

SYDNEY CORPORATION (COMMISSIONERS) ACT.

Act No. 43, 1927.

AN Act to provide for the administration during a limited period of the City of Sydney by Commissioners, and for the investigation of the previous administration thereof; to suspend the operation of certain provisions of the Sydney Corporation Act, 1902, and of certain other Acts; to amend that Act and certain other Acts; and for purposes connected therewith. [Assented to, 28th November, 1927.]

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BE it enacted by the King'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:—

1. This Act may be cited as the “Sydney Corporation (Commissioners) Act, 1927,” and shall be read and construed with the Sydney Corporation Act, 1902, as amended by subsequent Acts, which Act as so amended is in this Act referred to as the Principal Act.

2. (1) From a date to be appointed by the Governor and notified in the Government Gazette (in this Act called the appointed day) the City of Sydney shall, during the period for which this Act remains in force, be administered by Commissioners.

(2) The Commissioners may, in the name and on behalf of the corporation styled the Municipal Council of Sydney, exercise any power or authority of the corporation or of the council consisting of the mayor and aldermen, and shall carry out and perform all the duties and obligations of the corporation and council.

This

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This subsection shall extend to all powers, authorities, duties, and obligations conferred or imposed upon the corporation or the council by any of the Acts mentioned in the First Schedule to this Act or by any other Act or by any regulation by-law or instrument or by any trust or otherwise, and in particular and without limiting the generality of the foregoing or any other provision of this Act, the Commissioners may exercise any of the following powers, that is to say, they may—

- (a) make, levy, and collect rates, tolls, charges, and imposts under the Principal Act or any other Act;
- (b) make by-laws repealing, varying, or in substitution for any by-law made by the Council or the Commissioners;
- (c) exercise the franchise conferred on the Council by the Fire Brigades Act, 1909-1927;
- (d) elect an eligible person as a member of the Water, Sewerage and Drainage Board in any case in which but for this Act the aldermen of the City of Sydney might so elect;
- (e) pay out of the City Fund any expense incurred in the administration of this Act.

The exercise by the Commissioners of any power or authority shall be subject to any limitation or condition imposed by any Act or by any regulation under this Act.

(3) The Commissioners shall be the board for the purposes of Part I of the Electric Lighting and Gas Emergency Act, 1917.

(4) No sale of real estate shall be made by the Commissioners save with the previous approval of the Governor.

(5) The Chief Commissioner or his deputy may exercise any power or authority and shall perform any duty of the Lord Mayor.

No elections
of aldermen
to take place.

(6) There shall not be any election of aldermen or Lord Mayor for the city in the month of December, one thousand nine hundred and twenty-seven, or while this Act remains in force.

The Lord Mayor and aldermen in office at the commencement of this Act shall continue to hold office until the appointed day and no longer.

(7)

(7) The corporation shall continue notwithstanding that during the period for which this Act remains in force there are vacancies in the offices of Lord Mayor and aldermen.

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(8) Any reference in any Act, regulation, by-law, or instrument to the Council or to the Mayor and aldermen or to the aldermen of the city shall be deemed to be a reference to the Commissioners, and any such reference to the Mayor or to the Lord Mayor of the city shall be deemed to be a reference to the Chief Commissioner or his deputy.

(9) The Acts mentioned in the Second Schedule to this Act are to the extent therein expressed hereby suspended during the period for which this Act remains in force.

Suspension
of Acts,
Second
Schedule.

3. (1) The Governor may appoint by commission under the Seal of the State three fit and proper persons to be Commissioners for carrying into effect this Act and may appoint one of such Commissioners to be Chief Commissioner.

Commis-
sioners.

(2) Each Commissioner shall hold office until the thirty-first day of December, one thousand nine hundred and twenty-nine.

Tenure of
office.

(3) The Commissioners shall be paid for their services out of the City Fund salaries at rates fixed by the Governor.

Remunera-
tion.

(4) In case of the illness, suspension, or absence of the Chief Commissioner the Governor may appoint as deputy of the Chief Commissioner any other Commissioner who shall, during such illness, suspension, or absence of the Chief Commissioner, exercise his powers and perform his duties.

Deputies.

In case of the illness, suspension, or absence of any Commissioner, the Governor may appoint some person to act as the deputy of such Commissioner during such illness, suspension, or absence, and every person so appointed shall, while so acting, have the powers and perform the duties of such Commissioner.

Where a Commissioner is appointed in pursuance of this section to act as deputy of the Chief Commissioner the Governor may appoint a person to be deputy of such other Commissioner whilst so acting.

The salary of a deputy shall be fixed by the Governor and be paid out of the City Fund.

(5)

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Declaration
and oath.

(5) Each Commissioner or deputy before entering upon the duties of his office shall make and subscribe before the Executive Council an oath of allegiance to His Majesty and shall make and subscribe the following declaration of office :—

I, _____ having been appointed Chief Commissioner (*or as the case may be*) for the City of Sydney, do hereby declare that I will truly and faithfully fulfil the duties of that office according to the best of my judgment and ability.

Removal.

4. (1) Any Commissioner may be suspended from his office by the Governor for misbehaviour or incompetence, but shall not be removed from office except as hereinafter provided.

The Minister shall cause to be laid before Parliament a full statement of the grounds of suspension within seven days after such suspension if Parliament is in session and actually sitting, and when Parliament is not in session or not actually sitting, within seven days after the commencement of the next session or sitting.

The Commissioner so suspended under this section shall be restored to office unless each House of Parliament, within twenty-one days from the time when such statement has been laid before it, declares by resolution that the Commissioner ought to be removed from office, and if each House of Parliament within the said time so declares, the Commissioner shall be removed by the Governor accordingly.

Civic office.

(2) A Commissioner shall be deemed to hold a civic office within the meaning of the Principal Act, but a person who is a director of a banking company with which the council does business shall not on that account alone be deemed to infringe the provisions of section twenty-four of that Act.

Vacation of
office.

(3) A Commissioner shall be deemed to have vacated his office—

- (a) if he becomes disqualified for a civic office; or
- (b) if he engages during his term of office, without the previous consent of the Governor, in any employment outside the duties of his office; or
- (c) if he becomes bankrupt or compounds with his creditors, or makes an assignment of his property or of his salary for their benefit; or
- (d)

- (d) if he absents himself from duty for a period of fourteen consecutive days, except on leave granted by the Governor (which leave he is hereby authorised to grant), or becomes incapable of performing his duties.

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(4) Any reference in this section to the Chief Commissioner or to a Commissioner shall extend to his deputy.

5. (1) The quorum at any meeting of the Commissioners shall be two.

Proceedings
of Com-
missioners.

(2) No proceeding of the Commissioners shall be invalid or illegal in consequence only of the fact that there was, at the time of such proceeding, a vacancy in the number of the Commissioners.

(3) The Chief Commissioner, or in his absence his deputy, shall convene a meeting of the Commissioners at least once a month.

Any matter connected with the city may be submitted by a Commissioner at a meeting of the Commissioners for their consideration.

(4) The Chief Commissioner shall preside as chairman at any meeting of the Commissioners, and in his absence his deputy shall so preside.

Who shall
preside at
meetings.

If the Chief Commissioner and his deputy are both absent, the Commissioner who is senior in appointment or in case of equality of seniority the Commissioner chosen by those present shall so preside.

(5) At any meeting of the Commissioners at which the Chief Commissioner is present he shall have a deliberative vote, and in the event of an equality of voting, a second or casting vote.

Decision
of Com-
missioners.

If at any meeting of the Commissioners at which the Chief Commissioner is not present the Commissioners present differ in opinion upon a matter, the determination of that matter shall be postponed to the next meeting of the Commissioners.

(6) The Commissioners may by resolution but subject to the approval of the Governor and to such conditions and qualifications as may be prescribed in the approval delegate to any one of their number either generally or in any particular case any of the powers, duties, or functions of the Commissioners, and may at any time by resolution revoke any such delegation.

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The Governor may by regulation prescribe the powers and functions which may be performed and carried out by any one Commissioner.

(7) Any reference in this section to the Chief Commissioner or to a Commissioner shall extend to his deputy.

**Investiga-
tion.**

6. (1) The Commissioners shall investigate such matters in or connected with or relating to the previous administration of the city as may appear to them to require investigation, or as the Governor may direct to be investigated, in order to ascertain whether, and if so, to what extent the conduct in relation to any such matter of any person, whether the holder of a civic office or not, has been corrupt dishonest or improper.

(2) The Commissioners may with the approval of the Governor delegate any duty under this section to any one Commissioner or to any fit person.

(3) For the purposes of any investigation under this section the Commissioners and a delegate shall have the powers and immunities of a Commissioner, and the Chief Commissioner shall have the powers of a chairman, within the meaning of Division 1 of Part II of the Royal Commissions Act, 1923, and the provisions of that Act with the exception of section thirteen and of Division 2 of Part II shall mutatis mutandis apply to any witness or person summoned by or appearing before the Commissioners or delegate.

Reports.

7. The Commissioners shall once in each year and at such other times and in such manner and form as is prescribed by regulation or as the Governor shall direct, furnish full and true reports of their proceedings and accounts of all moneys raised and expended under the provisions of this Act.

Such reports and accounts shall be laid before both Houses of Parliament as soon thereafter as is practicable.

Regulations.

8. (1) The Governor may make regulations prescribing all matters required or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

(2) The regulations shall—

- ... (a) be published in the Gazette;
- ... (b) take effect from the date of publication or from a later date to be specified in the regulations; and

(c)

- (c) be laid before both Houses of Parliament within fourteen sitting days after publication if Parliament is in session, and if not, then within fourteen sitting days after the commencement of the next session. George V,
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(3) If either House of Parliament passes a resolution of which notice has been given at any time within fifteen sitting days after the regulations have been laid before such House disallowing any regulation or part thereof, such regulation or part shall thereupon cease to have effect.

9. This Act shall remain in force until the thirty-first day of December, one thousand nine hundred and twenty-nine. Duration of
Act.

SCHEDULES.

FIRST SCHEDULE.

Sec. 2 (2).

No. of Act.	Short title.
42 Vic. No. 25	City of Sydney Improvement Act.
60 Vic. No. 23	Municipal Council of Sydney Electric Lighting Act.
1902 No. 35	Sydney Corporation Act, 1902.
1902 No. 39	Width of Streets and Lanes Act, 1902.
1905 No. 39	Sydney Corporation Amendment Act, 1905.
1906 No. 16	Sydney Corporation Amendment Act, 1906.
1908 No. 27	Sydney Corporation (Amendment) Act, 1908.
1912 No. 8	Sydney Corporation (Dwelling-houses) Act, 1912.
1916 No. 12	Sydney Corporation (Amendment) (No. 2) Act, 1916.
1916 No. 60	Sydney Corporation Amendment (Costs) Act, 1916.
1916 No. 76	Local Government (Amending) Act, 1916.
1917 No. 2	Electric Lighting and Gas Emergency Act, 1917.
1917 No. 22	Sydney Corporation (Amendment) Act, 1917.
1919 No. 41	Local Government Act, 1919 (section 522).
1920 No. 22	Municipal Council of Sydney Electric Lighting (Amendment) Act, 1920.
1922 No. 39	Sydney Corporation (Fish Markets) Act, 1922.
1924 No. 7	Sydney Corporation (Amendment) Act, 1924.
1924 No. 36	University and College Lands and Victoria Park Act, 1924.
1925 No. 18	Sydney Corporation (Amendment) Act, 1925.

SECOND

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SECOND SCHEDULE.

Sec. 2 (9).

No. of Act.	Short title.	Extent of Suspension.
1902 No. 35 ...	Sydney Corporation Act, 1902 ...	Sections 9-23 both inclusive, 25-57 both inclusive, 67-73 both inclusive, paragraphs (b) (d) and (hh) of subsection (1) of section 200, and the Third, Fourth, Fifth, Sixth, Seventh, Eighth, and Ninth Schedules.
1905 No. 39 ...	Sydney Corporation Amendment Act, 1905.	Section 4.
1906 No. 16 ...	Sydney Corporation Amendment Act, 1906.	Section 14.
1908 No. 27 ...	Sydney Corporation (Amendment) Act, 1908.	Section 38.
1911 No. 23 ...	Sydney Corporation (Amendment) Act, 1911.	The whole.
1915 No. 37 ...	Sydney Corporation (Amendment) Act, 1915.	The whole.
1915 No. 61 ...	Sydney Corporation (Election of Mayor) Act, 1915.	The whole.
1917 No. 22 ...	Sydney Corporation (Amendment) Act, 1917.	Sections 3 and 4.
1924 No. 7 ...	Sydney Corporation (Amendment) Act, 1924.	Paragraphs (1)-(8) both inclusive of section 4, and paragraph (a) of section 6.

METROPOLITAN