

**LOCAL GOVERNMENT (GRANTS COMMISSION)
AMENDMENT ACT.**

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 63, 1968.

An Act to constitute a Local Government Grants Commission and to define its powers, authorities, duties and functions; to provide for the establishment of a Local Government Assistance Fund and for disbursements therefrom; for these and other purposes to amend the Local Government Act, 1919, and the Electricity Development Act, 1945, as subsequently amended; and for purposes connected therewith. [Assented to, 16th December, 1968.]

BE

Local Government (Grants Commission) Amendment.

BE it enacted by the Queen's Most Excellent Majesty, by **No. 63, 1968** 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 (Grants Commission) Amendment Act, 1968". Short title, commencement and construction

(2) This Act shall commence upon the first day of January, one thousand nine hundred and sixty-nine.

(3) This Act shall be read and construed with the Local Government Act, 1919, as subsequently amended, which Act, as so amended, is in this Act referred to as the Principal Act.

2. (1) The Principal Act is amended—

(a) by inserting in section three next after the matter relating to Part VII the following new matter :— Amendment of Act No. 41, 1919.
Sec. 3.
(Division into Parts.)

PART VIIA.—LOCAL GOVERNMENT GRANTS COMMISSION—ss. 218A–218J.

(b) by inserting in section four next after the definition of "Fund" the following new definition :— Sec. 4.
(Definitions.)
"Grants Commission" means the Local Government Grants Commission constituted under Part VIIA of this Act.

(c) by omitting Division 5 of Part VII;

Part VII,
Div. 5.
(Endowment.)

(d) by inserting next after Part VII the following new Part :— New Part VIIA.

PART VIIA.

LOCAL GOVERNMENT GRANTS COMMISSION.

218A. (1) There shall be a Local Government Grants Commission which shall have and may exercise

Local Government (Grants Commission) Amendment.

No. 63, 1968

exercise and discharge the powers, authorities, duties and functions conferred or imposed upon it by or under this Act.

(2) (a) The members of the Grants Commission shall be appointed by the Governor and, subject to this Part, each member shall hold office for five years from the date of his appointment and shall be eligible for reappointment.

(b) The Grants Commission shall consist of four members, that is to say—

- (i) one member nominated by the Minister who shall be the chairman;
- (ii) one member who shall be an officer of the Department of Local Government nominated for appointment by the person for the time being holding the office of or duly acting as Under Secretary of that Department;
- (iii) one member who shall be selected by the Governor from three officers of councils who have been nominated as prescribed by the governing body of the Local Government Association of New South Wales; and
- (iv) one member who shall be selected by the Governor from three officers of councils who have been nominated as prescribed by the governing body of the Shires Association of New South Wales.

(3) (a) Where at any time a member of the Grants Commission is absent from his office as a member with the leave of the Minister granted for any particular period, the Governor may—

- (i) if such member is the chairman, on the nomination of the Minister, appoint a person as an acting member and the acting chairman of the Grants Commission;
- (ii)

Local Government (Grants Commission) Amendment.

(ii) if such member is the member referred to in subparagraph (ii) of paragraph (b) of subsection two of this section, on the nomination of the person for the time being holding the office of or duly acting as Under Secretary of the Department of Local Government, appoint an officer of that Department as an acting member of the Grants Commission;

(iii) if such member is one of the members referred to in subparagraph (iii) or (iv) of paragraph (b) of subsection two of this section, select and appoint a member of the panel as an acting member of the Grants Commission.

(b) Such appointment may be made with respect to one or more members of the Grants Commission, and shall be for such period as may be specified in the notification of appointment.

(4) An acting chairman or an acting member, as the case may be, shall have and may exercise and discharge all the powers, authorities, duties and functions of the chairman or member in whose place he acts.

(5) No person shall be concerned to inquire whether or not any occasion has arisen requiring or authorising an acting chairman or acting member to act in the place of the chairman or a member; and all acts and things done or omitted to be done by an acting chairman or acting member when so acting as aforesaid shall have the same consequences as if they had been done or omitted to be done by the chairman or member in whose place the acting chairman or acting member is acting.

(6)

*Local Government (Grants Commission) Amendment.*No. 63, 1968

(6) The provisions of the Public Service Act, 1902, shall not apply to or in respect of the appointment by the Governor of any member or acting member of the Grants Commission, and any member or acting member so appointed shall not, in his capacity as such member or acting member, be subject to the provisions of that Act.

(7) The office of member or acting member of the Grants Commission shall not for the purposes of any Act be deemed to be an office or place of profit under the Crown.

Panel.

218B. (1) There shall be a panel to be called the "Grants Commission Panel" which in this Part is referred to as "the panel".

(2) The members of the panel shall be appointed by the Governor and, subject to this Part, each member of the panel shall hold office for five years from the date of his appointment and shall be eligible for reappointment.

(3) The panel shall consist of six members of whom—

- (a) three shall be officers of councils who have been nominated as prescribed by the governing body of the Local Government Association of New South Wales; and
- (b) three shall be officers of councils who have been nominated as prescribed by the governing body of the Shires Association of New South Wales.

Nomina-
tions.

218c. (1) Nominations for the appointment of the members of the Grants Commission referred to in subparagraphs (iii) and (iv) of paragraph (b) of subsection two of section 218A of this Act and of the members of the panel shall be made in the manner and within the time prescribed, and shall

be

Local Government (Grants Commission) Amendment.

be accompanied by the written consent of each person nominated to serve on the Grants Commission and the panel, if appointed. No. 63, 1968

(2) If within the time prescribed sufficient nominations under this Part have not been validly made by the bodies entitled to make nominations the Governor may appoint such number of persons having the appropriate qualifications as may be necessary.

218D. (1) A member or acting member of the Grants Commission or a member of the panel shall be deemed to have vacated his office if he— Cessation
of office.

- (a) dies;
 - (b) resigns his office in writing under his hand addressed to the Governor;
 - (c) becomes a mentally ill person, a protected person, or an incapable person, within the meaning of the Mental Health Act, 1958;
 - (d) becomes permanently incapable of performing his duties;
 - (e) is convicted in New South Wales of a felony or of a misdemeanour punishable by imprisonment for twelve months or upwards or is convicted elsewhere than in New South Wales of an offence which if committed in New South Wales would be a felony or misdemeanour punishable as aforesaid;
 - (f) having been appointed as a member or an acting member in his capacity as an officer of a council or of the Department of Local Government, ceases to be such an officer; or
 - (g) for any cause which appears to the Governor to be sufficient, is removed from office by the Governor.
- (2)

Local Government (Grants Commission) Amendment.

No. 63, 1968

(2) If a member of the panel is appointed (otherwise than under subparagraph (iii) of paragraph (a) of subsection three of section 218A of this Act) as a member of the Grants Commission, he shall be deemed to have vacated his office as a member of the panel.

(3) Upon the vacation of office under this section of a member of the Grants Commission or the panel or an acting member of the Grants Commission, a new member or acting member nominated or selected in the same manner as his predecessor shall be appointed by the Governor to fill the vacant office, shall hold office for the residue of his predecessor's term and shall be eligible for reappointment.

Fees and travelling expenses.

218E. The chairman and each other member of the Grants Commission, and any acting chairman or acting member, as the case may be, shall be entitled to receive such travelling and out-of-pocket expenses and, if he is not a member of the Public Service, such remuneration (whether by way of fees or allowance or otherwise), as may be prescribed in respect of the chairman or an acting chairman, or a member or acting member.

Meetings and procedure.

218F. (1) The chairman shall preside at all meetings of the Grants Commission and in addition to a deliberative vote shall, in the event of an equality of votes, have a second or casting vote.

(2) The chairman and two other members of the Grants Commission shall form a quorum.

(3) The procedure for the calling of meetings of the Grants Commission and for the conduct of business thereat shall, except as may be from time to time prescribed, be as determined by the Grants Commission.

218G.

Local Government (Grants Commission) Amendment.

218G. (1) The Grants Commission— No. 63, 1968

(a) shall consider the needs of areas for assistance from moneys available in the Assistance Fund; and Proposals
for
assistance.

(b) may consider the desirability of making any grant or contribution from moneys available in the Assistance Fund to any body of persons, incorporate or unincorporate (in this Part referred to as a "body"), for such purposes, beneficial to local government generally, as the Grants Commission thinks fit.

(2) The Grants Commission shall meet—

(a) at such times as the Minister directs; and

(b) at such other times as the Grants Commission thinks necessary or desirable,

but in any case it shall meet at least once in each year.

(3) The Grants Commission may require the production by the council of any area of any information which may, in the opinion of the Grants Commission, assist it in any consideration referred to in subsection one of this section.

(4) At least once in each year, or at such times as the Minister directs, the Grants Commission shall, after completion of such considerations referred to in subsection one of this section as it thinks necessary or desirable, submit to the Minister proposals for the disbursement of moneys available in the Assistance Fund.

(5) The Minister may—

(a) approve of any proposal referred to in subsection four of this section; or

(b)

Local Government (Grants Commission) Amendment.

No. 63, 1968

(b) refer any such proposal back to the Grants Commission for further consideration.

Determina-
tion of
amounts to
be paid.

218H. (1) As soon as practicable after the Minister approves any proposal under section 218G of this Act, the Grants Commission shall determine the amounts to be paid to individual councils or bodies.

(2) The determination to be made by the Grants Commission under subsection one of this section shall be in respect of amounts to be paid, in accordance with a proposal referred to in that subsection, to individual councils or bodies, not being amounts specified in that proposal in respect of a particular council or body.

Assistance
Fund.

218I. (1) There shall be constituted an account in the Special Deposits Account in the Treasury to be called the "Local Government Assistance Fund" which in this Part is referred to as "the Assistance Fund".

(2) The Treasurer shall, in respect of the year ending on the thirty-first day of December, one thousand nine hundred and sixty-nine, and in respect of each year ending on the thirty-first day of December, in every year thereafter, pay into the Assistance Fund, out of moneys provided by Parliament, the sum of not less than four million dollars.

Payments
from
Assistance
Fund.

218J. (1) There shall be paid from the Assistance Fund—

(a) to a council—

(i) such amounts as the Grants Commission determines in respect of that council under section 218H of this Act; and

(ii)

Local Government (Grants Commission) Amendment.

(ii) if any amounts are specified in No. 63, 1968 respect of that council in any proposal for the time being approved under section 218G of this Act, the amounts so specified;

(b) to a body—

(i) such amounts as the Grants Commission determines in respect of that body under section 218H of this Act; and

(ii) if any amounts are specified in respect of that body in any proposal for the time being approved under section 218G of this Act, the amounts so specified;

(c) to the Traffic Route Lighting Subsidy Account constituted under subsection four of section 19c of the Electricity Development Act, 1945, any amounts required to be paid under subsection four of section 19c of that Act; and

(d) to the chairman and each other member of the Grants Commission, and any acting chairman or acting member, such expenses or remuneration as they are entitled to receive under section 218E of this Act.

(2) All payments from the Assistance Fund shall be made by the Minister.

(2) Where before the commencement of this Act—

(a) endowment was to be distributed among the shires according to an apportionment made by the Governor under section two hundred and two of the Principal Act; and

NOTICE

(b)

Local Government (Grants Commission) Amendment.

No. 63, 1968

- (b) there was not paid (whether or not by reason of the operation of subsection one of section two hundred and five of the Principal Act) any amount that was, pursuant to that apportionment, payable to a shire in respect of any year prior to the year one thousand nine hundred and sixty-nine,

that amount may, after the commencement of this Act, be paid, withheld or released in the same manner as if Division 5 of Part VII of the Principal Act had not been repealed by this Act.

(3) Any apportionment made under section two hundred and two of the Principal Act in respect of the year one thousand nine hundred and sixty-nine shall be of no force or effect.

Amendment
of Act No.
13, 1946.Sec. 19C.
(Payments
to Traffic
Route
Lighting
Subsidy
Account.)

3. (1) The Electricity Development Act, 1945, as subsequently amended, is amended—

- (a) by omitting from subsection four of section 19C the words “one thousand nine hundred and sixty-four” and by inserting in lieu thereof the words “one thousand nine hundred and sixty-nine”;
- (b) by omitting from the same subsection the words “in the Special Deposits Account in the Treasury” and by inserting in lieu thereof the words “constituted under section 218I of the Local Government Act, 1919, as subsequently amended.”.

(2) The Electricity Development Act, 1945, as subsequently amended and as amended by this Act, may be cited as the Electricity Development Act, 1945–1968.

MOTOR