local government inspector after the report has been laid on the table in accordance with section 212A.

15 (5) Section 635 (**Obstruction**)—

Section 635 (d)—

Omit “an inspector of accounts”, insert instead “a local government inspector”.

SCHEDULE 5

20

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY

(1) Section 527 (**Local committees**)—

Section 527 (1)—

- 25 After “delegate to the committee”, insert “, in accordance with section 530A,”.



SCHEDULE 5—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY—*continued*

## (2) Section 530A—

Omit the section, insert instead:

**Delegation**

530A. (1) In this section—

- 5           (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

10           (2) The council may, by resolution, delegate the exercise of any of its functions, other than a function relating to—

- (a) the making of any rate, the fixing of any charges or fees or the borrowing of any money;
- 15           (b) the voting of money for expenditure on the works, services or operations of the council;
- (c) the resumption, purchase, sale, exchange, leasing or surrender of any land or other property or the granting of any lease of land;
- (d) the acceptance of tenders;
- 20           (e) any application or notice to the Governor or the Minister;
- (f) the payment of travelling expenses; or
- (g) any other matter which may be prescribed.

(3) A delegation under this section may be made to—

- 25           (a) a specified person (whether a natural person or a corporation);
- (b) a person for the time being holding a specified office; or
- (c) a committee.

SCHEDULE 5—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY—*continued*

(4) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

5 (c) may be revoked, wholly or partly, by the council or its delegate, as the case requires.

10 (5) A person or committee to whom or to which the exercise of a function has been delegated by a council under subsection (2) may delegate to a person or committee the exercise of any of the functions so delegated by the council, unless the council otherwise provides in the terms of the council's delegation.

(6) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation or as may be prescribed.

15 (7) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the council.

(8) A delegation under this section does not prevent the exercise of a function by the council or its delegate.

20 (9) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

25 (10) A delegation under this section in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be a delegation under this section, as so substituted.

30 (11) Any provision of an ordinance made for the purposes of subsection (2) (g) and in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to have been made under this section, as so substituted.

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## SCHEDULE 6

(Sec. 4)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 11 (**Proclamation of cities**)—

5 (a) Section 11 (2)—

Omit “either”.

(b) Section 11 (2) (a)—

Omit “or” where lastly occurring.

(c) Section 11 (2) (b), (c)—

10 At the end of section 11 (2) (b), insert:

; or

(c) does not comply with paragraph (a) or (b), but in relation to which the Governor is, having regard to the circumstances of the case, of the opinion that it is in the interests of the residents of the municipality to do so.

15

## (2) Section 93A—

Omit the section, insert instead:

**Appointment of health surveyors**

20 93A. (1) Unless exempted by the Minister, every council shall appoint one or more chief health surveyors, being a person who holds or persons who hold the prescribed qualifications.

(2) A council may appoint one or more assistant health surveyors, being a person who holds or persons who hold the prescribed qualifications.

25 (3) Ordinances may be made prescribing the qualifications for appointment as chief health surveyor or assistant health surveyor.

(4) A person qualified for appointment as a chief health surveyor or an assistant health surveyor may be appointed as a chief health surveyor or an assistant health surveyor for 2 councils.

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*continued*

- 5 (5) A person holding the position of health surveyor of a council under this section before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be qualified to hold the position of chief health surveyor or assistant health surveyor of a council under this section, as so substituted.

(3) Section 94 (**Health surveyors**)—

Omit the section.

(4) Section 160 (**Certificate as to amount due**)—

## 10 Section 160 (3)—

After “clerk”, insert “or by an employee of the council authorised by the clerk to do so”.

(5) Section 302 (**Boarding-houses, barbers’ shops, etc.**)—

Section 302 (3)—(5)—

## 15 After section 302 (2), insert:

## (3) If a council—

- (a) prohibits the use of premises for the purposes of a boarding-house or a house let in lodgings;
- 20 (b) refuses to issue a licence, or attaches conditions to a new licence, in respect of premises used or intended for use as a boarding-house or a house let in lodgings;
- (c) refuses to renew, or attaches conditions to the renewal of, a licence in respect of premises used as a boarding-house or a house let in lodgings;
- 25 (d) suspends or cancels a licence in respect of premises used as a boarding-house or a house let in lodgings; or



*Local Government (General Revision) Amendment 1986*SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (e) serves a notice on the owner of premises used as a boarding-house or a house let in lodgings requiring the owner to comply with directions specified in the notice in relation to those premises,

5 the owner of the premises or the applicant for or holder of the licence, as the case may be, may, within the relevant period specified in subsection (4), appeal to the Land and Environment Court.

(4) The relevant period in respect of an appeal under—

10 (a) subsection (3) (a) or (b) is 12 months after the council's decision is notified to the applicant;

(b) subsection (3) (c) or (d) is one month after the council's decision is notified to the applicant or the owner of the premises, as the case may be; and

15 (c) subsection (3) (e) is one month after receipt by the owner of the notice.

20 (5) For the purpose only of enabling an appeal to be made under subsection (3) (b) or (c), a failure by the council to determine an application for a licence or renewal of a licence within 40 days after the application is received by the council constitutes a refusal by the council to issue the licence or renew the licence, as the case may be.

(6) Section 317 (**Penalties**)—

Section 317 (1)—

25 After “such approval”, insert “or before the council has endorsed a copy of the plans and specifications of the building under section 311A or 311B”.

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*(7) Section 335 (**Lapsing of approval**)—

Section 335 (1), (1A)—

Omit section 335 (1), insert instead:

5 (1) Any approval given under this Part shall, unless sooner cancelled, lapse at the end of 2 years from the date of the approval, or such longer period as may be fixed in the approval, if—

10 (a) in the case of an approval of a subdivision, the plan of subdivision has not been lodged for registration in the office of the Registrar-General; or

(b) in any case, the requirements of this Part have not been complied with in respect of—

(i) the construction and draining of roads;

(ii) the giving of security; and

15 (iii) the making of payments to the council in respect of the making, draining and marking of roads.

20 (1A) In applying subsection (1) (a) to an approval of a subdivision given before the commencement of that paragraph, a reference in subsection (1) to the date of the approval shall be read as a reference to the date of that commencement.

(8) Section 495A (**Removal of undergrowth**)—

Section 495A (1A), (1B)—

After section 495A (1), insert:

25 (1A) If an owner of land served with a notice under subsection (1) does not take measures to comply with the requirement within the period specified for compliance with the requirement, the council—

(a) if no appeal is lodged within that period; or

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (b) if an appeal has been lodged within that period and is determined in favour of the council,

may, by its employees, agents or contractors, enter the land and take those measures.

- 5 (1B) Any costs incurred by the council in taking any such measures—

- (a) may be recovered by the council from the owner as a debt in a court of competent jurisdiction; and

- 10 (b) shall be a charge against the owner until the costs are paid to or recovered by the council.

- (9) Section 512D (**Penalty for breaking electric line, etc.**)—

Omit the section.

- (10) Section 521A (**Joint undertakings with the Crown and approved bodies**)—

- 15 (a) Section 521A (1)—

Omit “prescribed for the purposes of this section”, insert instead “approved by the Minister”.

- (b) Section 521A (5)—

After section 521A (4), insert:

- 20 (5) A body, or a body of a class, prescribed for the purposes of this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) shall be deemed to have been approved by the Minister under this section, as so amended.

- 25 (11) Section 573 (**Ordinances**)—

Section 573 (1) (a)—

After “, to”, insert “the Sydney County Council and to”.

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*Local Government (General Revision) Amendment 1986*

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## SCHEDULE 7

(Sec. 5)

AMENDMENTS TO THE LOCAL GOVERNMENT (PURCHASES)  
AMENDMENT ACT 1983

5 Section 517A of the Principal Act as to be inserted by section 3 of the Local Government (Purchases) Amendment Act 1983—

(1) Section 517A (2)—

After “percentage”, insert “(if any)”.

(2) Section 517A (4)—

10 After subsection (3), insert:

(4) Different percentages may be prescribed under subsection (2) in respect of foreign goods manufactured or produced in different places, at different times or in different circumstances.

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SCHEDULE 8

15

(Sec. 6)

## REPEALS

Borough of Newcastle Electric Lighting Act 55 Vic.—section 27

Municipal Council of Sydney Electric Lighting Act 1896 60 Vic. No. 23—section 32

Electricity Commission Act 1950 No. 22—section 78



# **LOCAL GOVERNMENT (GENERAL REVISION) AMENDMENT ACT 1986 No. 159**

NEW SOUTH WALES



## **TABLE OF PROVISIONS**

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**LOCAL GOVERNMENT (GENERAL REVISION) AMENDMENT  
ACT 1986 No. 159**

NEW SOUTH WALES



**Act No. 159, 1986**

An Act to amend the Local Government Act 1919 in various respects, to amend the Local Government (Purchases) Amendment Act 1983 with respect to rates of preference for Commonwealth goods and to repeal certain provisions of other Acts. [Assented to 17 December 1986]

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See also Search Warrants (Local Government Inspectors) Amendment Act 1986.

*Local Government (General Revision) Amendment 1986*

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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:

**Short title**

1. This Act may be cited as the "Local Government (General Revision) Amendment Act 1986".

**Commencement**

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

(2) Schedules 1-6, and section 4 in its application to those Schedules, shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

**Principal Act**

3. The Local Government Act 1919 is referred to in this Act as the Principal Act.

**Amendment of Act No. 41, 1919**

4. The Principal Act is amended in the manner set forth in Schedules 1-6.

**Amendment of Act No. 173, 1983**

5. The Local Government (Purchases) Amendment Act 1983 is amended in the manner set forth in Schedule 7.

**Repeals**

6. Each Act specified in Schedule 8 is, to the extent indicated in that Schedule, repealed.

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## SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE(1) Section 87 (**Powers of mayor or president**)—

## (a) Section 87 (2) (c)—

Omit “twenty dollars”, insert instead “\$2,000”.

## (b) Section 87 (2) (c)—

After “determine”, insert “, and shall ensure that the account for any work so authorised is submitted for payment by the council in the same way as other accounts for goods and services against the council”.

(2) Section 139 (**Making and levying**)—

## (a) Section 139 (9) (a)—

After “council”, insert “on the request of the owner of the land”.

## (b) Section 139 (9) (b) (ii)—

After “council”, insert “on the request of the owner of the land and”.

(3) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—

Section 160AA (1), definition of “eligible pensioner”—

Omit “pensioner health benefits card issued by the Commonwealth Department of Social Security” wherever occurring, insert instead “Pensioner Health Benefits Card (which is in force) issued, on behalf of the Commonwealth Department of Health, by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans’ Affairs”.

(4) Section 160DA (**Payment of current rates by 4 instalments**)—

Section 160DA (4) (b)—

Omit “unpaid balance of the rates”, insert instead “total amount of the instalments unpaid”.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*(5) Section 176 (**Renewal loans**)—

Section 176 (2)—

Omit “shall”, insert instead “may”.

(6) Section 177 (**Ordinary loans**)—

Section 177 (4)—

Omit “shall”, insert instead “may”.

## (7) Section 177A—

After section 177, insert:

**Loan rates for renewal or ordinary loans**

177A. If the Minister thinks it necessary and directs a council to do so, the council shall levy a loan rate in respect of a renewal loan under section 176 (2) or in respect of an ordinary loan under section 177 (4).

(8) Section 378 (**Council shall levy a sufficient sum**)—

## (a) Section 378 (6)–(6C)—

Omit section 378 (6), insert instead:

(6) A council, in a resolution making a water, sewerage or drainage rate—

(a) may specify a minimum amount of the rate which shall be levied in respect of each separate parcel;

(b) may specify—

(i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land; and

(ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land; or

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*

(c) may specify—

- (i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land;
- (ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land, other than a separate parcel consisting of vacant flood liable land; and
- (iii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (ii), which shall be levied in respect of each separate parcel of vacant flood liable land.

(6A) In the case of vacant land or vacant flood liable land not supplied with water or vacant land or vacant flood liable land not connected with the council's sewers, a lower minimum amount may be specified than for other lands.

(6B) In subsections (6) and (6A), "vacant flood liable land" and "vacant land" have the same meanings as those expressions have in section 126 (1).

(6C) If a council makes a determination under subsection (3A) in respect of a water, sewerage or drainage rate, it may specify a different minimum amount pursuant to subsection (6) (a), or different minimum amounts pursuant to subsection (6) (b) or (c), of each amount of the rate so determined.

(b) Section 378 (8)—

After "(6)" wherever occurring, insert "or (6C)".

(9) Section 503 (**War expenditure**)—

(a) Section 503 (1) (f)—

After "person" where firstly occurring, insert "(or due by the person's spouse or jointly by the person and the person's spouse)".

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING  
AND FINANCE—*continued*

(b) Section 503 (1) (f)—

After “person” where lastly occurring, insert “or such person’s spouse”.

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SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS

(1) Section 30 (**Qualification for office**)—

(a) Section 30 (2) (e)—

After “is”, insert “, following a conviction for an offence.”.

(b) Section 30 (2) (e)—

After “imprisonment”, insert “or is undergoing a sentence of imprisonment by way of periodic detention within the meaning of the Periodic Detention of Prisoners Act 1981, other than for the non-payment of a fine”.

(c) Section 30 (4)—

After section 30 (3), insert:

(4) The clerk shall, in respect of each person for whom a nomination for election to a civic office is made before 5.00 p.m. on the day which is 2 days before nomination day, make available for collection as soon as practicable (and in any event not later than noon on the day before nomination day) a certificate showing any amount due to the council by the person as referred to in subsection (2) (b).



SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS—*continued*

(2) Section 30A (**Disability of members of councils for voting on account of interest in contracts, etc.**)—

(a) Section 30A (1), proviso—

Omit the proviso.

(b) Section 30A (1A)—

After section 30A (1), insert:

(1A) This section shall not apply—

(a) to an interest in a contract, proposed contract or other matter which a member may have as—

(i) a ratepayer or elector of the area;

(ii) a consumer of gas, electricity or water supplied by the council in a similar manner and subject to similar conditions as are applicable in the case of persons who are not members of the council; or

(iii) a member (other than a member holding a position, whether remunerated or not) of a club or other organisation or association; or

(b) to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) Section 73 (**Contested elections of aldermen or councillors**)—

Section 73 (4) (f)—

Omit “and at which there are not more than two candidates.”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
ELECTIONS AND COUNCIL MEMBERS—*continued*

(4) Section 83 (**Ordinances**)—

Section 83 (e)—

Omit the paragraph, insert instead:

- (e) the printing, notification, inspection and sale of rolls of electors or lists of electors;

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SCHEDULE 3

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS

(1) Section 25A (**Election of mayor or president by electors**)—

(a) Section 25A (1) (b)—

Omit the paragraph, insert instead:

- (b) any other area in respect of which the council of the area has applied this section in accordance with subsection (7) or (8) by a resolution which is still in force.

(b) Section 25A (6)—

Omit “, and shall certify the result of the poll to the Governor not later than 28 days after the taking of the poll”.

(c) Section 25A (7), (8), (8A)—

Omit section 25A (7) and (8), insert instead:

(7) If the decision of a poll held under subsection (6)—

- (a) is in favour of applying this section to an area—the council of the area shall, by resolution, apply this section to the area; or

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) is not in favour of continuing to apply this section to an area—the council of the area shall rescind the resolution applying this section to the area.

(8) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, apply this section to the area without holding a poll if the consent of the Minister is first obtained.

(8A) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, rescind a resolution applying this section to the area, but only if it is required to do so by subsection (7) (b) or if the consent of the Minister is first obtained.

(d) Section 25A (9)—

Omit “proclamation applying this section to an area may be revoked only pursuant to subsection (7) (b) and, if it is so revoked, the revocation”, insert instead “resolution applying this section to an area may be rescinded only pursuant to subsection (7) (b) or (8) and, if it is so rescinded, the rescission”.

(e) Section 25A (9A)—

After section 25A (9), insert:

(9A) A proclamation by the Governor under this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) applying this section to an area shall be deemed to be a resolution of the council of the area applying this section, as so amended, to the area.

(2) Sections 88 (4), 90A (2), 90B (2), 90C (2)—

Omit “Subject to the approval of the Minister, any” wherever occurring, insert instead “A”.

(3) Section 90 (3)—

Omit “Subject to the approval of the Minister any”, insert instead “A”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(4) Section 94A—

Before section 95, insert:

**Council to terminate certain appointments**

94A. (1) A council shall terminate an appointment under section 88 (4), 90 (3), 90A (2), 90B (2), 90C (2) or 93A (4) if the Minister so directs.

(2) Section 99 does not apply to the termination of an appointment under subsection (1).

(5) Sections 108 (3), 109 (3), 110 (3)—

Omit “Minister directs” wherever occurring, insert instead “council determines”.

(6) Section 237 (**Opening of new roads**)—

Section 237 (2), proviso—

Omit “, or the approval of the Minister after considering a report from the council.”.

(7) Section 249 (**Care, control and management of roads**)—

Section 249 (a), proviso—

Omit “and obtains the approval of the Minister in such cases as may be prescribed”.

(8) Section 253 (**Public ferries**)—

Omit “Minister grants permission to close”, insert instead “council closes”.

(9) Section 276C (**Closing of temporary road and transfer to person entitled**)—

(a) Section 276C (3)—

Omit “Minister”, insert instead “council in which the lot or lots comprised in the temporary road is or are vested”.



SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

## (b) Section 276c (3)—

Omit “an order directing the council in which the lot or lots comprised in the temporary road is or are vested to convey or transfer” wherever occurring, insert instead “the conveyance or transfer of”.

## (c) Section 276c (3)—

Omit “entitled to that order”, insert instead “to whom the lot or lots should be conveyed or transferred”.

## (d) Section 276c (4)—

Omit the subsection, insert instead:

(4) On receipt of the application referred to in subsection (3), the council, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred and if the case requires, may, by notification published in the Gazette, declare the temporary road closed.

## (e) Section 276c (6)—

Omit “The council shall, at the request of the person referred to in a notification under subsection (4)”, insert instead “On receipt of the application referred to in subsection (3), the council shall, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred”.

## (f) Section 276c (6) (a), (b)—

Omit “that person” wherever occurring, insert instead “the applicant”.

## (g) Section 276c (6) (b)—

Omit “referred to in the notification”.

## (h) Section 276c (7)—

Omit “a copy of the notification referred to in subsection (4) and”.

*Local Government (General Revision) Amendment 1986*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

## (i) Section 276c (9)—

Omit the subsection.

## (j) Section 276c (10)—

Omit “On receipt of an application referred to in subsection (9), the Minister”, insert instead “Where an application referred to in subsection (3) (a) is not made to the council within 2 months after the date of publication in the Gazette of the notice referred to in subsection (1) (a), the council”.

(10) Section 340F (**Sale or lease of land held for drainage purposes**)—

Omit “The council shall not sell any land pursuant to this section except with the approval of the Governor.”.

(11) Section 352A (**Regulation of cutting of any channel through land owned or controlled by the council so as to release lake waters, etc.**)—

## Section 352A (2)—

Omit the subsection.

(12) Section 357A (**Transfer of assets of school of arts, etc., to council**)—

## Section 357A (1)—

Omit “and with the approval of the Governor”.

(13) Section 364A (**Loans to sporting clubs**)—

## Section 364 (2) (a)—

Omit the paragraph.

(14) Section 414 (**Public wharves**)—

## (a) Section 414 (1) (a)—

Omit “by the council, or”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) Section 414 (1A)—

After section 414 (1), insert:

(1A) Where any wharf has been constructed by the council, the council may declare the wharf, together with any adjoining land which is the property of the council, to be a public wharf.

(c) Section 414 (2)—

Omit “if the Minister’s consent first be obtained”.

(15) Section 418 (**What is a trading undertaking**)—

(a) Section 418 (4) (a)—

Omit “Before entering into an agreement with the council of another area for the extension into such area of a trading undertaking referred to in paragraph (a) or paragraph (b) of subsection (1), the council proposing so to extend the trading undertaking shall submit the proposal with such details as may be prescribed to the Governor, and shall not proceed with the proposal until the Governor’s approval of the agreement is signified in writing thereon but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s approval to any such agreement where the council proposes to extend its electricity trading undertaking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road.”.

(b) Section 418 (6), (7)—

Omit the subsections.

(16) Section 426 (**Impounding by councils**)—

(a) Section 426 (3) (a)—

Omit “Governor proclaims”, insert instead “council of the shire declares, by notification published in the Gazette,”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

- (b) Section 426 (3) (d)—  
Omit “proclamation”, insert instead “notification by the council”.
- (17) Section 430 (**Delivery to poundkeeper**)—  
Section 430 (2)—  
Omit “, or by the Minister”.
- (18) Section 449 (**Prohibition of burials**)—  
Omit “The Governor may, on the recommendation of the council.”, insert instead “The council may”.
- (19) Section 475P (**Council’s powers to assist industrial development**)—  
Section 475P (2)—  
Omit the subsection.
- (20) Section 475Q (**Council’s powers to assist tourist development**)—  
Section 475Q (2)—  
Omit the subsection.
- (21) Section 494A (**Dredging and reclamation**)—  
Omit “with the approval of the Governor and subject to such conditions as he may impose”.
- (22) Section 506 (**Extension of water, gas, electricity, sewerage, and other works outside area**)—  
Section 506 (2)—  
Omit “In the case of a supply of gas or electricity this section shall not be acted upon unless with the approval of the Governor as provided in subsection (4) of section 418, where such approval is necessary under that subsection.”.
- (23) Section 519 (**Power to let property**)—  
Section 519 (2)—  
Omit the subsection.



SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*(24) Section 519B (**Lease of lands under, or of air space above, roads vested in the council**)—

## (a) Section 519B (1)—

Omit “approval in writing of the Minister”, insert instead “written concurrence of the Director of Environment and Planning”.

## (b) Section 519B (2)—

Omit the subsection.

(25) Section 520B (**Granting of lease or licence of footway for restaurant purposes**)—

## Section 520B (3)—

Omit the subsection.

(26) Section 520D (**Granting of lease, etc., by Minister**)—

## (a) Section 520D (1) (a)—

Omit the paragraph.

## (b) Section 520D (1A)—

After section 520D (1), insert:

(1A) The Minister may, before exercising or performing the powers, authorities, duties and functions of a council under section 520B, consult with the Director of Environment and Planning.

(27) Section 541 (**Declaration of urban areas**)—

## (a) Section 541 (1)—

Omit “the Governor by proclamation”, insert instead “resolution of the shire council”.

## (b) Section 541 (2)—

Omit the subsection.

*Local Government (General Revision) Amendment 1986*

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**SCHEDULE 3—continued**

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—continued**

**(c) Section 541 (4)—**

After section 541 (3), insert:

(4) An urban area declared under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been declared under this Part, as so amended.

**(28) Sections 542–545A—**

Omit sections 542–545, insert instead:

**Petitions**

542. (1) Any number of electors may petition the shire council to take a poll on the question of whether a part of the shire should be declared to be an urban area.

(2) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether a part of the shire should be declared to be an urban area, take a poll of the electors enrolled in respect of that part of the shire.

**Notice of intention to declare an urban area**

543. If a shire council proposes to declare under section 541 part of the shire to be an urban area (otherwise than as the result of a poll), it shall cause notice of its proposal to be given at least 1 month before the declaration in a newspaper circulating in the shire.

**Decision of poll**

544. If the decision of a poll taken under section 542 is in favour of declaring a part of the shire to be an urban area, the shire council shall by resolution declare the part of the shire to be an urban area.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued***Dissolution**

545. (1) A shire council may, by resolution, dissolve an urban area in accordance with the same procedure, subject to any ordinance made as referred to in subsection (2), by which it declared the urban area.

(2) Ordinances may be made modifying the procedure to be complied with in dissolving an urban area.

**Publication in Gazette**

545A. If a shire council declares by resolution under section 541 or 544 part of a shire to be an urban area or dissolves an urban area under section 545, it shall cause notice of the fact to be published in the Gazette and in a newspaper circulating in the shire as soon as practicable after the making of the resolution.

(29) Section 546 (**Various powers**)—

## (a) Section 546 (1)—

Omit "The Governor may after consultation with the shire council by proclamation", insert instead "A shire council may by resolution".

## (b) Section 546 (3), (4)—

After section 546 (2), insert:

## (3) A shire council may, by resolution—

- (a) alter the boundaries of an urban area by taking part of one urban area and adding it to another urban area;
- (b) alter the boundaries of an area by adding to the area any land which is not within the area;
- (c) take land from any one or more urban areas and constitute the land as a separate urban area;
- (d) unite urban areas or urban areas and parts of urban areas;  
and

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

- (e) correct errors in the declaration of the boundaries of urban areas.

(4) Notice of a shire council's intention to make a resolution referred to in subsection (3) shall be given in accordance with section 543 and a resolution made under subsection (3) shall be published in the same way as a resolution declaring a part of a shire to be an urban area.

(30) Section 548 (**Power to establish**)—

- (a) Section 548 (1)–(1B)—

Omit section 548 (1), insert instead:

(1) A shire council may by resolution declare that an urban committee shall be established in respect of an urban area (whether the urban area was created or declared before or after the passing of this Act).

(1A) Any number of electors may petition the shire council to take a poll on the question of whether an urban committee should be established in respect of an urban area.

(1B) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether an urban committee should be established in respect of an urban area, take a poll of the electors enrolled in respect of the urban area.

- (b) Section 548 (4)—

Omit “Applications, petitions, inquiries,”, insert instead “Petitions”.

- (c) Section 548 (4)—

Omit “applications, petitions, inquiries, and polls in respect of the creation or”, insert instead “petitions in respect of the”.



*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(d) Section 548 (5)—

After section 548 (4), insert:

(5) An urban committee established under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been established under this Part, as so amended.

(31) Section 549 (**Election, etc.**)—

(a) Section 549 (1)—

Omit “Where the Governor proclaims”, insert instead “If a shire council declares by resolution”.

(b) Section 549 (2)—

Omit “such proclamation”, insert instead “the resolution”.

(c) Section 549 (4)—

Omit “three or such other number as the Governor may determine from time to time”, insert instead “such number as the shire council may, by resolution, determine”.

(d) Section 549 (6A)—

Omit “Governor may appoint”, insert instead “shire council may, by resolution, appoint”.

(32) Section 549A (**Abolition of urban committees**)—

(a) Section 549A (1) (a1)—

After section 549A (1) (a), insert:

(a1) A shire council may, by resolution, abolish an urban committee and make such directions as in the circumstances it thinks necessary.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
APPROVALS—*continued*

(b) Section 549A (3)—

After section 549A (2), insert:

(3) Section 549 applies to the establishment of an urban committee by the Governor by proclamation under subsection (2) in the same way as it applies to the establishment of an urban committee by a shire council by resolution under section 548 except that section 549 (4) and (6A) shall be read as if the words “, by resolution.”, wherever occurring, were omitted.

(33) Section 565 (**Assessment of cost**)—

Section 565 (2)—

Omit the subsection.

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SCHEDULE 4

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS

(1) Section 212A—

After section 212, insert:

**Local government inspectors' reports**

212A. A report under section 212 (3) shall be laid on the table by the council at the next ordinary meeting after delivery to it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.

SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

## (2) Sections 213A–213C—

After section 213, insert:

**Powers of local government inspectors**

213A. (1) For the purposes of this Act, a local government inspector may, with or without assistants, at any reasonable time—

- (a) except as provided by subsection (2), enter any premises or any other place (including land or a building, or a place on or in a vehicle or vessel) for the purpose of investigating any matter relating to an inspection under section 212 or where the local government inspector believes on reasonable grounds that a provision of this Act or the ordinances has been or is being contravened;
- (b) with respect to any such premises or place, make such inquiries, investigations or searches as are necessary to ascertain information on any matter relating to an inspection under section 212 or whether the provisions of this Act or the ordinances are being complied with;
- (c) request a person to produce for examination by the inspector any licence, approval or certificate issued to the person under this Act or the ordinances, or alleged by the person to have been so issued, and any registers, books, records, accounts or documents required to be kept or made by the person under this Act or the ordinances;
- (d) examine any article produced pursuant to paragraph (c) and make copies of or take extracts from any such article;
- (e) examine any equipment or materials found at any such premises or place;
- (f) question any person found on any such premises or at any such place and require the person to answer any questions put to the person in relation to the use of those premises or of that place;

SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

- (g) require a person referred to in paragraph (f) to state the person's full name and residential address to the inspector and (if the inspector suspects, on reasonable grounds, that a name or address so stated is false) require the person to produce evidence of its correctness; or
- (h) use such assistance or force as is necessary in the exercise of the powers and authorities conferred or the discharge of the duties and functions imposed on the local government inspector by this Act.

(2) A local government inspector may not exercise the powers conferred by subsection (1) in relation to that part of any premises being used for residential purposes except—

- (a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant issued under section 213B.

**Search warrant**

213B. (1) In this section—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in the Local Courts Administration, Attorney General's Department.

(2) A local government inspector may apply to an authorised justice for a search warrant if the local government inspector has reasonable grounds for believing that a provision of this Act or the ordinances has been or is being contravened on any premises being used for residential purposes.



SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising a local government inspector named in the warrant—

- (a) to enter the premises; and
- (b) to search the premises for evidence of a contravention of this Act or the ordinances.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

**Management reviews of councils**

213c. (1) If the Secretary of the Department of Local Government has reasonable grounds for believing that a council is not properly managing the local government of its area or that the council is not being efficiently administered, the Secretary may require that a management review of the council be carried out, in accordance with directions prepared by the Secretary in consultation with the council, by a consultant appointed by the Secretary.

(2) The management review shall be carried out at the expense of the council.

(3) The Secretary of the Department of Local Government, on receipt of the consultant's report, shall furnish a copy of the report to the council.

(4) The report shall be laid on the table by the council at the next ordinary meeting after receipt by it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL  
GOVERNMENT INSPECTORS—*continued*

(3) Section 214 (**Powers of auditors and inspectors**)—

Section 214 (1)—

Omit “For the purpose of any audit or inspection of accounts, an auditor or local government inspector may”, insert instead “An auditor may, for the purpose of any audit, or a local government inspector may, for the purpose of any inspection under section 212.”.

(4) Section 215 (**Right to inspect books of account and certain reports**)—

Section 215 (2)—

At the end of section 215, insert:

(2) The Secretary of the Department of Local Government may, on the request of an elector, provide a copy to the elector of a report by a local government inspector after the report has been laid on the table in accordance with section 212A.

(5) Section 635 (**Obstruction**)—

Section 635 (d)—

Omit “an inspector of accounts”, insert instead “a local government inspector”.

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SCHEDULE 5

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY

(1) Section 527 (**Local committees**)—

Section 527 (1)—

After “delegate to the committee”, insert “, in accordance with section 530A.”.

SCHEDULE 5—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY—*continued*

## (2) Section 530A—

Omit the section, insert instead:

**Delegation**

## 530A. (1) In this section—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(2) The council may, by resolution, delegate the exercise of any of its functions, other than a function relating to—

- (a) the making of any rate, the fixing of any charges or fees or the borrowing of any money;
- (b) the voting of money for expenditure on the works, services or operations of the council;
- (c) the resumption, purchase, sale, exchange, leasing or surrender of any land or other property or the granting of any lease of land;
- (d) the acceptance of tenders;
- (e) any application or notice to the Governor or the Minister;
- (f) the payment of travelling expenses; or
- (g) any other matter which may be prescribed.

(3) A delegation under this section may be made to—

- (a) a specified person (whether a natural person or a corporation);
- (b) a person for the time being holding a specified office; or
- (c) a committee.

SCHEDULE 5—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO  
DELEGATIONS OF AUTHORITY—*continued*

(4) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the council or its delegate, as the case requires.

(5) A person or committee to whom or to which the exercise of a function has been delegated by a council under subsection (2) may delegate to a person or committee the exercise of any of the functions so delegated by the council, unless the council otherwise provides in the terms of the council's delegation.

(6) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation or as may be prescribed.

(7) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the council.

(8) A delegation under this section does not prevent the exercise of a function by the council or its delegate.

(9) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(10) A delegation under this section in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be a delegation under this section, as so substituted.

(11) Any provision of an ordinance made for the purposes of subsection (2) (g) and in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to have been made under this section, as so substituted.

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## SCHEDULE 6

(Sec. 4)

## MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 11 (**Proclamation of cities**)—

## (a) Section 11 (2)—

Omit “either”.

## (b) Section 11 (2) (a)—

Omit “or” where lastly occurring.

## (c) Section 11 (2) (b), (c)—

At the end of section 11 (2) (b), insert:

; or

(c) does not comply with paragraph (a) or (b), but in relation to which the Governor is, having regard to the circumstances of the case, of the opinion that it is in the interests of the residents of the municipality to do so.

## (2) Section 93A—

Omit the section, insert instead:

**Appointment of health surveyors**

93A. (1) Unless exempted by the Minister, every council shall appoint one or more chief health surveyors, being a person who holds or persons who hold the prescribed qualifications.

(2) A council may appoint one or more assistant health surveyors, being a person who holds or persons who hold the prescribed qualifications.

(3) Ordinances may be made prescribing the qualifications for appointment as chief health surveyor or assistant health surveyor.

(4) A person qualified for appointment as a chief health surveyor or an assistant health surveyor may be appointed as a chief health surveyor or an assistant health surveyor for 2 councils.

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

(5) A person holding the position of health surveyor of a council under this section before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be qualified to hold the position of chief health surveyor or assistant health surveyor of a council under this section, as so substituted.

(3) Section 94 (**Health surveyors**)—

Omit the section.

(4) Section 160 (**Certificate as to amount due**)—

Section 160 (3)—

After “clerk”, insert “or by an employee of the council authorised by the clerk to do so”.

(5) Section 302 (**Boarding-houses, barbers’ shops, etc.**)—

Section 302 (3)—(5)—

After section 302 (2), insert:

## (3) If a council—

- (a) prohibits the use of premises for the purposes of a boarding-house or a house let in lodgings;
- (b) refuses to issue a licence, or attaches conditions to a new licence, in respect of premises used or intended for use as a boarding-house or a house let in lodgings;
- (c) refuses to renew, or attaches conditions to the renewal of, a licence in respect of premises used as a boarding-house or a house let in lodgings;
- (d) suspends or cancels a licence in respect of premises used as a boarding-house or a house let in lodgings; or

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (e) serves a notice on the owner of premises used as a boarding-house or a house let in lodgings requiring the owner to comply with directions specified in the notice in relation to those premises.

the owner of the premises or the applicant for or holder of the licence, as the case may be, may, within the relevant period specified in subsection (4), appeal to the Land and Environment Court.

(4) The relevant period in respect of an appeal under—

- (a) subsection (3) (a) or (b) is 12 months after the council's decision is notified to the applicant;
- (b) subsection (3) (c) or (d) is one month after the council's decision is notified to the applicant or the owner of the premises, as the case may be; and
- (c) subsection (3) (e) is one month after receipt by the owner of the notice.

(5) For the purpose only of enabling an appeal to be made under subsection (3) (b) or (c), a failure by the council to determine an application for a licence or renewal of a licence within 40 days after the application is received by the council constitutes a refusal by the council to issue the licence or renew the licence, as the case may be.

(6) Section 317 (**Penalties**)—

Section 317 (1)—

After “such approval”, insert “or before the council has endorsed a copy of the plans and specifications of the building under section 311A or 311B”.

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*(7) Section 335 (**Lapsing of approval**)—

Section 335 (1), (1A)—

Omit section 335 (1), insert instead:

(1) Any approval given under this Part shall, unless sooner cancelled, lapse at the end of 2 years from the date of the approval, or such longer period as may be fixed in the approval, if—

- (a) in the case of an approval of a subdivision, the plan of subdivision has not been lodged for registration in the office of the Registrar-General; or
- (b) in any case, the requirements of this Part have not been complied with in respect of—
  - (i) the construction and draining of roads;
  - (ii) the giving of security; and
  - (iii) the making of payments to the council in respect of the making, draining and marking of roads.

(1A) In applying subsection (1) (a) to an approval of a subdivision given before the commencement of that paragraph, a reference in subsection (1) to the date of the approval shall be read as a reference to the date of that commencement.

(8) Section 495A (**Removal of undergrowth**)—

Section 495A (1A), (1B)—

After section 495A (1), insert:

(1A) If an owner of land served with a notice under subsection (1) does not take measures to comply with the requirement within the period specified for compliance with the requirement, the council—

- (a) if no appeal is lodged within that period; or



SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—  
*continued*

- (b) if an appeal has been lodged within that period and is determined in favour of the council,

may, by its employees, agents or contractors, enter the land and take those measures.

(1B) Any costs incurred by the council in taking any such measures—

- (a) may be recovered by the council from the owner as a debt in a court of competent jurisdiction; and

- (b) shall be a charge against the owner until the costs are paid to or recovered by the council.

(9) Section 512D (**Penalty for breaking electric line, etc.**)—

Omit the section.

(10) Section 521A (**Joint undertakings with the Crown and approved bodies**)—

(a) Section 521A (1)—

Omit “prescribed for the purposes of this section”, insert instead “approved by the Minister”.

(b) Section 521A (5)—

After section 521A (4), insert:

(5) A body, or a body of a class, prescribed for the purposes of this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) shall be deemed to have been approved by the Minister under this section, as so amended.

(11) Section 573 (**Ordinances**)—

Section 573 (1) (a)—

After “, to”, insert “the Sydney County Council and to”.

*Local Government (General Revision) Amendment 1986*

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SCHEDULE 7

(Sec. 5)

AMENDMENTS TO THE LOCAL GOVERNMENT (PURCHASES)  
AMENDMENT ACT 1983

Section 517A of the Principal Act as to be inserted by section 3 of the Local Government (Purchases) Amendment Act 1983—

(1) Section 517A (2)—

After "percentage", insert "(if any)".

(2) Section 517A (4)—

After subsection (3), insert:

(4) Different percentages may be prescribed under subsection (2) in respect of foreign goods manufactured or produced in different places, at different times or in different circumstances.

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SCHEDULE 8

(Sec. 6)

REPEALS

Borough of Newcastle Electric Lighting Act 55 Vic.—section 27<sup>a</sup>

Municipal Council of Sydney Electric Lighting Act 1896 60 Vic. No. 23—section 32

Electricity Commission Act 1950 No. 22—section 78



