

**COUNTY DISTRICTS RECONSTITUTION ACT,
1979, No. 185**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 185, 1979.

An Act to alter the boundaries of the county districts for certain
county councils constituted for the supply of electricity.
[Assented to, 18th December, 1979.]

County Districts Reconstitution.

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

Short
title.

1. This Act may be cited as the "County Districts Reconstitution Act, 1979".

Interpre-
tation.

2. (1) In this Act—

"appointed day" in relation to a county district reconstituted by this Act means the day appointed and notified under the provision that reconstitutes the county district;

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

(2) This Act shall be construed with the Principal Act but this Act has effect notwithstanding anything in the Principal Act and anything in the Electricity Development Act, 1945.

Reconstitu-
tion of
Prospect,
Shortland,
Oxley,
Illawarra
and
Northern
Rivers
County
Districts.

3. (1) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Prospect County District is reconstituted by altering its boundaries to include therein—

(a) the areas and parts of areas that comprised the Hartley County District and the Nepean River County District, as they were constituted immediately before that day; and

(b) the area of the city of Blue Mountains.

(2) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Shortland County District is reconstituted by altering its boundaries to include therein the areas and parts of areas that comprised the Hunter Valley County District and the Upper Hunter County District, as they were constituted immediately before that day.

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(3) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Oxley County District is reconstituted by—

- (a) uniting the Oxley County District and the Manning River County District, as they were constituted immediately before that day; and
- (b) altering the boundaries of the county districts referred to in paragraph (a) to include the area of the shire of Kempsey.

(4) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Illawarra County District is reconstituted by altering its boundaries to include therein—

- (a) the areas and parts of areas that comprised the Bega Valley County District and the Berrima County District, as they were constituted immediately before that day; and
- (b) the area of the city of Shoalhaven.

(5) On and from a day to be appointed by the Governor for the purposes of this subsection and notified by proclamation published in the Gazette, the Northern Rivers County District is reconstituted by altering its boundaries to include therein the areas of the municipality of Mullumbimby and the shires of Byron and Tweed.

(6) The union of county districts and the alterations of the boundaries of county districts effected by this section shall, for the purposes of section 564BA of the Principal Act and for any other purpose, be deemed to have been duly effected by appropriate proclamations made by the Governor, and published in the Gazette and that union shall be deemed to have been so effected notwithstanding that the county councils so united did not, before being united, have the same functions, powers and duties.

(7) The powers conferred by section 564BA of the Principal Act may not be exercised in relation to an alteration of boundaries, or the union; referred to in subsection (6) in a manner inconsistent with this Act section 6 (2), (3) and (4) excepted.

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Dissolution
of certain
county
councils.

4. (1) On the day appointed and notified under section 3 (1)—

- (a) The Hartley County Council; and
- (b) The Nepean River County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

(2) On the day appointed and notified under section 3 (2)—

- (a) The Hunter Valley County Council; and
- (b) The Upper Hunter County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

(3) On the day appointed and notified under section 3 (3)—

- (a) The Oxley County Council; and
- (b) The Manning River County Council,

as constituted immediately before that day, are dissolved.

(4) On the day appointed and notified under section 3 (4)—

- (a) The Bega Valley County Council; and
- (b) The Berrima County Council,

as constituted immediately before that day, are dissolved and their county districts are abolished.

County
councils for
reconstituted
districts.

5. (1) On and from the appointed day for a county district reconstituted by section 3 (1), (2), (4) or (5), the county council for the county district shall comprise—

- (a) the delegates holding office as members of the county council immediately before that day; and
- (b) such other delegates as the Governor may appoint.

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(2) On and from the appointed day for the county district reconstituted by section 3 (3), the county council for the county district shall comprise such delegates as the Governor may appoint.

(3) Delegates holding office under subsections (1) and (2) shall so hold office until the delegates elected at the next succeeding general election of delegates take office.

6. (1) In relation to the county council for a county district as reconstituted by section 3, the delegations made by section 564 (3A) or (3B) of the Principal Act shall be deemed to have been made as on and from the appointed day for that county district. ^{Statutory delegations.}

(2) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District were conferred or imposed upon The Oxley County Council with respect to public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Oxley County District.

(3) The functions, powers and duties that, immediately before the appointed day for the reconstituted Oxley County District, were conferred or imposed upon The Manning River County Council with respect to water supply and public aviation stations are exercisable by The Oxley County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Manning River County District.

(4) The functions, powers and duties that, immediately before the appointed day for the reconstituted Illawarra County District, were conferred or imposed upon The Berrima County Council with respect to the eradication of noxious plants and the publication of the history of the Berrima District are exercisable by The Illawarra County Council as if its county district comprised only the areas and parts of areas that, immediately before that day, constituted the Berrima County District.

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Remuneration of servant.

7. (1) A person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district shall, subject to Part V of the Industrial Arbitration Act, 1940, be remunerated by that county council on terms not less advantageous than those on which he was remunerated by a county council or the council of an area immediately before that day.

(2) Section 564B (1) (m) (i) (c) of the Principal Act does not apply to or in respect of a person to whom subsection (1) applies.

Mobility and redundancy of servants.

8. (1) Subject to subsection (2), a person who on the appointed day for a reconstituted county district is, or who pursuant to Part XXIX of the Principal Act on that day becomes, a servant of the county council for that county district may not, without his consent, be required by that county council to be based, as such a servant, at a place outside the county district, or outside the area, in which, immediately before that day, he was based as a servant of a county council or the council of an area, as the case may be.

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

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

Staff committee.

9. (1) The Minister shall, in respect of each county council for a county district reconstituted by section 3, appoint a staff committee to report to the county council on any matter arising from the operation of this Act in relation to servants of the county council.

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

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

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

10. On and from the appointed day for the reconstituted Northern Rivers County District— Effect of certain Indenture.

- (a) the Indenture dated 15th July, 1958, and made between The Southern Electric Authority of Queensland and the council of the shire of Tweed; and
- (b) the Assignment dated 27th May, 1977, and made between The Southern Electric Authority of Queensland and The South East Queensland Electricity Board,

have effect as if The Northern Rivers County Council were a party to the Indenture instead of the council of the shire of Tweed.

11. (1) Where a county council dissolved by section 4— Certain property held on trust.

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

the estate or interest is, if the Minister so declares by order published in the Gazette for the purposes of this section not later than 2 months after the dissolution of the county council, held as trustee by the council or person in whom it is vested and is so held in

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trust for a county council specified in the order, being the county council for the county district reconstituted by section 3 to include the county district for the dissolved county council.

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

(3) It shall be presumed, unless the contrary is proved—

- (a) that an estate or interest in land described in an order under subsection (1) is an estate or interest to which that subsection applies; and
- (b) that the county council specified in the order is the county council beneficially entitled to the estate or interest.

(4) A transfer or conveyance of an estate or interest in land to a county council beneficially entitled thereto by the operation of this section is exempt from duty under the Stamp Duties Act, 1920.

(5) Where an estate or interest in land to which a county council is, by the operation of this section, beneficially entitled is transferred or conveyed to that county council—

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

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12. Where an ordinance in force under the Principal Act immediately before the dissolution of a county council under section 4 had effect in relation to that county council only, or in relation to that county council and other county councils but not to all county councils, the ordinance, until it is repealed, varied or amended under the Principal Act, continues in force in relation to the areas that comprised the county council immediately before its dissolution. Saving of certain ordinances.
