

**LOCAL GOVERNMENT (CITY OF SYDNEY BOUNDARIES)
ACT, 1981, No. 112**

New South Wales



ANNO TRICESIMO

ELIZABETHÆ II REGINÆ

Act No. 112, 1981.

An Act to amend the Local Government Act, 1919, to unite certain areas, within the meaning of that Act; and for other purposes. [Assented to 18th December, 1981.]

See also Gas and Electricity (Amendment) Act, 1981.

Local Government (City of Sydney Boundaries).

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 (City of Sydney Boundaries) Act, 1981".

Commencement.

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

(2) Except as provided by subsection (1), this Act shall commence on 1st January, 1982.

Interpretation.

3. (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

"appointed day" means 1st January, 1982;

"constituent areas" means the City of Sydney and the Municipality of South Sydney, in each case as constituted immediately before the appointed day;

"Principal Act" means the Local Government Act, 1919;

"united area" means the area constituted by section 4 (a).

(2) This Act shall be construed with and as part of the Principal Act, but this Act has effect notwithstanding anything in the Principal Act.

Local Government (City of Sydney Boundaries).

Amalgamation of areas.**4. On the appointed day—**

- (a) the constituent areas shall be deemed to be united, and the united area shall be deemed to be constituted as a municipality, by a proclamation under section 16 (e) of the Principal Act; and
- (b) the municipality so constituted shall be deemed to be proclaimed as a city, named the City of Sydney, by a proclamation under section 11 (2) of the Principal Act.

Abolition of certain areas.**5. On the appointed day, the constituent areas are dissolved and the councils for those areas, as constituted immediately before that day, are abolished.****Determination of number of aldermen.****6. The Governor shall be deemed to have determined, under section 23 (2) of the Principal Act, that the number of aldermen for the council of the City of Sydney shall be 27, but nothing in this section prevents the Governor from making any further determination of that number under that subsection after the appointed day.****Certain persons deemed elected.****7. (1) On the appointed day—**

- (a) a person who, immediately before that day, held office as alderman of either of the constituent areas shall be deemed to be elected under the Principal Act to the office of alderman for the City of Sydney; and
- (b) the person who, immediately before that day, held office as mayor of the former City of Sydney shall be deemed to be elected under the Principal Act to the office of mayor of the united area.

Local Government (City of Sydney Boundaries).

(2) Any person deemed to be elected pursuant to subsection (1) (a) or (b) shall be deemed to be elected for a term of office ending with the day appointed under the Principal Act for the first ordinary election of aldermen for the City of Sydney held after the appointed day.

(3) For the purposes of section 29 (5) of the Principal Act, the first person who accedes to the office of mayor of the council of the City of Sydney on or after the appointed day shall be deemed to have been elected, on the day on which he accedes to that office, at an ordinary election, within the meaning of that subsection.

(4) Subject to this section, section 25A of the Principal Act applies to the united area in the same way as it applied, immediately before the appointed day, to the former City of Sydney.

Appointments by the Governor.

8. (1) In subsection (2), references to aldermen for the City of Sydney do not include references to the mayor of that area.

(2) Where, before the first ordinary election of aldermen for the City of Sydney has been held under the Principal Act after the appointed day, the number of those aldermen is less than 27, the Governor may appoint such person or persons as he thinks fit to the office of alderman for the City of Sydney, but not so that the number of those aldermen shall exceed 27 at any one time.

(3) A person appointed under subsection (2) to the office of alderman for the City of Sydney shall be deemed to have been appointed under the Principal Act to fill an extraordinary vacancy in that office.

Application of section 39 (1) of the Principal Act.

9. The first ordinary election of aldermen for the City of Sydney held after the appointed day shall be deemed not to be the first election after the constitution of that area, within the meaning of section 39 (1) (c) of the Principal Act.

Local Government (City of Sydney Boundaries).

Former deputy-mayor and committee members.

10. For the purpose of removal of doubt, it is hereby declared that any person who, immediately before the appointed day, held office—

- (a) as deputy-mayor; or
- (b) as member of a committee,

of the former council of the City of Sydney shall, on that day, vacate that office.

Wards.

11. (1) The wards of the constituent areas shall be deemed to have been proclaimed, under section 58 (1) of the Principal Act, as the wards of the City of Sydney under the names by which they were known immediately before the appointed day.

(2) Within the period of 15 months commencing with the appointed day, the council of the City of Sydney shall submit a proposal to the Minister for the division of the City of Sydney into wards or that the division of that area into wards shall be abolished.

Remuneration, etc., of certain servants.

12. (1) In this section, “affected person” means a person who, pursuant to section 20C of the Principal Act, is transferred on 1st January, 1982, to the service of the council of the City of Sydney.

(2) Subject to subsections (3) and (4), the provisions of section 20C of the Principal Act, as in force immediately before the date of assent to the Local Government (Further Amendment) Act, 1980, apply to and in respect of an affected person.

(3) An affected person—

- (a) shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by the council of the City of Sydney on terms not less advantageous than those on which he was remunerated by the council of the constituent area of which he was a servant immediately before 1st January, 1982;

Local Government (City of Sydney Boundaries).

- (b) subject to subsection (4), may not, without his consent, be required by that council to be based, as a servant of that council, at a place outside the constituent area in which, immediately before 1st January, 1982, he was based as a servant of the council of that constituent area; and
- (c) shall not have his employment as a servant of that council terminated on the ground of redundancy arising from the operation of this Act.

(4) Where an affected person has, on or after the date of assent to this Act, once given an unconditional consent for the purposes of subsection (3) (b), that paragraph does not apply in respect of him.

(5) On the appointed day, any person who, immediately before that day, held—

- (a) the office of town clerk or deputy town clerk of the former council of the City of Sydney; or
- (b) an office of that council specified in Schedule 1,

shall be deemed to be appointed to the corresponding office of the council of the united area.

Staff committees.

13. (1) The Minister may, in respect of the council of the City of Sydney, appoint a staff committee to report to the council on any matter arising from the operation of this Act in relation to servants of the council.

(2) For the purposes of subsection (1), a staff committee for the council of the City of Sydney shall comprise—

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

Local Government (City of Sydney Boundaries).

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

SCHEDULE 1.

(Sec. 12 (5) (b))

COUNCIL OFFICES.

Director of Administration

Director of Cleansing

City Engineer

Director of City Health and Community Services

Director of Industrial Relations

City Medical Officer

Director of Parks and Civic Affairs

City Planner

City Treasurer and Information Controller

Director of Sydney City Library and Information Centre
