

## LOCAL GOVERNMENT (AREAS) ACT.

### Act No. 30, 1948.

George VI.  
No. 30, 1948.

**An Act to unite the City of Sydney and certain areas and to constitute the united area as a city; to unite certain other areas or areas and parts of areas and to constitute the united areas as municipalities; to reconstitute the Sydney County Council; to repeal the Sydney Corporation Act, 1932, and certain other Acts; to amend the Local Government Act, 1919, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 3rd September, 1948.]**

**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:—

#### PART I.

##### PRELIMINARY.

**Short  
title and  
construction.**

**1.** (1) This Act may be cited as the "Local Government (Areas) Act, 1948."

(2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

**Division  
into  
Parts.**

**2.** This Act is divided into Parts as follows:—

PART I.—PRELIMINARY.

PART II.—CONSTITUTION OF NEW AREAS.

PART III.—CONSEQUENTIAL REPEALS AND AMENDMENTS.

PART IV.—MISCELLANEOUS PROVISIONS.

SCHEDULES.

**3.**

3. In this Act, unless the context or subject matter otherwise indicates or requires—

“Appointed day” means the first day of January, one thousand nine hundred and forty-nine.

“Principal Act” means the Local Government Act, 1919, as amended by subsequent Acts.

“Schedule” means Schedule to this Act.

No. 30, 1948.  
Interpreta-  
tion.

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## PART II.

### CONSTITUTION OF NEW AREAS.

#### DIVISION I.—*Interpretation.*

4. (1) In this Part of this Act—

“Constituent area” means any area or part of an area specified or described in the first column of the First Schedule.

“United area” means any area constituted under this Part of this Act by the union of constituent areas.

(2) Unless the context otherwise indicates or requires a reference in this Part of this Act to a constituent area shall be construed as including a reference to the City of Sydney as bounded under the law in force at the date upon which the assent of His Majesty to this Act is signified and a reference to the council of a constituent area shall be construed as including a reference to the Municipal Council of Sydney as constituted under the law in force at such date.

Interpreta-  
tion.

#### DIVISION 2.—*Union of certain areas.*

5. (1) The constituent areas specified or described in the first column of the First Schedule shall be grouped together in the manner and under the group number set out in that column.

Grouping  
of  
constituent  
areas.

(2)

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**No. 30, 1948.**            (2) Each group shall bear the name set out opposite to the group in the second column of the First Schedule.

**Union of constituent areas.**            **6.** (1) The provisions of this section shall apply to and in respect of each of the groups referred to in section five of this Act.

(2) On the appointed day, the constituent areas included in a group shall be united, and the council of each constituent area shall by virtue of this subsection be dissolved.

**Status and names of united areas.**            **7.** (1) (a) The united area constituted by the union of the constituent areas included in the first group in the First Schedule shall be a city within the meaning of the Principal Act, and may be described as the City of Sydney.

Where in any Act other than this Act or in any ordinance, regulation, by-law, proclamation or in any instrument or document, reference either express or implied is made to the "City of Sydney" or to "the Municipal Council of Sydney," such reference shall, except where otherwise expressly provided by this Act be construed as a reference to the united area referred to in this subsection or to the council of that united area, as the case may be.

(b) The united area constituted by the union of the constituent areas included in the second group in the First Schedule shall be a city within the meaning of the Principal Act, and may be described as the City of Parramatta.

(2) Each united area constituted by the union of the constituent areas included in any group in the First Schedule other than the first group and the second group shall be and is hereby constituted a municipality within the meaning of the Principal Act, and may be described by the name which the group bears as set out in the First Schedule.

(3) The provisions of the Principal Act shall, to the extent to which they are not inconsistent with this Act, apply to and in respect of each united area and to the council thereof.

DIVISION

DIVISION 3.—*Special provisions relating to unions effected by this Part.* No. 30, 1948.

8. (1) (a) Each union of constituent areas which is to be effected on the appointed day as provided in Division 2 of this Part of this Act, and the constitution of each united area as a city or a municipality (as the case may be) as provided in that Division, shall in each case be deemed to be an exercise of the power conferred on the Governor by paragraph (e) of section sixteen of the Principal Act, and the provisions of that Act (except section twenty) shall, to the extent to which provision is not otherwise made in this Act, apply as if on the day upon which the assent of His Majesty to this Act is signified a proclamation had been issued by the Governor under paragraph (e) of section sixteen of the Principal Act providing that such unions should be effected on the appointed day, and for the constitution of each united area on that day as a city or a municipality as the case may be.

Unions to be deemed an exercise of power conferred on Governor by section sixteen of Principal Act.

(b) In the application of any provision of the Principal Act pursuant to paragraph (a) of this subsection, a reference in such provision to an area or to a municipality shall be construed as including a reference to the City of Sydney as bounded under the law in force at the date upon which the assent of His Majesty to this Act is signified, and a reference in such provision to a council shall be construed as including a reference to the Municipal Council of Sydney as constituted under the law in force at that date.

(2) For the purpose of giving effect to the provisions of this section, section twenty-one of the Principal Act shall be deemed to be amended—

(a) by inserting in paragraph (q1) of subsection one after the word “ordinances” where firstly occurring, the words “proclamations and notifications under this Act, and regulations, by-laws, proclamations and notifications under the Sydney Corporation Act, 1932, as amended by subsequent Acts”;

(b) by inserting in the same paragraph after the word “ordinances” where secondly occurring, the words “regulations, by-laws, proclamations and notifications”.

(3)

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No. 30, 1948

(3) For the purpose of giving effect to the provisions of this section, any proclamation which the Governor is authorised to make under section twenty-one of the Principal Act may be made at any time either before or after the appointed day.

DIVISION 4.—*Transfer of rights, liabilities, property, and servants.*

Commence-  
ment of  
Division.

**9.** The provisions of this Division shall commence on the appointed day.

Application  
of sections  
eleven  
and  
twelve.

**10.** A reference in sections eleven and twelve of this Act to a constituent area shall be construed as a reference only to a constituent area which comprises the whole of an area specified in the First Schedule, and shall not extend to include a reference to a constituent area which comprises only a part of an area as described in the said Schedule.

Transfer  
of assets, etc.  
cf. Act  
No. 20,  
1937, s. 17.

**11.** (1) (a) All real and personal property and all right and interest therein and all management and control of any land or thing which, immediately before the appointed day, is vested in or belongs to the council of a constituent area shall vest in and belong to the council of the united area in which such constituent area is included.

No attornment by a lessee of any land vested in a council by this section shall be necessary.

(b) All rates, moneys, liquidated and unliquidated claims which, immediately before the appointed day, are payable to or recoverable by the council of a constituent area shall respectively be rates, moneys, liquidated and unliquidated claims payable to or recoverable by the council of the united area in which such constituent area is included.

(c) All suits, actions and proceedings pending immediately before the appointed day at the suit of the council of a constituent area shall respectively be suits, actions, and proceedings pending at the suit of the council of the united area in which such constituent area is included.

(d)

(d) All contracts, agreements, and undertakings entered into with and all securities lawfully given to or by the council of a constituent area and in force immediately before the appointed day shall be deemed to be contracts, agreements, and undertakings entered into with and securities given to or by the council of the united area in which such constituent area is included. No. 30, 1948.

(e) The council of each united area may pursue the same remedies for the recovery of any such rates, moneys, and claims, and for the prosecution of such suits, actions and proceedings as if the same had originally been payable to and recoverable or instituted at the suit of such council.

(f) The council of each united area may enforce and realise any security or charge existing immediately before the appointed day in favour of the council of any constituent area included in the united area in respect of any such rates, moneys and claims, as if such security or charge were existing in favour of the council of the united area.

(g) All debts due and moneys payable by the council of a constituent area and all claims, liquidated and unliquidated, recoverable against any such council shall be debts due and moneys payable by and claims recoverable against the council of the united area in which such constituent area is included.

(h) All debts of the council of a constituent area being debts existing immediately before the appointed day shall be secured over the revenues of the council of the united area in which such constituent area is included in the same way, and to the same extent in every respect, as such debts were immediately before the appointed day secured over the revenues of such constituent council, and the priority of security in the revenues of the united area shall be as prescribed by the Principal Act or by any law for the time being in force relating thereto.

(i) Where for the fulfilment of its obligations or undertakings the council of a constituent area is required by law to levy loan rates or local rates, the council of the united area in which such constituent area is included shall be deemed to be subject to the like requirements,

**No. 30, 1948.** requirements, and in respect thereof the provisions of the Principal Act relating to such rates shall apply.

(2) Without prejudice to the generality of subsection one of this section all rights, powers, authorities, duties, obligations and functions which, immediately before the appointed day are vested in or belong to or are imposed upon the council of a constituent area and which are conferred or imposed upon such council by or under the Principal Act or by or under any other Act (whether a Public Act or a Private Act) or otherwise in any manner whatsoever, shall, upon and from the appointed day, vest in and belong to and be exercised and discharged by the council of the united area in which such constituent area is included.

**Transfer of servants.**  
**cf. Act No. 41, 1919, s. 20c.**

**12.** (1) All persons who immediately before the appointed day were servants of the council of a constituent area (or, in the case of the City of Sydney as a constituent area, were immediately before the appointed day officers or servants of the Municipal Council of Sydney) shall on such day be transferred to the service of the council of the united area in which such constituent area is included.

The provisions of section 20c of the Principal Act shall, subject to subsection two of this section, apply to and in respect of such persons and the council of each united area.

**Servants of Municipal Council of Sydney.**  
**cf. Act No. 42, 1935, s. 47 (2).**

(2) (a) This subsection shall apply only to and in respect of persons who, under subsection one of this section, are transferred to the service of the Council of the City of Sydney (being the council of the united area constituted by the union of the constituent areas included in the first group in the First Schedule), and who immediately before the appointed day were officers or servants of the Municipal Council of Sydney.

(b) Any person so transferred who upon such transfer or at any time thereafter becomes a permanent servant within the meaning of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, and who within three months after such transfer or after the date upon which he becomes a permanent servant as aforesaid (as the case may require), by notice in writing addressed to the Council of the City  
of

of Sydney, so elects, shall be entitled to retain the rights and privileges in relation to payment on retirement or death to which he would have been entitled if he had continued to be an officer or servant of the Municipal Council of Sydney during the period of his service with the Council of the City of Sydney. The provisions of the Local Government (Superannuation) Act, 1927, as amended by subsequent Acts, shall not apply to or in respect of any person who makes such election as aforesaid.

(c) Any person so transferred who becomes entitled to receive a gratuity under subsection five of section 20c of the Principal Act shall not be entitled to receive any compassionate or retiring allowance under any award or industrial agreement referred to in subsection two of the said section:

Provided that the amount payable to any such person as a gratuity under subsection five of the said section shall not in any case be less than the amount which would have been payable to such person as a compassionate or retiring allowance under any such award or industrial agreement, if this paragraph had not been enacted.

(d) In the application of section 96A of the Principal Act to and in respect of any person so transferred who makes the election referred to in paragraph (b) of this subsection, subsection one of the said section 96A shall be read as if the words "Any servant of a council to whom the Local Government (Superannuation) Act, 1927, as amended by the Local Government (Superannuation) Amendment Act, 1935, applies shall on his attaining the retiring age as fixed by such Act" were omitted, and the words "Any servant of the Council of the City of Sydney who makes the election referred to in paragraph (b) of subsection two of section twelve of the Local Government (Areas) Act, 1948, shall on his attaining the age of sixty-five years" inserted in lieu thereof.

**13.** Notwithstanding anything contained in paragraph (a) of subsection one of section eight of this Act, the provisions of section twenty of the Principal Act shall apply

Transfer of  
assets and  
liabilities  
of certain  
areas.

No. 30, 1948. apply to and in respect of each constituent area which, immediately before its inclusion in a united area, comprised only a part of an area, as described in the First Schedule.

Transfer of  
servants of  
certain  
areas.

**14.** (1) In the case of an area of which specified parts as described in the First Schedule are on the appointed day to be included in different united areas, and those specified parts of the area taken together, comprise the whole of that area, all persons who immediately before the appointed day were servants of the council of that area shall be transferred to the service of one or other of the councils of those united areas in accordance with this section.

(2) The councils of the united areas concerned shall confer together and agree upon an arrangement as to such transfer.

In the event of the councils of the united areas concerned failing to agree upon such an arrangement within the period fixed by proclamation under section twenty-one of the Principal Act, or within such further period as the Minister may allow, the Minister may make such an arrangement.

(3) An arrangement made under this section shall provide for the transfer to the service of one or other of the councils of the united areas concerned of all persons referred to in subsection one of this section.

(4) An arrangement made under this section shall be embodied in a proclamation and upon publication thereof any person affected by such arrangement shall—

- (a) be transferred to the service of the council of the united area specified;
- (b) become a servant of the council of such united area;
- (c) be paid salary or wages not less than at the rate at which he was employed immediately before the publication of such proclamation until such salary or wages is or are varied or altered by the council of such united area: Provided that such salary or wages shall not be reduced for a period of at least two years from the date of such transfer except to the extent necessary to

give

- give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts; and
- (d) be deemed to have been appointed and employed by the council of such united area under the provisions of the Principal Act.

The person so transferred shall on and from the publication of such proclamation until otherwise directed by the council of such united area continue to perform the duties which attached to his employment immediately before such publication.

(5) The provisions of subsections two to eight inclusive of section 20c of the Principal Act shall apply to and in respect of the transfer of any person under subsection four of this section.

*DIVISION 5.—Temporary provisions for transfer of certain servants.*

**15.** Pending the publication of a proclamation embodying an arrangement under section fourteen of this Act the Governor may by proclamation under section twenty-one of the Principal Act make such provision as the Governor may deem necessary or expedient, for the temporary transfer on the appointed day to the service of one or other of the councils of the united areas concerned of the servants referred to in subsection one of section fourteen of this Act and for the performance of the duties of such servants and for the payment of the salary or wages of such servants at the rates at which such servants were employed immediately before the appointed day and for any other matter or thing incidental thereto.

Temporary  
transfer of  
certain  
servants.

Any such proclamation may be made at any time after the date upon which the assent of His Majesty to this Act is signified.

*DIVISION 6.—Transfer of certain trading undertakings.*

**16.** (1) This section shall apply to and in respect of any trading undertaking for the supply of electricity and the supply and installing of electrical fittings and appliances which is conducted by the council of an area,

Transfer of  
electricity  
trading  
under-  
takings  
of certain  
councils.

No. 30, 1948. of which specified parts as described in the First Schedule are on the appointed day to be included in different united areas and those specified parts taken together comprise the whole of such area.

(2) The Governor may by proclamation under section twenty-one of the Principal Act provide that the trading undertaking shall be transferred to and be conducted by the council of one of the united areas concerned or may provide that defined portions of the undertaking shall be transferred to and be conducted by two or more of such councils.

Any such proclamation may be made at any time after the date upon which the assent of His Majesty to this Act is signified.

(3) (a) Where in pursuance of a proclamation under subsection two of this section the council of any united area is conducting the trading undertaking or a defined portion thereof in any part of another united area the councils of the united areas concerned shall within a period of three months after the appointed day or within such further period as the Minister may allow, confer together and enter into an agreement which shall provide either—

- (i) that the council of the united area which is conducting the trading undertaking or defined portion thereof may continue to conduct the same in the other united area; or
- (ii) that the council of the last mentioned united area may acquire that part of the trading undertaking which is being conducted within its area.

(b) If the councils of the united areas concerned fail to enter into an agreement in accordance with paragraph (a) of this subsection a difference within the meaning of section six hundred and fifty-four of the Principal Act shall be deemed to have arisen.

#### DIVISION 7.—*Valuation of land.*

Application  
of Variation  
of Land  
Act, 1916.

**17.** (1) This section shall commence upon the appointed day.

(2)

(2) Subject to the provisions of this section the provisions of Parts V and VI of the Valuation of Land Act, 1916, as amended by subsequent Acts, shall apply to and in respect of each united area to the same extent and in like manner as such provisions applied in the constituent areas immediately before the appointed day. No. 30, 1948.

(3) All valuation lists in use immediately before the appointed day by the council of a constituent area together with any supplementary list furnished after the appointed day by the Valuer-General shall be used by the council of the united area in which the constituent area is included until superseded either in whole or in part by fresh lists as in this section provided.

(4) (a) Subject to paragraph (b) of this subsection the Valuer-General shall within a period of three years after the appointed day furnish to the council of each united area a valuation list or lists in respect of that area.

(b) Where in any case the Valuer-General is of the opinion that it is not practicable either during the said period of three years or in any subsequent period of three years referred to in section forty-eight of the Valuation of Land Act, 1916, as amended by subsequent Acts, to furnish in any one year a valuation list for the whole of a united area, the Valuer-General may furnish valuation lists for separate portions of the united area in each or any year of any such three year period, but so that the valuation list for the whole of the united area shall be furnished within the prescribed period of three years.

(5) (a) This subsection shall apply to and in respect of that part of the united area constituted under this Act by the union of the constituent areas included in the first group in the First Schedule, which comprises the City of Sydney as bounded immediately before the appointed day, which part of the said united area is in this subsection referred to as "the inner city."

(b) During the period commencing on the appointed day and ending on the date upon which the proclamation referred to in paragraph (d) of this subsection is published in the Gazette, the provisions of:

**Schedule**

No. 30, 1948. Schedule Three of the Principal Act shall apply to and in respect of all ratable land situated within the inner city, except in so far as they require a valuation of the improved capital value of ratable land to be made.

(c) Until the council of the united area in which the inner city is included has caused a valuation of the unimproved capital value and of the assessed annual value of ratable land in the inner city to be made under Schedule Three of the Principal Act, or a proclamation is made under paragraph (d) of this subsection (whichever first happens), all assessments of the fair average annual value and all valuations of the unimproved capital value of ratable property in the inner city made under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force immediately before the appointed day shall be deemed respectively to be valuations of the assessed annual value and of the unimproved capital value made under the provisions of Schedule Three of the Principal Act.

(d) Upon being satisfied that a valuation list in respect of all land in the inner city has been furnished by the Valuer-General under the Valuation of Land Act, 1916, as amended by subsequent Acts, to the council of the united area in which the inner city is included, the Governor shall proclaim that a valuation list has been so furnished, and thereupon the provisions of Schedule Three of the Principal Act shall cease to apply to and in respect of ratable land situated within the inner city, and the provisions of Parts V and VI of the Valuation of Land Act, 1916, as amended by subsequent Acts, shall apply to and in respect of such land.

DIVISION 8.—*Aldermen and first elections for united areas.*

First  
election  
of  
aldermen.  
cf. Act  
No. 20,  
1937, s. 5.

18. (1) On the fourth day of December, one thousand nine hundred and forty-eight, an election of aldermen for each united area which is to be constituted on the appointed day under this Part of this Act shall be held. Such election is in this Division referred to as "the first election."

(2)

(2) Each alderman elected at the first election shall assume his office as alderman on the appointed day and such office shall become vacant on the day appointed by or under the Principal Act for the next ordinary election of aldermen under that Act after the appointed day, or on the occurrence of an extraordinary vacancy in the office, whichever first happens. No. 30, 1948.

(3) (a) For the purposes only of this subsection each united area and the council thereof shall be deemed to be constituted upon the date of the first election for that area and the persons elected at the first election shall be deemed to be aldermen of the council of that area, and the provisions of the Principal Act and the ordinances thereunder to the extent to which they are applicable, shall apply accordingly.

(b) During the period commencing on the date on which the first election for a united area is held and ending on the appointed day, the powers and functions of the council of that area shall be limited to the matters and things following, that is to say—

- (i) the election of a mayor, or, in the case of the Council of the City of Sydney, of a Lord Mayor;
- (ii) the provision of an office for the council;
- (iii) matters relating to the transfer and appointment of servants;
- (iv) matters relating to the transfer or apportionment of assets, rights and liabilities;
- (v) the preparation, performance and carrying into effect of all such acts, matters and things as in the opinion of the council are necessary or expedient in order to enable that council to exercise and discharge on and after the appointed day all or any of the powers authorities duties and functions of the council:

Provided, however, that no arrangement with respect to the transfer and appointment of servants or to the transfer or apportionment of assets, rights and liabilities shall take effect prior to the appointed day.

(c) The first meeting of a council deemed to be constituted under paragraph (a) of this subsection shall be convened by the Minister.

(d)

No. 30. 1948.

(d) The Minister may determine the date, or the time during or within which the mayor or Lord Mayor shall be elected pursuant to paragraph (b) of this subsection.

(4) Upon the appointed day the person elected pursuant to paragraph (b) of subsection three of this section as mayor or Lord Mayor, as the case may be, of a united area shall become the mayor or Lord Mayor, as the case may be, of that area for all purposes, and shall hold his office as mayor or Lord Mayor under and subject to the provisions of the Principal Act.

Division  
into wards.

**19.** (1) For the purposes of the first election for a united area, and thereafter until the Governor otherwise provides in the exercise of the powers conferred on him by section fifty-eight of the Principal Act, each united area shall be deemed to be divided into wards in the manner indicated in the Second Schedule.

(2) The number and names of such wards shall be the number and names respectively indicated in the Second Schedule.

(3) The number of aldermen to be elected for each such ward shall be the number set out opposite the name of such ward in the Second Schedule.

Rolls.

**20.** (1) The roll of electors for the purposes of the first election in any ward referred to in section nineteen of this Act shall be as prescribed in this section.

(2) Where the ward includes one or more constituent areas, and each of those constituent areas comprises the whole of an area specified in the First Schedule and is wholly included in the ward, and no part of any other constituent area is included in the ward, the roll of electors for the first election in that ward shall consist of the local government rolls for all the constituent areas included in the ward taken together.

(3) Where the ward includes one or more constituent areas each of which comprises the whole of an area specified in the First Schedule and in addition includes one or more constituent areas each of which comprises only a specified part of an area as described in the First Schedule, the roll of electors for the first election

election in that ward shall consist of the following local government rolls and parts of local government rolls taken together, that is to say—

- (a) the local government rolls for all of the first mentioned constituent areas; and
- (b) so much of the local government roll for each area of which any of the second-mentioned constituent areas forms part as includes the names of persons, whose qualification for enrolment as set out on that roll is in respect of land or a place of living which is situated within the ward.

(4) Where the ward includes one or more constituent areas each of which comprises only a specified part of an area as described in the First Schedule, and no other constituent area or part thereof is included in the ward, the roll of electors for the first election in that ward shall consist of the following parts of local government rolls, taken together, that is to say:—

So much of the local government roll for each area of which any of the first mentioned constituent areas form part, as includes the names of persons whose qualification for enrolment as set out on that roll is in respect of land or a place of living which is situated within the ward.

(5) Where the ward is co-terminous in its boundaries with a ward or riding of a constituent area as existing immediately before the date upon which the first election is to be held, the roll of electors for the first election in that ward shall be the local government roll for that ward or riding of the constituent area.

(6) The rolls of electors as prescribed by this section shall, on and after the appointed day, be deemed to be original rolls prepared under the Principal Act.

(7) In this section “local government roll” means roll of electors prepared under the Principal Act and in force on the date upon which the first election is to be held, and includes the citizens’ roll prepared under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and in force on that date.

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**First  
election.**

**21.** (1) Subject to this Act, the first election shall be carried out under and in accordance with the Principal Act and the ordinances made thereunder, in all respects as if the united area in respect of which the election is held had been constituted as an area within the meaning of the Principal Act on the date upon which the assent of His Majesty to this Act is signified.

(2) (a) For the purposes of each first election the Governor may appoint a returning officer.

(b) The provisions of the Principal Act and the ordinances thereunder relating to the returning officer for an election shall, mutatis mutandis, apply to and in respect of a returning officer appointed under this section.

(3) The Minister shall notify in the Gazette "the office of the council" for the purpose of the first election for a united area.

(4) The expenses incurred in carrying out the first election for a united area shall, when certified under the hand of the returning officer concerned, be paid by the Colonial Treasurer.

The amount of such expenses shall be repaid by the council of that area within six months after the account therefor is rendered to that council by the Colonial Treasurer.

(5) For the purposes of carrying out the first election for a united area a returning officer may, with the approval of the Minister of the Department concerned, make use of the services of any of the officers and employees of the public service, including members of the police force, and may make use of the services of any of the servants and any of the books, papers and records of the council of a constituent area.

It shall be the duty of each council of a constituent area and of every officer and servant of such council to furnish such information and to afford such assistance as the returning officer may require for the purposes of this Division.

**22.** (1) Notwithstanding anything contained in the Principal Act, the provisions of this section shall apply to and in respect of the first election for each united area.

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Voting at first election.

(2) (a) A person who claims to vote in or for a ward of the united area by virtue of his enrolment on the roll for that ward pursuant to paragraph (b) of subsection three of section twenty of this Act, or of subsection four of that section shall not be entitled to vote in or for that ward unless he makes and subscribes a declaration in or to the effect of the form prescribed in the Third Schedule.

(b) Such declaration shall be made and subscribed before the returning officer or a presiding officer, or in the case of a person voting by post, before an authorised witness.

The ordinances may prescribe the persons or classes of persons who shall be authorised witnesses for the purposes of this paragraph.

(c) Every person who wilfully makes a false declaration under this subsection shall be deemed guilty of a misdemeanour and shall be liable to imprisonment for a term not exceeding twelve months.

*DIVISION 9.—Provisions as to elections of certain councils.*

**23.** (1) The election of aldermen of the City of Sydney directed by the Sydney Corporation Act, 1932, as amended by subsequent Acts, to be held on the first Saturday in December, one thousand nine hundred and forty-eight, and the ordinary triennial election of aldermen or councillors of each constituent area directed by the Principal Act to be held on that day shall not be held.

Election not to be held in the City of Sydney and in certain municipalities and shires.

(2) The Lord Mayor and aldermen of the City of Sydney, the mayor and aldermen or president and councillors as the case may be of each constituent area who hold office as such immediately before the first Saturday in December, one thousand nine hundred and forty-eight, may continue to hold such office until the appointed day, and on that day shall cease to hold office.

## PART III.

## CONSEQUENTIAL REPEALS AND AMENDMENTS.

DIVISION 1.—*Commencement.*

Commence-  
ment  
of Part.

**24.** This Part of this Act except where otherwise expressly provided shall commence upon the appointed day.

DIVISION 2.—*Sydney Corporation Act, 1932, as amended by subsequent Acts.*

Repeals.  
Fourth  
Schedule.

Savings of  
transac-  
tions.

Savings  
of public  
ways.

By-laws, &c.,  
continued  
in force.

**25.** (1) The Acts mentioned in the Fourth Schedule are, to the extent therein expressed, hereby repealed.

(2) The repeal by this Act of any enactment shall not, as far as relates to any previous or pending transaction or matter, affect property vested, acts and things validated or authorised, rights powers and protection acquired, liabilities incurred, or indemnities given by or under the repealed enactment.

(3) The repeal by this Act of any enactment shall not affect the status of any road, highway, street, square, lane, court, alley or other public thoroughfare or place which prior to the appointed day was or was deemed to be a public way within the meaning of the Sydney Corporation Act, 1932, and every such public way shall be a public road within the meaning of and subject to the provisions of the Principal Act.

(4) Notwithstanding any repeal effected by this section, all regulations, by-laws, proclamations and notifications made under any enactment so repealed and in force immediately before the appointed day shall continue in force to the extent to which such continuance is necessary for the purpose of carrying out or giving effect to the tenor of any proclamation made by the Governor under paragraph (q1) of subsection one of section twenty-one of the Principal Act; and regulations, by-laws, proclamations and notifications so continued in force shall be deemed to have been made under the Principal Act, and in the case of regulations and by-laws shall be deemed to be ordinances made under that Act.

(5)

(5) Where in any Act, ordinance, regulation, by-law or instrument reference is made to the provisions of any Act repealed by this Act such reference shall be deemed to be a reference to the corresponding provisions (if any) of the Principal Act.

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References  
to repealed  
Acts.

(6) Every public market for the sale of any article of the food of man or of general merchandise established under any enactment repealed by this section and in use immediately before the appointed day shall be deemed to be a public market provided by the council of the united area constituted by the union of the areas and parts of areas specified and described in the first group in the First Schedule and to be under the control and management of such council and the provisions of Part XX of the Principal Act shall apply to and in respect of such market:

Provided that with respect to any such market which is a public market for the sale of fish nothing contained in this subsection or in the Principal Act shall affect any of the provisions of the Fisheries and Oyster Farms Act, 1935, as amended by subsequent Acts, or the regulations made thereunder or take away powers vested in any person or body by that Act as amended or by such regulations.

(7) This section shall not limit any saving in this Act or the Interpretation Act of 1897, as amended by subsequent Acts.

*DIVISION 3.—Amendments of the Principal Act.*

**26.** The Principal Act is amended—

Amendment  
of Act No.  
41, 1919.

- (a) (i) by omitting from subsection one of section ten the words “the Sydney Corporation Act, 1932”;
- (ii) by omitting subsection two of the same section;
- (b) by inserting in paragraph (c) of subsection one of section 20c after the word “transfer”, the words “except to the extent necessary to give effect

Sec. 10.  
(City of  
Sydney.)

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effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts”;

- (c) by inserting in paragraph (c) of subsection five of section 20D after the word “transfer” the words “except to the extent necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.”

Sec. 23.  
(Number of  
Aldermen.)

- (d) by omitting subsection three of section twenty-three;

Sec. 58.  
(Division  
into  
wards.)

- (e) by inserting at the end of subsection four of section fifty-eight the following words:—

This subsection shall not apply to or in respect of the first redivision into wards after the first day of January, one thousand nine hundred and forty-nine, of any of the municipalities constituted by Part II of the Local Government (Areas) Act, 1948.

Sec. 87.  
(Lord  
Mayor  
of Sydney.)

- (f) by inserting at the end of section eighty-seven the following new subsection:—

(5) The Lord Mayor of the City of Sydney shall, during his mayoralty, be ex officio a justice of the peace for the State and shall preside at all municipal proceedings and shall have precedence in the city and in all other places on all occasions next after members of the Legislative Assembly.

New secs.  
200A-200E.

- (g) by inserting next after section two hundred the following new sections and short headings thereto:—

*Special borrowing powers—City of Sydney.*

Raising  
of loans  
in any  
country.

200A. (1) (a) Notwithstanding the provisions of this or any other Act, any money which the council of the City of Sydney is authorised to borrow may be borrowed by a loan raised wholly or in part in the form of debentures or bonds

in such country as the Governor may approve No. 30, 1948.  
and may be negotiated and raised in any  
currency.

(b) Such debentures or bonds may be in such form and contain such terms, conditions and provisions whether with respect to period, interest, or amount, or with respect to any other matter whatsoever as the council shall think fit, and shall be transferable by simple delivery if such debentures or bonds shall so provide.

(c) The provisions of this Division of this Part, other than subsection one of section one hundred and eighty-eight and subsection three of section one hundred and ninety-two of this Act shall subject to this section apply to and in respect of debentures and bonds issued and moneys borrowed under the provisions of this section.

(d) The council may, in connection with any loan raised under the provisions of this section, agree that a sinking fund shall be established and controlled upon such terms and conditions at such place by such person and in such manner as may be found necessary or expedient in the circumstances of the case, and where any such sinking fund is so established the provisions of section one hundred and eighty-six shall apply with regard to such loan only in respect of the amount, if any, the repayment of which is not provided for by the sinking fund established under the agreement.

(2) The production of a copy of the Gazette containing a notification of an approval of the Governor to the raising of a loan under this section shall in favour of a lender or of any holder of a debenture bond or security purporting to be issued by or on behalf of the council in respect of such loan, be conclusive evidence that the council is authorised to borrow the  
amount

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amount mentioned in the notification in the country and in the currency specified in the notification.

(3) In connection with the raising of any loan under this section, the council may enter into such agreements as the council shall think fit with respect to the form of such debentures or bonds, or for the sale of such debentures or bonds or the granting of an option to purchase such debentures or bonds or for services to be performed by any person in Australia or in any other part of the world in connection with such loan, or with the issue, management, and redemption of or otherwise with respect to such debentures or bonds, and such agreements may be upon such terms and conditions and may contain such provisions for the giving or receipt of consideration as the council shall think fit.

Copies of any such agreement shall be forwarded to the Minister who shall cause the same to be laid before both Houses of Parliament as soon as possible after the loan is raised.

(4) The Governor may upon the recommendation of the council appoint two or more persons to negotiate in any country the terms and conditions of any loan raised outside Australia, and for and on behalf of the council to enter into all such agreements as the council is by this section authorised to enter into, and to sign, execute, or otherwise perfect all such agreements, debentures, or bonds as are by this section provided for, or to enter into all such agreements and execute all such securities and to do all such things as may be necessary or convenient to be done for the purpose of raising any loan under this Act, and may upon the like recommendation revoke or vary any such appointment and make any fresh appointment.

(5)

(5) The production of a copy of the Gazette containing a notification of any such appointment or revocation as aforesaid shall in favour of a lender or of any holder of a security be conclusive evidence of the appointment or revocation.

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Evidence.

(6) All debentures or bonds purporting to be issued under the authority of this section and bearing the signatures of such persons so appointed in that behalf shall be deemed to be securities lawfully issued under seal by the Council of the City of Sydney and shall be deemed to be secured in the manner provided by section one hundred and eighty-two of this Act, and all agreements purporting to be made under the authority of this section and bearing the signatures of such persons shall be deemed to have been lawfully made by the council, and if the same shall purport to have been sealed by such persons to have been lawfully executed by the council under seal.

Securities  
to be  
deemed  
lawfully  
issued.

A holder of any such debenture or bond shall not be bound to inquire whether the issue of such security was in fact duly authorised.

(7) The provisions of this section shall be read and construed cumulatively with the other provisions of this Act which confer borrowing powers on the council.

Provisions  
of section  
to be  
cumulative.

#### *Inscribed Stock.*

200B. The provisions of sections 200C to 200E (both inclusive) of this Act shall apply to and in respect of the City of Sydney and the council of that city and to and in respect of such other areas and the councils thereof to which they are applied from time to time by the Governor by proclamation.

200C. (1) For securing repayment of the principal and interest in respect of any loans raised by a council, the council may, notwithstanding the

Inscribed  
stock.  
cf. Act  
No. 42, 1935,  
s. 53A.

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the provisions of this or any other Act, issue inscribed stock as prescribed and may maintain inscribed stock registries in any country in which the principal is payable.

(2) Inscribed stock shall be transferable in the books of the council in the manner prescribed.

(3) Inscribed stock issued by the council in accordance with the provisions of this section shall be deemed to be included in the general exemptions from stamp duty under Part III of the Stamp Duties Act, 1920, as amended by subsequent Acts, contained in the Second Schedule thereto.

(4) (a) Any trustee, unless expressly forbidden by the instrument (if any) creating the trust, may invest any trust moneys in his hands in stock inscribed by the council, and the investment shall be deemed to be an investment authorised by the Trustee Act, 1925, or any Act amending or replacing the said Act.

(b) Any stock inscribed by the council shall be a lawful investment for any moneys which any company, council or body corporate incorporated by any Act of the Parliament of New South Wales is authorised or directed to invest in addition to any other investment expressly provided for the investment of such moneys.

(c) No notice of any trust expressed, implied or constructive shall be received by the council or by any officer or servant of the same in relation to any stock inscribed by the council.

(5) The council may on the application of any holder of its debentures and subject to such conditions (if any) as may be prescribed, cancel any such debentures so held by him, and may issue to such holder in lieu thereof inscribed  
stock

stock of an equal face value bearing the same rate of interest and repayable upon the date originally fixed for payment of the debentures so cancelled: No. 30, 1948.

Provided that such cancellation and issue of the inscribed stock shall not in any way affect the obligations of the council in relation to any reserve for loan repayment or any sinking fund in respect of the loans, the debentures of which shall have been so cancelled and in like manner and on like application the council may cancel inscribed stock and issue debentures of an equal face value in lieu thereof. The council as holder of any of its own debentures or inscribed stock shall have the like powers as any other holder under this section.

200D. A Registry of Inscribed Stock shall be established at the office of the council and at such other places as the Minister, at the request of the council, may appoint. Registries and registrars. cf. Act No. 42, 1935, s. 55B.

The proper servant of the council or the person for the time being acting in his place shall be the registrar.

The Minister, at the request of the council, may appoint such other persons, whether servants of the council or not, to be deputy registrars or assistant deputy registrars.

200E. Inscribed stock of the council may be purchased by the council out of moneys held as a reserve for the repayment of the loan for which such stock was issued, at or below its face value. Exchange stock, etc. Ibid. s. 55C.

- (h) (i) by inserting in subsection one of section one hundred and eighty-eight immediately before the word "debentures" the words "inscribed stock"; Consequential amendment. Sec. 188. (Security Inscribed stock.)
- (ii)

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- (ii) by inserting in subsection two of the same section immediately before the word "debentures" wherever occurring the words "inscribed stock";
- (iii) by omitting from the same subsection the words "a debenture" wherever occurring and by inserting in lieu thereof the words "inscribed stock or a debenture";
- (iv) by inserting in the same subsection after the word "last-mentioned" the words "inscribed stock";
- (v) by inserting in the same subsection after the words "holder of such" the words "inscribed stock";
- (vi) by inserting in subsection three of the same section immediately before the word "debentures" the words "inscribed stock, or";
- Sec. 193.**  
(Receivers—  
Inscribed  
stock.)
- (vii) by inserting in subsection one of section one hundred and ninety-three immediately before the word "debenture" the words "inscribed stock";
- Sec. 196.**  
(Application  
of moneys by  
Receiver—  
Inscribed  
stock.)
- (viii) by inserting in paragraph (b) of section one hundred and ninety-six immediately before the word "debenture" the words "inscribed stock."
- Sec. 202.**  
(Endowment  
of shires.)
- (i) by inserting at the end of section two hundred and two the following new subsection:—

(6) (a) Any municipality constituted by a union of areas or of areas and parts of areas under Part II of the Local Government (Areas) Act, 1948, which includes the whole or any part of an area which, immediately before such union and constitution was a shire shall be eligible

eligible for endowment under this section in respect of that portion of the united area which comprises the whole or a part of a shire as aforesaid. For the purposes of this section, that portion shall be deemed to be a shire and the council of the municipality shall, in respect of that portion, be deemed to be a shire council. No. 30, 1948.

(b) The City of Greater Wollongong as constituted by proclamation published in the Government Gazette No. 104 of the twelfth day of September one thousand nine hundred and forty-seven shall be eligible for endowment under this section in respect of those portions of the city which immediately before such constitution comprised the shires of Bulli and Central Illawarra. For the purposes of this section those portions shall be deemed to be shires, and the council of the city shall, in respect of those portions, be deemed to be a shire council.

(c) The City of Blue Mountains as constituted by proclamation published in the Government Gazette No. 106 of the nineteenth day of September, one thousand nine hundred and forty-seven shall be eligible for endowment under this section in respect of that portion of the city which immediately before such constitution comprised the shire of Blue Mountains. For the purposes of this section that portion shall be deemed to be a shire and the council of the city shall, in respect of that portion, be deemed to be a shire council.

(d) Where at any time after the first day of January, one thousand nine hundred and forty-nine a municipality is constituted under Part III of this Act and the municipality includes the whole or any part of an area which immediately before such constitution was a shire the municipality shall be eligible for endowment under this section in respect of that portion of its area which comprises the whole or a part of

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a shire as aforesaid. For the purposes of this section, that portion shall be deemed to be a shire, and the council of the municipality shall, in respect of that portion, be deemed to be a shire council.

New Section  
211A.

(j) by inserting next after section two hundred and eleven the following new section:—

211A. (1) This section shall apply to and in respect of the City of Sydney and the council of such city.

Auditor-  
General.

(2) The council may appoint the Auditor-General to audit the accounts of the council and the Auditor-General is hereby authorised to act as auditor in pursuance of any such appointment.

(3) Where the Auditor-General is appointed to audit the accounts of the council the Auditor-General shall in respect of each such audit have all the powers of an auditor under this Act and the provisions of subsections eight and nine of section two hundred and eleven of this Act shall apply to and in respect of the audit by the Auditor-General of the accounts of the council.

(4) Towards defraying the cost and expenses of any audit by the Auditor-General the council shall pay to the Consolidated Revenue Fund the amount involved as certified to by the Auditor-General at such periods as the Minister may decide.

Sec. 290.  
(Control and  
regulation  
ice cream,  
etc.)

(k) by inserting after paragraph (e) of section two hundred and ninety the following new paragraph:

(f) premises for the manufacture and sale of ice cream and similar products.

(1)

- (l) by inserting in section three hundred and four after the definition of "Flat" the following new definitions:—

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Sec. 304.  
(Interpre-  
tation.)

"Party arch" means an arch separating adjoining buildings, storeys, or rooms belonging to different owners or occupied or constructed or adapted to be occupied by different persons, or separating a building from a public road or a private way leading to premises in other occupation.

London  
Building  
Act.

"Party structure" means any partition wall separating vertically, or any partition floor or arch separating horizontally, storeys or rooms in separate occupations approached by distinct staircases or separate entrances from without, or separating a shop from the remaining portion of a building, or separating a building from a public road leading to premises in other occupation: Provided that an external fire escape stairs shall not be deemed a separate entrance when doors opening on to such stairs are capable of being opened from the inside only.

Adelaide  
Building  
Act.

- (m) by inserting next after section 317B the following new Divisions:—

New  
Divisions  
4B and 4C.

DIVISION 4B.—*Special provisions—City of Sydney—  
Fire escapes.*

317C. (1) This Division shall apply to and in respect of the City of Sydney and the Council of such City. Application.

(2) This Division shall apply to and in respect of buildings in the City of Sydney erected or in the course of erection before the first day of January, one thousand nine hundred and thirty-five.

(3)

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Fire escapes.  
 Vict. Act 13  
 Geo. V, No.  
 3267, s. 5.

(3) In this Division "board" means the Board of Appeal constituted under Division 4c of this Part.

317D.(1) If it appears to the council that, in the event of fire, sufficient means of escape or egress or sufficient automatic sprinklers or drenchers are not provided in or in connection with any building the council may by resolution direct—

- (a) that works (including alterations of the building or of any part thereof or of the provision of means of escape or egress);
- (b) that provision of automatic sprinklers or drenchers,

shall be carried out or made in or in connection with such building so as to make reasonably sufficient provision for such means of escape or egress or such automatic sprinklers and drenchers.

(2) The council may in and by any resolution referred to in subsection one of this section direct—

- (a) that the building or any part thereof shall not be used for any purpose; or
- (b) that the building or any part thereof shall not be used for specified purposes,

until the works or any part thereof specified in the resolution or the automatic sprinklers or drenchers specified in the resolution have been carried out or provided in or in connection with such building.

Notice to  
 owners  
*Ibid.* s. 7.

317E. Where the council has passed any resolution referred to in section 317D of this Act in respect of any building, it shall serve upon the owner of the building and upon all

other

other persons, if any, who in the opinion of the council may be affected by the resolution, a notice in writing setting forth the resolution, and stating—

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- (a) that on a date mentioned in the notice (being not less than one month after the service thereof) the person on whom the notice is served or any person on his behalf may appear before the board to raise objections to the resolution of the council;
- (b) that in default of any person so objecting the resolution of the council may be adopted by the board and that such person shall in all respects be finally bound by the adoption;
- (c) that works to be carried out in accordance with the resolution, if adopted, shall be begun at a time to be specified in the notice (not being less than three months after the date of service of the notice) and shall thereafter be completed within such period as may be specified therein;
- (d) that any automatic sprinklers or drenchers directed by the resolution to be provided shall if the resolution is adopted be provided within such period as may be specified in the notice;
- (e) in any case where the resolution contains any direction referred to in subsection two of section 317D that, if the resolution is adopted, the direction shall become operative as from a date to be specified in the notice (not being less than one month after the date of service of the notice).

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Right of  
appearance.  
Vict. Act 13  
Geo. V, No.  
3267,  
s. 7 (2).

317F. The owner of the building and any person who may be affected by a resolution of the council referred to in section 317D of this Act (whether such person has been served with a notice or not) may by himself or by any person on his behalf appear before the board on the date mentioned in the notice or any date to which consideration of the matter is adjourned and object to the resolution or any direction therein but in no case shall it be necessary for notice to be given of any adjournment of such consideration.

Procedure.  
*cf. Ibid.*  
s. 7 (3).

317G. Upon the date mentioned in the notice or on any date to which the consideration of the matter may be adjourned, the board may, if no person objects, adopt the resolution of the council; but if any person objects, the board shall inquire into and consider the matter in the presence of such person if he attends, and after hearing any objections may adopt the resolution with or without modification, or may refuse to adopt it.

Extension  
of time.  
*cf. Ibid.*  
s. 7 (4).

317H. The board at the time of adopting a resolution of the council, with or without modification, may extend the time specified in the notice for beginning or for completing any of the works or for providing any equipment to which the notice relates.

Adoption  
final.  
*cf. Ibid.*  
s. 7 (5).

317I. Upon adoption every person upon whom the notice has been served or who has appeared and raised objections shall in all respects be finally bound by the adoption.

Completion  
of work.

317J. (1) The adoption shall operate as a direction to the owner of the building to begin and complete the works or to provide the equipment therein specified in such manner and within such respective times as may be therein specified.

(2) If such works have not been begun and completed or such equipment has not been provided within such respective times the council may enter upon the building and the land upon which it stands and carry out the works or provide the equipment so far as the same have not been carried out or provided. No. 30, 1948.

(3) The council may remove any materials demolished in carrying out such works to a convenient place and sell the same if and as in its discretion it thinks fit.

(4) Any expenses incurred by the council in connection with such works or sale as aforesaid (less the proceeds, if any, of any such sale) or in connection with such equipment as aforesaid shall be charged against and shall on demand be payable to the council by the owner of the building; and in default of payment the council may (but without prejudice to the owner's right to recover the same from any lessee or other person liable for the expense of repair) recover the amount thereof from such owner in any court of competent jurisdiction as a debt due by such owner to the council.

**DIVISION 4c.—Appeals.**

*Constitution of Board of Appeal.*

317K. This Division shall apply to and in respect of the City of Sydney and the council of such city. Application of Division.

317L. There shall be a Board of Appeal, which in this Division is referred to as "the board." Board of Appeal.

317M. (1) The Governor shall appoint the members of the board, who shall hold, subject to this Division, office for three years. Appointment.

(2) The board shall consist of four members, that is to say— Members.

- (a) one member, who shall be the chairman;
- (b)

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- (b) one member, who shall be an architect selected by the Governor from three architects who shall be nominated by the Royal Australian Institute of Architects;
- (c) one member, who shall be a structural engineer selected by the Governor from three structural engineers who shall be nominated by the Institution of Engineers, Australia;
- (d) one member, who shall be a master builder selected by the Governor from three master builders who shall be nominated by the Master Builders' Association of New South Wales.

(3) A servant of the council shall not be a member of the board.

(4) The persons who, immediately before the first day of January, one thousand nine hundred and forty-nine, hold office as members of the Board of Appeal constituted under Division 4 of Part XX of the Sydney Corporation Act, 1932, as amended by subsequent Acts, shall, subject to this Division, hold office as members of the Board of Appeal constituted under this Division in all respects as if this Division had been in force at the time of their appointment under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and they were appointed under this Division.

Chairman.

317N. (1) The chairman shall preside at the meetings of the board: Provided that in the absence of the chairman from a meeting of the board, the members present at the meeting may elect from amongst their number a vice-chairman to act in the place of the chairman. A vice-chairman when so acting shall have all the powers and authorities of the chairman.

(2)

(2) Where the voting on any question at a meeting of the board is equal the chairman shall have a casting vote in addition to his deliberative vote. No. 30, 1948.

(3) Three members of the board shall form a quorum.

317o. (1) A member of the board shall be disqualified from acting and shall not act as a member on an appeal to the board or on any reference to the board under this Part, with respect to any building of which he is the owner, architect, engineer, or in which he is in any manner, directly or indirectly, interested. Disquali-  
fication.

(2) Where a member is disqualified under this section his place on the board at the hearing of the particular matter to which the disqualification extends shall be taken by a deputy or temporary member of the same profession or calling to be selected by the Lord Mayor and town clerk from the members of the panel hereinafter constituted.

317p. A member of the board, or a member of the panel while he fills the place of a member of the board in accordance with the provisions of section 317o of this Act, shall be entitled to receive from the council such remuneration (whether by way of fees or allowance or otherwise) and such travelling and out-of-pocket expenses as may from time to time be prescribed. Remunera-  
tion of  
members.

317q. (1) There shall be a Board of Appeal Panel, which in this Division is referred to as "the panel." Panel.

(2) The Governor shall appoint the members of the panel, who shall, subject to this Division, hold office for three years.

(3) The panel shall consist of ten members, that is to say—

(a) one member, who shall be known as the deputy chairman of the Board of Appeal;

(b)

No. 30, 1948.

- (b) three members, who shall be architects selected by the Governor from six architects who shall be nominated by the Royal Australian Institute of Architects;
- (c) three members, who shall be structural engineers, selected by the Governor from six structural engineers who shall be nominated by the Institution of Engineers, Australia;
- (d) three members, who shall be master builders selected by the Governor from six master builders who shall be nominated by the Master Builders' Association of New South Wales.

(4) The persons who, immediately before the first day of January, one thousand nine hundred and forty-nine, are members of the Board of Appeal Panel constituted under Division 4 of Part XX of the Sydney Corporation Act, 1932, as amended by subsequent Acts, shall, subject to this Division, hold office as members of the Board of Appeal Panel constituted under this section in all respects as if this Division had been in force at the time of their appointment under the Sydney Corporation Act, 1932, as amended by subsequent Acts, and they were appointed under this section.

Failure of nomination.

317R. (1) Every nomination for the appointment of a person as a member of the board or of the panel shall be made in the manner and within the time prescribed, and shall be accompanied by the written consent of the person nominated to serve on the board or panel, as the case may be, if appointed.

(2) If within the time prescribed the necessary nomination for membership of the board or panel, as the case may be, has not been validly made by the body entitled to make such nomination,

nomination, the Governor may appoint a person or persons, as the case may require, from amongst the members of such body, as representative or representatives of such body on the board or the panel. No. 30, 1948.

317s. (1) A member of the board or of the panel shall cease to hold his office— Cessation  
of term of  
office.

- (a) if he holds any position of profit under or in the gift of the council;
- (b) if he becomes a bankrupt, compounds with his creditors, or makes any assignment of his estate for their benefit;
- (c) if he becomes an insane person or patient, or an incapable person within the meaning of the Lunacy Act, 1898-1946;
- (d) if he is convicted in New South Wales of a felony or of a misdemeanour which is punishable by imprisonment for twelve months or upwards or if he is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or a misdemeanour which is punishable as aforesaid;
- (e) if being summoned he is absent from three consecutive sittings of the board or panel without leave granted by the board or panel;
- (f) if he resigns his office in writing under his hand delivered to the chairman of the board or to the town clerk;
- (g) if he receives notice in writing from the town clerk that he has been removed from office by the Governor.

(2) Upon any vacation of office under this section, the Governor shall forthwith appoint a new member to be nominated in accordance with the provisions of section 317M or section 317Q, as the case may require, to fill the vacant office. (3)

No. 30, 1948.

(3) A person appointed to fill any vacancy occasioned otherwise than by the expiration of the term of office of a member of the board or panel shall, subject to this Division, hold office for the residue of his predecessor's term.

**Declaration.**

317r. Before any member of the board, or any member of the panel who takes the place of a member of the board, acts in such office, he shall make the following declaration before a judge of the Supreme Court or a judge of the District Court or a stipendiary magistrate:—

I, A.B., do solemnly and sincerely declare that I will diligently, faithfully, and impartially execute my duties as a member of the Board of Appeal under Part XI of the Local Government Act, 1919, as amended by subsequent Acts.

*Jurisdiction of Board.*

**Appeal.**

317u. Any party who feels himself aggrieved by any decision of the council under this Part, section 317b excepted, or under any ordinance made thereunder, may appeal to the board.

The person making the appeal shall lodge therewith the fee prescribed for appeals to the board.

**Reference of objections.**

317v. (1) Where in the case of any particular building proposed to be erected the builder or architect thereof lodges with the council an objection in writing to the effect that with respect to that building any of the provisions of the ordinances are inapplicable or will needlessly affect with injury the course and operation of business or will defeat the objects of such ordinances and that by the adoption of a modification of such provisions such objects will be attained either better or as effectually then the objection shall be referred to the board.

(2)

(2) If the board is of the opinion that the objection is well founded it may direct with respect to such building such modification of such provisions to be made as will give effect to the purposes of the said ordinances. No. 30, 1943.

*Procedure.*

317w. Appeals and references to the board shall be made and enforced in the manner prescribed. Procedure.

317x. (1) Subject to this Part and to any ordinances thereunder, every appeal shall be deemed to be a submission to arbitration under the Arbitration Act, 1902, and the provisions of that Act, so far as applicable, shall, mutatis mutandis, apply accordingly. Appeal deemed submission to arbitration.

(2) For the purposes of this Division, the board shall be deemed to be arbitrators within the meaning of the said Act.

317y. On any appeal under this Part the board may— Powers of board.

- (a) if the appellant does not appear at the time appointed for the hearing of the appeal, proceed with the hearing and make its award notwithstanding the absence of any of the parties;
- (b) appoint one of its members to make any inquiry or any survey which appears to it to be necessary or expedient for the purposes of the appeal;
- (c) regulate its own proceedings;
- (d) by its award confirm, amend, vary, or disallow all or any of the decisions appealed from.

317z.

No. 30, 1948.

Minutes.

317z. (1) The board shall—

- (a) keep proper minutes of its proceedings; and
- (b) lodge the same or true copies thereof certified under the hand of the chairman with the town clerk.

(2) Every decision, adoption, or award of the board shall be in writing signed by the members of the board, and a true copy thereof certified under the hand of the chairman shall be lodged with the town clerk, who shall cause the copy lodged with him to be filed in the office of the council.

(3) Any person on payment of the prescribed fee may inspect the copy of the decision, adoption, or award so filed in the office of the council and may take copies thereof or make extracts therefrom.

(4) In any proceedings in any court or before any judge or justice a copy of a decision, adoption, or award of the board shall, if certified under the hand of the chairman, be prima facie evidence of the matters therein contained;

Sec. 318.  
(Ordinances.)

- (n) (i) by omitting paragraph (5) of section three hundred and eighteen and by inserting in lieu thereof the following paragraph:—

(5) fire prevention, fire extinguishing apparatus, and fire escapes in existing and future buildings including the provision and closing of fire resisting doors, shutters and windows, and the keeping of such escapes, fire resisting doors, shutters and windows, free from obstruction.

- (ii) by omitting paragraph (7) of the same section and by inserting in lieu thereof the following paragraph:—

(7) the erection of party walls, party fence walls, party arches, and party structures, and the demolition, alteration, or rebuilding

rebuilding of existing party walls, party fence walls, party arches, and party structures (including in each case the position, design, materials, stability, thickness, and height of the wall or fence wall, or arch or structure, as the case may be) and regulating the erection of fences on or on the boundaries of any land, and the height, materials, stability, design and position of existing fences on or on the boundaries of any land;

- (iii) by omitting paragraph (23) of the same section and by inserting in lieu thereof the following paragraph:—

(23) the testing of building materials and of the foundations of completed or partially completed structures;

- (iv) by omitting from paragraph (24) of the same section the word “and” where lastly occurring;

- (v) by inserting after paragraph (25) of the same section the following new paragraphs:—

(26) requiring the provision, maintenance, and operation of mechanical means of ventilation in buildings in circumstances where satisfactory natural means of ventilation are not provided;

(27) the control and regulation of the placing, stacking or storing in, upon, or near a building, of timber, lathwood, firewood, casks, barrels, cases of inflammable matter, and the erection of incinerators, chimneys, heating appliances, cooling towers and the like in, upon or near a building;

(28) the construction, design, material, position and supports of water tanks over five hundred gallons within or over or about any building;

(29)

No. 30, 1948.

(29) controlling, and regulating (notwithstanding anything contained in the City of Sydney Improvement Act as amended by any Act including this Act) the projections into and construction in any public road of the footings and foundations of buildings (including buildings erected by the council itself) beyond the building line of such public road and the reservations and conditions upon and subject to which such footings and foundations may be so projected;

(30) preventing the making of openings in external walls of a building abutting on the lands of other owners without the consent of such owners;

(31) the erection of scaffolding over any building now erected or hereafter to be erected for the purpose of building operations on any adjoining building;

(32) authorising the board, constituted under Division 4c of this Part to obtain with the consent of the Council of the City of Sydney the services of architects, consulting engineers, and other experts of not less than five years' standing for the purpose of assisting it in giving effect to this Part.

Sec. 319.  
(Additional  
provisions  
re ordin-  
ances.)

(o) (i) by inserting after paragraph (c) of section three hundred and nineteen the following new paragraph—

(d) for dispensing upon such terms as the council thinks fit with any of the requirements thereof which are inapplicable, or in the opinion of the council or of the proper servant, inappropriate, and where the objects of the ordinance can be obtained by the adoption of any other suitable means;

(ii)

- (ii) by inserting at the end of the same section No. 30, 1948. the following new subsections:—

(2) Any such ordinance may adopt wholly or partially or by reference any of the standard rules recommended or adopted by the British Standards Institution or the Standards Association of Australia relating to the matter with which the ordinance deals.

(3) Fees referred to in paragraph (c) of subsection one of section three hundred and twelve of this Act as prescribed by any such ordinance may vary according to the class of building, the nature of the erection, the contract price, or the cost of the erection as estimated by the council, or otherwise. The fees so prescribed may include an amount calculated according to the scale prescribed to cover the cost of checking computations in connection with the erection of the building: Provided that in no case shall the total amount of fees payable upon the application for the approval of the council under section three hundred and twelve exceed four hundred pounds.

- (p) by inserting at the end of section three hundred and forty-one the following new subsection:—

Sec. 341.  
(Town  
Planning  
Appeals.)

(6) The provisions of this section relating to appeals against the decisions of the council on applications for approval to erect any building shall not apply to or in respect of any such decisions made by the Council of the City of Sydney.

- (q) (i) by omitting from paragraph (a) of subsection one of section 342A the words “and to the City of Sydney”;

Sec. 342A.  
Application  
of Part  
XIIA.)

- (ii) by omitting subsection two of the same section;

(r)

**Local Government (Areas) Act.**

- No. 30, 1948.**
- Sec. 342o.**  
(Carrying prescribed schemes into effect.)
- (r) by omitting from paragraph (e) of section 342o the words "or, in the City of Sydney, the Sydney Corporation Act, 1932, as amended by subsequent Acts,";
- Sec. 342AA.**  
(Constitution of Cumberland County Council.)
- (s) by omitting from paragraph (a) of subsection one of section 342AA the words and symbols "(including the City of Sydney)";
- Sec. 342AC.**  
(Compensation.)
- (t) by omitting from subsection three of section 342AC the words "or the Sydney Corporation Act, 1932, as amended by subsequent Acts";
- Sec. 342AF.**  
(Valuation of betterment.)
- (u) by omitting from subsection three of section 342AF the words "or the Sydney Corporation Act, 1932, as amended by subsequent Acts";
- Sec. 342AH.**  
(Powers of Minister in case of default by councils.)
- (v) by omitting from subsection five of section 342AH the words "or as a loan for essential purposes in accordance with the provisions of the Sydney Corporation Act, 1932, as amended by subsequent Acts, as the case may require";
- Sec. 342AP.**
- (w) by omitting from section 342AP the words and symbols "(or loan for essential services in the case of the Municipal Council of Sydney)";
- Sec. 342AQ.**  
(Town and Country Planning Fund.)
- (x) (i) by omitting from subsection one of section 342AQ the words and symbols "(other than the Municipal Council of Sydney)";
- (ii) by omitting from the same subsection the words "and the Municipal Council of Sydney shall open a separate account within the City Fund to be known as the Town Planning Account";
- (iii) by omitting from the same subsection the words "or separate account, as the case may be";
- (iv) by omitting from paragraph (f) of the same subsection the words "or City Fund, as the case may be";
- (v) by omitting from subsection two of the same section the words "or separate account, as the case may be";
- (vi)

(vi) by omitting from paragraph (d) of the same subsection the words "or the Sydney Corporation Act, 1932, as amended by subsequent Acts, as the case may be"; No. 30, 1948.

(y) by inserting next after section three hundred and forty-nine the following new section:— New sec. 349A.

349A. The Council of the City of Sydney shall undertake the lighting of the Domain and the illumination of the Shakespearean statue while remaining therein. Lighting Domain.

(z) by inserting next after section three hundred and sixty-five the following new section:— New sec. 365A.

365A. (1) This section shall apply to and in respect of the City of Sydney and the council thereof. Control of Cenotaph, monuments and the like.

(2) The Council may control, manage, regulate, maintain and protect all public monuments, memorials, statues and the like erected or placed in any public road in the City of Sydney either before or after the commencement of the Local Government (Areas) Act, 1948, and whether such monuments, memorials, or statues were erected or placed by the council or by the Crown or by any other authority or person. cf. Act No. 58, 1932, s. 114A.

(3) Ordinances may be made for carrying into effect the provisions of this section and in particular for and with respect to—

- (a) regulating the use of any such monument, memorial or statue;
- (b) preventing persons from lying, standing, sitting, walking, running, or climbing in or upon or about such monument, memorial or statue;
- (c) regulating and prohibiting the placing of vehicles, goods, articles, or things in or upon or about any such monument, memorial or statue or near or adjacent thereto;
- (d)

No. 30, 1946.

- (d) regulating and prohibiting the exhibition or affixing of advertisements, placards, posters or papers in or upon or about any such monument, memorial or statue, or near or adjacent thereto;
- (e) the protection and preservation of such monuments, memorials and statues, and securing the observance of respect in relation thereto.

(4) Any ordinance made under the authority of this section may apply either generally to all such monuments, memorials and statues, or to any particular monument, memorial or statue or class thereof.

(5) A reference in this section to a monument, memorial or statue shall include a reference to the Cenotaph, situated in Martin Place in the City of Sydney.

(6) The Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) shall be deemed to be the guardian of the said Cenotaph. There shall be a custodian of the Cenotaph who shall be the person nominated by the Returned Sailors, Soldiers and Airmen's Imperial League of Australia (New South Wales Branch) and appointed for that purpose by the council.

(7) A reference in paragraph (b) of section five hundred and ninety-one of this Act to "any other servant of the council appointed generally or in respect of any special proceeding" shall in the case of any complaint or legal proceedings for the breach of any provision relating to the Cenotaph of any ordinance under this Act, be deemed to include a reference to the custodian of the Cenotaph.

Sec. 522.  
(Boundary roads, bridges and ferries to be maintained at expense of adjoining areas.)

(aa) by omitting paragraph (b) of subsection five of section five hundred and twenty-two;

(ab)

(ab) by omitting from section 528B the words “including the Municipal Council of Sydney”;

No. 30, 1948.

Sec. 528B.  
(Councils as  
collecting  
agents for  
other  
councils.)

(ac) by inserting next after Part XXIV the following new Part:—

New Part  
XXIV A.

PART XXIV A.

LOCAL DISTRICTS.

DIVISION 1.—*Application of this Part.*

530B. Subject to the provisions of this Act— Application.

- (a) this Part shall apply to and in respect of those municipalities which are constituted under Part II of the Local Government (Areas) Act, 1948, and to and in respect of any other municipalities to which it may be applied from time to time by the Governor by proclamation;
- (b) the powers and duties conferred and imposed upon a council under this Part shall apply in respect of each municipality to the council thereof;
- (c) the powers and duties conferred and imposed upon a district committee under this Part shall apply in respect of each local district to the district committee thereof.

DIVISION 2.—*Creation and abolition.*

530c. (1) The council may by resolution declare that any portion of the municipality defined in the resolution shall be established as a local district, and may by like resolution abolish such local district. Local districts.

(2) A resolution establishing a portion of a municipality as a local district or abolishing a local district shall be published in the Gazette and in a newspaper.

(3)

No. 30, 1948.

(3) The council may give a name to a local district and may alter the name so given.

(4) For every local district there shall be a district committee consisting partly of members of the council appointed by resolution in that behalf and partly of persons who are not members of the council and who shall be elected by the electors of the local district.

(5) The number of committeemen who shall constitute a district committee shall be as determined from time to time by the council. The council shall also determine the number of members of the council who shall be appointed by the council to a district committee and the number of other persons who shall be elected to such committee.

(6) A district committee may with the approval of the council co-opt persons as members of such committee but the number of co-opted members shall not at any time exceed twenty-five per centum of the number of committeemen exclusive of the co-opted members.

A co-opted member may participate in the deliberations and discussions of the district committee and may vote on any question which is before the committee for determination.

(7) Within a reasonable time after the establishment of a local district the council shall—

- (a) cause local district rolls of electors to be compiled by transcribing from the rolls of electors for the municipality the names of persons whose qualification for enrolment as stated therein is in respect of land or a place of living which is situated within the local district; and
- (b) arrange for and hold an election of those members of a district committee who are to be elected by the electors of the local district.

(8)

(8) The provisions of Divisions 6, 7, 8, 9 and 10 of Part IV and the provisions of Part V of this Act applicable to municipalities and to aldermen shall, subject to such modifications as may be prescribed by ordinance or necessarily implied, apply *mutatis mutandis* to local districts and district committeemen; but local districts shall not be divided into wards.

(9) A district committee may elect one of its members to be its chairman.

(10) Subject to the provisions of this Act a district committee shall retire from office at the time prescribed for the general retirement of aldermen and the members of the succeeding committee who are to be elected by the electors of the local district shall be elected at the time of election of the council of the municipality.

(11) If a vacancy in the office of an elected district committeeman continue after the time prescribed for election thereto, the council may appoint any qualified person to the vacant office.

(12) Where a local district has been abolished the district committee of that local district shall be deemed to be dissolved.

530D. (1) The council may delegate to a district committee of a local district the care, control and management of any work, park, reserve, cemetery or undertaking under the control of the council which is situated within the local district and may authorise the district committee to exercise or perform on behalf of the council any power, authority, duty or function of the council for or in relation to the local district and to expend such moneys as the council may vote:

Powers of district committee.

Provided that the council shall not authorise the district committee to exercise or perform on behalf

No. 30, 1948.

behalf of the council any power, authority, duty or function relating to—

- (a) the making of any rate or the borrowing of any moneys;
- (b) the voting of moneys for expenditure on the works, services or operations of the council;
- (c) the resumption, purchase, sale, exchange, leasing, or surrender of any land or other property or the granting of any lease of land;
- (d) the acceptance of tenders;
- (e) any other matter which may be prescribed.

(2) The district committee in the care, control and management of any work, park, reserve, cemetery or undertaking which is delegated to it or when acting in the exercise of any such authority and within its scope shall be deemed to be the council.

District committee to make estimate of sums required. cf. sec. 550.

530E. (1) A district committee shall at such time in each year as the council may fix make an estimate of the sum or sums required for the purposes of this Act within the local district and make a written request to the council for the payment of such sum or sums.

(2) Any moneys which the council may decide to pay to the district committee, may be paid from the general fund or where the council levies a local rate upon lands within the local district, may be paid out of the local fund kept in respect of such local rate.

(3) All moneys which the council decides to pay to a district committee shall be paid to an account in the name of the district committee at some bank named by such committee and may be expended by the district committee only for the purposes for which the money was so paid to it.

530F.

530F. A district committee shall not (except No. 30, 1948. with the written consent of the council) incur Limitation any liability for expenditure in excess of the cash of in the bank to its credit. expenditure.

530G. (1) A district committee may not sue Suing. or be sued.

(2) Any legal proceedings which but for this section would be brought by or against such district committee shall be brought by or against the council.

530H. Notwithstanding anything contained in Accounts of section 530E of this Act, the accounts of the district district committee may at the request of the district committees. committee be kept by the council and the district committee may authorise the mayor and clerk or the clerk and any other specified servant of the council to draw cheques upon its bank accounts for the purpose of meeting expenditure authorised by the district committee.

### DIVISION 3.—*Ordinances.*

Ordinances.

530I. (1) Ordinances may be made for carrying this Part into effect and in particular for and with respect to—

- (a) meetings of a district committee;
- (b) the keeping and furnishing of accounts;
- (c) the signing of cheques;
- (d) the powers of the chairman of a district committee;
- (e) the circumstances under which the chairman of a district committee may give a casting vote in addition to an original vote;

(f)

No. 30, 1948.

(f) the cases in which district committeemen shall not vote by reason of pecuniary interest or the interest of their relations or their wives' or husbands' relations;

(g) the undertaking and supervision by the engineer of the council of work for a district committee and requiring such committee to avail itself of the engineer's services;

(h) applying, mutatis mutandis, to district committees (subject to the provisions of this Part) any of the provisions of this Act relating to councils.

(2) The provisions of Part XXX relating to the making, alteration, rescission and enforcement of ordinances shall apply, mutatis mutandis, to this Part and to local districts as if they were municipalities.

Sec. 548.  
(Urban  
committees.)

(ad) by omitting subsection five of section five hundred and forty-eight;

(ae) by inserting after the word "council" in paragraph (c) of sub-paragraph (i) of paragraph (m) of subsection one of section 564B the following proviso—

provided that such salary or wages shall not be reduced for a period of at least two years from date of such transfer except to the extent necessary to give effect to any fluctuation in the needs basic wage as defined in the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

Sec. 654.  
(Disputes  
between  
councils,  
etc., may be  
submitted to  
Minister.)

(af) by omitting subsection six of section six hundred and fifty-four.

DIVISION

DIVISION 4.—*Amendments of Fire Brigades Act, 1909-1944.* No. 30, 1948.

27. (1) The Fire Brigades Act, 1909-1944, is amended—

- (a) by omitting from the definition of "Municipality" in section five the words "and includes the City of Sydney"; Amendment of Act No. 9, 1909.  
Sec. 5.  
(Definitions.)
- (b) (i) by omitting from subsection one of section thirty-five the words "according to the fair average annual value in the case of the City of Sydney, and"; Sec. 35.  
(Contribution by municipalities and shires.)
- (ii) by omitting from the same subsection the words "in the case of any other municipality or of a shire";
- (iii) by omitting from subsection two of the same section the words "out of the city fund in the case of the City of Sydney, and out of the general fund in the case of a municipality under the Local Government Act, 1919, or a shire", and by inserting in lieu thereof the words "out of the general fund";
- (c) by omitting from section thirty-eight the words "fair average annual value or assessed annual value, as the case may be" and by inserting in lieu thereof the words "assessed annual value"; Sec. 38.  
(Returns by municipalities.)
- (d) (i) by omitting Part I of Schedule One and by inserting in lieu thereof the following Part— Schedule One.

## PART I.

*Metropolitan Municipalities.*

Sydney,	Canterbury,
Parramatta,	Concord,
Ashfield,	Drummoyne,
Auburn,	Fairfield,
Bankstown,	Holroyd,
Botany,	Hunter's Hill,
Burwood,	Hurstville,
	Kogarah,

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Kogarah,	North Sydney,
Ku-ring-gai,	Randwick,
Lane Cove,	Rockdale,
Leichhardt,	Ryde,
Liverpool,	Strathfield,
Manly,	Waverley,
Marrickville,	Willoughby,
Mosman,	Woollahra.

*Metropolitan Shires.*

Baulkham Hills,	Hornsby,
Blacktown,	Sutherland,
	Warringah.

- (ii) by omitting from Part II of the same Schedule the word "Richmond."
- (iii) by omitting from Part II of the same Schedule the words "Cabramatta-Canley Vale";
- (iv) by omitting from Part II of the same Schedule the word "Liverpool";
- (v) by omitting from Part II of the same Schedule the words "St. Mary's".

(2) Notwithstanding anything contained in this Act, each fire district as constituted immediately before the appointed day, shall, until the same is dissolved or the boundaries thereof are altered under or in pursuance of the Fire Brigades Act, 1909, as amended by subsequent Acts, continue to be a fire district for the purposes of that Act as so amended.

In this subsection "fire district" has the meaning ascribed to that expression in the Fire Brigades Act, 1909, as amended by subsequent Acts.

(3) The provisions of section ten of the Fire Brigades Act, 1909, as amended by subsequent Acts, shall not apply to or in respect of a member of the Board of Fire Commissioners of New South Wales who, immediately before the appointed day was an alderman or councillor

councillor of any council which is dissolved under Part No. 30, 1948, II of this Act.

(4) The Fire Brigades Act, 1909, as amended by subsequent Acts and by this section, may be cited as the Fire Brigades Act, 1909-1948.

DIVISION 5.—*Amendments of Electricity Development Act, 1945.*

28. (1) The Electricity Development Act, 1945, is amended by omitting from paragraph (d) of subsection three of section five the words "or the Sydney Corporation Act, 1932, or any Act amending such Acts" and by inserting in lieu thereof the words "or any Act amending that Act";

Amendment of Act No. 13, 1946. Sec. 5. (Constitution of authority.)

(2) The provisions of subparagraph (ii) of paragraph (a) of subsection six of section five of the Electricity Development Act, 1945, shall not apply to or in respect of any member of the Electricity Authority of New South Wales referred to in subparagraph (ii) of paragraph (d) of subsection one of that section, who immediately before the appointed day is qualified for such membership by virtue of his being a member of a council which is dissolved under Part II of this Act.

(3) The Electricity Development Act, 1945, as amended by this section, may be cited as the Electricity Development Act, 1945-1948.

DIVISION 6.—*Amendments of Metropolitan Water, Sewerage, and Drainage Act, 1924-1945.*

29. (1) The Metropolitan Water, Sewerage and Drainage Act, 1924-1945, is amended—

Amendment of Act No. 50, 1924.

(a) by omitting from section four the definition of "Municipality", and by inserting in lieu thereof the following definition—

Sec. 4. (Definitions.)

"Municipality" means municipality within the meaning of the Local Government Act, 1919, as amended by subsequent Acts.

(b)

**Local Government (Areas) Act.****No. 30, 1948.****Sec. 8.**  
(Constituencies.)

(b) (i) by omitting subsection one of section eight and by inserting in lieu thereof the following subsection:—

(1) The elected members shall be elected for constituencies which shall each return the number of members indicated in the Second Schedule.

(ii) by omitting from subsection five of the same section the words “and shall include the City of Sydney”;

**Sec. 19.**  
(Consequential amendment.)

(c) by omitting from subsection four of section nineteen the words “or the Sydney Corporation Act, 1932.”

**Sec. 88.**  
(Lands exempted from rates.)

(d) by omitting from paragraph (1) of subsection one of section eighty-eight the words “or the Sydney Corporation Act, 1932, or any amendment of the said Acts” and by inserting in lieu thereof the words “or any amendment thereof”;

**Sec. 96.**  
(Basis of rating.)

(e) by omitting from subsection eight of section ninety-six the words “the Sydney Corporation Act, 1932”;

**Sec. 97.**  
(Valuations.)

(f) (i) by omitting from subsection one of section ninety-seven the words “the Sydney Corporation Act, 1932, or any amendment thereof, or”;

(ii) by omitting from subsection four of the same section the words “the Sydney Corporation Act, 1932”;

**Sec. 111.**  
(Annual statements.)

(g) by omitting from subsection two of section one hundred and eleven the words “the Municipal Council of Sydney and to”.

(h)

(h) by omitting the Second Schedule, and by inserting in lieu thereof the following Schedule:—

No. 30, 1948.  
Second  
Schedule.  
Sec. 8.

SECOND SCHEDULE.

Constituencies.	Areas.	Number of members to be elected.
First .....	{ Sydney .. .. } { Marrickville .. .. }	1
Second ...	{ Waverley .. .. } { Botany .. .. } { Kogarah .. .. } { Canterbury .. .. } { Woollahra .. .. } { Randwick .. .. } { Rockdale .. .. } { Hurstville .. .. }	1
Third .....	{ Ashfield .. .. } { Burwood .. .. } { Concord .. .. } { Auburn .. .. } { Leichhardt .. .. } { Strathfield .. .. } { Drummoyne .. .. } { Bankstown .. .. }	1
Fourth .....	{ Warringah .. .. } { Mosman .. .. } { Willoughby .. .. } { Lane Cove .. .. } { Hornsby .. .. } { Manly .. .. } { North Sydney .. .. } { Ku-ring-gai .. .. } { Hunter's Hill .. .. } { Ryde .. .. }	1
Fifth .....	{ Baulkham Hills .. .. } { Colo .. .. } { Greater Wollongong .. .. } { Liverpool .. .. } { Wollondilly .. .. } { Parramatta .. .. } { Penrith .. .. } { Blacktown .. .. } { Fairfield .. .. } { Camden .. .. } { Campbelltown .. .. } { Sutherland .. .. }	1

SECOND

No. 30, 1948.

SECOND SCHEDULE—*continued.*

Constituencies.	Areas.	Number of members to be elected.
Fifth—ctd.	Holroyd    ..    ..    .. Windsor    ..    ..    .. That part of Shellharbour which is described in a proclamation issued by the Governor under this Act, declaring that part to be within the area of operations of the Board, which proclamation is pub- lished in the Gazette Number 19 of 23rd Febru- ary, 1945.	

(2) (a) The repeal and substitution of the Second Schedule to the Metropolitan Water, Sewerage, and Drainage Act, 1924-1945, effected by subsection one of this section shall not affect the term of office of any elected member of the Metropolitan Water, Sewerage and Drainage Board who holds office as such immediately before the appointed day. And if an extraordinary vacancy shall occur in the office of any such elected member during his term, the vacancy shall be filled at an election which shall be held in and for that constituency described in the substituted Schedule which under this subsection is deemed to correspond with the constituency as described in the repealed Schedule in and for which an election to fill the vacancy would have been held if subsection one of this section had not been enacted.

(b) For the purposes of this subsection—

- (i) The First constituency as described in the substituted Schedule shall be deemed to correspond with the First constituency as described in the repealed Schedule.
- (ii) The Second constituency as described in the substituted Schedule shall be deemed to correspond with the Second constituency as described in the repealed Schedule.

(iii)

- (iii) The Third constituency as described in the substituted Schedule shall be deemed to correspond with the Third constituency as described in the repealed Schedule. No. 30, 1948.
- (iv) The Fourth constituency as described in the substituted Schedule shall be deemed to correspond with the Fourth constituency as described in the repealed Schedule.
- (v) The Fifth constituency as described in the substituted Schedule shall be deemed to correspond with the Fifth constituency as described in the repealed Schedule.

(c) In this subsection—

“Repealed Schedule” means the Second Schedule to the Metropolitan Water, Sewerage, and Drainage Act, 1924-1945, the omission of which is effected by paragraph (h) of subsection one of this section.

“Substituted Schedule” means the Second Schedule to the Metropolitan Water, Sewerage, and Drainage Act, 1924-1948, which is directed by paragraph (h) of subsection one of this section to be inserted in the Metropolitan Water, Sewerage, and Drainage Act, 1924-1945, in lieu of the repealed Schedule.

(3) (a) Notwithstanding anything contained in the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act the councils of the united areas of Windsor and Penrith constituted under Part II of this Act and the council of the shire of Wollondilly may each maintain, control, manage and extend the works of water supply and sewerage which immediately before the appointed day were respectively maintained, controlled and managed by the councils of the municipalities of Windsor and Penrith as then constituted and by the council of the shire of Wollondilly and

the

**No. 30, 1948.** the provisions of the Principal Act shall continue to apply to and in respect of such works in all respects as if this Act had not been enacted:

Provided that the council of the united area of Windsor, the council of the united area of Penrith and the council of the shire of Wollondilly shall not without the consent of the Metropolitan Water, Sewerage, and Drainage Board supply water or extend or connect its sewers to any place outside that portion of its area which immediately before the appointed day was supplied or served by the works of water supply or sewerage respectively maintained, controlled and managed by the councils of the municipalities of Windsor and Penrith as then constituted or by the council of the shire of Wollondilly.

(b) Without prejudice to the provisions of paragraph (a) of this subsection the united areas of Windsor and Penrith constituted under Part II of this Act and the shire of Wollondilly shall for all purposes of the Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this Act, be deemed to be within the area of operations of the Metropolitan Water, Sewerage, and Drainage Board and be wholly included in a constituency pursuant to that Act.

Provided that the Metropolitan Water, Sewerage, and Drainage Board shall not without the consent of the council of the united area of Windsor or of the council of the united area of Penrith respectively supply water or extend or connect its sewers within that part of the united area of Windsor or within that part of the united area of Penrith which respectively represented the area of the municipality of Windsor or the area of the municipality of Penrith as constituted immediately before the first day of January, one thousand nine hundred and forty-nine.

(4) The Metropolitan Water, Sewerage, and Drainage Act, 1924, as amended by subsequent Acts and by this section, may be cited as the Metropolitan Water, Sewerage, and Drainage Act, 1924-1948.

**DIVISION**

DIVISION 7.—*Amendments of Gas and Electricity Act, No. 30, 1948.*  
1935-1946.

**30.** (1) The Gas and Electricity Act, 1935-1946, is amended—

(a) by omitting subsection two of section thirty-nine; Amendment of Act No. 42, 1935.  
Sec. 39.  
(City of Sydney.)

(b) by omitting subsection one of section forty and by inserting in lieu thereof the following new subsection:— Sec. 40.  
(Constitution of the Sydney County District.)

(1) (a) On the first day of January, one thousand nine hundred and forty-nine the Sydney County District shall be reconstituted, as provided in this subsection. Sydney County District.

(b) For the purposes of this Part, the areas and parts of areas specified or described in Schedule Six to this Act are constituted a County District under the name of “the Sydney County District”.

(c) by inserting next after section forty-one the following new section:— New Sec. 41A.

41A. Upon a day to be appointed by the Governor and notified by proclamation published in the Gazette, the Sydney County Council shall be reconstituted and shall thereafter consist of nine members who shall be elected as in this Part provided. Reconstitution of Sydney County Council.

The day so appointed shall not be later than the thirtieth day of March, one thousand nine hundred and forty-nine.

(d) by omitting from subsection two of section forty-five the words “the Sydney Corporation Act, 1932-1940, or any Act amending or replacing that Act, for the general election of aldermen of the City of Sydney” and by inserting in lieu thereof the words “the Principal Act for the ordinary election of aldermen of the City of Sydney”; Sec. 45.  
(Ordinary elections.)

(c)

**Local Government (Areas) Act.****No. 30, 1948.****Sec. 47.****(Transfer.)**

- (e) by omitting from subsection one of section forty-seven the words "and shall have the power conferred on the said Municipal Council of Sydney by section two hundred and ninety-three of the Sydney Corporation Act, 1932-1934";

**Sec. 51.****(Powers and authorities of Sydney County Council.)****cf. Act No. 58, 1932, s. 293.**

- (f) by inserting after subsection one of section fifty-one the following new subsection:—

(1A) The Sydney County Council in the exercise of its powers to generate and supply electricity conferred by the Municipal Council of Sydney Electric Lighting Act, 1896-1935, may sell to any person such steam as is raised at its generating stations and is not required for the purpose of generating electricity and may enter into contracts for the supply and delivery of such steam.

**Sec. 80.****(Joint Committee.)**

- (g) by inserting after subsection two of section eighty the following new subsection:—

(2A) On the first day of January, one thousand nine hundred and forty-nine, the joint committee referred to in subsection two of this section shall be reconstituted and shall thereafter consist of three persons one of whom shall be appointed by the council of the Municipality of Ashfield, one by the council of the Municipality of Leichhardt, and one jointly by the Councils of the City of Sydney and the Municipality of Marrickville.

A person shall not be qualified to be so appointed by any such council unless he is an alderman of one of such councils.

The joint committee shall appoint a servant of one of such councils to be the executive officer of the joint committee.

The joint committee shall notify the said corporation of the name and address of the executive officer.

(h)

- (h) by omitting from paragraph (a) of subsection four of section eighty-one the words "or the City of Sydney";
- (i) by inserting next after Schedule Five the following new Schedule:—

No. 30, 1948.

Sec. 81.

Application  
of regula-  
tions.)New  
Schedule  
Six.

## SCHEDULE SIX.

Sec. 40.

*Areas and parts of areas which constitute the Sydney County District:*

City of Sydney, except that part which represented the area of the Municipality of Newtown as constituted immediately before 1st January, 1949.

Auburn.

Botany.

Burwood.

Canterbury.

Concord.

Drummoyne.

Hunter's Hill.

Ku-ring-gai.

Lane Cove.

Leichhardt except those parts which immediately before 1st January, 1949, were included in the areas as then constituted of the Municipality of Balmain, and the Municipality of Leichhardt.

Marrickville except that part which immediately before 1st January, 1949, was included in the Municipality of Petersham.

Mosman.

North Sydney.

Parramatta 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.

Randwick.

Ryde

**Local Government (Areas) Act.****No. 30, 1948.**

Ryde except that part which represented the area of the Municipality of Eastwood as constituted immediately before 1st January, 1949.

Strathfield.

Waverley.

Willoughby.

Woollahra.

**Further amendment of Act No. 42, 1935. (Reconstitution of Council.)**

(2) (a) For the purposes only of the reconstitution of the Sydney County Council pursuant to section 41A of the Gas and Electricity Act, 1935-1948, as inserted by subsection one of this section, and of any matters necessary for or incidental to such reconstitution, the provisions of this subsection shall commence upon the first day of January, one thousand nine hundred and forty-nine.

Upon the day appointed by the Governor under the said section 41A of the Gas and Electricity Act, 1935-1948, this subsection shall have full force and effect for all purposes.

**Amendment of Act No. 42, 1935.**

(b) The Gas and Electricity Act, 1935-1946, is amended—

**Sec. 42. (Number of councillors.)**

(i) by omitting subsection one of section forty-two;

**Sec. 43. (Electors.)**

(ii) by omitting from subsection one of section forty-three the words “and/or councillors”;

(iii) by omitting from subsection two of section forty-three the words “or councillor”;

**Sec. 45. (First election.)**

(iv) by omitting subsection one of section forty-five, and by inserting in lieu thereof the following subsection:—

**First election.**

(1) The first ordinary election of councillors for the reconstitution of the council pursuant to section 41A of this Act shall be held upon the day appointed by the Governor under that section.

(v) by omitting Schedule Three, and by inserting in No. 30, 1948. lieu thereof the following Schedule:—

Substituted  
Schedule  
Three.

SCHEDULE THREE.

Constituencies.	Area.	Number of councillors to be elected.														
First .....	City of Sydney .. ..	3														
Second ...	<table border="0"> <tr> <td rowspan="6" style="vertical-align: middle;">{</td> <td>Auburn .. ..</td> <td rowspan="6" style="vertical-align: middle;">}</td> </tr> <tr> <td>Burwood .. ..</td> </tr> <tr> <td>Canterbury .. ..</td> </tr> <tr> <td>Concord .. ..</td> </tr> <tr> <td>Drummoyne .. ..</td> </tr> <tr> <td>Leichhardt .. ..</td> </tr> <tr> <td></td> <td>Marrickville .. ..</td> <td></td> </tr> <tr> <td></td> <td>Strathfield .. ..</td> <td></td> </tr> </table>	{	Auburn .. ..	}	Burwood .. ..	Canterbury .. ..	Concord .. ..	Drummoyne .. ..	Leichhardt .. ..		Marrickville .. ..			Strathfield .. ..		2
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{	Hunter's Hill .. ..		}													
	Ku-ring-gai .. ..															
	Lane Cove .. ..															
	Mosman .. ..															
	North Sydney .. ..															
	Parramatta .. ..															
	Ryde .. ..															
	Willoughby .. ..															

(3) (a) This subsection shall commence upon the fourth day of December, one thousand nine hundred and forty-eight.

(b) The ordinary election of councillors of the Sydney County Council which would be required by subsection two of section forty-five of the Gas and Electricity Act, 1935-1946, to be held within two months after the first Saturday in December, one thousand nine hundred and forty-eight, if this section had not been enacted, shall not be held.

(c) The councillors of the Sydney County Council who hold office as such immediately before the first

o. 30, 1948. first Saturday in December, one thousand nine hundred and forty-eight may continue to hold such office until the day appointed by the Governor for the reconstitution of the said council pursuant to section 41A of the Gas and Electricity Act, 1935-1948, as inserted by subsection one of this section, and on the day so appointed shall cease to hold such office. But nothing in this paragraph shall be construed to render any such councillor ineligible for election to the Sydney County Council as so reconstituted.

(4) Nothing contained in this section shall prejudice or affect in any way the continuity of the body corporate established under the Gas and Electricity Act, 1935-1946, and the Principal Act in the name of the Sydney County Council, but such body corporate shall continue notwithstanding the provisions of this section.

(5) (a) Notwithstanding the reconstitution of the Sydney County District effected by subsection one of section forty of the Gas and Electricity Act, 1935-1948, as inserted by subsection one of this section the Sydney County Council may, subject to the provisions of paragraph (b) of this subsection continue to exercise the powers and perform the duties conferred and imposed upon the Sydney County Council by Part VI of the Gas and Electricity Act, 1935-1946, in any part of a municipality constituted under Part II of this Act which immediately before the appointed day was included within the Sydney County District as then constituted but is not included within that District as so reconstituted.

(b) The Sydney County Council and the council of any municipality referred to in paragraph (a) of this subsection shall within a period of six months after the appointed day or within such further period as the Minister may allow, confer together and enter into an agreement which shall provide either—

(i) that the Sydney County Council may continue to exercise the powers or perform the duties referred to in the part of the municipality concerned; or

(ii)

(ii) that the council of the municipality concerned may acquire any part of the electricity trading undertaking of the Sydney County Council which is being conducted within its area. No. 30, 1948.

(c) If the Sydney County Council and a council of any municipality concerned fail to enter into an agreement in accordance with paragraph (b) of this subsection a difference within the meaning of section six hundred and fifty-four of the Principal Act shall be deemed to have arisen.

(6) The Gas and Electricity Act, 1935-1946, as amended by this section may be cited as the Gas and Electricity Act, 1935-1948.

DIVISION 8.—*Amendments of Valuation of Land Act, 1916.*

**31.** The Valuation of Land Act, 1916, as amended by subsequent Acts, is amended— Amendment of Act No. 2, 1916.

(a) (i) by omitting from the definition of "Council" in subsection one of section four the words "and includes the Municipal Council of Sydney"; Sec. 4. (Definitions.)

(ii) by omitting from the same subsection the definition of "Municipality";

(b) by omitting from section forty-seven the words "The Municipal Council of Sydney"; Sec. 47. (Rating or taxing authorities— Definition of.)

(c) by omitting from paragraph (a) of subsection one of section fifty-eight the words and figures "and the Sydney Corporation Act, 1932"; Sec. 58. (Unimproved value for purposes of other Acts.)

(d) by omitting paragraph (b) of subsection one of section sixty; Sec. 60. (Assessed annual value.)

(e) by omitting from subsection one of section sixty-eight the words and figures "the Sydney Corporation Act, 1932"; Sec. 68. (Valuation for resumption purposes.)

DIVISION

**No. 30, 1948.** DIVISION 9.—*Amendments of Library Act, 1939.*

Application  
of Library  
Act, 1939.

**32.** (1) (a) Where the council of an area has, before the appointed day, adopted the Library Act, 1939, and that area (in this subsection referred to as a “constituent area”) is included in a united area constituted under Part II of this Act, the provisions of Division 2 of Part III of the Library Act, 1939, shall apply to and in respect of the council of the united area:

Provided that, for the purposes of such application a reference in the said Division 2 to an area shall be construed as a reference to that portion of the united area which is comprised within the boundaries of the constituent area as constituted immediately before the appointed day.

(b) The power to make regulations conferred on the Governor by section fifteen of the Library Act, 1939, shall be construed as including a power to make any regulations which are necessary or convenient for carrying out or giving effect to paragraph (a) of this subsection.

(c) Where, in pursuance of section eight of the Library Act, 1939, the council of a united area referred to in paragraph (a) of this subsection adopts that Act, the provisions of paragraph (a) of this subsection, and of any regulations made under paragraph (b) of this subsection to the extent to which such provisions apply to or in respect of that council, shall cease to have effect.

Amendment  
of Act  
No. 40,  
1939.

Sec. 1.  
(Consequen-  
tial.)

(2) The Library Act, 1939, is amended—

(a) by omitting from the matter relating to Part IV in subsection three of section one the words and figures “and Sydney Corporation Act, 1932-1934—ss. 16, 17.” and by inserting in lieu thereof the letter and figures “s. 16.”;

Sec. 2.  
(Defini-  
tions.)

(b) (i) by omitting from the definition of “Area” in section two the words “and includes the City of Sydney”;

(ii)

- (ii) by omitting from the same section the No. 30, 1948. definition of "Citizen";
  - (iii) by omitting from the definition of "Council" in the same section the words "and includes the Municipal Council of Sydney";
  - (c) (i) by omitting from paragraph (b) of sub-section one of section eight the words "or citizens"; Sec. 8.  
(Adoption of Act.)
  - (ii) by omitting from subsection two of the same section the words "or citizens";
  - (d) by omitting from the heading to Part IV as appearing immediately before section sixteen the words and figures "and Sydney Corporation Act, 1932-1934"; Heading to Part IV.
  - (e) by omitting section seventeen. Sec. 17.  
(Amendment of Act No. 58, 1932.)
- (3) The Library Act, 1939, as amended by this section may be cited as the Library Act, 1939-1948. Citation.

DIVISION 10.—*Town Planning.*

**33.** (1) The union of areas or of areas and parts of areas and the dissolution of the councils of areas effected by Part II of this Act, shall not affect— Cumberland County District.

- (a) the constitution of the Cumberland County District as constituted by proclamation published in Government Gazette No. 78 of the twenty-seventh day of July, one thousand nine hundred and forty-five, pursuant to section 342AA and Part XXIX of the Principal Act; or
- (b) the constitution of the Cumberland County Council.

(2) (a) This subsection shall commence on the fourth day of December, one thousand nine hundred and forty-eight.

(b)

No. 30, 1948

(b) The general election of delegates of the Cumberland County Council which would be required by the Principal Act to be held within two months after the first Saturday in December, one thousand nine hundred and forty-eight, if this Act had not been enacted is hereby postponed until a date to be appointed by the Governor and notified by proclamation published in the Gazette.

(c) The day so appointed shall not be earlier than the thirtieth day of September nor later than the thirty-first day of December, one thousand nine hundred and forty-nine.

(d) On the day so appointed a general election of delegates of the Cumberland County Council shall be held.

(3) (a) As soon as practicable after the first day of January, one thousand nine hundred and forty-nine, the Minister shall under and in accordance with the provisions of subsection five of section five hundred and sixty-two of the Principal Act by notification published in the Gazette determine the number of county electorates into which the Cumberland County District shall be divided, the areas, or areas and parts of areas which are to be included in each of such county electorates and the number of delegates to be elected in and for each of such county electorates.

(b) A notification under paragraph (a) of this subsection shall have force and effect for all purposes of or relating to the general election of delegates of the Cumberland County Council which is to be held on the day appointed by the Governor under subsection two of this section, and shall until superseded by a further notification under subsection five of section five hundred and sixty-two of the Principal Act, continue in force thereafter.

(4) Each delegate of the Cumberland County Council who holds office as such immediately before the first day of January, one thousand nine hundred and forty-nine, may notwithstanding the fact that he is not a member of a council concerned continue to hold such office until the day appointed by the Governor under subsection two of this section, and on that day shall cease to hold

hold such office. But nothing in this subsection shall be construed to render any such delegate ineligible for re-election as a delegate of the Cumberland County Council. No. 30, 1948.

(5) In the event of a vacancy occurring in the office of a delegate of the Cumberland County Council at any time before the day appointed by the Governor under subsection two of this section, the Governor may appoint a member of a council concerned to fill the vacancy.

(6) In this section "council concerned" means council whose area is wholly or partly included in the Cumberland County District.

**34.** (1) (a) The council of each of the united areas constituted under Part II of this Act and the councils of the Municipalities of Ashfield, Concord, Hunter's Hill, Kogarah, Mosman, Waverley and of the Shire of Hornsby shall within two years after the first day of January, one thousand nine hundred and forty-nine, or within such longer period as the Minister may allow, prepare and submit to the Minister in accordance with the provisions of Part XIIA of the Principal Act a scheme in respect of all land within its area. Town and  
country  
planning  
schemes.

(b) The provisions of Part XIIA of the Principal Act, other than subsection three of section 342c, shall apply to and in respect of each such scheme as if each of such councils had by resolution decided to prepare a scheme under the said Part and such resolution taken effect on the first day of January, one thousand nine hundred and forty-nine.

(2) In the application of subsection one of section 342E of the Principal Act to and in respect of the following councils, that is to say the councils of the united areas constituted under Part II of this Act, the councils of the municipalities and shires specified in the Sixth Schedule, subsection one of that section shall be read and construed as if the words "and shall also appoint or employ some person who possesses the prescribed qualifications in town planning or country planning to assist

No. 30, 1948. assist in the preparation of the scheme” were omitted and the words “and shall appoint or employ the Cumberland County Council to assist in the preparation of the scheme” were inserted in lieu thereof:

Provided that this subsection shall not operate to terminate the appointment or employment of any person who—

- (a) was appointed or employed under subsection one of section 342E by the council of any of the following areas, that is to say—any area which is included in a united area constituted under Part II of this Act or specified in the Sixth Schedule; and
- (b) holds such appointment or employment immediately before the first day of January, one thousand nine hundred and forty-nine.

DIVISION 11.—*Amendments of Ambulance Transport Service Act, 1919.*

Ambulance  
Transport  
Districts.

**35.** (1) Nothing contained in this Act shall be construed to alter or affect the area of any district appointed and delimited before the appointed day by the New South Wales Ambulance Transport Service Board for the purposes of the Ambulance Transport Service Act, 1919, as amended by subsequent Acts. And where any such appointment and delimitation is made by reference to the municipality (including the City of Sydney) or shire, such reference shall be deemed to be a reference to the municipality or shire as bounded immediately before the appointed day.

Amendment  
of Act No. 5,  
1919.  
Sec. 12.  
(City of  
Sydney.)

(2) The Ambulance Transport Service Act, 1919, as amended by subsequent Acts, is amended by inserting in section twelve after the words “City of Sydney” the words “as bounded immediately before the first day of January, one thousand nine hundred and forty-nine.”

DIVISION 12.—*City of Sydney Improvement Act.*

**36.** Notwithstanding anything contained in this Act, the provisions of the City of Sydney Improvement Act (Act 42 Vic. No. 25) to the extent to which they are in force

force immediately before the appointed day and are not inconsistent with any provisions of the Principal Act, or of any ordinances which may be in force from time to time under the Principal Act, shall be applicable to and in respect of that portion of the united area constituted under Part II of this Act by the union of the areas specified in the first group in the First Schedule which is comprised within the City of Sydney as bounded immediately before the appointed day, and to and in respect of that portion only.

DIVISION 13.—*Amendments of Main Roads Act, 1924-1945.*

**37.** (1) The Main Roads Act, 1924, as amended by subsequent Acts, is amended—

(a) by omitting from subsection two of section one the words and symbols “but shall not (except where specifically so provided) apply to the City of Sydney”;

(b) (i) by omitting from the definition of “area” in subsection one of section three the words “and includes the City of Sydney”;

(ii) by omitting from the definition of “Council” in the same subsection the words “and includes the Municipal Council of Sydney”;

(iii) by inserting after the definition of “Developmental work” in the same subsection the following new definition:—

“Inner City” means that portion of the united area constituted under Part II of the Local Government (Areas) Act, 1948, by the union of areas specified in the First Group in the First Schedule to that Act which is comprised within the City of Sydney as bounded immediately before the first day of January, one thousand nine hundred and forty-nine.

(c) by omitting from subsection two of section four the words “and in respect of the City of Sydney shall apply to the Municipal Council of Sydney”;

(d)

No. 30, 1948.

Amendment  
of Act No.  
24, 1924.

Sec. 1.  
(Application  
of Act.)

Sec. 3.  
(Interpre-  
tation.)

Sec. 4.  
(Application  
to councils.)

No. 30, 1948.

Sec. 8.

(Proclamation of main roads.)

Sec. 9.

(Application of Part.)

Sec. 11.

(Contribution by councils.)

(d) by omitting from subsection six of section eight the words "City of Sydney" and by inserting in lieu thereof the words "inner city";

(e) by omitting from subsection one of section nine the words "and to the Municipal Council of the City of Sydney";

(f) (i) by omitting from subsection four of section eleven the words and symbols "(or ratable property as the case may be)";

(ii) by omitting the proviso to the same subsection and by inserting in lieu thereof the following proviso:—

Provided that in calculating the contribution of the Council of the City of Sydney ratable land which is situated within the inner city shall be disregarded.

(iii) by inserting in subsection seven of the same section after the word "council" where firstly occurring the words "other than the council of the City of Sydney";

(iv) by omitting from the same subsection the words and symbols "(or City)" wherever occurring;

(v) by omitting from the same subsection the words "or ratable property" wherever occurring;

(vi) by inserting after the same subsection the following new subsection:—

(7A) The contribution of the council of the City of Sydney under this Act may be paid in the first place from the General Fund and may be levied by the council as a separate local rate upon all ratable lands in the City of Sydney, or may be added to any rate levied for general purposes upon such ratable lands. Where levied as a separate local rate it may be used to recoup the General Fund to the extent of any payments made from that fund under this Act.

**In**

In this subsection "ratable lands" does not include ratable lands which are situated within the inner city. No. 30, 1948.

(vii) by omitting subsection nine of the same section.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this section may be cited as the Main Roads Act, 1924-1948.

**38.** (1) This section shall commence upon a day to be appointed by the Governor and notified by proclamation published in the Gazette. Further amendment of Act No. 24, 1924.

(2) The Main Roads Act, 1924, as amended by subsequent Acts and by this Act is amended—

(a) by inserting after subsection two of section one the following new subsection:— Sec. 1. (Application of Act.)

(2A) This Act shall not apply to the City of Sydney or to the council of that city, and where reference is made in this Act to a "municipality" such reference shall be read as if the City of Sydney had been expressly excluded therefrom.

(b) (i) by inserting at the end of the definition of "Area" in subsection one of section three the words "but does not include the City of Sydney"; Sec. 3. (Definitions.)

(ii) by inserting at the end of the definition of "Council" in the same subsection the words "'Council' does not include the council of the City of Sydney";

(iii) by omitting from the same subsection the definition of "Inner City."

(c) by omitting subsection six of section eight, and by inserting in lieu thereof the following subsection:— Sec. 8. (Proclamation of main roads.)

(6) Roads within the City of Sydney shall not be proclaimed to be main roads.

(d) (i) by omitting the proviso to subsection four of section eleven; Sec. 11. (Contribution by council.)

(ii)

No. 30, 1948.

(ii) by omitting from subsection seven of the same section the words "other than the council of the City of Sydney";

(iii) by omitting subsection (7A) of the same section.

(3) (a) Within three months after the commencement of this section or within such further period as the Minister may allow, the Commissioner for Main Roads appointed under the Transport (Division of Functions) Act, 1932, as amended by subsequent Acts, and the council of the City of Sydney shall confer together and agree upon a division of the assets, rights and liabilities of the Commissioner for Main Roads in respect of any roads in the City of Sydney which immediately before such commencement were main roads within the meaning of the Main Roads Act, 1924-1948.

(b) If the Commissioner for Main Roads and the council of the City of Sydney fail to enter into an agreement in accordance with paragraph (a) of this subsection a difference within the meaning of section six hundred and fifty-four of the Principal Act shall be deemed to have arisen and shall be determined in accordance with the provisions of that section in all respects as if the Commissioner for Main Roads and the council of the City of Sydney had mutually agreed to submit the matter in dispute to the Minister for the time being administering the Principal Act.

(4) For the purposes of this section the Governor may, at any time, by proclamation or proclamations—

(a) make such provision as he may deem necessary for or with respect to the division of any assets, rights and liabilities of the Commissioner for Main Roads made under or in accordance with the provisions of subsection three of this section;

(b) provide for the continuance of suits, actions and proceedings pending immediately before the date upon which the division of assets, rights and liabilities, of the Commissioner for Main Roads made under or in accordance with the

the provisions of subsection three of this section No. 30, 1948.  
takes effect;

- (c) make such provision as he may deem necessary, having regard to such division of assets, rights and liabilities, for or with respect to any contracts, agreements or undertakings entered into with and securities given to or by the Commissioner for Main Roads;
  - (d) make such provision as he may deem necessary, having regard to any such division of assets, rights and liabilities, for or with respect to the pursuit of remedies, the prosecution of suits, actions and proceedings, the enforcement and realisation of securities or charges, and the recovery of liquidated and unliquidated claims and of debts due and moneys payable;
  - (e) generally make such provision for or with respect to any matter or thing as may be necessary or convenient for giving effect to this section.
- (5) Any such proclamation shall have the force of law.

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#### PART IV.

##### MISCELLANEOUS PROVISIONS.

**39.** (1) (a) This section shall commence upon the appointed day.

(b) This section shall apply to and in respect of that portion of the united area constituted under Part II of this Act by the union of the areas specified in the First Group in the First Schedule, which is comprised within the City of Sydney, as bounded immediately before the appointed day, which portion of the said united area is in this section referred to as "the inner city."

(2) Whenever any question arises in any proceedings at law or in equity touching any actual building line in the inner city it shall be held conclusively that every

Proof of  
building  
line.

cf. Act No.  
58, 1932.  
Sec. 100.

**No. 30, 1948.** every curbstone as laid down before the fourth day of July, one thousand eight hundred and seventy-nine, and then subsisting, was lawfully laid down.

(3) Every notice given in the Gazette under section ninety-nine of the Sydney Corporation Act, 1932, or under section ninety-five of the Sydney Corporation Act, 1902, or under section eighty-eight of the Sydney Corporation Act of 1879, may be proved as conclusive and binding on all parties by production of the Gazette.

(4) All plans of public ways in the inner city framed under any Act in force before the date of commencement of the Sydney Corporation Act, 1932, or under section ninety-nine of that Act shall also be conclusive evidence of their contents on production thereof by a clerk or officer in the Department of Lands or of the proper servant of the council of the City of Sydney, as the case may be.

(5) In any proceedings by or on behalf of the Council of the City of Sydney it shall not be necessary to prove the gazettal or alignment of any public road of which the Council of the Municipality of Camperdown had prior to the commencement of the Sydney Corporation (Amendment) Act, 1908, the care, control and management.

It shall be sufficient evidence of the fact that any such road is a public road within the meaning of the Principal Act if it is proved that it is a thoroughfare in the nature of a street or road and is so used by the public.

Printed  
notices,  
etc.

**40.** Printed notices, forms, books and formal documents prescribed by or under any Act, whether repealed by this Act or not, and customarily used immediately before the appointed day by the council of any area which is included in whole or in part in a united area constituted under Part II of this Act, may, during the period of one year immediately after the appointed day, be used by the council of such united area and for the purposes of such user may be altered and adapted in such manner as the council may deem necessary or convenient.

**41.**

**41.** (1) The person who, immediately before the appointed day, holds the office of town clerk to the Municipal Council of Sydney—

No. 30, 1948.  
Town Clerk  
of the City  
of Sydney.

- (a) shall be and is hereby appointed as from the appointed day to be the town clerk to the Council of the City of Sydney as constituted under Part II of this Act;
- (b) shall be deemed to have been appointed as town clerk by the Council of that City; and
- (c) shall hold office until he reaches the retiring age fixed by the Principal Act as amended by this Act, unless he sooner dies or resigns his position, or his employment is terminated by that Council.

(2) The provisions of the Principal Act as amended by this Act, other than subsection two of section eighty-eight, shall apply to and in respect of the appointment made by this section.

(3) The appointment made by this section shall be deemed to be a transfer within the meaning of section fourteen of this Act to the service of the Council of the City of Sydney.

**42.** (1) A person who immediately before the appointed day holds with the Municipal Council of Sydney any office referred to in Part I of the Fifth Schedule shall not, by reason only of the provisions of subsection two of section eighty-eight of the Principal Act, be ineligible for appointment to fill any vacancy which may occur at any time after the appointed day in the office of town clerk to the Council of the City of Sydney.

Rights of  
certain  
servants for  
appointment.

(2) A person who immediately before the appointed day holds with the Municipal Council of Sydney any office referred to in Part II of the Fifth Schedule shall not, by reason only of the provisions of subsection two of section ninety of the Principal Act, be ineligible to hold the office of engineer to the Council of the City of Sydney.

(3)

No. 30, 1948.

(3) A person who immediately before the appointed day is an officer or servant of the Municipal Council of Sydney and whose period of service with that council is not less than twenty-five years or who holds a university degree in arts, economics or law shall not, by reason only of the provisions of subsection two of section eighty-eight of the Principal Act, be ineligible for appointment to fill any vacancy which may occur at any time after the appointed day in the office of town clerk to the Council of the City of Sydney.

Keeping  
accounts—  
united  
areas.

**43.** (1) (a) This section shall commence upon the appointed day.

(b) In this section the expressions "united area" and "constituent area" have the meanings ascribed to them respectively in Part II of this Act.

(2) The accounts which a council is required to keep under the Principal Act, may, in respect of the year one thousand nine hundred and forty-nine, be kept by the council of a united area in accordance with this section.

(3) The council of a united area may keep separate accounts in respect of each constituent area, included within that united area, or may keep separate accounts in respect of any two or more of such constituent areas taken together.

(4) Where separate accounts are kept by the council under this section the council may appoint a separate auditor or auditors for the purpose of auditing any one or more of such separate accounts.

(5) If the Council of the City of Sydney decides to keep a separate account under this section in respect of that part of its area which comprises the City of Sydney as bounded immediately before the appointed day the Auditor-General shall be and is hereby appointed to be the auditor of that separate account; and the provisions of subsections three and four of section 211A of the Principal Act as inserted by this Act shall apply to and in respect of the audit of that separate account in all respects as if the Auditor-General had been appointed by the Council of the City of Sydney under that section.

(6)

(6) (a) In addition to the annual statements <sup>No. 30, 1948.</sup> required to be prepared under section two hundred and nine of the Principal Act, the council of a united area shall cause a statement to be prepared in respect of any separate accounts kept by it in accordance with this section setting out the aggregate of such separate accounts, and shall cause the statement to be forwarded as prescribed in relation to annual statements of accounts.

(b) The statement shall be prepared in a form approved by the Minister and shall be certified by the clerk in the manner likewise approved.

## FIRST SCHEDULE.

Sec. 5.

*Grouping of Areas.*

Areas.	Name of Group.
<p><i>First Group.</i></p> <p>City of Sydney, Municipalities of Alexandria, Darlington, Erskineville, The Glebe, Newtown, Paddington, Redfern and Waterloo.</p>	Sydney.
<p><i>Second Group.</i></p> <p>City of Parramatta, Municipalities of Granville, Dundas and Ermington and Rydalmere.</p>	Parramatta.
<p><i>Third Group.</i></p> <p>Municipalities of Castlereagh, Penrith, St. Mary's, and "A" Riding of Nepean Shire.</p>	Penrith.
<p><i>Fourth Group.</i></p> <p>Municipalities of Fairfield and Cabramatta and Canley Vale.</p>	Fairfield.

FIRST

Areas.	Name of Group.
<i>Fifth Group.</i>	
Municipalities of Campbelltown and Ingleburn.	Campbelltown.
<i>Sixth Group.</i>	
Municipality of Camden and "C" Riding of Nepean Shire.	Camden.
<i>Seventh Group.</i>	
Municipalities of Auburn and Lidcombe.	Auburn.
<i>Eighth Group.</i>	
Municipality of Strathfield and West Ward of Municipality of Enfield.	Strathfield.
<i>Ninth Group.</i>	
Municipality of Burwood and Central Ward and East Ward of Municipality of Enfield.	Burwood.
<i>Tenth Group.</i>	
Municipalities of Marrickville, St. Peters and Petersham.	Marrickville.
<i>Eleventh Group.</i>	
Municipalities of Bexley and Rockdale.	Rockdale.
<i>Twelfth Group.</i>	
Municipalities of Annandale, Leichhardt and Balmain.	Leichhardt.
<i>Thirteenth Group.</i>	
Municipalities of Botany and Mascot.	Botany.
<i>Fourteenth Group.</i>	
Municipalities of Windsor and Richmond.	Windsor.
<i>Fifteenth Group.</i>	
Municipalities of Eastwood and Ryde.	Ryde.
<i>Sixteenth Group.</i>	
Municipalities of Vacluse and Woollahra.	Woollahra.
<i>Seventeenth Group.</i>	
Municipality of Liverpool and "B" Riding of Nepean Shire.	Liverpool.

Local Government (Areas) Act.

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SECOND SCHEDULE.

No. 30, 1948.

WARDS.

Sec. 19.

Name of United Area.	Number of Wards of United Area.	Name of Wards of United Area.	Number of Aldermen to be elected for each Ward.	Name of Constituent Area and of Ward or Riding of Constituent Area comprising the Wards of United Area.
1. City of Sydney	9	Fitzroy	4	City of Sydney. Municipality of Darling- ton.  Municipality of The Glebe. Municipality of Padding- ton. Municipality of Redfern. Municipalities of Alex- andria, Erskineville, Newtown, Waterloo.
		Flinders	4	
		Gipps	4	
		Mac- quarie	4	
		Phillip and Munici- pality of— Dar- lington	4	
		Glebe	2	
		Pad- dington.	2	
		Redfern	2	
		New- town.	4	
			30	
2. City of Parramatta ...	4	First ...	9	City of Parramatta. Municipality of Granville. Municipality of Dundas. Municipality of Ermington and Rydalmere.
		Second	6	
		Third ...	4	
		Fourth	2	
			21	
3. Penrith ...	4	First ...	9	Municipality of Penrith. Municipality of St. Mary's. " A " Riding of Shire of Nepean. Municipality of Castle- reagh.
		Second	9	
		Third ...	3	
		Fourth	3	
			24	

SECOND

L

Name of United Area.	Number of Wards of United Area.	Name of Wards of United Area.	Number of Aldermen to be elected for each Ward.	Name of Constituent Area and of Ward or Riding of Constituent Area comprising the Wards of United Area.
4. Fairfield ...	2	First ... Second	9	Municipality of Fairfield. Municipality of Cabramatta and Canley Vale.
			9	
			18	
5. Campbelltown	2	First ... Second	9	Municipality of Campbelltown. Municipality of Ingleburn.
			7	
			16	
6. Camden ...	2	First ... Second	9	Municipality of Camden. "C" Riding of Shire of Nepean.
			3	
			12	
7. Auburn ...	2	First ... Second	9	Municipality of Auburn. Municipality of Lidcombe.
			9	
			18	
8. Strathfield ...	2	First ... Second	12	Municipality of Strathfield. West Ward of the Municipality of Enfield.
			3	
			15	

Local Government (Areas) Act.

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SECOND SCHEDULE—*continued.*

No. 30, 1948.

WARDS—*continued.*

Name of United Area.	Number of Wards of United Area.	Name of Wards of United Area.	Number of Aldermen to be elected for each Ward.	Name of Constituent Area and of Ward or Riding of Constituent Area comprising the Wards of United Area.
9. Burwood ...	5	First ...	4	North Ward of Municipality of Burwood.
		Second	4	South Ward of Municipality of Burwood.
		Third ...	4	East Ward of Municipality of Burwood.
		Fourth	3	Central Ward of Municipality of Enfield.
		Fifth ...	3	East Ward of Municipality of Enfield.
			18	
10. Marrickville ...	10	First ...	2	North Ward of Municipality of Marrickville.
		Second	2	South Ward of Municipality of Marrickville.
		Third ...	2	East Ward of Municipality of Marrickville.
		Fourth	2	West Ward of Municipality of Marrickville.
		Fifth ...	2	Lewisham Ward of Municipality of Petersham.
		Sixth ...	2	South Kingston Ward of Municipality of Petersham.
		Seventh	3	North Ward and Brompton Ward of Municipality of St. Peters.
		Eighth	3	Bellevue Ward and Tempe Ward of Municipality of St. Peters.
		Ninth	2	Sydenham Ward of Municipality of Petersham.
		Tenth	2	Annandale Ward of Municipality of Petersham.
			22	

Name of United Area.	Number of Wards of United Area.	Name of Wards of United Area.	Number of Aldermen to be elected for each Ward.	Name of Constituent Area and of Ward or Riding of Constituent Area comprising the Wards of United Area.
11. Rockdale ...	2	First ...	6	Municipality of Bexley. Municipality of Rockdale.
		Second	9	
			15	
12. Leichhardt ...	4	First ...	4	Municipality of Annandale.
		Second	6	Municipality of Leichhardt.
		Third ...	3	North East Ward and South East Ward of Municipality of Balmain.
		Fourth	3	North Ward and South West Ward of Municipality of Balmain.
			16	
13. Botany ...	2	First ...	8	Municipality of Botany. Municipality of Mascot.
		Second	9	
			17	
14. Windsor ...	2	First ...	9	Municipality of Windsor. Municipality of Richmond.
		Second	8	
			17	
15. Ryde ...	2	First ...	9	Municipality of Ryde. Municipality of Eastwood.
		Second	6	
			15	

Local Government (Areas) Act.

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SECOND SCHEDULE—*continued.*

No. 30, 1948.

WARDS—*continued.*

Name of United Area.	Number of Wards of United Area.	Name of Wards of United Area.	Number of Aldermen to be elected for each Ward.	Name of Constituent Area and of Ward or Riding of Constituent Area comprising the Wards of United Area.
16. Woollahra ...	5	First ...	3	Piper Ward of Woollahra Municipality. Edgecliff Ward of Woollahra Municipality. Bellevue-Rose Bay Ward of Woollahra Municipality. Double Bay Ward of Woollahra Municipality. Municipality of Vacluse.
		Second	3	
		Third ...	3	
		Fourth	3	
		Fifth ...	3	
17. Liverpool ...	2	First ...	9	Municipality of Liverpool. "B" Riding of Nepean Shire.
		Second	3	

THIRD

**Local Government (Areas) Act.**

No. 30, 1948.

**THIRD SCHEDULE.**

Sec. 22 (2).

*Local Government (Areas) Act, 1948.*

**VOTER'S DECLARATION.**

(a) insert name of ward.

(b) insert name of proposed united area.

(c) insert name of area for which claimant is enrolled.

I \_\_\_\_\_ of \_\_\_\_\_ desire to vote in and for the (a) ward of the proposed united area of (b)

I, do solemnly and sincerely declare that—

(1) I am the person named in the local government roll for the area of (c)

as prepared under the Local Government Act, 1919, and in force at the date of this my declaration, my name being numbered on that roll as in the margin hereto.

(2) My qualification for enrolment as set out in such roll is in respect of land or a place of living which is situated within the said ward.

(3) I have not already voted in the said ward of the said united area at this election.

A.B.

Made and subscribed before me  
this \_\_\_\_\_ day of \_\_\_\_\_ 194 .

C.D.  
Presiding Officer.

Local Government (Areas) Act.

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FOURTH SCHEDULE.

No. 30, 1948.

Sec. 25 (1).

Number of Act.	Name of Act.	Extent of Repeal.
No. 58, 1932	Sydney Corporation Act, 1932.	The whole.
No. 64, 1932	Finances Adjustment (Further Provisions) Act, 1932.	Section twelve.
No. 9, 1934	Sydney Corporation (Amendment) Act, 1934.	The whole except subsections two and three of section fifteen, section twenty-six and Part XVI.
No. 42, 1935	Gas and Electricity Act, 1935.	Subsections one and two of section fifty-two, section eighty-nine.
No. 58, 1935	Fisheries and Oyster Farms Act, 1935.	Section forty-one.
No. 10, 1937	Local Government (Amendment) Act, 1937.	Part III except section fourteen.
No. 41, 1939	Local Government (Further Amendment) Act, 1939.	Subsection two of section three and subsection two of section four.
No. 7, 1940	Sydney Corporation (Amendment) Act, 1940.	The whole.
No. 32, 1941	Local Government (Electoral Provisions) Act, 1941.	Part II and Schedule I.
No. 11, 1942	Local Government (Amendment) Act, 1942.	Paragraph (a) of subsection one of section two and Part III.
No. 15, 1943	Local Government (Amendment) Act, 1943.	Paragraph (a) of subsection one of section two.
No. 21, 1945	Local Government (Town and Country Planning) Amendment Act, 1945.	Part III.

FIFTH

No. 30, 1943.

Sec. 42.

## FIFTH SCHEDULE.

*Officers of Municipal Council of Sydney.*

## PART I.

Deputy Town Clerk.	Chief Accountant.
Chief Clerk.	City Auditor.
City Treasurer.	Chief Audit Clerk.

## PART II.

City Building Surveyor.	Structural Engineer.
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Sec. 34 (2).

## SIXTH SCHEDULE.

MUNICIPALITIES AND SHIRES.

*Municipalities.*

Ashfield.	Ku-ring-gai.
Bankstown.	Lane Cove.
Canterbury.	Manly.
Concord.	Mosman.
Drummoyne.	North Sydney.
Holroyd.	Randwick.
Hunter's Hill.	Waverley.
Hurstville.	Willoughby.
Kogarah.	Woollahra.

*Shires.*

Baulkham Hills.	Sutherland.
Blacktown.	Warringah.
Hornsby.	

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