

**LOCAL GOVERNMENT (AMENDMENT) ACT,
1980, No. 74**

New South Wales



ANNO VICESIMO NONO

ELIZABETHÆ II REGINÆ

Act No. 74, 1980.

An Act to amend the Local Government Act, 1919, with respect to the constitution and functions of the Local Government Grants Commission, rates, qualifications of electors, noxious plants and certain other matters; and to amend the Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979, in certain respects. [Assented to, 29th April, 1980.]

See also Municipal Council of Sydney Electric Lighting (Amendment) Act, 1980; Public Health (Local Government) Amendment Act, 1980; Land and Environment Court (Amendment) Act, 1980.

Local Government (Amendment).

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

Short title. **1.** This Act may be cited as the "Local Government (Amendment) Act, 1980".

Commence- **2.** (1) Except as provided in subsections (2)–(4), this Act
ment. shall commence on the date of assent to this Act.

(2) Section 5 shall, in its application to a provision of Schedules 1–7, commence or be deemed to have commenced on the day on which that provision commences or is deemed to have commenced, as the case may require.

(3) Schedules 1, 2, 3 and 4 shall commence on such day as may be appointed by the Governor in respect of each of them (whether or not it is the same day) and as may be notified by proclamation published in the Gazette.

(4) Schedules 6 and 8 and section 6 shall commence or be deemed to have commenced, as the case may require, on the day appointed and notified under section 2 (2) of the Environmental Planning and Assessment Act, 1979.

Principal **3.** The Local Government Act, 1919, is referred to in this Act
Act. as the Principal Act.

Schedules. **4.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO THE PRINCIPAL ACT
RELATING TO THE CONSTITUTION AND FUNCTIONS OF
THE LOCAL GOVERNMENT GRANTS COMMISSION.

Local Government (Amendment).

SCHEDULE 2.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES.

SCHEDULE 3.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE QUALIFICATIONS OF ELECTORS.

SCHEDULE 4.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BUILDING AND HEALTH SURVEYORS.

SCHEDULE 5.—AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NOXIOUS PLANTS ADVISORY COMMITTEE.

SCHEDULE 6.—AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL NATURE.

SCHEDULE 7.—MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

SCHEDULE 8.—AMENDMENTS TO THE MISCELLANEOUS ACTS (PLANNING) REPEAL AND AMENDMENT ACT, 1979.

SCHEDULE 9.—SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

5. The Principal Act is amended in the manner set forth in Schedules 1-7. Amendment of Act No. 41, 1919.

6. The Miscellaneous Acts (Planning) Repeal and Amendment Act, 1979, is amended in the manner set forth in Schedule 8. Amendment of Act No. 205, 1979.

7. Schedule 9 has effect. Savings, transitional and other provisions.

Local Government (Amendment).

Sec. 5.

SCHEDULE 1.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION.

(1) Section 3, matter relating to Part VIIA—

Omit “218J”, insert instead “218Q”.

(2) Part VIIA, Division 1, heading—

Before section 218A, insert :—

DIVISION 1.—*Constitution of Local Government Grants
Commission.*

(3) (a) Section 218A (2) (b) (ii)—

Omit “that Department;”, insert instead “that Department and who shall be the deputy chairman; and”.

(b) Section 218A (2) (b) (iii), (iv)—

Omit the subparagraphs, insert instead :—

(iii) two members nominated by the Minister, each of whom is, when appointed, or has, at any time before his appointment, been, associated with local government in New South Wales, whether as a member of a council or otherwise.

(c) Section 218A (3) (a)—

Omit “with the leave of the Minister granted for any particular period, the Governor”, insert instead “through illness or any other cause, the Minister”.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

- (d) Section 218A (3) (a) (i)—
Omit “on the nomination of the Minister, appoint a person as an acting member and the acting chairman”, insert instead “appoint a person as an acting member”.
- (e) Section 218A (3) (a) (ii)—
After “member” where thirdly occurring, insert “and acting deputy chairman”.
- (f) Section 218A (3) (a) (iii)—
Omit “or (iv)”.
- (g) Section 218A (3) (a) (iii)—
Omit “select and appoint a member of the panel”, insert instead “appoint a person having the qualification referred to in that subparagraph”.
- (h) Section 218A (4)—
Omit the subsection, insert instead :—
(4) An acting member shall be deemed to be a member of the Grants Commission.
- (i) Section 218A (5)—
Omit “an acting chairman or acting member” wherever occurring, insert instead “the deputy chairman, an acting deputy chairman or an acting member”.
- (j) Section 218A (5)—
Omit “the acting chairman”, insert instead “the deputy chairman, acting deputy chairman”.

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(k) Section 218A (6)—

After “member or” where firstly occurring, insert “by the Minister of any”.

(4) Section 218B—

Omit the section.

(5) Section 218C—

Omit the section.

(6) (a) Section 218D (1)—

Omit “or a member of the panel”.

(b) Section 218D (1) (b)—

Omit “to the Governor”, insert instead “, in the case of a member, to the Governor or, in the case of an acting member, to the Minister”.

(c) Section 218D (1) (e)—

After “aforesaid;”, insert “or”.

(d) Section 218D (1) (f), (g)—

Omit the paragraphs, insert instead :—

(g) being a member, for any cause which appears to the Governor to be sufficient, is removed from office by the Governor or, being an acting

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

member, for any cause which appears to the
Minister to be sufficient, is removed from office
by the Minister.

(e) Section 218D (2), (2A)—

Omit section 218D (2), insert instead :—

(2) Without limiting subsection (1), a member of
the Grants Commission referred to in section 218A
(2) (b) (ii) or an acting member of the Grants
Commission referred to in section 218A (3) (a) (ii)
shall be deemed to have vacated his office—

(a) if he ceases to be an officer of the Depart-
ment of Local Government without his office
as a member or an acting member of the
Grants Commission having previously been
confirmed under subsection (2A); or

(b) where he has ceased to be such an officer
and his office as a member or an acting
member of the Grants Commission was
previously confirmed under subsection (2A),
upon the expiration of the period for which
it was confirmed.

(2A) The Minister may, before a member of the
Grants Commission referred to in section 218A (2)
(b) (ii) or an acting member of that Commission
referred to in section 218A (3) (a) (ii) ceases to be
an officer of the Department of Local Government,
by instrument in writing, confirm his office as a
member or an acting member of that Commission for
such period (not exceeding the residue of his term of
office) after he ceases to be an officer of that
Department as is specified in that instrument.

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(f) Section 218D (3)—

Omit “of the Grants Commission or the panel”.

(g) Section 218D (3)—

Omit “nominated or selected in the same manner as his predecessor shall be appointed by the Governor”, insert instead “having the like qualification as his predecessor shall be appointed, in the case of a new member, by the Governor or, in the case of a new acting member, by the Minister”.

(7) (a) Section 218E—

After “chairman” where firstly occurring, insert “, deputy chairman”.

(b) Section 218E—

Omit “acting chairman” where firstly occurring, insert instead “acting deputy chairman”.

(c) Section 218E—

Omit “prescribed”, insert instead “determined by the Minister”.

(d) Section 218E—

Omit “or an acting chairman”, insert instead “, the deputy chairman or an acting deputy chairman”.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(8) (a) Section 218F (1), (1A)—

Omit section 218F (1), insert instead :—

(1) At any meeting of the Grants Commission—

(a) the chairman;

(b) in the absence of the chairman, the deputy
chairman; or

(c) in the absence of the chairman and the
deputy chairman, the acting deputy
chairman, if any,

shall preside.

(1A) The person presiding at any meeting of the
Grants Commission shall, in addition to a deliberative
vote, have, in the event of an equality of votes, a
second or casting vote.

(b) Section 218F (2)—

Omit “chairman”, insert instead “person presiding”.

(9) Part VIIA, Division 2, heading—

After section 218F, insert :—

DIVISION 2.—*Local Government Assistance Fund.*

(10) (a) Section 218G (1) (b)—

Omit “Part”, insert instead “Division”.

(b) Section 218G (2)—

Omit the subsection.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(c) Section 218G (3A)—

After section 218G (3), insert :—

(3A) A requirement under subsection (3) may specify the form in which the information is to be produced and the person or body to whom it is to be produced.

(11) Section 218I (1)—

Omit “Part”, insert instead “Division”.

(12) (a) Section 218J (1) (d)—

After “chairman” where firstly occurring, insert “, deputy chairman”.

(b) Section 218J (1) (d)—

Omit “acting chairman”, insert instead “acting deputy chairman”.

(13) Part VIIA, Divisions 3, 4—

After section 218J, insert :—

DIVISION 3.—*Local Government Revenue Sharing Fund.*

218K. (1) In this Division, “the Commonwealth Act” means the Local Government (Personal Income Tax Sharing) Act 1976 of the Parliament of the Commonwealth or, if that Act is amended, that Act as amended from time to time.

Interpre-
tation.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(2) A reference in this Division to the annual share of revenue for any year ending on 30th June is a reference to the amount to the payment of which the State is, subject to compliance with the Commonwealth Act, entitled under that Act in respect of that year.

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

Revenue
Sharing
Fund.

(2) The Treasurer shall pay into the Revenue Sharing Fund all amounts paid to the State under the Commonwealth Act after the commencement of this Division.

218M. (1) The Minister shall, in respect of the year ending on 30th June, 1981, and each subsequent year ending on 30th June, make a determination—

Payments
from
Revenue
Sharing
Fund.

- (a) for the allocation of not less than the percentage referred to in section 6 (2) (a) of the Commonwealth Act of the annual share of revenue for the year in respect of which the determination is made among councils on a population basis, that is to say, on a basis that takes into account the respective populations of the areas of those councils and may take into account the respective sizes, and the respective population densities, of the areas of those councils and any other matters agreed upon between the Prime Minister of Australia and the Premier as being relevant for the purposes of that allocation; and

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

- (b) for the allocation of the remainder of the annual share of revenue for the year in respect of which the determination is made among councils on a general equalisation basis, that is to say, on a basis that has the object of ensuring, so far as is practicable, that each council is able to function, by reasonable effort, at a standard not appreciably below the standards of other councils in the State, being a basis that takes account of differences in the capacities of those councils to raise revenue and differences in the amounts required to be expended by those councils in the performance of their functions.
- (2) In determining an allocation referred to in subsection (1) (b), the Minister shall have regard to the recommendation of the Grants Commission made under section 218N (1) (c) (ii) with respect to the allocation.
- (3) Particulars of an allocation determined by the Minister under subsection (1) shall not be made public until the Minister of State for the time being responsible for the administration of the Commonwealth Act has been informed of those particulars and the Minister has informed that Minister of State that the allocation has been made in accordance with section 6 of the Commonwealth Act.
- (4) Each council is entitled to receive, without undue delay, from the Revenue Sharing Fund payment, being a payment that is unconditional, of the amount determined for allocation to it under subsection (1).

Local Government (Amendment).

SCHEDULE 1—*continued.*
 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
 CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
 GRANTS COMMISSION—*continued.*

218N. (1) The Grants Commission shall, in respect of the year ending on 30th June, 1981, and each subsequent year ending on 30th June, make to the Minister recommendations with respect to—

Recom-
mendations
of Grants
Commis-
sion.

- (a) the percentage (not being less than the percentage referred to in section 6 (2) (a) of the Commonwealth Act) of the annual share of revenue for the year in respect of which the recommendation is made to be allocated among councils;
- (b) the principles in accordance with which the basis referred to in section 218M (1) (a) should be applied; and
- (c) the allocation among councils—
 - (i) on the basis referred to in section 218M (1) (a) applied in accordance with principles approved by the Minister, of the percentage, approved by the Minister, of the annual share of revenue for the year in respect of which the recommendation is made; and
 - (ii) on the basis referred to in section 218M (1) (b) of the remainder of that annual share of revenue.

(2) The Grants Commission shall make recommendations with respect to the matters—

- (a) referred to in subsection (1) (a) and (b) as soon as practicable after being requested by the Minister to make those recommendations; and

Local Government (Amendment).

SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

- (b) referred to in subsection (1) (c) as soon as practicable after the approvals of the Minister referred to in subsection (1) (c) (i) have been notified to it,

and, if after making any such recommendation it is requested by the Minister to reconsider its recommendation on any matter, shall make a further recommendation on that matter as soon as practicable after being so requested to reconsider.

(3) Any recommendation made by the Grants Commission under subsection (1) or any further recommendation made by it under subsection (2) shall be embodied in a report with respect to matters relating to the making of the recommendations and as soon as practicable after preparing it the Grants Commission shall furnish it to the Minister.

(4) The Grants Commission shall not make public its recommendations made under subsection (1), any further recommendation made under subsection (2) or any report referred to in subsection (3).

(5) For the purpose of enabling the Grants Commission to perform its functions under this section—

- (a) the Grants Commission shall hold such hearings and make such inspections, investigations and inquiries as it thinks necessary;
- (b) the Grants Commission may require the production by the council of any information which may, in the opinion of the Grants Commission, assist it; and
- (c) submissions may be made to the Grants Commission by, or by associations of, councils.

*Local Government (Amendment).*SCHEDULE 1—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

(6) Hearings held for the purpose of subsection (5) shall be ordinarily held in public.

(7) A requirement under subsection (5) (b) may specify the form in which the information is to be produced and the person or body to whom it is to be produced.

218o. As soon as practicable after 30th June, 1981, and 30th June in each subsequent year, the Minister shall furnish to the Treasurer of the Commonwealth—

Statements of payments to councils to be furnished.

- (a) a statement, in accordance with a form approved by the Treasurer of the Commonwealth, specifying payments made by the State during the year to which the statement relates in accordance with the Commonwealth Act and the dates of those payments; and
- (b) a certificate by the Auditor-General certifying that, in his opinion, the contents of the statement are correct.

DIVISION 4.—*General.*

218p. 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,

Meetings of Grants Commission.

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

218q. (1) As soon as practicable after 30th June, 1981, and 30th June in each subsequent year, the Grants Commission shall furnish to the Minister a report on the

Annual report.

Local Government (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
CONSTITUTION AND FUNCTIONS OF THE LOCAL GOVERNMENT
GRANTS COMMISSION—*continued.*

manner in which it performed its functions under Division 2, and containing a copy of any proposals or determinations made by it under that Division during the year to which the report relates.

(2) The Minister shall cause a copy of any report furnished to him—

- (a) under subsection (1) to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by him; and
- (b) under section 218N (3) to be furnished, as soon as practicable after receipt of the report by him, to the Prime Minister of Australia and only after a copy has been so furnished shall—
 - (i) cause another copy of the report to be laid before each House of Parliament within 14 sitting days of that House after receipt of the report by him; and
 - (ii) cause the report to be made public.

(3) For the purposes of subsection (2), sitting days shall be counted whether or not they occur during the same session.

(14) Section 573 (3)—

After section 573 (2), insert :—

(3) Subsection (1) does not extend to authorising an ordinance to be made applying, *mutatis mutandis*, to county councils any of the provisions of Division 3 of Part VIIA.

Local Government (Amendment).

SCHEDULE 2.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES.

(1) (a) Section 158 (7)—

Omit “, including the District Court”.

(b) Section 158 (7A)—

After section 158 (7), insert :—

(7A) Notwithstanding any other Act, where judgment is obtained in any court for the payment of any unpaid rates, interest is not payable in respect of the judgment debt.

(2) (a) Section 160AA (3)—

Omit “, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year,”.

(b) Section 160AA (3)—

Omit “subsection (4)”, insert instead “subsections (4) and (4A)”.

(c) Section 160AA (4), (4A)—

Omit section 160AA (4), insert instead :—

(4) Subject to subsection (4A), the amount by which a rate is required to be reduced by subsection (3) is—

- (a) where the person making the application under subsection (3) is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, solely ratable or jointly ratable with 1 or more jointly eligible occupiers but with no other person—one-half of that rate; or

Local Government (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(b) where the person making the application under subsection (3) is, on the date on which he makes the application, an eligible pensioner and, in respect of that rate, jointly ratable with 1 other person who is not a jointly eligible occupier, or with 2 or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to one-half of that rate the same proportion as the part of that rate for which, as between all persons liable to pay that rate, the applicant and any jointly eligible occupier are liable bears to the whole of that rate.

(4A) The total amount by which—

- (a) all general rates levied on any land for the same year are reduced under subsection (3) shall not exceed \$120;
- (b) all water rates so levied are reduced under subsection (3) shall not exceed \$60; and
- (c) all sewerage rates so levied are reduced under subsection (3) shall not exceed \$60.

(d) Section 160AA (5)—

Omit “, for the year commencing on the first day of January in the year one thousand nine hundred and seventy-two or in any subsequent year,”.

(e) Section 160AA (5)—

Omit “subsection (6)”, insert instead “subsections (6) and (6A)”.

Local Government (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(f) Section 160AA (6), (6A)—

Omit section 160AA (6), insert instead :—

(6) Subject to subsection (6A), the amount by which a rate is required to be reduced by subsection (5) is, in respect of each rating contribution concerned—

- (a) where the person making the application under subsection (5) is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, solely liable or jointly liable with 1 or more jointly eligible occupiers but with no other person—one-half of that rating contribution; or
- (b) where the person making the application under subsection (5) is, on the date on which he makes the application, an eligible pensioner and, in respect of the rating contribution, jointly liable with 1 other person who is not a jointly eligible occupier or with 2 or more other persons, any of whom is not a jointly eligible occupier—an amount that bears to one-half of that rating contribution the same proportion as the part of that rating contribution for which, as between all persons liable to pay that rating contribution, the applicant and any jointly eligible occupier are liable bears to the whole of that rating contribution.

Local Government (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(6A) The total amount by which—

- (a) all general rates levied on any land for the same year are reduced under subsection (5) shall not exceed \$120 in respect of each rating contribution concerned;
- (b) all water rates so levied are reduced under subsection (5) shall not exceed \$60 in respect of each rating contribution concerned; and
- (c) all sewerage rates so levied are reduced under subsection (5) shall not exceed \$60 in respect of each rating contribution concerned.

(3) Section 375 (4)—

Omit the subsection.

(4) (a) Section 378 (1)—

Omit “or by rates and charges”.

(b) Section 378 (1)—

Omit “and charges” where secondly and thirdly occurring.

(c) Section 378 (2)—

Omit the subsection and the heading thereto.

(d) Section 378 (3), heading—

Omit the heading.

Local Government (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(e) Section 378 (3)—

Omit “, or, in the case of a water supply, may either

- (a) make and levy a rate; or
- (b) make and levy charges by measure for all water supplied, and may make a minimum charge; or
- (c) both make and levy a rate, and make and levy charges by measure for excess water”.

(f) Section 378 (3A)—

Omit the subsection.

(g) Section 378 (3B)—

After “undertaken by it”, insert “(not being an extension of a water pipe, sewer or drain of the council)”.

(h) Section 378 (3C)—

After section 378 (3B), insert :—

Extension of water pipes, sewers and drains.

(3C) Where a council extends a water pipe, sewer or drain of the council, land shall not become ratable under this Part by virtue of that extension—

- (a) in the case of water local rates—until the expiration of 21 days after public notice is given by the council in the Gazette of the extension of the water pipe or until the date on which the land is connected to the council’s mains, whichever is the earlier;

Local Government (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

- (b) in the case of sewerage local rates—until the expiration of 60 days after public notice is given by the council in the Gazette of the extension of the sewer or until the date on which the land is connected to the sewer, whichever is the earlier; or
- (c) in the case of drainage local rates—until public notice is given by the council in the Gazette of the extension of the drain.

- (i) Section 378 (4), (4A), (5)—

Omit the subsections and the heading thereto.

- (5) Section 378A—

After section 378, insert :—

Charges.

Charges for water.

Council
may levy
charges.

378A. (1) The council may, instead of making and levying a rate under this Part in respect of works of water supply, make and levy—

- (a) charges by measure for all water supplied, including a minimum charge; or
- (b) a standard charge for all water supplied.

(2) The council shall not exercise its power under subsection (1) in relation to a rate referred to in section 378 (1) except with the approval of the Governor.

Local Government (Amendment).

SCHEDULE 2—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
*continued.***

(3) Whenever in the opinion of the council the amount of the rate upon any land would not be sufficient to pay for the water that is used or will probably be used in connection with the land, the council may, by notice in writing, direct the owner within the time named in the notice either to agree to pay for the supply of water at a charge fixed by resolution of the council or to instal a meter and pay for the water by measure, and in collecting any such charge credit shall be allowed for the amount of the rate if paid.

(4) The council may, in addition to any rate made and levied under this Part in respect of works of water supply, make and levy charges by measure for excess water.

(5) For the purposes of subsection (4), charges for excess water supplied to a separate parcel of land shall be calculated as follows :—

- (a) the council shall determine the amount that would be payable for all water supplied for the period to which the charge relates according to the charge fixed by the council;
- (b) the council shall determine the amount of water local rates payable in respect of that parcel of land for the period to which the charge relates, including any amount by which those rates are reduced or written off pursuant to this Act;
- (c) for the purposes of paragraph (b), where the period to which the charge relates includes any part of a rating year, the amount of the rates payable for that part shall be the amount that bears to the total water local rates payable for the whole of that year the same proportion as that part bears to the whole of that year;

Local Government (Amendment).

SCHEDULE 2—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(d) where the amount determined pursuant to paragraph (a) exceeds the amount determined pursuant to paragraph (b), the amount of that excess shall be the amount of the charge for excess water.

(6) Charges for the supply of water under subsection (1) or (4) may differ according to the different quantities of water supplied or according to the purposes for which the water is supplied.

(7) For the purposes of determining the amount of any charge for the supply of water under subsection (1) or (4), where the charge has been altered during the period to which the charge relates, the water supplied during that period shall be deemed to have been supplied evenly on a daily basis throughout that period.

Other charges and fees.

(8) The council may make and levy charges and fees for or in connection with—

- (a) the supply of water, not being a charge referred to in subsection (1) or (4);
- (b) the rendering of sewerage services; and
- (c) the rendering of drainage services.

Local Government (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

Charges and fees generally.

(9) Charges and fees for or in connection with the supply of water or the rendering of sewerage or drainage services—

- (a) may be levied in respect of lands (including land owned by the Crown) not ratable under this Part;
- (b) may be fixed by ordinance or, where there is no charge or fee so fixed, may be fixed by resolution of the council subject to the maximum, if any, prescribed by ordinance; and
- (c) may be recovered as rates.

(10) A charge for the supply of water to any ratable land under subsection (1) or (4) shall be paid to the council by the person for the time being ratable in respect of the land.

(11) The provisions of section 150 shall apply to and in respect of any charge referred to in subsection (10) as if the charge were a rate payable under this Act.

(12) Except as provided in subsection (10), the charge or fee in respect of any service for the supply of water or the rendering of sewerage or drainage services shall be paid to the council by the person to whom or at whose request the service is supplied or rendered.

(13) In any case where the Crown is liable under this section, the charge or fee shall be paid to the council in accordance with the provisions of this Act relating to the payment of rates by the Crown.

Local Government (Amendment).

SCHEDULE 2—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATES—
continued.

(6) Section 379 (4D)—

After section 379 (4C), insert :—

Exemptions—Land not to be serviced.

(4D) Where the council resolves not to supply water to land in any part of its area or not to connect land in any part of its area to the council's sewers, water local rates or sewerage local rates, as the case may be, shall not be levied upon the land.

Sec. 5.

SCHEDULE 3.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
QUALIFICATIONS OF ELECTORS.

(1) Section 4, definition of "Ratepayer"—

Omit the definition.

(2) Section 21 (1) (c)—

Omit "and of ratepayers".

(3) Section 51 (1)—

Omit the subsection, insert instead :—

(1) In order to have the requisite qualification of an elector in respect of a ward or riding a person must be either—

(a) an owner of ratable land in the ward or riding;
or

(b) a resident of the ward or riding.

Local Government (Amendment).

SCHEDULE 3—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
QUALIFICATIONS OF ELECTORS—*continued.*

(4) Section 53—

Omit the section.

(5) Section 54 (1)—

Omit the subsection, insert instead :—

(1) A person shall be a “resident” for the purposes of this Part if—

(a) he is, upon the relevant date, enrolled, within the meaning of the Parliamentary Electorates and Elections Act, 1912, on the roll for any electoral district; and

(b) his place of living as described on that roll is within the ward or riding.

(6) (a) Section 56A (5), (6)—

Omit “Subject to subsection (7), where” wherever occurring, insert instead “Where”.

(b) Section 56A (7)—

Omit the subsection.

(7) Section 65A (7)—

Omit “, subject to section 80.”.

(8) (a) Section 66 (2)—

Omit “or as ratepaying lessee” wherever occurring.

(b) Section 66 (2A)—

Omit “any of the following paragraphs, that is to say, paragraph (b) of section 52 or paragraph (c) of section 53, or paragraph (b) of section 54,” insert instead “section 52 (b)”.

Local Government (Amendment).

SCHEDULE 3—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
QUALIFICATIONS OF ELECTORS—*continued.*

(c) Section 66 (2A)—

Omit “the same paragraph or any other of those paragraphs”, insert instead “that paragraph”.

(d) Section 66 (3)—

Omit “or as ratepaying lessee” wherever occurring.

(e) Section 66 (3)—

Omit “occupier”, insert instead “resident”.

(f) Section 66 (4)—

Omit the subsection.

(9) Part V, Division 8—

Omit the Division.

(10) (a) Section 81 (1)—

Omit “or ratepayers as it thinks appropriate”.

(b) Section 81 (2)—

Omit the subsection.

(11) Section 82—

Omit “or ratepayers”.

Local Government (Amendment).

SCHEDULE 3—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE
QUALIFICATIONS OF ELECTORS—*continued.***

- (12) Section 82A (1)—
Omit “or 73 (3B), or a poll of electors under section 81A”,
insert instead “, 73 (3B) or 81A”.
- (13) Section 83 (h)—
Omit “and polls of ratepayers”.
- (14) Section 122—
Omit the section.
-

SCHEDULE 4.

Sec. 5.

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BUILDING
AND HEALTH SURVEYORS.**

- (1) Section 90C—
Omit “building inspector” wherever occurring, insert
instead “building surveyor”.
- (2) Section 93—
Omit “building inspector” wherever occurring, insert
instead “building surveyor”.
- (3) (a) Section 93A (1), (1A)—
Omit section 93A (1), insert instead :—
(1) The council may appoint health surveyors.

Local Government (Amendment).

SCHEDULE 4—*continued.*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BUILDING
AND HEALTH SURVEYORS—*continued.*

(1A) The council shall not appoint a person as a health surveyor unless—

- (a) that person holds a certificate as prescribed;
or
- (b) the Health Commission has exempted that person from the operation of this subsection.

(b) Section 93A (2)—

Omit “health inspectors”, insert instead “health surveyors”.

(c) Section 93A (3)—

Omit “health inspector”, insert instead “health surveyor”.

(d) Section 93A (4)—

Omit the subsection.

(4) (a) Section 94 (1)—

Omit “health inspectors”, insert instead “health surveyors”.

(b) Section 94 (1)—

Omit “such inspectors” wherever occurring, insert instead “those health surveyors”.

(c) Section 94 (2)—

Omit “health inspector”, insert instead “health surveyor”.

Local Government (Amendment).

SCHEDULE 4—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO BUILDING
AND HEALTH SURVEYORS—*continued.*

(d) Section 94 (2)—

Omit “such inspector”, insert instead “any such health surveyor”.

(e) Section 94 (3)—

Omit “health inspector or health inspectors” wherever occurring, insert instead “health surveyor or health surveyors”.

(5) Section 99 (1)—

Omit “health inspectors”, insert instead “health surveyors”.

(6) (a) Section 280 (1)—

Omit the subsection.

(b) Section 280 (2)—

After “health inspector” where firstly occurring, insert “or a health surveyor”.

(c) Section 280 (2)—

Omit “health inspector” where secondly occurring, insert instead “health surveyor”.

(7) Section 293 (1)—

Omit “health inspector”, insert instead “health surveyor”.

Local Government (Amendment).

Sec. 5.

SCHEDULE 5.

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NOXIOUS
PLANTS ADVISORY COMMITTEE.

(1) Section 466 (1), definition of "Committee"—

Before the definition of "Eradicate", insert :—

"Committee" means the Noxious Plants Advisory Committee established by section 466A.

(2) Part XXII, Division 1A—

After Division 1 of Part XXII, insert :—

DIVISION 1A.—*Noxious Plants Advisory Committee.*

Establish-
ment of
Committee.

466A. (1) A Noxious Plants Advisory Committee is hereby established.

(2) The Committee shall consist of the following persons appointed by the Minister :—

- (a) a person, having special knowledge of noxious plants, nominated by the Minister for Agriculture, who shall be the Chairman of the Committee;
- (b) an officer of the Department of Local Government;
- (c) an officer of the Department of Lands nominated by the Minister for Lands;
- (d) a director of a Pastures Protection Board under the Pastures Protection Act, 1934;
- (e) a member or officer of the State Pollution Control Commission nominated by the Minister for Planning and Environment;
- (f) a person included in a panel of 3 persons nominated by the Shires Association of New South Wales;

Local Government (Amendment).

SCHEDULE 5—*continued.*

**AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NOXIOUS
PLANTS ADVISORY COMMITTEE—*continued.***

- (g) a person included in a panel of 3 persons, each of whom is a member of a county council constituted under this Act for the control of noxious plants, nominated by the Shires Association of New South Wales; and
- (h) a person nominated by the Water Resources Commission.

466B. The functions of the Committee shall be—

Functions of
Committee.

- (a) to furnish reports and recommendations, either on its own motion or as referred to it by the Minister, with respect to noxious plants, and in particular, with respect to—
 - (i) the declaration of noxious plants and the revocation of any such declaration;
 - (ii) the policies and procedures relating to the administration of this Part and of Part XXVIII; and
 - (iii) the amendment of the provisions of this Act or of any other law relating to noxious plants;
- (b) to keep under review policies with respect to the control of noxious plants;
- (c) to carry out such functions of an advisory or educational character with respect to noxious plants as may be directed by the Minister;
- (d) to advise the Minister annually on the principles upon which advances are made to councils from money appropriated by Parliament for the control of noxious plants;

Local Government (Amendment).

 SCHEDULE 5—*continued.*

 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NOXIOUS
 PLANTS ADVISORY COMMITTEE—*continued.*

- (e) to act as a liaison body between land holders, councils and the Minister with respect to matters relating to noxious plants; and
- (f) to provide landholders and councils with an opportunity to discuss and make recommendations concerning policies with respect to the control of noxious plants.

 Committee
 procedures.

466c. (1) Questions arising at a meeting of the Committee shall be determined by a majority of the votes of the members present and voting.

(2) In the absence of the Chairman at any meeting of the Committee, the members present shall appoint one of their number to preside at that meeting.

(3) The Chairman or member presiding at a meeting of the Committee shall have a deliberative vote and, in the event of an equality of votes, shall have a second or casting vote.

(4) A quorum at any meeting of the Committee shall be 5 and any duly convened meeting at which a quorum is present shall be competent to transact any business of the Committee and shall have and may exercise all the functions of the Committee.

(5) The frequency of meetings of the Committee and the procedures for the conduct of business at those meetings shall, subject to any directions by the Minister, be as determined by the Committee.

Local Government (Amendment).

SCHEDULE 5—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO THE NOXIOUS
PLANTS ADVISORY COMMITTEE—*continued.*

(6) Each member of the Committee is entitled to receive such remuneration (including travelling and subsistence allowances) for attending meetings and transacting the business of the Committee as the Minister may from time to time determine in respect of him.

(7) The Committee shall, as soon as practicable after 30th June, but on or before 30th September, in each year, furnish an annual report to the Minister on its activities for the 12 months preceding 30th June in that year.

SCHEDULE 6.

Sec. 5.

AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL
NATURE.

(1) (a) Section 313 (1) (k)—

Omit “and”.

(b) Section 313 (1) (l)—

Omit “slip.”, insert instead “slip; and”.

(c) Section 313 (1) (m)—

After section 313 (1) (l), insert :—

(m) whether the erection of the building adversely affects the drainage of adjoining sites.

Local Government (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL
NATURE—*continued.*

- (2) (a) Section 317C (1), definition of “board”—
Omit the definition.
- (b) Section 317C (4) (a)—
Omit “Tribunal”, insert instead “Land and Environ-
ment Court”.
- (c) Section 317C (4) (a)—
Omit “board”, insert instead “Court”.
- (3) (a) Section 317F—
Omit “Tribunal” wherever occurring, insert instead
“Land and Environment Court”.
- (b) Section 317F (3), (4)—
Omit “board” wherever occurring, insert instead
“Court”.
- (4) Section 317G (1) (a)—
Omit “Tribunal”, insert instead “Land and Environment
Court”.
- (5) Section 317I (2), (4)—
Omit “Supreme Court” wherever occurring, insert instead
“Land and Environment Court”.

Local Government (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL
NATURE—*continued.*

(6) Section 317JB—

Omit “Supreme Court”, insert instead “Land and Environment Court”.

(7) Section 495A (2)–(5)—

Omit section 495A (2), insert instead :—

(2) An owner of land who is given notice of a requirement of the council under subsection (1) may, subject to subsection (3), appeal to the Land and Environment Court against that requirement.

(3) Except with the leave of the Land and Environment Court, an appeal against a requirement of the council under subsection (1) may not be lodged after the expiration of the period specified for compliance with the requirement.

(4) If an owner of land duly appeals to the Land and Environment Court against a requirement of the council under subsection (1), the Court may, on hearing the appeal—

- (a) confirm the requirement without modification;
- (b) confirm the requirement with such modifications (including modifications of the period specified for compliance with the requirement) as it thinks fit; or
- (c) refuse to confirm the requirement.

Local Government (Amendment).

SCHEDULE 6—*continued.*AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL NATURE—*continued.*

(5) Where an appeal against a requirement of the council under subsection (1) is duly lodged with the Land and Environment Court, the requirement has no force or effect unless the Court confirms the requirement, with or without modification, or the appeal is withdrawn.

(8) Section 510A (4)–(7)—

Omit section 510A (4), insert instead :—

(4) A person who is aggrieved by any decision of the council (whether the decision relates to an order given by the council or otherwise) in the exercise or performance of its powers, authorities, duties or functions under this section may, subject to subsection (5), appeal to the Land and Environment Court against that decision.

(5) Where a person is given an order under subsection (1) or (2) to do a thing within a specified time, an appeal against the order may not be lodged after that time except with the leave of the Land and Environment Court.

(6) If any person duly appeals to the Land and Environment Court against a decision of the council referred to in subsection (4), the Court may, on hearing the appeal—

- (a) confirm the decision without modification;
- (b) confirm the decision with such modifications (including modifications of the time within which a thing is required to be done) as it thinks fit; or
- (c) refuse to confirm the decision.

Local Government (Amendment).

SCHEDULE 6—*continued.*

AMENDMENTS TO THE PRINCIPAL ACT OF A CONSEQUENTIAL
NATURE—*continued.*

(7) Where an appeal against a decision of the council referred to in subsection (4) is duly lodged with the Land and Environment Court, the decision has no force or effect unless the Court confirms the decision, with or without modification, or the appeal is withdrawn.

SCHEDULE 7.

Sec. 5.

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT.

(1) Section 15G—

Omit “prescribed”, insert instead “determined by the Minister”.

(2) Section 160DA (3) (b) (i)—

After “shall not”, insert “be”.

(3) Section 510A (3)—

Omit “If the order”, insert instead “If an order given by the council under subsection (1) or (2)”.

Local Government (Amendment).

Sec. 6.

SCHEDULE 8.

AMENDMENTS TO THE MISCELLANEOUS ACTS (PLANNING)
REPEAL AND AMENDMENT ACT, 1979.

(1) Schedule 2, Part 1—

Omit items (19)–(25), both inclusive, under the heading “Local Government Act, 1919—”.

(2) Schedule 2, Part 1—

From the matter under the heading “Statutory and Other Offices Remuneration Act, 1975—”, omit “the Environmental Planning and Assessment Act, 1979” where secondly and thirdly occurring, insert instead “the Land and Environment Court Act, 1979”.

Sec. 7.

SCHEDULE 9.

SAVINGS, TRANSITIONAL AND OTHER PROVISIONS.

Local Government Grants Commission. 1. Upon the commencement of Schedule 1, a member of the Local Government Grants Commission referred to in section 218A (2) (b) (iii) or (iv) of the Principal Act, as in force immediately before that commencement, ceases to be a member of that Commission and is not entitled to be paid any remuneration or compensation by reason of his so ceasing to be a member.

Travelling, etc., fees. 2. The travelling, out-of-pocket expenses and remuneration prescribed for the purposes of section 15G or 218E of the Principal Act immediately before the amendment of that section by this Act shall, after the commencement of that amendment, be deemed to have been determined by the Minister for the purposes of that section.

Local Government (Amendment).

SCHEDULE 9—*continued.*SAVINGS, TRANSITIONAL AND OTHER PROVISIONS—*continued.*

3. A person who, immediately before the commencement of Schedule 4, was a building inspector or a health inspector under the Principal Act shall be deemed, on and after that commencement, to have been appointed as a building surveyor or health surveyor, as the case may be, under the Principal Act, as amended by this Act. Building inspectors and health inspectors deemed building surveyors and health surveyors.
4. On and after the commencement of Schedule 4, a reference in any Act (except this Act) or statutory instrument, or in any other instrument, or in any contract or agreement— References to health inspectors or building inspectors in other Acts, etc.
- (a) to a building inspector (being a reference to a servant of a council) shall be construed as a reference to a building surveyor; or
- (b) to a health inspector (being a reference to a servant of a council) shall be construed as a reference to a health surveyor.
5. An exemption granted by the Health Commission of New South Wales pursuant to section 23A of the Public Health Act, 1902, and in force immediately before the repeal of that section, shall be deemed to be an exemption granted under section 93A (1A) (b) of the Principal Act, as amended by this Act. Exemptions under section 23A of the Public Health Act, 1902.
6. A certificate prescribed for the purposes of section 93A (1) of the Principal Act immediately before the commencement of Schedule 4 shall be deemed to have been prescribed for the purposes of section 93A (1A) (a) of the Principal Act, as amended by this Act. Prescribed qualifications of health surveyors.
7. Section 158 (7A) of the Principal Act, as inserted by Schedule 2 (1) (b), does not apply to any judgment obtained before the commencement of Schedule 2. Interest on judgments for unpaid rates.
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