

**LOCAL GOVERNMENT (PUBLIC INQUIRIES) AMENDMENT
ACT 1990 No. 69**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Local Government Act 1919 No. 41
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**LOCAL GOVERNMENT (PUBLIC INQUIRIES) AMENDMENT
ACT 1990 No. 69**

NEW SOUTH WALES



Act No. 69, 1990

An Act to amend the Local Government Act 1919 to require the holding of a public inquiry before the offices of all members of a council may be declared vacant under section 86 of that Act. [Assented to 20 November 1990]

Local Government (Public Inquiries) Amendment 1990

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Local Government (Public Inquiries) Amendment Act 1990.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Local Government Act 1919 No. 41

3. The Local Government Act 1919 is amended by omitting section 86 and by inserting instead the following section:

Governor may declare vacant the offices of all members of council

86. (1) The Governor may, by proclamation, declare vacant the offices of all members of a council if:

- (a) a public inquiry has been held under section 649 in respect of the council; and
- (b) after considering the result of the inquiry, the Minister has recommended to the Governor that it is advisable to make such a declaration.

(2) The Governor is, by the same or by one or more subsequent proclamations:

- (a) to appoint an administrator of the council; and
- (b) to order the holding of a fresh election of members of the council,

and may, by the same or by one or more subsequent proclamations, make such further orders as in the circumstances the Governor, on the recommendation of the Minister, considers necessary.

(3) An administrator appointed by the Governor under this section has, until immediately before the first meeting of the council after the holding of the fresh election, the powers, duties and liabilities of the council.

(4) The administrator is to be paid a salary determined by the Governor out of the general fund of the council.

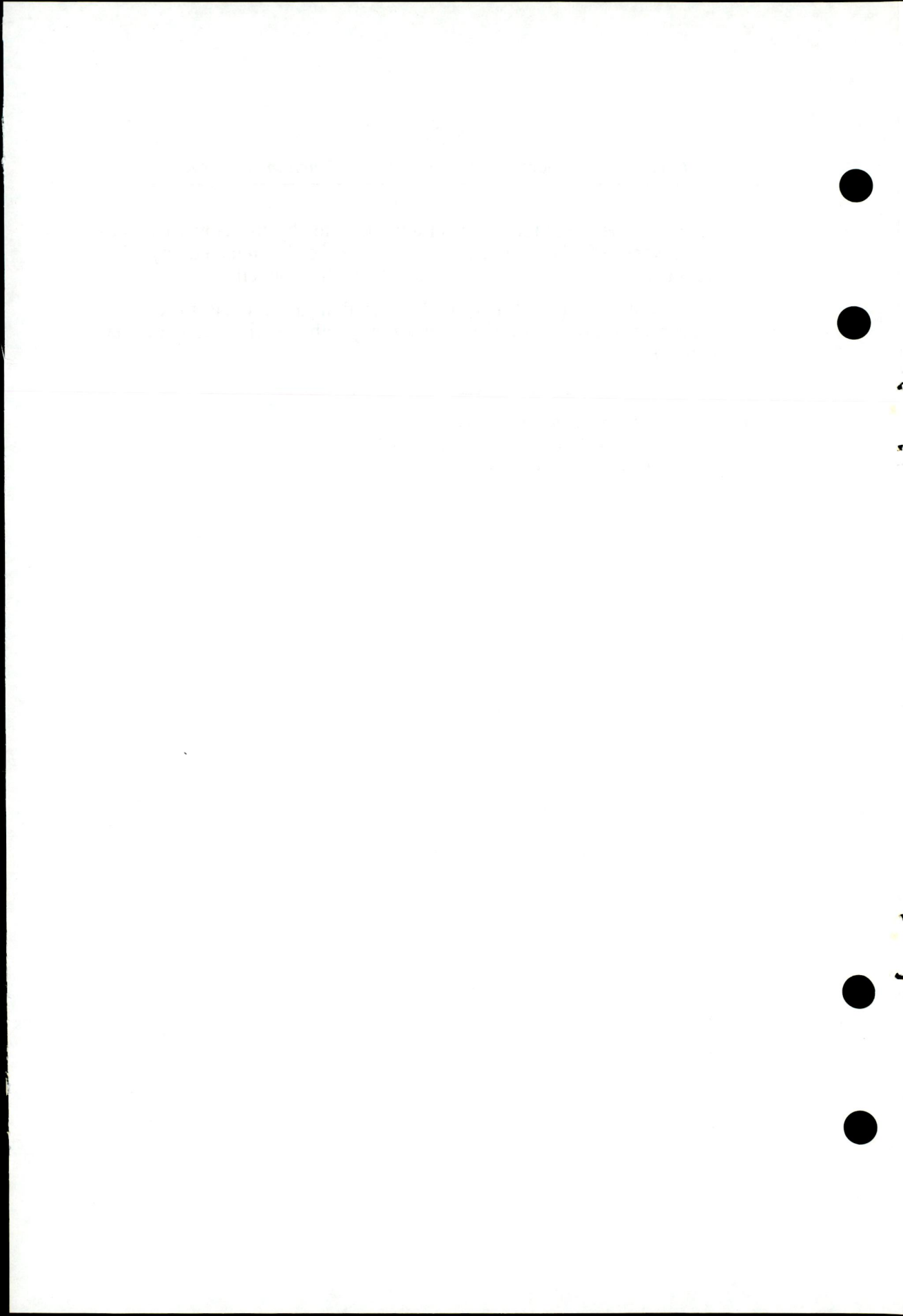
(5) The Governor may, by proclamation, remove the administrator at any time.

Local Government (Public Inquiries) Amendment 1990

(6) On the appointment of an administrator by the Governor, the employees of the council, unless specifically retained by the administrator, cease to be employed by the council.

(7) In this section, “**member**”, in relation to a council, means the mayor or president or a holder of any other civic office of the council.

[Minister's second reading speech made in—
Legislative Assembly on 11 October 1990
Legislative Council on 14 November 1990]





FIRST PRINT

**LOCAL GOVERNMENT (PUBLIC INQUIRIES) AMENDMENT
BILL 1990**

NEW SOUTH WALES



EXPLANATORY NOTE

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

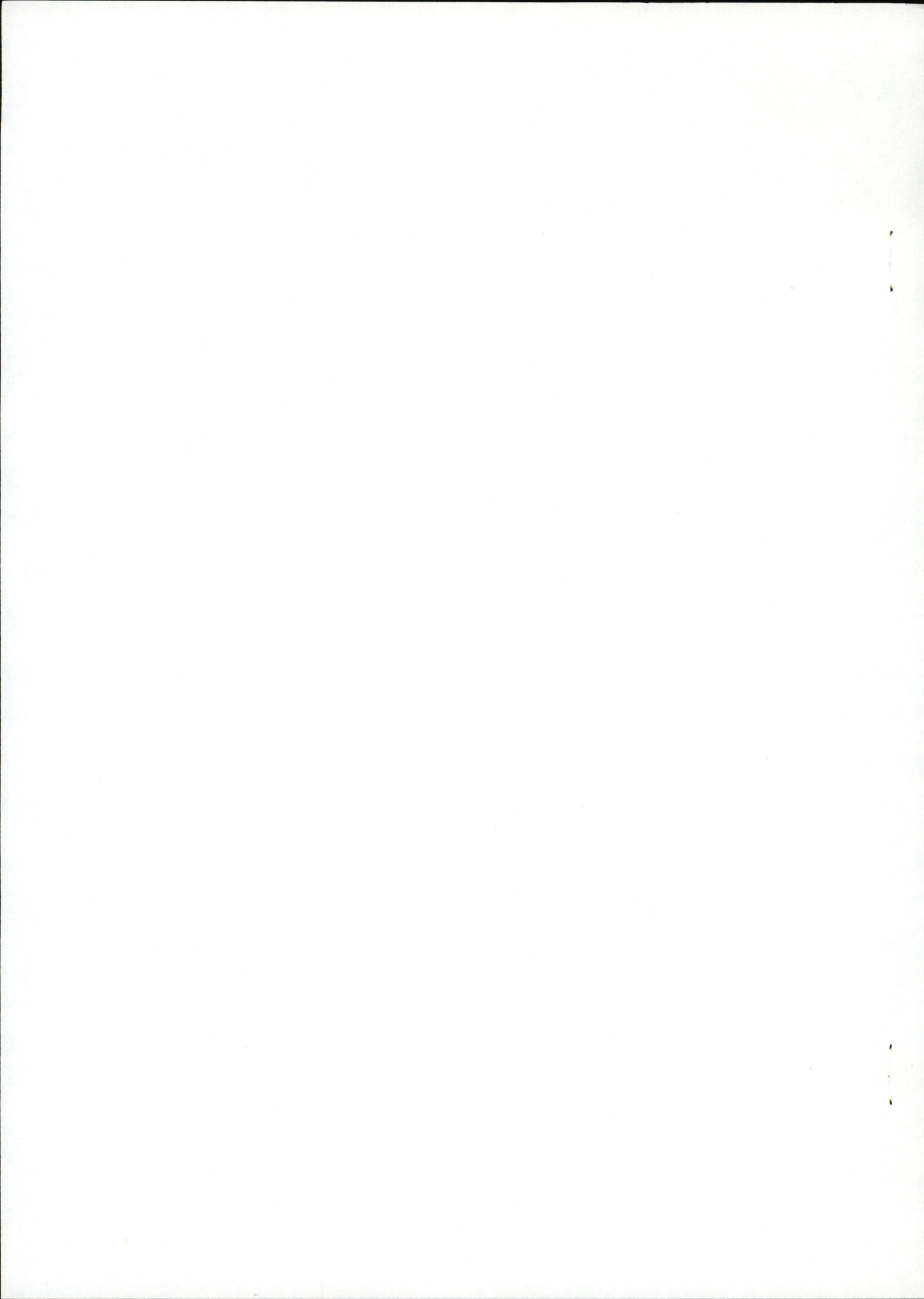
Section 86 of the Local Government Act 1919 currently provides that the Governor may remove all the members of a council from office and order the holding of a fresh election.

The object of this Bill is to provide that the Governor may do so only after the holding of a public inquiry.

In addition, the Bill recasts section 86 but without otherwise changing its effect. Instead of the section adopting by reference certain provisions contained in section 219 of the Act relating to defaulting areas, the provisions are set out in the proposed section 86.

Those provisions provide for:

- the powers and duties of the administrator appointed under section 86
 - the remuneration of the administrator
 - the cessation of the employment of the council's employees, unless specifically retained by the administrator.
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FIRST PRINT

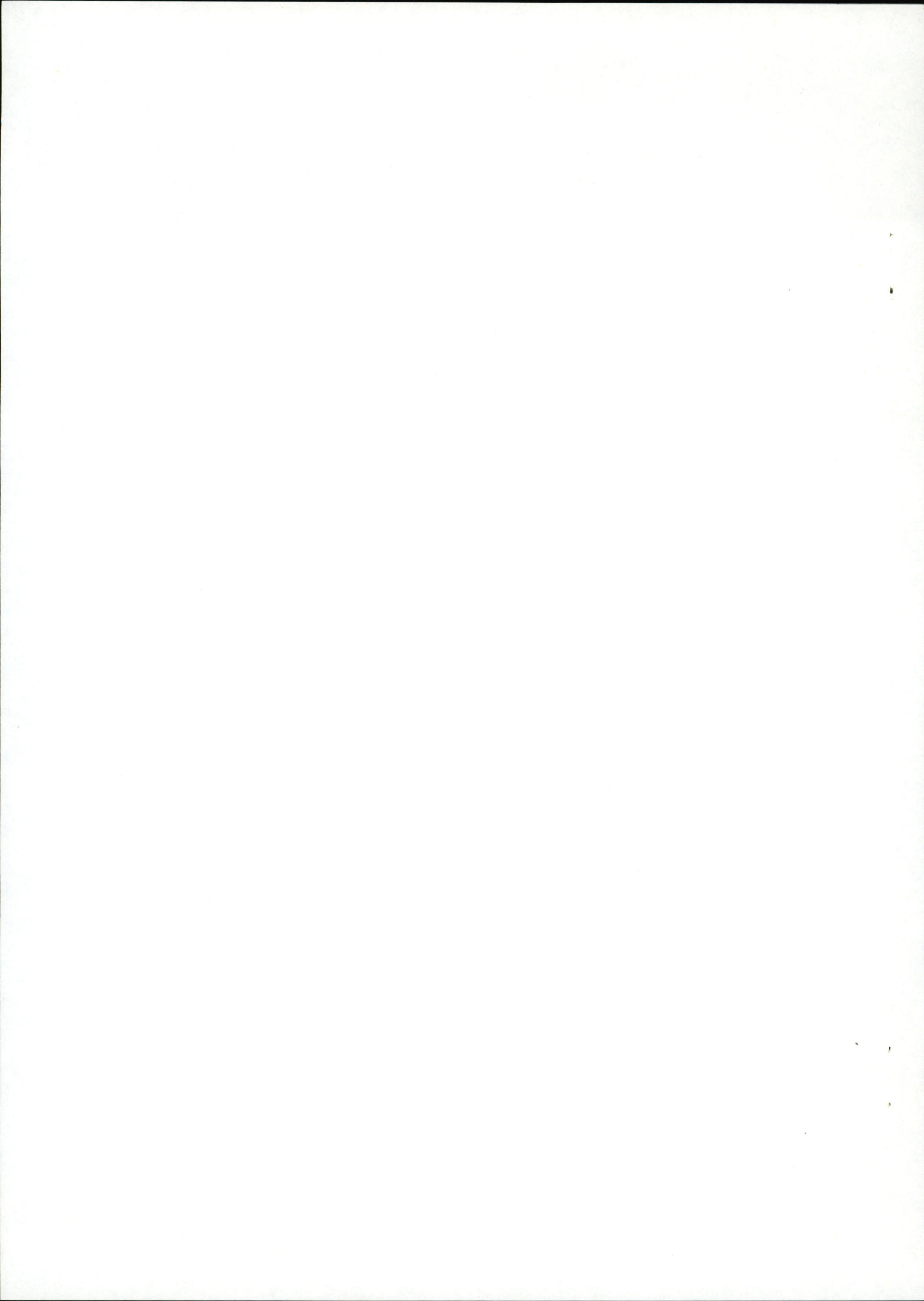
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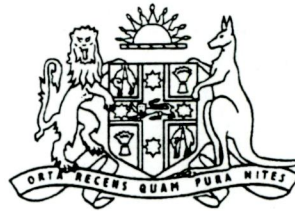
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**LOCAL GOVERNMENT (PUBLIC INQUIRIES) AMENDMENT
BILL 1990**

NEW SOUTH WALES



No. , 1990

A BILL FOR

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