

FIRST PRINT

**LOCAL GOVERNMENT (INSPECTORS' REPORTS)
AMENDMENT BILL 1986**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Local Government Act 1919 to provide for the implementation by councils of matters arising from recommendations made in reports of local government inspectors.

Clause 1 specifies the short title of the proposed Act.

Clause 2 is a formal provision which gives effect to the Schedule of amendments.

Clause 3 provides that the amendments made by the proposed Act do not apply to reports of local government inspectors delivered to councils or members of councils before the date of assent to the proposed Act.

Schedule 1 (1) amends section 212 of the Principal Act so as to confer power on a local government inspector to make recommendations to the Minister and to a council concerning any irregularity, dishonesty or breach of law revealed by an inspection or any matters which in the inspector's judgment call for special notice or which are prescribed.

Schedule 1 (2) inserts proposed section 214A into the Principal Act which enables the Minister to give directions to a council or council member for the implementation of matters arising from the recommendations made in a report of a local government inspector.

Schedule 1 (3) makes a consequential amendment to certain ordinance-making powers under the Principal Act.

**LOCAL GOVERNMENT (INSPECTORS' REPORTS)
AMENDMENT BILL 1986**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 41, 1919
3. Application of amendments

SCHEDULE 1—AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919

**LOCAL GOVERNMENT (INSPECTORS' REPORTS)
AMENDMENT BILL 1986**

NEW SOUTH WALES



No. , 1986

A BILL FOR

An Act to amend the Local Government Act 1919 to provide for the implementation of matters arising from recommendations made in reports of local government inspectors.

Local Government (Inspectors' Reports) Amendment 1986

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 (Inspectors' Reports) Amendment Act 1986".

Amendment of Act No. 41, 1919

2. The Local Government Act 1919 is amended in the manner set forth
10 in Schedule 1.

Application of amendments

3. The amendments made to the Local Government Act 1919 by this Act do not apply to a report of a local government inspector that is delivered to a council or a member of a council before the date of assent to this Act.

15

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919

(1) Section 212 (**Local government inspectors**)—

Section 212 (4)—

20

After section 212 (3), insert:

(4) A local government inspector, in a report under subsection (3), may make recommendations with respect to any matter referred to in that subsection.

SCHEDULE 1—*continued*AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919—
continued

(2) Section 214A—

After section 214, insert:

Implementation of inspectors' reports

5 214A. (1) A council shall, within 40 days after delivery to it of the report of a local government inspector, notify the Minister in writing of the things done or proposed to be done to give effect to any recommendations made in the inspector's report.

10 (2) The Minister may, at any time after receiving the council's notification or after the 40-day period, whichever is the earlier, by notice in writing served on the council or a member of the council, direct the council or member to do such things or to refrain from doing such things arising from the recommendations made in the inspector's report as are specified in the notice.

15 (3) The Minister's notice may state that a failure to comply with a direction in the notice may lead to—

- 20 (a) legal proceedings being taken for an offence under this Act or to enforce compliance with the direction; or
- (b) a recommendation being made to the Governor for the removal, pursuant to section 86, of the members of the council from office.

 (4) The Minister may, at any time, by notice in writing served on the council or member, vary or revoke a direction given to the council or member.

25 (5) The council or member shall comply with the direction or the direction as varied (unless it has been revoked).

 (6) Nothing in this section prevents the Minister from consulting with the council or member during or after the 40-day period.

30 (7) Nothing in this section limits or affects any other power or right which may be exercised by any person under this Act or any other law.

Local Government (Inspectors' Reports) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919—
continued

(3) Section 218 (**Ordinances**)—

(a) Section 218 (o)—

After “council”, insert “or a member of the council”.

(b) Section 218 (o)—

5 After “reported”, insert “and recommendations made”.

**LOCAL GOVERNMENT (INSPECTORS' REPORTS)
AMENDMENT ACT 1986 No. 114**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 41, 1919
3. Application of amendments

SCHEDULE 1—AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919

**LOCAL GOVERNMENT (INSPECTORS' REPORTS) AMENDMENT
ACT 1986 No. 114**

NEW SOUTH WALES



Act No. 114, 1986

An Act to amend the Local Government Act 1919 to provide for the implementation of matters arising from recommendations made in reports of local government inspectors. [Assented to 27 November 1986.]

Local Government (Inspectors' Reports) Amendment 1986

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 (Inspectors' Reports) Amendment Act 1986".

Amendment of Act No. 41, 1919

2. The Local Government Act 1919 is amended in the manner set forth in Schedule 1.

Application of amendments

3. The amendments made to the Local Government Act 1919 by this Act do not apply to a report of a local government inspector that is delivered to a council or a member of a council before the date of assent to this Act.

SCHEDULE 1

(Sec. 2)

AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919

(1) Section 212 (**Local government inspectors**)—

Section 212 (4)—

After section 212 (3), insert:

(4) A local government inspector, in a report under subsection (3), may make recommendations with respect to any matter referred to in that subsection.

SCHEDULE 1—*continued*AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919—
continued

(2) Section 214A—

After section 214, insert:

Implementation of inspectors' reports

214A. (1) A council shall, within 40 days after delivery to it of the report of a local government inspector, notify the Minister in writing of the things done or proposed to be done to give effect to any recommendations made in the inspector's report.

(2) The Minister may, at any time after receiving the council's notification or after the 40-day period, whichever is the earlier, by notice in writing served on the council or a member of the council, direct the council or member to do such things or to refrain from doing such things arising from the recommendations made in the inspector's report as are specified in the notice.

(3) The Minister's notice may state that a failure to comply with a direction in the notice may lead to—

- (a) legal proceedings being taken for an offence under this Act or to enforce compliance with the direction; or
- (b) a recommendation being made to the Governor for the removal, pursuant to section 86, of the members of the council from office.

(4) The Minister may, at any time, by notice in writing served on the council or member, vary or revoke a direction given to the council or member.

(5) The council or member shall comply with the direction or the direction as varied (unless it has been revoked).

(6) Nothing in this section prevents the Minister from consulting with the council or member during or after the 40-day period.

(7) Nothing in this section limits or affects any other power or right which may be exercised by any person under this Act or any other law.

Local Government (Inspectors' Reports) Amendment 1986

SCHEDULE 1—*continued*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT 1919—
continued

(3) Section 218 (**Ordinances**)—

(a) Section 218 (o)—

After “council”, insert “or a member of the council”.

(b) Section 218 (o)—

After “reported”, insert “and recommendations made”.

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1986

