

**LOCAL GOVERNMENT (BOUNDARIES COMMISSION)  
AMENDMENT ACT, 1982, No. 59**

**New South Wales**



ANNO TRICESIMO PRIMO

**ELIZABETHÆ II REGINÆ**

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**Act No. 59, 1982.**

An Act to amend the Local Government Act, 1919, to provide for increased representation of councils on the Local Government Boundaries Commission and to make provisions with respect to the powers of that Commission and in certain other respects. [Assented to, 12th May, 1982.]

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*Local Government (Boundaries Commission) Amendment.*

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**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 (Boundaries Commission) Amendment Act, 1982".

**Commencement.**

2. (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**

3. This Act contains the following Schedules:—

SCHEDULE 1.—AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

SCHEDULE 2.—SAVINGS AND TRANSITIONAL PROVISIONS.

**Amendment of Act No. 41, 1919.**

4. The Local Government Act, 1919, is amended in the manner set forth in Schedule 1.

**Savings and transitional provisions.**

5. Schedule 2 has effect.

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*Local Government (Boundaries Commission) Amendment.*

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SCHEDULE 1.

(Sec. 4.)

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919.

(1) Section 3—

From the matter relating to Part 11A, omit "15A", insert instead "15AA".

(2) Section 15AA—

Before section 15A, insert:—

**Interpretation: Pt. II.**

15AA. In this Part, "panel" means a panel constituted under section 15B.

(3) (a) Section 15A (2), (3)—

Omit the subsections, insert instead:—

(2) The members of the Boundaries Commission shall be appointed by the Governor and, subject to this Part, each member shall hold office for 5 years from the date of his appointment and shall be eligible for reappointment.

(2A) The Boundaries Commission shall consist of 4 members, of whom—

- (a) one shall be a person nominated by the Minister;
- (b) one shall be an officer of the Department of Local Government and Lands nominated by the person holding the office of, or duly acting as, the Department Head of that Department;
- (c) one shall be a person selected by the Governor from the panel constituted under section 15B (1), being the panel of persons appointed by the governing body of the Local Government Association of New South Wales; and

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SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

- (d) one shall be a person selected by the Governor from the panel constituted under section 15B (2), being the panel of persons appointed by the governing body of the Shires Association of New South Wales,

but the Commission shall be deemed to be duly constituted when the members referred to in paragraphs (a) and (b) have been appointed.

(2B) The member referred to in subsection (2A) (a) shall be the chairman of the Boundaries Commission.

(2C) A member of the Boundaries Commission who is an officer of a council shall not vote on any question relating to the boundaries of the council area.

(2D) A member of the Boundaries Commission who is an officer of a council shall not take part in any examination or inquiry made in relation to the boundaries of the council area and shall, for the purposes of subsection (3) and section 15I, be deemed to be absent with the leave of the Minister from the examination or inquiry.

(3) Where a member of the Boundaries Commission is absent from his office as a member with the leave of the Minister, granted for any particular period or with respect to any particular examination or inquiry, the Minister may appoint as an acting member a person who—

- (a) if the absent member is the chairman, is a person nominated by the Minister;
- (b) if the absent member is the member referred to in subsection (2A) (b), is an officer of the Department of Local Government and Lands nominated by the person holding the office of, or duly acting as, the Department Head of that Department;

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SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued*

- (c) if the absent member is the member referred to in subsection (2A) (c), is a person selected from the panel constituted under section 15B (1); or
- (d) if the absent member is the member referred to in subsection (2A) (d), is a person selected from the panel constituted under section 15B (2).

(3A) A person appointed as an acting member in the absence of the chairman shall, while he is acting as a member, be the acting chairman of the Boundaries Commission.

(3B) An appointment under subsection (3) may be made with respect to one or more members of the Boundaries Commission, and shall be for such period or with respect to such examination or inquiry as may be specified in the instrument of appointment.

- (b) Section 15A (6)—

Omit “1902, or any Act amending the same”, insert instead “1979”.

- (c) Section 15A (6)—

Omit “any such Act”, insert instead “that Act”.

- (4) Sections 15B, 15C—

Omit the sections, insert instead:—

**The Panels.**

15B. (1) There shall be a panel consisting of 4 persons, who are officers of councils, appointed by the governing body of the Local Government Association of New South Wales.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

(2) There shall be a panel consisting of 4 persons, who are officers of councils, appointed by the governing body of the Shires Association of New South Wales.

(3) A member of a panel shall, subject to this Part, hold office for 5 years from the date of his appointment and shall be eligible for reappointment.

**Appointments.**

15C. (1) The appointment of members of a panel shall be made in the manner prescribed and shall be accompanied by the written consent of each person appointed to the appointment.

(2) If at any time all or any of the appointments required by section 15B to be made in respect of a panel have not been made, the Governor may appoint such number of persons having appropriate qualifications as may be necessary to be members of the panel until such time as the appointments have been made.

(3) A person appointed as a member of a panel as referred to in subsection (2) shall be deemed to have been appointed by the association required to appoint the members of the panel.

(5) (a) Section 15D (1)—

Omit “the panel”, insert instead “a panel”.

(b) Section 15D (1) (f)—

After “Local Government”, insert “and Lands”.

(c) Section 15D (2)—

Omit the subsection, insert instead:—

(2) If a member of a panel is appointed as a member of the Boundaries Commission otherwise than in his capacity as a member of the panel he shall be deemed to have vacated his office as a member of the panel.

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

(d) Section 15D (3) (b)—

Omit “or proposal arising out of”, insert instead “required to be made in relation to”.

(e) Section 15D (4) (b)—

Omit the paragraph, insert instead:—

(b) a member of a panel, a new member shall be appointed in the same manner as his predecessor to fill the vacant office,

(6) Section 15F—

Omit “or proposal arising out of”, insert instead “required to be made in relation to”.

(7) (a) Section 15I (1)—

After “Commission”, insert “and shall perform such executive functions as the Boundaries Commission may approve”.

(b) Section 15I (2)–(7)—

Omit the subsections, insert instead:—

(2) The chairman and 1 other member of the Boundaries Commission shall form a quorum.

(3) A decision supported by a majority of the votes of the members present and voting at a meeting of the Boundaries Commission shall be the decision of the Boundaries Commission.

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*Local Government (Boundaries Commission) Amendment.*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

(4) In the event of an equality of votes on any question, the chairman of the Boundaries Commission shall have, in addition to a deliberative vote, a casting vote on the question.

(5) A member who has dissented on any question may furnish a separate report in relation to the question.

(8) (a) Section 15J (1) (d)—

Omit “that section;”, insert instead “that section.”.

(b) Section 15J (1) (e)—

Omit the paragraph.

(c) Section 15J (1A)—

After section 15J (1) (d), insert:—

(1A) Without limiting the generality of subsection (1), the Boundaries Commission shall, in considering any proposal or other matter referred to it relating to the boundaries of cities, municipalities, shires, urban areas or county districts, have regard to—

- (a) the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned;
- (b) the community of interest and geographic cohesion in the existing areas and in any proposed new area;
- (c) the existing historical and traditional values in the existing areas and the impact of change on them;



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SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

- (d) the attitude of the residents and ratepayers of the areas concerned;
  - (e) the requirements of the areas concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant in relation to the past and future patterns of elected representation for the area; and
  - (f) such other matters as it considers relevant to the provision of efficient and effective local government in the existing and proposed new areas and to the provision of works and services in those areas.
- (d) Section 15J (1)—  
Omit “Notwithstanding paragraphs (a), (b), (c), (d) or (e) no recommendation”, insert instead “(1B) No recommendation”.
- (e) Section 15J (2)—  
Omit “, or subparagraph (iii) of paragraph (e),”.
- (9) (a) Section 19 (1A)—  
Omit the subsection.
- (b) Section 19 (6)—  
Omit “but does not include a modification that would, if it were implemented, result in any part of the City of Sydney being included in any other area, unless it is recommended by the Boundaries Commission constituted as provided for in paragraph (c) of subsection (2) of section 15A”.

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SCHEDULE 1—*continued.*AMENDMENTS TO THE LOCAL GOVERNMENT ACT, 1919—*continued.*

- (10) (a) Section 541 (2) (b)—  
Omit “provided; or”, insert instead “provided.”.
- (b) Section 541 (2) (c)—  
Omit the paragraph.
- (11) Section 543 (1)—  
Omit “the Boundaries Commission submits a proposal, or where”.
- (12) Section 561A (1A)—  
Omit the subsection.

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SCHEDULE 2.

(Sec. 5.)

## SAVINGS AND TRANSITIONAL PROVISIONS.

**Interpretation.**

## 1. In this Schedule—

“appointed day” means the day appointed and notified under section 2 (2);

“former Boundaries Commission” means the Boundaries Commission as constituted under Part IIA of the Local Government Act, 1919, as in force immediately before the appointed day;

“new Boundaries Commission” means the Boundaries Commission as constituted under Part IIA of the Local Government Act, 1919, as amended by this Act.

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*Local Government (Boundaries Commission) Amendment.*

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SCHEDULE 2—*continued.*SAVINGS AND TRANSITIONAL PROVISIONS—*continued.***Former chairman to be new chairman.**

2. The person who, immediately before the appointed day, was the chairman of the former Boundaries Commission shall be deemed to have been appointed to hold that office under section 15A of the Local Government Act, 1919, as amended by this Act, and shall continue to hold office pursuant to that appointment for the residue of the term for which the person was appointed.

**References to former Boundaries Commission.**

3. Any matter referred to the former Boundaries Commission under section 15J (1) (a) of the Local Government Act, 1919, shall be deemed to be referred to the new Boundaries Commission and an examination commenced or carried out, as the case may be, by the former Boundaries Commission shall be deemed to have been commenced or carried out by the new Boundaries Commission.

**Regulations.**

4. Any ordinance relating to the provisions of Part IIA of the Local Government Act, 1919, and in force under that Act immediately before the appointed day shall, to the extent that it could have been made on or after that day, be deemed to have been made under that Act, as amended by this Act.

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