

LOCAL GOVERNMENT (AMENDMENT) ACT.

Act No. 21, 1959.

An Act to make further provisions with respect ^{Elizabeth II,} to the election of mayors and presidents, the ^{No. 21, 1959.} respective powers of the Cumberland County Council and the constituent councils as to town and country planning in the County of Cumberland, and the alteration of the boundaries of county districts and matters relating thereto; for these and other purposes to amend the Local Government Act, 1919, and certain other Acts; to validate certain matters; and for purposes connected therewith. [Assented to, 6th November, 1959.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1959".

(2) The Local Government Act, 1919, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2.

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No. 21, 1959. **2.** Part IV of the Principal Act is amended—

Amendment
of Act No.
41, 1919.

Part IV—
(The
Councils
of Cities,
Municipalities, and
Shires.)

Sec. 23.
(Composition of city
and municipal
councils.)

Newcastle
and
Greater
Wollongong.

- (a) (i) by omitting from subsection (1A) of section twenty-three the words “The Lord Mayor shall be an alderman by virtue of his office.”;
- (ii) by inserting next after the same subsection the following new subsections :—

(1B) On and from the fifth day of December, one thousand nine hundred and fifty-nine,—

- (a) the Council of the City of Newcastle shall be reconstituted and shall consist of the Lord Mayor and twenty-one aldermen;
- (b) the Council of the City of Greater Wollongong shall be reconstituted and shall consist of the Mayor and fifteen aldermen.

(1c) This subsection shall apply to a municipality to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section.

On and from the triennial ordinary election of the council of a municipality to which this subsection applies next following the application of section 25A to the said municipality the council shall be reconstituted and shall consist of the mayor and the same number of aldermen as constituted the council immediately before such triennial ordinary election or where any alteration in the number of aldermen pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

(b)

- (b) by inserting next after subsection one of section No. 21, 1959. twenty-four the following new subsection :—

Sec. 24.

(1A) This subsection shall apply to a shire to which section 25A is applied pursuant to paragraph (b) of subsection one of the said section. (Composition of shire councils.)

On and from the triennial ordinary election of the council of a shire to which this subsection applies next following the application of section 25A to the said shire the council shall be reconstituted and shall consist of the president and the same number of councillors as constituted the council immediately before such triennial ordinary election or where any alteration in the number of councillors pursuant to subsection two of this section is to take effect as on and from such triennial ordinary election the number as so altered.

- (c) by inserting at the end of subsection five of section twenty-five the words “, the City of Newcastle, the City of Greater Wollongong, or any other area to which section 25A applies”; Sec. 25. (Mayors and presidents.)

- (d) by omitting section 25A and by inserting in lieu thereof the following section :— Subst. sec. 25A.

25A. (1) This section shall apply to—

Election of Lord Mayors, Mayors and Presidents by electors.

- (a) the City of Sydney, the City of Newcastle and the City of Greater Wollongong, and
 (b) any other area to which upon the application of the council thereof it is applied by the Governor by proclamation.

(2) The mayor or president of an area to which this section applies shall (except as provided in this section) be elected by the electors of that area at the triennial ordinary election of the council of that area next following the application of this section to that area and at each triennial ordinary election of that council thereafter, and shall be an alderman or councillor, as the case may be, of that area by virtue of his office.

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(3) If an extraordinary vacancy in the office of mayor or president of an area to which this section applies occurs within the last six months of the term of office of the council concerned the Governor may appoint any qualified person to the vacant office.

(4) If a vacancy in the office of mayor or president of an area to which this section applies continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

Sec. 26.
(Deputy-
mayor or
president.)

(e) by inserting at the end of section twenty-six the following new subsection :—

(5) In this section “deputy-mayor” includes, in relation to a city of which there is a Lord Mayor, deputy Lord Mayor.

Sec. 27.
(Time for
election of
mayor or
president.)

(f) by inserting at the end of subsection two of section twenty-seven the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;

Sec. 29.
(Mayors
and
presidents.)

(g) by inserting at the end of section twenty-nine the following new subsection :—

(6) In respect of an area to which section 25A applies other than the City of Sydney the allowance payable by the council to its mayor or president for the year immediately following an ordinary election shall be fixed at the first meeting of the council held after that election and for any other year shall be fixed at the first meeting of the council held in such year.

Sec. 32.
(Tenure of
office.)

(h) by inserting at the end of section thirty-two the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;

(i)

- (i) by omitting from subsection two of section thirty-three the words “In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.” and by inserting in lieu thereof the following words:—

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Sec. 33.
(Office of
alderman or
councillor.)

In this subsection a reference to an alderman or councillor shall, in relation to the cities of Sydney and Newcastle be deemed to include the Lord Mayor, and in relation to the City of Greater Wollongong and any other area to which section 25A applies, the mayor or president thereof, as the case may be.

- (j) by inserting at the end of subsection two of section thirty-four the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies”;

Sec. 34.
(Office of
Mayor or
president.)

- (k) by inserting in section 38A after the words “City of Sydney” the words “, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong or the mayor or president of any other area to which section 25A applies,”;

Sec. 38A.
(Election of
Lord
Mayor.)

- (l) by omitting subsection two of section thirty-nine and by inserting in lieu thereof the following subsection:—

Sec. 39.
(Appointed
day for
election of
aldermen or
councillors.)

(2) The appointed day for an election of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any area to which section 25A applies shall be—

- (a) for ordinary elections—the day on which ordinary elections of aldermen or councillors of the area concerned are held, or in the event of such ordinary elections being uncontested, the day on which the ordinary elections of aldermen or councillors would have been held if they had been contested elections;

(b)

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(b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.

Amendment
of Act No.
41, 1919—
Part V.
(Electoral
Provisions.)

3. Part V of the Principal Act is amended—

Sec. 50.
(Qualifica-
tion of
elector.)

(a) by omitting paragraph (c) of section fifty and by inserting in lieu thereof the following paragraph :—

(c) in the case of the City of Sydney, the City of Newcastle, the City of Greater Wollongong, and any other area to which section 25A applies, to vote at any election of Lord Mayor, mayor or president, as the case may be, of any area for which he is enrolled.

Sec. 71.
(Nomina-
tions.)

(b) (i) by inserting in subsection one of section seventy-one after the word "Sydney" the words " , the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, or the mayor or president of any other area to which section 25A applies,";

(ii) by omitting paragraph (b) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

(b) To entitle a person to be nominated as Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, he must be qualified to be elected as an alderman or councillor, as the case may be, of the area concerned.

(iii)

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

(b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies and any election of aldermen or councillors of any such area to be held at the same time, be nominated as Lord Mayor, mayor or president, as the case may be, and also as alderman or councillor for the area concerned.

- (c) by omitting subsection three of section seventy-two and by inserting in lieu thereof the following subsection :—

Sec. 72.
(Uncontested election of aldermen or councillors.)

(3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney, the Lord Mayor of the City of Newcastle, the Mayor of the City of Greater Wollongong, and the mayor or president of any other area to which section 25A applies, and in its application to such elections a reference to candidates nominated as aldermen or councillors shall be construed as a reference to candidates nominated for the office of Lord Mayor, mayor or president, as the case may be, of the area concerned.

Uncontested election of Lord Mayors, mayors and presidents.

- (d) by omitting subsection (1A) of section seventy-three and by inserting in lieu thereof the following subsection :—

Sec. 73.
(Contested elections of aldermen or councillors.)

(1A) If on the day appointed for any election of Lord Mayor of the City of Sydney, Lord Mayor of the City of Newcastle, Mayor of the City of Greater Wollongong, or mayor or president of any other area to which section 25A applies, there are two or more candidates nominated as Lord Mayor, mayor or president, as the case may be, of any such area there shall be a contested election of Lord Mayor, mayor or president of the area concerned.

Contested elections of Lord Mayors, mayors and presidents.

(e)

No. 21, 1959. (e) by inserting at the end of section 73A the words
 “, Lord Mayor of the City of Newcastle, Mayor of
 the City of Greater Wollongong, and the mayor or
 president of any other area to which section 25A
 applies”.

Sec. 73A.
 (Election
 of Lord
 Mayor.)

**Application
 of
 Ordinance
 No. 8 to
 elections of
 Lord
 Mayors,
 mayors and
 presidents.**

4. The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, and any amendment of that Ordinance, shall apply mutatis mutandis to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president of any area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, for the time being applies.

Validation.

5. (1) Where before the commencement of this Act any act or thing has been done with respect to the nomination for election, or election, at the triennial ordinary elections to be held on the fifth day of December, one thousand nine hundred and fifty-nine (such date being in this section called the election date) of the Lord Mayor, mayor or president as the case may be of the City of Newcastle, the City of Greater Wollongong or any other area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under the said section 25A before the election date such act or thing shall be and be deemed always to have been as valid and effectual as it would have been had the amendments made by sections two and three (subparagraph (iii) of paragraph (b) of section three excepted) of this Act been in force at the time when such act or thing was done and had the provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Principal Act, applied mutatis mutandis at that time to and in respect of nominations and uncontested elections of the Lord Mayor, mayor or president, as the case may be, of any such area.

(2) Where in connection with any election to be held on the election date—

(a) any person has been, before the commencement of this Act, or is, after that commencement, nominated as an alderman of the Council of the City of Newcastle or the Council of the City of Greater Wollongong or as an alderman or councillor of any other area

area to which section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, is applied by proclamation made under that section before the election date; and

- (b) such person has been, before that commencement, nominated or proposed for nomination, or is, after that commencement, proposed for nomination, as Lord Mayor, mayor or president, as the case may be; and
- (c) his name has not been or is not withdrawn from nomination as Lord Mayor, mayor or president, as the case may be, before nomination day;

such person shall be deemed not to have been so nominated as an alderman or councillor of such area.

(3) Where before the commencement of this Act a council of an area has passed a resolution to the effect that the mayor or president of that area shall be elected by the electors of that area at the triennial ordinary elections to be held on the election date, such resolution shall be deemed to be an application made by that council that the provisions of section 25A of the Principal Act, as inserted by paragraph (d) of section two of this Act, apply to that area.

6. (1) Part XIIA of the Principal Act is amended—

Amendment
of Act No.
41, 1919.
Part XIIA—
(Town and
Country
Planning
Schemes.)

- (a) by inserting at the end of section 342L the following new subsection:—

Sec. 342L.
(Variation
of
prescribed
scheme.)

(2) (a) In this subsection—

“local scheme” means a scheme prepared by the council of an area wholly or partly included in the County of Cumberland.

“County of Cumberland Planning Scheme” means the scheme prescribed by the Local Government (Amendment) Act, 1951, together

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together with, upon its being prescribed under this Part, the supplementary scheme referred to in subsection one of section two of the Local Government Town and Country Planning (Amendment) Act, 1950, and any prescribed scheme prepared by the Cumberland County Council varying either such scheme.

(b) A local scheme, in respect of the land to which it applies—

- (i) may vary the County of Cumberland Planning Scheme;
- (ii) shall incorporate all such provisions of the County of Cumberland Planning Scheme as relate to the land to which the local scheme applies and are not inconsistent with the provisions of the local scheme; and
- (iii) may include any additional provisions consistent with the provisions of this Part, including, but without limiting the generality of the foregoing provisions of this paragraph, provisions—

- (a) specifying the council and the Cumberland County Council as responsible authorities respectively for carrying into effect and enforcing such provisions of the local scheme as relate to any particular portion or portions of the land included in the local scheme or such of those provisions as are directed to particular objects or purposes;

- (b) for or with respect to—

- (i) preserving, continuing or enforcing any right, privilege, obligation or liability acquired, accrued or incurred under the County

County of Cumberland Planning Scheme in respect of any land to which the local scheme applies before the revocation of the County of Cumberland Planning Scheme in respect of that land, pursuant to paragraph (d) of this subsection;

- (ii) the taking of legal proceedings in respect of any offence under the County of Cumberland Planning Scheme committed in respect of any land to which the local scheme applies before such revocation; and
- (iii) deeming anything done, before such revocation, under any provision of the County of Cumberland Planning Scheme in respect of any land to which the local scheme applies to have been done under any like provision of the local scheme.

(c) (i) In assessing compensation under Division 9 of this Part in respect of the injurious affection of an estate or interest in land caused by or arising out of the County of Cumberland Planning Scheme, there shall, where the claim for compensation has not at the time when the local scheme comes into operation been finally determined, be taken into account in addition to the matters referred to in subsection four of section 342AC any modification of the injurious affection that may have been or may be effected by or in consonance with the local scheme.

(ii) Where an estate or interest in land is injuriously affected by reason of any provision contained in the County of Cumberland Planning Scheme and a claim for compensation in respect of such injurious affection has not been made within the time prescribed or has been so made and has
been

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been determined, a person shall not be entitled to claim compensation in respect of such injurious affection by reason of the inclusion in the local scheme of that provision or of a provision substantially to the same effect.

(d) On the date on which the local scheme comes into operation the County of Cumberland Planning Scheme shall be revoked to the extent to which it applies in respect of the land to which the local scheme applies.

(e) The Cumberland County Council or the council of the area concerned may by a subsequent scheme vary the local scheme :

Provided that in the case of the Cumberland County Council any subsequent scheme shall include provision only for such matters consistent with the provisions of this Part as may from time to time be prescribed.

(f) The Cumberland County Council shall in respect of any of the provisions of any local scheme in respect of which it is the responsible authority be deemed, for the purposes of Division 9 of this Part, to be "the council which is the responsible authority concerned" referred to in that Division.

Sec. 342r.
(Definitions.)

(b) by omitting subsection two of section 342r and by inserting in lieu thereof the following subsection :—

(2) The provisions of this Division with respect to the control of interim development shall not apply to any land to which a prescribed scheme applies except to the extent to which those provisions apply to any such land by virtue of subsection two of section 342y of this Act.

Sec. 342AA.
(Constitution of Cumberland County Council.)

(c) by omitting paragraph (b) of subsection one of section 342AA and by inserting in lieu thereof the following paragraph :—

(b) Notwithstanding the making of a delegation in pursuance of paragraph (a) of this subsection each council concerned shall have full power to prepare schemes with respect to all or any land within its area.

(d)

(d) by inserting at the end of subsection two of section No. 21, 1959. 342AB the following new proviso :—

Sec. 342AB.
(Scheme for
Cumberland
County
Council.)

Provided that the inclusion in such scheme of such matters shall not preclude a council concerned from including provision for similar matters in any scheme prepared by that council in respect of all or any land within its area.

(2) The Minister may include in any scheme which—

- (a) was submitted to him under section 342H of the Principal Act before the commencement of this Act;
- (b) was prepared by the council of any area wholly or partly included in the County of Cumberland; and
- (c) has been the subject of a report made under section 342i of the Principal Act,

any matter which the council of that area would have been entitled or required to include in the scheme had the amendments made by paragraph (a) of subsection one of this section been in force when the scheme was prepared.

(3) (a) The amendment made by paragraph (a) of subsection one of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one, and shall apply to schemes prepared before that date as well as to schemes prepared after that date.

(b) The amendments made by paragraphs (b), (c) and (d) of subsection one of this section shall be deemed to have commenced on the fifth day of April, one thousand nine hundred and forty-five.

7. (1) The Local Government (Amendment) Act, 1951, is amended by inserting at the end of subsection four of section two the following new proviso :—

Amendment
of Act No.
18, 1951.
Sec. 2.

Provided that nothing contained in this subsection shall prevent the council of an area wholly or partly included in the County of Cumberland from including

(Scheme for
the County
of
Cumber-
land.)

in

Local Government (Amendment) Act.

No. 21, 1959. in a scheme with respect to all or any land within its area provisions varying the County of Cumberland Planning Scheme or any subsequent scheme varying that scheme.

The County of Cumberland Planning Scheme Ordinance— Clause 57. (2) The County of Cumberland Planning Scheme Ordinance as prescribed by the Local Government (Amendment) Act, 1951, and as amended by the County of Cumberland Planning Scheme (Amendment No. 1) Ordinance proclaimed in Gazette No. 87 of the second day of August, one thousand nine hundred and fifty-seven, is amended by omitting subclause three of clause fifty-seven.

(3) The amendments made by subsections one and two of this section shall be deemed to have commenced on the twenty-seventh day of June, one thousand nine hundred and fifty-one.

Amendment of Act No. 41, 1919. **8.** (1) Part XXIX of the Principal Act is amended—

Part XXIX— (County Councils.)

Sec. 560. (Definitions.)

(a) by omitting from section five hundred and sixty the definition of “Delegation” and by inserting in lieu thereof the following definition :—

“Delegation” means a transfer of powers to a county council in accordance with this Part and “delegate” has a corresponding meaning.

Sec. 561. (Constitution of county districts.)

(b) (i) by inserting in subsection one of section five hundred and sixty-one after the words “county districts” the words “or where the councils of two or more county districts have the same functions, powers and duties, unite those county districts”;

(ii) by omitting subsection four of the same section;

(iii) by inserting at the end of subsection five of the same section the following new proviso :—

Provided that this subsection shall not apply in any case where under this Part two or more county districts are united and constituted as a county district. (c)

- (c) by inserting next after the same section the following new Division :—

Proposals
for altera-
tion or
union.
New
Division 2A.

DIVISION 2A.—*Alteration and union of county districts.*

561A. (1) A proposal to the Governor to alter the boundaries of a county district or to unite two or more county districts may be submitted to the Minister—

- (a) by the county council of any county district which will be affected by the proposal; or
- (b) by any council concerned; or
- (c) by an officer of the Minister; or
- (d) in a case where a county district is constituted for the purpose of the supply of electricity, by the Electricity Authority of New South Wales.

(2) If the Minister decide to proceed with any such proposal he shall give the prescribed notice.

(3) Within the time fixed in such notice, objection to the proposal may be lodged—

- (a) by the county council of any county district which will be affected; or
- (b) by any council concerned.

(4) If objection be duly lodged, and if the Minister, after considering such objection, decide to proceed further with the proposal, he shall refer it for inquiry and report to a person appointed by him in accordance with this Act.

(5) If objection be not duly lodged, or if the report made as the result of inquiry following on the lodging of objection be in favour of the proposal (with or without modification), the proposal with such modification, if any, as may be found advisable may be submitted for the Governor's decision.

(6)

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(6) The powers of section five hundred and sixty-one of this Act in relation to the alteration or union of county districts shall not be exercised except upon a proposal dealt with in accordance with this section.

Sec. 563.
(Corporate
body.)

- (d) by omitting from subsection one of section five hundred and sixty-three the words “the provisions of subsection two of section twenty-two of this Act shall, mutatis mutandis, apply thereto” and by inserting in lieu thereof the words “may sue and be sued in its corporate name; and shall, for the purposes and subject to the provisions of this Act, be capable of purchasing holding granting demising disposing of and alienating real and personal property, and of doing and suffering all such other acts and things as bodies corporate may by law do and suffer.

The corporate name of the county council shall be ‘The County Council’ ”.

Sec. 564.
(Powers.)

- (e) (i) by inserting next after subsection three of section five hundred and sixty-four the following new subsections :—

(3A) Where the boundaries of a county district are altered by adding thereto any area or part of an area, the council of the county district as so altered shall have and may exercise in respect of the county district as so altered all the functions, powers and duties which it had and was entitled to exercise in respect of the county district immediately before the alteration, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation altering the boundaries of the county district, be deemed to have been delegated to the county council in respect of the area or part added to the county district.

Such

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation altering the boundaries of the county district. **No. 21, 1959.**

(3B) Where two or more county districts are united under this Part the council of the united county district shall have and may exercise for the benefit of the united county district all the functions, powers and duties which the councils of the county districts so united had or were entitled to exercise or perform immediately before the union, and such functions, powers and duties shall, as on and from the date specified in that behalf in the proclamation uniting the county districts, be deemed to have been delegated to the county council of the united county district.

Such delegation shall be deemed to have been made as on and from the date so specified by the proclamation uniting the county districts.

(3C) Where the boundaries of a county district are altered by excluding therefrom the whole or part of a constituent area without at the same time adding it to another county district, the functions, powers and duties which by law were exercisable or performable by the county council within the county district immediately before the date of the proclamation by which the boundaries were so altered shall be limited to the county district as constituted after that date, and those functions, powers and duties shall be exercisable and performable within the excluded area by the council of the shire or municipality of which the excluded area forms part.

(ii) by inserting in subsection four of the same section after the word "shall" where firstly occurring the words "for the benefit of the county district";

(iii)

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(iii) by inserting at the end of the same subsection the following new paragraph :—

(b) Except where otherwise expressly provided in this Act a council concerned shall not undertake any function delegated to the county council.

(iv) by inserting at the end of subsection five of the same section the following new proviso :—

Provided that where two or more county districts are united under this Part and constituted as a county district any delegations under this section of any functions, powers or duties to the councils of the county districts so united in force immediately before the union shall cease to have any effect.

New sec.
564BA.

(f) by inserting next after section 564B the following new section :—

Provisions
consequent
upon
alteration
or union of
county
districts.

564BA. (1) Where the Governor has, by proclamation, altered the boundaries of county districts, or united two or more county districts, the Governor may by the same or any subsequent proclamation,

(a) provide for all matters necessary for, consequential upon or incidental to the alteration or union, and

(b) provide for any matter or thing which the Governor may deem necessary or expedient in the circumstances.

(2) Such provisions may without limiting the generality of the foregoing include provisions for or relating to :—

(a) the transfer of assets, rights and liabilities, the transfer of servants, the levying of rates and borrowing, the recovery of rates and charges,

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charges, contracts, agreements and undertakings entered into by any of the councils of the areas or county districts affected by the alteration or union, suits actions and proceedings pending immediately before the alteration or union at the suit of any of the councils of the areas or county districts affected by the alteration or union;

- (b) the appointment of provisional councils, and empowering any such provisional council to exercise all or any of the powers of a county council, pending the election of county councils;
- (c) the entering into of agreements and making of arrangements between county councils, councils, and creditors, or by the Minister or a District Court Judge and the enforcement and giving effect to any such agreement or arrangement;
- (d) any other matter for which provision is made or may be made by Part III or this Part of this Act or any matter of the like nature.

(3) Such provisions may adopt with such modification, additions or alterations as the Governor may deem necessary any of the provisions of Part III or this Part of this Act.

(4) Any such proclamation shall have the force of law.

- (g) by omitting from subsection one of section 565A the words "the county council for";

Sec. 565A.
(Union of areas comprised in county district.)

- (h) by omitting section five hundred and sixty-seven.

Sec. 567.
(Estimates.)

(2)

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No. 21, 1959. (2) (a) Where before the commencement of this Act county districts have been altered by including therein wholes or parts of areas or county districts have been united to constitute new county districts all such alterations and unions shall be deemed to have been and to be valid and in accordance with the law.

(b) (i) Any matter or thing done in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be valid and in accordance with the law.

(ii) Any proclamation made or purporting to have been made in connection with or consequential upon or incidental to any such alteration or union shall be deemed to have been and to be as valid and effectual as it would have been had section 564BA of the Principal Act as inserted by paragraph (f) of subsection one of this section been in force at the time when such proclamation was made.

(iii) Nothing in this paragraph applies to paragraphs (4) and (5) of the proclamations published in Gazette number one hundred and seventeen of the twenty-first of November, one thousand nine hundred and fifty-eight, with respect to the alterations of the boundaries of the Prospect County District and the Central West County District.

(c) A proclamation may be made under section 564BA of the Principal Act as inserted as aforesaid to have effect as on and from the date specified therein in relation to the alterations of the boundaries of the Prospect County District and the Central West County District referred to in subparagraph (iii) of paragraph (b) of this subsection notwithstanding that such alterations were made before the commencement of this Act.

As on and from the day such proclamation takes effect the provisions of subsection (3A) of section five hundred and sixty-four of the Principal Act, as inserted by paragraph (e) of subsection one of this section, shall have effect as if the alteration of the boundaries of the county district mentioned in such proclamation took place on such day.

9. (1) The Principal Act is further amended—

No. 21, 1959.

Further amendment of Act No. 41, 1919.

- (a) by inserting at the end of the definition of “Mayor” in section four the words “and the Lord Mayor of a city”;

Sec. 4. (Definitions.)

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

Sec. 61. (Division into ridings.)

(1) The Governor may by proclamation divide shires into ridings.

- (ii) by omitting from subsection two of the same section the words “alter any division of a shire into ridings: Provided that such alteration” and by inserting in lieu thereof the words “alter or abolish any division of a shire into ridings, and after abolishing any such division may again divide a shire into ridings: Provided that such alteration, abolition, or subsequent division”;

- (iii) by omitting from subsection three of the same section the words “such alteration” and by inserting in lieu thereof the words “division, alteration, abolition or subsequent division”;

- (c) by inserting next after section eighty-two the following new section :—

New sec. 82A.

82A. (1) At any poll of electors held in an area under this Act in respect of the matters referred to in subsection (3B) of section seventy-three, section 81A or section five hundred and forty-four of this Act, it shall be the duty of every elector whose place of living is within the area or part thereof in respect of which the poll is being taken and who is entitled to vote at the poll, to record his vote at the poll.

Voting to be compulsory at certain polls.

No. 21, 1959.

(2) The provisions of sections 74B to 74G both inclusive, and of Schedule Eight to this Act shall, mutatis mutandis, apply to any such poll.

Sec. 160B.
(Abandonment of rates. Invalid and age pensioners.)

(d) by inserting in section 160B after the word and figures "Part III" the words and figures "or Part IV";

Sec. 317Y.
(Powers of board.)

(e) by inserting next after paragraph (d) of section 317Y the following new paragraph and subsection :—

(e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

Sec. 317AO.
(Powers of board.)

(f) by inserting next after paragraph (d) of section 317AO the following new paragraph and subsection :—

(e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest.

Sec. 341L.
(Powers of board.)

(g) by inserting next after paragraph (d) of section 341L the following new paragraph and subsection :—

(e) determine any application in respect of which the appeal is against the disapproval of such application by a council or against the neglect or delay of a council to give a decision with respect thereto within the time prescribed.

(2)

(2) In making its award the board shall have regard to this Act, the ordinances, the circumstances of the case, and the public interest. No. 21, 1959.

(h) by inserting next after section 417A the following new section :— New sec.
417B.

417B. This section shall apply to a person who immediately before the acquisition, whether before or after the commencement of the Local Government (Amendment) Act, 1959, by the council by purchase or resumption of any trading undertaking for the supply of gas or electricity was a servant wholly or principally employed in or in connection with such trading undertaking and who at such commencement is, or after such commencement becomes, a servant of such council. Preservation
of rights to
long service
leave.

The period of service of a person to whom this section applies with such trading undertaking before its acquisition as aforesaid shall to the extent to which long service leave has not been taken in respect thereof be deemed to be service with such council for the purpose of calculating any long service leave due to such person under this Act or any other Act or any ordinance, regulation or by-law or the terms and conditions of any staff agreement or any award or agreement made under the Industrial Arbitration Act, 1940, as amended by subsequent Acts.

(i) by inserting next after section five hundred the following new section :— New sec.
500A.

500A. (1) Any person desiring to install a septic tank or a septic closet on his land may apply to the council to carry out the work on his behalf. Septic
closets.

(2) The council may enter into an agreement with the applicant to carry out the work at his expense on such terms and conditions as it thinks fit, including, without limiting the generality of the foregoing, provisions for securing the payment by the applicant of yearly or half-yearly instalments for

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for defraying the cost of the work and interest on such cost, and for payment of an additional charge if any such instalment is not paid on the due date.

(3) The provisions of this Act with respect to the charge of a rate upon the land in respect of which it is levied shall, mutatis mutandis, apply with respect to the amount due or owing by any person to the council for the construction of any septic tank or septic closet under this section.

(2) Any division of shires into ridings, and any alteration of such division, made under the Principal Act and in force at the commencement of this Act shall be a division and an alteration of such division made under the Principal Act, as amended by this Act.

New valuations for death duties not to be used by rating authorities.

10. Notwithstanding the provisions of the Principal Act, the Valuation of Land Act, 1916-1951, the Metropolitan Water, Sewerage, and Drainage Act, 1924-1954, the Hunter District Water, Sewerage and Drainage Act, 1938-1956, or any other Act, a new valuation made by the Valuer-General in pursuance of section seventy of the Valuation of Land Act, 1916-1951, to determine the value of any land for the purpose of payment of death duties as provided under section sixty-five of that Act shall, whether entered on a supplementary list or not, not be used by a rating authority as the basis of its rate in respect of the land included in such valuation.

In any such case, the rate levied by the rating authority in respect of the land included in such valuation shall be levied in accordance with the valuation upon which the land was last rated or ratable before the levying of such rate.

APPROPRIATION