

GAS AND ELECTRICITY (SYDNEY COUNTY DISTRICT) AMENDMENT ACT, 1979, No. 184

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 184, 1979.

An Act to alter the boundaries of the Sydney County District.
[Assented to, 18th December, 1979.]

Gas and Electricity (Sydney County District) Amendment.

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 :—

1. This Act may be cited as the “Gas and Electricity (Sydney County District) Amendment Act, 1979”. Short title.

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

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. The Gas and Electricity Act, 1935, is referred to in this Principal Act.

4. This Act contains the following Schedules :— Schedules.

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

Gas and Electricity (Sydney County District) Amendment.

Amendment
of Act No.
42, 1935.

5. The Principal Act is amended in the manner set forth in Schedule 1.

Savings and
transitional
provisions.

6. Schedule 2 has effect.

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 1 (3)—

From the matter relating to Division 3 of Part VI, omit “46”, insert instead “45”.

(2) Section 40 (1)—

Omit the subsection, insert instead :—

(1) On and from the day appointed and notified under section 2 (2) of the Gas and Electricity (Sydney County District) Amendment Act, 1979, the Sydney County District is reconstituted by altering its boundaries so that it comprises the areas and part of an area specified in Schedule 6.

Gas and Electricity (Sydney County District) Amendment.

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(3) Section 41A—

Omit the section, insert instead :—

41A. (1) The Sydney County Council consists of 16 Constitution councillors who, subject to subsection (2), shall be elected of The Sydney County Council.

(2) Subject to the provisions of this Part relating to the filling of an extraordinary vacancy, until the day of the ordinary election of councillors of The Sydney County Council that next succeeds the day appointed and notified under section 2 (2) of the Gas and Electricity (Sydney County District) Amendment Act, 1979, the 16 councillors referred to in subsection (1) shall be—

- (a) the persons who, immediately before that day, held office as councillors of The Sydney County Council;
- (b) 3 persons appointed by the Governor to represent the Sixth constituency specified in Schedule 3;
- (c) 2 persons so appointed to represent the Seventh constituency so specified; and
- (d) 2 persons so appointed to represent the Eighth constituency so specified.

(4) Section 45 (1)—

Omit the subsection.

(5) Section 46—

Omit the section.

*Gas and Electricity (Sydney County District) Amendment.*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(6) Schedule 3—

Omit the Schedule, insert instead :—

Sec. 42.

SCHEDULE 3.

Constituency	Area					Number to be elected
First	City of Sydney ..	..	..	..	..	1
	Ashfield ..	..	..	..	..
	Auburn ..	..	..	..	..
	Bankstown ..	..	..	..	..
	Burwood ..	..	..	..	..	2
Second	Canterbury ..	..	..	..	..
	Concord ..	..	..	..	..
	Drummoyne ..	..	..	..	..
	Strathfield ..	..	..	..	..
Third	Randwick ..	..	..	..	..
	Sutherland ..	..	..	..	..
	Waverley ..	..	..	..	..	2
	Woollahra ..	..	..	..	..
Fourth	Hornsby ..	..	..	..	..
	Hunter's Hill ..	..	..	..	..
	Ku-ring-gai ..	..	..	..	..
	Lane Cove ..	..	..	..	..
	Mosman ..	..	..	..	..	2
	North Sydney ..	..	..	..	..
	Parramatta ..	..	..	..	..
	Ryde ..	..	..	..	..
	Willoughby ..	..	..	..	..
Fifth	Botany ..	..	..	..	..
	Leichhardt ..	..	..	..	..	2
	Marrickville ..	..	..	..	..
	South Sydney ..	..	..	..	..
Sixth	Hurstville ..	..	..	..	..
	Kogarah ..	..	..	..	..	3
	Rockdale ..	..	..	..	..
Seventh	Manly ..	..	..	..	..
	Warringah ..	..	..	..	..	2
Eighth	Gosford ..	..	..	..	..
	Wyong ..	..	..	..	..	2

Gas and Electricity (Sydney County District) Amendment.SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT—*continued.*

(7) Schedule 6—

Omit the Schedule, insert instead :—

SCHEDULE 6.

Sec. 40.

Areas and parts of areas which constitute the Sydney County District

City of Sydney	Manly
Ashfield	Marrickville
Auburn	Mosman
Bankstown	North Sydney
Botany	*Parramatta (part)
Burwood	Randwick
Canterbury	Rockdale
Concord	Ryde
Drummoyne	South Sydney
Gosford	Strathfield
Hornsby	Sutherland
Hunter's Hill	Warringah
Hurstville	Waverley
Kogarah	Willoughby
Ku-ring-gai	Woollahra
Lane Cove	Wyong
Leichhardt	

* Except those parts which, immediately before 1st January, 1949, were included in the areas as then constituted of the City of Parramatta, the Municipality of Granville and the Municipality of Dundas.

*Gas and Electricity (Sydney County District) Amendment.***Sec. 6.****SCHEDULE 2.****SAVINGS AND TRANSITIONAL PROVISIONS.****Interpre-
tation.**

1. In this Schedule—

“appointed day” means the day appointed and notified under section 2 (2);

“the Sydney County District” means the Sydney County District as reconstituted by section 40 (1) of the Principal Act, as amended by this Act.

**Alteration of
boundaries
deemed to
have been
effected by
proclama-
tion.**

2. (1) The alteration of boundaries effected by section 40 (1) of the Principal Act, as amended by this Act, shall, for the purposes of Part XXIX of the Local Government Act, 1919, be deemed to have been duly effected by an appropriate proclamation made by the Governor and published in the Gazette.

(2) The powers conferred by section 564BA of the Local Government Act, 1919, may not be exercised in relation to the alteration of boundaries referred to in subclause (1) of this clause in a manner inconsistent with this Schedule or the Principal Act, as amended by this Act.

**Dissolution
of certain
county
councils.**

3. The Brisbane Water County Council, The Mackellar County Council and The St. George County Council, as constituted immediately before the appointed day, are dissolved and their county districts are abolished.

**Statutory
delegations.**

4. The delegations made to The Sydney County Council by section 564 (3A) of the Local Government Act 1919, shall be deemed to have been made as on and from the appointed day.

**Remunera-
tion of
servant.**

5. (1) A person who on the appointed day is, or who pursuant to Part XXIX of the Local Government Act, 1919, on that day becomes, a servant of The Sydney County Council shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by that county council on terms not less advantageous than those on which he was remunerated immediately before the appointed day.

(2) Section 564B (1) (m) (i) (c) of the Local Government Act, 1919, does not apply to or in respect of a person to whom subclause (1) of this clause applies.

*Gas and Electricity (Sydney County District) Amendment.*SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

6. (1) Subject to subclause (2) of this clause, a person who on the Mobility and appointed day is, or who pursuant to Part XXIX of the Local Government redundancy of servants. Act, 1919, on that day becomes, a servant of The Sydney County Council may not, without his consent, be required to be based, as such a servant, at a place outside the county district in which, immediately before that day, he was based as a servant of a county council.

(2) Where a person referred to in subclause (1) of this clause has once given an unconditional consent for the purposes of that subclause, the subclause ceases to apply to him.

(3) The employment of a servant referred to in subclause (1) of this clause may not be terminated on the ground of redundancy arising from the operation of this Act.

7. (1) The Minister shall appoint a staff committee to report to The Staff Sydney County Council on matters arising from the operation of this Act committee. in relation to its servants.

(2) For the purposes of subclause (1) of this clause, the staff committee shall comprise—

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

(3) The Minister may constitute the staff committee under this clause by appointing different persons according to the subject-matter with which it is at any time, or from time to time, required to deal.

8. (1) Where a county council referred to in clause 3—

- (a) disposed after 18th September, 1979, and before 26th November, 1979, of an estate or interest in land to the council of one of its constituent areas; or
- (b) disposed on or after 26th November, 1979, of an estate or interest in land to any person,

the estate or interest is, if the Minister so declares by order published in the Gazette for the purposes of this clause not later than 2 months after the appointed day, held, by the council or person in whom it is vested, as trustee for The Sydney County Council.

Certain property held on trust.

Gas and Electricity (Sydney County District) Amendment.

SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.*

(2) Where, before or after the disposition of an estate or interest in land by a county council, the Minister by instrument in writing approves the disposition, subclause (1) of this clause does not apply to or in respect of that estate or interest.

(3) It shall be presumed, unless the contrary is proved, that an estate or interest in land described in an order under subclause (1) of this clause is an estate or interest to which that subclause applies.

(4) A transfer or conveyance to The Sydney County Council of an estate or interest in land to which it is, by the operation of this clause, beneficially entitled is exempt from duty under the Stamp Duties Act, 1920.

(5) Where an estate or interest in land to which The Sydney County Council is, by the operation of this clause, beneficially entitled is transferred or conveyed to it—

- (a) it shall comply with such directions as the Governor may give with respect to a refund of the consideration for the disposition referred to in subclause (1) of this clause and any other matters arising from the operation of this clause; and
- (b) the Commissioner for Stamp Duties shall comply with such directions as the Governor may give with respect to a refund of any stamp duty paid in connection with the disposition.

Saving of
certain
ordinances.

9. Where an ordinance in force under the Local Government Act, 1919, immediately before the dissolution of a county council under clause 3 had effect in relation to that county council only, or in relation to that county council and other county councils but not all county councils, the ordinance, until it is repealed, varied or amended under that Act, continues in force in relation to the areas that comprised the county council immediately before its dissolution.
