

**LOCAL GOVERNMENT (GENERAL REVISION)
AMENDMENT ACT 1986 No. 159**

NEW SOUTH WALES



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**LOCAL GOVERNMENT (GENERAL REVISION) AMENDMENT
ACT 1986 No. 159**

NEW SOUTH WALES



Act No. 159, 1986

An Act to amend the Local Government Act 1919 in various respects, to amend the Local Government (Purchases) Amendment Act 1983 with respect to rates of preference for Commonwealth goods and to repeal certain provisions of other Acts. [Assented to 17 December 1986]

See also Search Warrants (Local Government Inspectors) Amendment Act 1986.

Local Government (General Revision) Amendment 1986

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 (General Revision) Amendment Act 1986".

Commencement

2. (1) Except as provided by subsection (2), this Act shall commence on the date of assent to this Act.

(2) Schedules 1-6, and section 4 in its application to those Schedules, shall commence on such day or days as may be appointed by the Governor and notified by proclamation published in the Gazette.

Principal Act

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

Amendment of Act No. 41, 1919

4. The Principal Act is amended in the manner set forth in Schedules 1-6.

Amendment of Act No. 173, 1983

5. The Local Government (Purchases) Amendment Act 1983 is amended in the manner set forth in Schedule 7.

Repeals

6. Each Act specified in Schedule 8 is, to the extent indicated in that Schedule, repealed.

Local Government (General Revision) Amendment 1986

SCHEDULE 1

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING
AND FINANCE(1) Section 87 (**Powers of mayor or president**)—

(a) Section 87 (2) (e)—

Omit “twenty dollars”, insert instead “\$2,000”.

(b) Section 87 (2) (e)—

After “determine”, insert “, and shall ensure that the account for any work so authorised is submitted for payment by the council in the same way as other accounts for goods and services against the council”.

(2) Section 139 (**Making and levying**)—

(a) Section 139 (9) (a)—

After “council”, insert “on the request of the owner of the land”.

(b) Section 139 (9) (b) (ii)—

After “council”, insert “on the request of the owner of the land and”.

(3) Section 160AA (**Reduction of rates payable by certain classes of pensioners**)—

Section 160AA (1), definition of “eligible pensioner”—

Omit “pensioner health benefits card issued by the Commonwealth Department of Social Security” wherever occurring, insert instead “Pensioner Health Benefits Card (which is in force) issued, on behalf of the Commonwealth Department of Health, by the Commonwealth Department of Social Security or the Commonwealth Department of Veterans’ Affairs”.

(4) Section 160DA (**Payment of current rates by 4 instalments**)—

Section 160DA (4) (b)—

Omit “unpaid balance of the rates”, insert instead “total amount of the instalments unpaid”.

SCHEDULE 1—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING
AND FINANCE—*continued*(5) Section 176 (**Renewal loans**)—

Section 176 (2)—

Omit “shall”, insert instead “may”.

(6) Section 177 (**Ordinary loans**)—

Section 177 (4)—

Omit “shall”, insert instead “may”.

(7) Section 177A—

After section 177, insert:

Loan rates for renewal or ordinary loans

177A. If the Minister thinks it necessary and directs a council to do so, the council shall levy a loan rate in respect of a renewal loan under section 176 (2) or in respect of an ordinary loan under section 177 (4).

(8) Section 378 (**Council shall levy a sufficient sum**)—

(a) Section 378 (6)–(6c)—

Omit section 378 (6), insert instead:

(6) A council, in a resolution making a water, sewerage or drainage rate—

(a) may specify a minimum amount of the rate which shall be levied in respect of each separate parcel;

(b) may specify—

(i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land; and

(ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land; or

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AND FINANCE—*continued*

(c) may specify—

- (i) a minimum amount of the rate which shall be levied in respect of each separate parcel, other than a separate parcel consisting of vacant land;
- (ii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (i), which shall be levied in respect of each separate parcel consisting of vacant land, other than a separate parcel consisting of vacant flood liable land; and
- (iii) a minimum amount of the rate, being less than the minimum amount of the rate specified under subparagraph (ii), which shall be levied in respect of each separate parcel of vacant flood liable land.

(6A) In the case of vacant land or vacant flood liable land not supplied with water or vacant land or vacant flood liable land not connected with the council's sewers, a lower minimum amount may be specified than for other lands.

(6B) In subsections (6) and (6A), "vacant flood liable land" and "vacant land" have the same meanings as those expressions have in section 126 (1).

(6C) If a council makes a determination under subsection (3A) in respect of a water, sewerage or drainage rate, it may specify a different minimum amount pursuant to subsection (6) (a), or different minimum amounts pursuant to subsection (6) (b) or (c), of each amount of the rate so determined.

(b) Section 378 (8)—

After "(6)" wherever occurring, insert "or (6C)".

(9) Section 503 (**War expenditure**)—

(a) Section 503 (1) (f)—

After "person" where firstly occurring, insert "(or due by the person's spouse or jointly by the person and the person's spouse)".

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SCHEDULE 1—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO RATING
AND FINANCE—*continued*

(b) Section 503 (1) (f)—

After “person” where lastly occurring, insert “or such person’s spouse”.

SCHEDULE 2

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
ELECTIONS AND COUNCIL MEMBERS

(1) Section 30 (**Qualification for office**)—

(a) Section 30 (2) (e)—

After “is”, insert “. following a conviction for an offence.”.

(b) Section 30 (2) (e)—

After “imprisonment”, insert “or is undergoing a sentence of imprisonment by way of periodic detention within the meaning of the Periodic Detention of Prisoners Act 1981, other than for the non-payment of a fine”.

(c) Section 30 (4)—

After section 30 (3), insert:

(4) The clerk shall, in respect of each person for whom a nomination for election to a civic office is made before 5.00 p.m. on the day which is 2 days before nomination day, make available for collection as soon as practicable (and in any event not later than noon on the day before nomination day) a certificate showing any amount due to the council by the person as referred to in subsection (2) (b).

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SCHEDULE 2—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
ELECTIONS AND COUNCIL MEMBERS—*continued*

(2) Section 30A (**Disability of members of councils for voting on account of interest in contracts, etc.**)—

(a) Section 30A (1), proviso—

Omit the proviso.

(b) Section 30A (1A)—

After section 30A (1), insert:

(1A) This section shall not apply—

(a) to an interest in a contract, proposed contract or other matter which a member may have as—

(i) a ratepayer or elector of the area;

(ii) a consumer of gas, electricity or water supplied by the council in a similar manner and subject to similar conditions as are applicable in the case of persons who are not members of the council; or

(iii) a member (other than a member holding a position, whether remunerated or not) of a club or other organisation or association; or

(b) to an interest in any matter relating to the terms on which the right to participate in any service, including the supply of goods, is offered to the public.

(3) Section 73 (**Contested elections of aldermen or councillors**)—

Section 73 (4) (f)—

Omit “and at which there are not more than two candidates.”.

SCHEDULE 2—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
ELECTIONS AND COUNCIL MEMBERS—*continued*(4) Section 83 (**Ordinances**)—

Section 83 (e)—

Omit the paragraph. insert instead:

- (e) the printing, notification, inspection and sale of rolls of electors or lists of electors;
-

SCHEDULE 3

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS(1) Section 25A (**Election of mayor or president by electors**)—

(a) Section 25A (1) (b)—

Omit the paragraph. insert instead:

- (b) any other area in respect of which the council of the area has applied this section in accordance with subsection (7) or (8) by a resolution which is still in force.

(b) Section 25A (6)—

Omit “ and shall certify the result of the poll to the Governor not later than 28 days after the taking of the poll”.

(c) Section 25A (7), (8), (8A)—

Omit section 25A (7) and (8). insert instead:

(7) If the decision of a poll held under subsection (6)—

- (a) is in favour of applying this section to an area—the council of the area shall, by resolution, apply this section to the area; or

*Local Government (General Revision) Amendment 1986*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(b) is not in favour of continuing to apply this section to an area—the council of the area shall rescind the resolution applying this section to the area.

(8) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, apply this section to the area without holding a poll if the consent of the Minister is first obtained.

(8A) The council of an area (not being an area referred to in subsection (1) (a)) may, by resolution, rescind a resolution applying this section to the area, but only if it is required to do so by subsection (7) (b) or if the consent of the Minister is first obtained.

(d) Section 25A (9)—

Omit “proclamation applying this section to an area may be revoked only pursuant to subsection (7) (b) and, if it is so revoked, the revocation”, insert instead “resolution applying this section to an area may be rescinded only pursuant to subsection (7) (b) or (8) and, if it is so rescinded, the rescission”.

(e) Section 25A (9A)—

After section 25A (9), insert:

(9A) A proclamation by the Governor under this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) applying this section to an area shall be deemed to be a resolution of the council of the area applying this section, as so amended, to the area.

(2) Sections 88 (4), 90A (2), 90B (2), 90C (2)—

Omit “Subject to the approval of the Minister, any” wherever occurring, insert instead “A”.

(3) Section 90 (3)—

Omit “Subject to the approval of the Minister any”, insert instead “A”.

SCHEDULE 3—*continued*
 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
 APPROVALS—*continued*

(4) Section 94A—

Before section 95, insert:

Council to terminate certain appointments

94A. (1) A council shall terminate an appointment under section 88 (4), 90 (3), 90A (2), 90B (2), 90C (2) or 93A (4) if the Minister so directs.

(2) Section 99 does not apply to the termination of an appointment under subsection (1).

(5) Sections 108 (3), 109 (3), 110 (3)—

Omit “Minister directs” wherever occurring, insert instead “council determines”.

(6) Section 237 (**Opening of new roads**)—

Section 237 (2), proviso—

Omit “, or the approval of the Minister after considering a report from the council.”.

(7) Section 249 (**Care, control and management of roads**)—

Section 249 (a), proviso—

Omit “and obtains the approval of the Minister in such cases as may be prescribed”.

(8) Section 253 (**Public ferries**)—

Omit “Minister grants permission to close”, insert instead “council closes”.

(9) Section 276c (**Closing of temporary road and transfer to person entitled**)—

(a) Section 276c (3)—

Omit “Minister”, insert instead “council in which the lot or lots comprised in the temporary road is or are vested”.

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(b) Section 276c (3)—

Omit “an order directing the council in which the lot or lots comprised in the temporary road is or are vested to convey or transfer” wherever occurring, insert instead “the conveyance or transfer of”.

(c) Section 276c (3)—

Omit “entitled to that order”, insert instead “to whom the lot or lots should be conveyed or transferred”.

(d) Section 276c (4)—

Omit the subsection, insert instead:

(4) On receipt of the application referred to in subsection (3), the council, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred and if the case requires, may, by notification published in the Gazette, declare the temporary road closed.

(e) Section 276c (6)—

Omit “The council shall, at the request of the person referred to in a notification under subsection (4)”, insert instead “On receipt of the application referred to in subsection (3), the council shall, if it is satisfied from evidence referred to in that subsection that the applicant is the person to whom the lot or lots should be conveyed or transferred”.

(f) Section 276c (6) (a), (b)—

Omit “that person” wherever occurring, insert instead “the applicant”.

(g) Section 276c (6) (b)—

Omit “referred to in the notification”.

(h) Section 276c (7)—

Omit “a copy of the notification referred to in subsection (4) and”.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(i) Section 276C (9)—

Omit the subsection.

(j) Section 276C (10)—

Omit “On receipt of an application referred to in subsection (9), the Minister”. insert instead “Where an application referred to in subsection (3) (a) is not made to the council within 2 months after the date of publication in the Gazette of the notice referred to in subsection (1) (a), the council”.

(10) Section 340F (**Sale or lease of land held for drainage purposes**)—

Omit “The council shall not sell any land pursuant to this section except with the approval of the Governor.”

(11) Section 352A (**Regulation of cutting of any channel through land owned or controlled by the council so as to release lake waters, etc.**)—

Section 352A (2)—

Omit the subsection.

(12) Section 357A (**Transfer of assets of school of arts, etc., to council**)—

Section 357A (1)—

Omit “and with the approval of the Governor”.

(13) Section 364A (**Loans to sporting clubs**)—

Section 364 (2) (a)—

Omit the paragraph.

(14) Section 414 (**Public wharves**)—

(a) Section 414 (1) (a)—

Omit “by the council, or”.

*Local Government (General Revision) Amendment 1986*SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(b) Section 414 (1A)—

After section 414 (1), insert:

(1A) Where any wharf has been constructed by the council, the council may declare the wharf, together with any adjoining land which is the property of the council, to be a public wharf.

(c) Section 414 (2)—

Omit “if the Minister’s consent first be obtained”.

(15) Section 418 (**What is a trading undertaking**)—

(a) Section 418 (4) (a)—

Omit “Before entering into an agreement with the council of another area for the extension into such area of a trading undertaking referred to in paragraph (a) or paragraph (b) of subsection (1), the council proposing so to extend the trading undertaking shall submit the proposal with such details as may be prescribed to the Governor, and shall not proceed with the proposal until the Governor’s approval of the agreement is signified in writing thereon but it shall not be necessary to submit any such proposal to the Governor or obtain the Governor’s approval to any such agreement where the council proposes to extend its electricity trading undertaking into the area of another council for the purpose only of supplying electricity to land having a frontage to a public road in which the boundary between the areas of those councils lies or of lighting any such public road.”.

(b) Section 418 (6), (7)—

Omit the subsections.

(16) Section 426 (**Impounding by councils**)—

(a) Section 426 (3) (a)—

Omit “Governor proclaims”, insert instead “council of the shire declares, by notification published in the Gazette,”.

SCHEDULE 3—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

- (b) Section 426 (3) (d)—
Omit “proclamation”, insert instead “notification by the council”.
- (17) Section 430 (**Delivery to poundkeeper**)—
Section 430 (2)—
Omit “. or by the Minister”.
- (18) Section 449 (**Prohibition of burials**)—
Omit “The Governor may, on the recommendation of the council.”, insert instead “The council may”.
- (19) Section 475P (**Council’s powers to assist industrial development**)—
Section 475P (2)—
Omit the subsection.
- (20) Section 475Q (**Council’s powers to assist tourist development**)—
Section 475Q (2)—
Omit the subsection.
- (21) Section 494A (**Dredging and reclamation**)—
Omit “with the approval of the Governor and subject to such conditions as he may impose”.
- (22) Section 506 (**Extension of water, gas, electricity, sewerage, and other works outside area**)—
Section 506 (2)—
Omit “In the case of a supply of gas or electricity this section shall not be acted upon unless with the approval of the Governor as provided in subsection (4) of section 418, where such approval is necessary under that subsection.”.
- (23) Section 519 (**Power to let property**)—
Section 519 (2)—
Omit the subsection.

Local Government (General Revision) Amendment 1986

SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

- (24) Section 519B (**Lease of lands under, or of air space above, roads vested in the council**)—
- (a) Section 519B (1)—
- Omit “approval in writing of the Minister”, insert instead “written concurrence of the Director of Environment and Planning”.
- (b) Section 519B (2)—
- Omit the subsection.
- (25) Section 520B (**Granting of lease or licence of footway for restaurant purposes**)—
- Section 520B (3)—
- Omit the subsection.
- (26) Section 520D (**Granting of lease, etc., by Minister**)—
- (a) Section 520D (1) (a)—
- Omit the paragraph.
- (b) Section 520D (1A)—
- After section 520D (1), insert:
- (1A) The Minister may, before exercising or performing the powers, authorities, duties and functions of a council under section 520B, consult with the Director of Environment and Planning.
- (27) Section 541 (**Declaration of urban areas**)—
- (a) Section 541 (1)—
- Omit “the Governor by proclamation”, insert instead “resolution of the shire council”.
- (b) Section 541 (2)—
- Omit the subsection.

SCHEDULE 3—*continued*
AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(c) Section 541 (4)—

After section 541 (3), insert:

(4) An urban area declared under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been declared under this Part, as so amended.

(28) Sections 542–545A—

Omit sections 542–545, insert instead:

Petitions

542. (1) Any number of electors may petition the shire council to take a poll on the question of whether a part of the shire should be declared to be an urban area.

(2) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether a part of the shire should be declared to be an urban area, take a poll of the electors enrolled in respect of that part of the shire.

Notice of intention to declare an urban area

543. If a shire council proposes to declare under section 541 part of the shire to be an urban area (otherwise than as the result of a poll), it shall cause notice of its proposal to be given at least 1 month before the declaration in a newspaper circulating in the shire.

Decision of poll

544. If the decision of a poll taken under section 542 is in favour of declaring a part of the shire to be an urban area, the shire council shall by resolution declare the part of the shire to be an urban area.

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SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

Dissolution

545. (1) A shire council may, by resolution, dissolve an urban area in accordance with the same procedure, subject to any ordinance made as referred to in subsection (2), by which it declared the urban area.

(2) Ordinances may be made modifying the procedure to be complied with in dissolving an urban area.

Publication in Gazette

545A. If a shire council declares by resolution under section 541 or 544 part of a shire to be an urban area or dissolves an urban area under section 545, it shall cause notice of the fact to be published in the Gazette and in a newspaper circulating in the shire as soon as practicable after the making of the resolution.

(29) Section 546 (**Various powers**)—

(a) Section 546 (1)—

Omit “The Governor may after consultation with the shire council by proclamation”, insert instead “A shire council may by resolution”.

(b) Section 546 (3), (4)—

After section 546 (2), insert:

(3) A shire council may, by resolution—

- (a) alter the boundaries of an urban area by taking part of one urban area and adding it to another urban area;
- (b) alter the boundaries of an area by adding to the area any land which is not within the area;
- (c) take land from any one or more urban areas and constitute the land as a separate urban area;
- (d) unite urban areas or urban areas and parts of urban areas;
and

SCHEDULE 3—*continued*
 AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
 APPROVALS—*continued*

(e) correct errors in the declaration of the boundaries of urban areas.

(4) Notice of a shire council's intention to make a resolution referred to in subsection (3) shall be given in accordance with section 543 and a resolution made under subsection (3) shall be published in the same way as a resolution declaring a part of a shire to be an urban area.

(30) Section 548 (**Power to establish**)—

(a) Section 548 (1)–(1B)—

Omit section 548 (1), insert instead:

(1) A shire council may by resolution declare that an urban committee shall be established in respect of an urban area (whether the urban area was created or declared before or after the passing of this Act).

(1A) Any number of electors may petition the shire council to take a poll on the question of whether an urban committee should be established in respect of an urban area.

(1B) A shire council shall, if petition is made to the council by not less than 100 electors of the shire to take a poll on the question of whether an urban committee should be established in respect of an urban area, take a poll of the electors enrolled in respect of the urban area.

(b) Section 548 (4)—

Omit "Applications, petitions, inquiries," insert instead "Petitions".

(c) Section 548 (4)—

Omit "applications, petitions, inquiries, and polls in respect of the creation or", insert instead "petitions in respect of the".

Local Government (General Revision) Amendment 1986

SCHEDULE 3—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(d) Section 548 (5)—

After section 548 (4), insert:

(5) An urban committee established under this Part, as in force before its amendment by the Local Government (General Revision) Amendment Act 1986, shall be deemed to have been established under this Part, as so amended.

(31) Section 549 (**Election, etc.**)—

(a) Section 549 (1)—

Omit “Where the Governor proclaims”, insert instead “If a shire council declares by resolution”.

(b) Section 549 (2)—

Omit “such proclamation”, insert instead “the resolution”.

(c) Section 549 (4)—

Omit “three or such other number as the Governor may determine from time to time”, insert instead “such number as the shire council may, by resolution, determine”.

(d) Section 549 (6A)—

Omit “Governor may appoint”, insert instead “shire council may, by resolution, appoint”.

(32) Section 549A (**Abolition of urban committees**)—

(a) Section 549A (1) (a1)—

After section 549A (1) (a), insert:

(a1) A shire council may, by resolution, abolish an urban committee and make such directions as in the circumstances it thinks necessary.

SCHEDULE 3—*continued*
AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
APPROVALS—*continued*

(b) Section 549A (3)—

After section 549A (2), insert:

(3) Section 549 applies to the establishment of an urban committee by the Governor by proclamation under subsection (2) in the same way as it applies to the establishment of an urban committee by a shire council by resolution under section 548 except that section 549 (4) and (6A) shall be read as if the words " by resolution.", wherever occurring, were omitted.

(33) Section 565 (**Assessment of cost**)—

Section 565 (2)—

Omit the subsection.

SCHEDULE 4

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL
GOVERNMENT INSPECTORS

(1) Section 212A—

After section 212, insert:

Local government inspectors' reports

212A. A report under section 212 (3) shall be laid on the table by the council at the next ordinary meeting after delivery to it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.

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SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL
GOVERNMENT INSPECTORS—*continued*

(2) Sections 213A–213C—

After section 213, insert:

Powers of local government inspectors

213A. (1) For the purposes of this Act, a local government inspector may, with or without assistants, at any reasonable time—

- (a) except as provided by subsection (2), enter any premises or any other place (including land or a building, or a place on or in a vehicle or vessel) for the purpose of investigating any matter relating to an inspection under section 212 or where the local government inspector believes on reasonable grounds that a provision of this Act or the ordinances has been or is being contravened;
- (b) with respect to any such premises or place, make such inquiries, investigations or searches as are necessary to ascertain information on any matter relating to an inspection under section 212 or whether the provisions of this Act or the ordinances are being complied with;
- (c) request a person to produce for examination by the inspector any licence, approval or certificate issued to the person under this Act or the ordinances, or alleged by the person to have been so issued, and any registers, books, records, accounts or documents required to be kept or made by the person under this Act or the ordinances;
- (d) examine any article produced pursuant to paragraph (c) and make copies of or take extracts from any such article;
- (e) examine any equipment or materials found at any such premises or place;
- (f) question any person found on any such premises or at any such place and require the person to answer any questions put to the person in relation to the use of those premises or of that place;

SCHEDULE 4—*continued*AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL
GOVERNMENT INSPECTORS—*continued*

- (g) require a person referred to in paragraph (f) to state the person's full name and residential address to the inspector and (if the inspector suspects, on reasonable grounds, that a name or address so stated is false) require the person to produce evidence of its correctness; or
- (h) use such assistance or force as is necessary in the exercise of the powers and authorities conferred or the discharge of the duties and functions imposed on the local government inspector by this Act.

(2) A local government inspector may not exercise the powers conferred by subsection (1) in relation to that part of any premises being used for residential purposes except—

- (a) with the permission of the occupier of that part of the premises; or
- (b) under the authority conferred by a search warrant issued under section 213B.

Search warrant

213B. (1) In this section—

“authorised justice” means—

- (a) a Magistrate; or
- (b) a justice of the peace employed in the Local Courts Administration, Attorney General's Department.

(2) A local government inspector may apply to an authorised justice for a search warrant if the local government inspector has reasonable grounds for believing that a provision of this Act or the ordinances has been or is being contravened on any premises being used for residential purposes.

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SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL
GOVERNMENT INSPECTORS—*continued*

(3) An authorised justice to whom an application is made under subsection (2) may, if satisfied that there are reasonable grounds for doing so, issue a search warrant authorising a local government inspector named in the warrant—

- (a) to enter the premises; and
- (b) to search the premises for evidence of a contravention of this Act or the ordinances.

(4) Part III of the Search Warrants Act 1985 applies to a search warrant issued under this section.

Management reviews of councils

213c. (1) If the Secretary of the Department of Local Government has reasonable grounds for believing that a council is not properly managing the local government of its area or that the council is not being efficiently administered, the Secretary may require that a management review of the council be carried out, in accordance with directions prepared by the Secretary in consultation with the council, by a consultant appointed by the Secretary.

(2) The management review shall be carried out at the expense of the council.

(3) The Secretary of the Department of Local Government, on receipt of the consultant's report, shall furnish a copy of the report to the council.

(4) The report shall be laid on the table by the council at the next ordinary meeting after receipt by it of the report or at a special meeting called in respect of the report, whichever meeting takes place first.

Local Government (General Revision) Amendment 1986

SCHEDULE 4—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO LOCAL
GOVERNMENT INSPECTORS—*continued*

(3) Section 214 (**Powers of auditors and inspectors**)—

Section 214 (1)—

Omit “For the purpose of any audit or inspection of accounts, an auditor or local government inspector may”, insert instead “An auditor may, for the purpose of any audit, or a local government inspector may, for the purpose of any inspection under section 212.”.

(4) Section 215 (**Right to inspect books of account and certain reports**)—

Section 215 (2)—

At the end of section 215, insert:

(2) The Secretary of the Department of Local Government may, on the request of an elector, provide a copy to the elector of a report by a local government inspector after the report has been laid on the table in accordance with section 212A.

(5) Section 635 (**Obstruction**)—

Section 635 (d)—

Omit “an inspector of accounts”, insert instead “a local government inspector”.

SCHEDULE 5

(Sec. 4)

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DELEGATIONS OF AUTHORITY

(1) Section 527 (**Local committees**)—

Section 527 (1)—

After “delegate to the committee”, insert “, in accordance with section 530A.”.

Local Government (General Revision) Amendment 1986

SCHEDULE 5—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DELEGATIONS OF AUTHORITY—*continued*

(2) Section 530A—

Omit the section, insert instead:

Delegation

530A. (1) In this section—

- (a) a reference to a function includes a reference to a power, authority and duty; and
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

(2) The council may, by resolution, delegate the exercise of any of its functions, other than a function relating to—

- (a) the making of any rate, the fixing of any charges or fees or the borrowing of any money;
- (b) the voting of money for expenditure on the works, services or operations of the council;
- (c) the resumption, purchase, sale, exchange, leasing or surrender of any land or other property or the granting of any lease of land;
- (d) the acceptance of tenders;
- (e) any application or notice to the Governor or the Minister;
- (f) the payment of travelling expenses; or
- (g) any other matter which may be prescribed.

(3) A delegation under this section may be made to—

- (a) a specified person (whether a natural person or a corporation);
- (b) a person for the time being holding a specified office; or
- (c) a committee.

SCHEDULE 5—*continued*

AMENDMENTS TO THE PRINCIPAL ACT RELATING TO
DELEGATIONS OF AUTHORITY—*continued*

(4) A delegation under this section—

(a) shall be in writing;

(b) may be general or limited; and

(c) may be revoked, wholly or partly, by the council or its delegate, as the case requires.

(5) A person or committee to whom or to which the exercise of a function has been delegated by a council under subsection (2) may delegate to a person or committee the exercise of any of the functions so delegated by the council, unless the council otherwise provides in the terms of the council's delegation.

(6) A delegate is, in the exercise of a function delegated under this section, subject to such conditions as are specified in the instrument of delegation or as may be prescribed.

(7) A function delegated under this section, when exercised by the delegate, shall be deemed to have been exercised by the council.

(8) A delegation under this section does not prevent the exercise of a function by the council or its delegate.

(9) A function purporting to have been exercised by a delegate under this section shall, until the contrary is proved, be deemed to have been duly exercised by a delegate under this section.

(10) A delegation under this section in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be a delegation under this section, as so substituted.

(11) Any provision of an ordinance made for the purposes of subsection (2) (g) and in force immediately before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to have been made under this section, as so substituted.

SCHEDULE 6

(Sec. 4)

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT

(1) Section 11 (**Proclamation of cities**)—

(a) Section 11 (2)—

Omit "either".

(b) Section 11 (2) (a)—

Omit "or" where lastly occurring.

(c) Section 11 (2) (b), (c)—

At the end of section 11 (2) (b), insert:

; or

(c) does not comply with paragraph (a) or (b), but in relation to which the Governor is, having regard to the circumstances of the case, of the opinion that it is in the interests of the residents of the municipality to do so.

(2) Section 93A—

Omit the section, insert instead:

Appointment of health surveyors

93A. (1) Unless exempted by the Minister, every council shall appoint one or more chief health surveyors, being a person who holds or persons who hold the prescribed qualifications.

(2) A council may appoint one or more assistant health surveyors, being a person who holds or persons who hold the prescribed qualifications.

(3) Ordinances may be made prescribing the qualifications for appointment as chief health surveyor or assistant health surveyor.

(4) A person qualified for appointment as a chief health surveyor or an assistant health surveyor may be appointed as a chief health surveyor or an assistant health surveyor for 2 councils.

*Local Government (General Revision) Amendment 1986*SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(5) A person holding the position of health surveyor of a council under this section before the substitution of this section by the Local Government (General Revision) Amendment Act 1986 shall be deemed to be qualified to hold the position of chief health surveyor or assistant health surveyor of a council under this section, as so substituted.

(3) Section 94 (**Health surveyors**)—

Omit the section.

(4) Section 160 (**Certificate as to amount due**)—

Section 160 (3)—

After “clerk”, insert “or by an employee of the council authorised by the clerk to do so”.

(5) Section 302 (**Boarding-houses, barbers’ shops, etc.**)—

Section 302 (3)—(5)—

After section 302 (2), insert:

(3) If a council—

- (a) prohibits the use of premises for the purposes of a boarding-house or a house let in lodgings;
- (b) refuses to issue a licence, or attaches conditions to a new licence, in respect of premises used or intended for use as a boarding-house or a house let in lodgings;
- (c) refuses to renew, or attaches conditions to the renewal of, a licence in respect of premises used as a boarding-house or a house let in lodgings;
- (d) suspends or cancels a licence in respect of premises used as a boarding-house or a house let in lodgings; or

*Local Government (General Revision) Amendment 1986*SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

- (e) serves a notice on the owner of premises used as a boarding-house or a house let in lodgings requiring the owner to comply with directions specified in the notice in relation to those premises.

the owner of the premises or the applicant for or holder of the licence, as the case may be, may, within the relevant period specified in subsection (4), appeal to the Land and Environment Court.

(4) The relevant period in respect of an appeal under—

- (a) subsection (3) (a) or (b) is 12 months after the council's decision is notified to the applicant;
- (b) subsection (3) (c) or (d) is one month after the council's decision is notified to the applicant or the owner of the premises, as the case may be; and
- (c) subsection (3) (e) is one month after receipt by the owner of the notice.

(5) For the purpose only of enabling an appeal to be made under subsection (3) (b) or (c), a failure by the council to determine an application for a licence or renewal of a licence within 40 days after the application is received by the council constitutes a refusal by the council to issue the licence or renew the licence, as the case may be.

(6) Section 317 (**Penalties**)—

Section 317 (1)—

After "such approval", insert "or before the council has endorsed a copy of the plans and specifications of the building under section 311A or 311B".

SCHEDULE 6—*continued*MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
*continued***(7) Section 335 (Lapsing of approval)—**

Section 335 (1), (1A)—

Omit section 335 (1), insert instead:

(1) Any approval given under this Part shall, unless sooner cancelled, lapse at the end of 2 years from the date of the approval, or such longer period as may be fixed in the approval, if—

- (a) in the case of an approval of a subdivision, the plan of subdivision has not been lodged for registration in the office of the Registrar-General; or
- (b) in any case, the requirements of this Part have not been complied with in respect of—
 - (i) the construction and draining of roads;
 - (ii) the giving of security; and
 - (iii) the making of payments to the council in respect of the making, draining and marking of roads.

(1A) In applying subsection (1) (a) to an approval of a subdivision given before the commencement of that paragraph, a reference in subsection (1) to the date of the approval shall be read as a reference to the date of that commencement.

(8) Section 495A (Removal of undergrowth)—

Section 495A (1A), (1B)—

After section 495A (1), insert:

(1A) If an owner of land served with a notice under subsection (1) does not take measures to comply with the requirement within the period specified for compliance with the requirement, the council—

- (a) if no appeal is lodged within that period; or

Local Government (General Revision) Amendment 1986

SCHEDULE 6—*continued*

MISCELLANEOUS AMENDMENTS TO THE PRINCIPAL ACT—
continued

(b) if an appeal has been lodged within that period and is determined in favour of the council,

may, by its employees, agents or contractors, enter the land and take those measures.

(1B) Any costs incurred by the council in taking any such measures—

(a) may be recovered by the council from the owner as a debt in a court of competent jurisdiction; and

(b) shall be a charge against the owner until the costs are paid to or recovered by the council.

(9) Section 512D (**Penalty for breaking electric line, etc.**)—

Omit the section.

(10) Section 521A (**Joint undertakings with the Crown and approved bodies**)—

(a) Section 521A (1)—

Omit “prescribed for the purposes of this section”, insert instead “approved by the Minister”.

(b) Section 521A (5)—

After section 521A (4), insert:

(5) A body, or a body of a class, prescribed for the purposes of this section (as in force immediately before its amendment by the Local Government (General Revision) Amendment Act 1986) shall be deemed to have been approved by the Minister under this section, as so amended.

(11) Section 573 (**Ordinances**)—

Section 573 (1) (a)—

After “, to”, insert “the Sydney County Council and to”.

SCHEDULE 7

(Sec. 5)

AMENDMENTS TO THE LOCAL GOVERNMENT (PURCHASES)
AMENDMENT ACT 1983

Section 517A of the Principal Act as to be inserted by section 3 of the Local Government (Purchases) Amendment Act 1983—

(1) Section 517A (2)—

After "percentage", insert "(if any)".

(2) Section 517A (4)—

After subsection (3), insert:

(4) Different percentages may be prescribed under subsection (2) in respect of foreign goods manufactured or produced in different places, at different times or in different circumstances.

SCHEDULE 8

(Sec. 6)

REPEALS

Borough of Newcastle Electric Lighting Act 55 Vic.—section 27

Municipal Council of Sydney Electric Lighting Act 1896 60 Vic. No. 23—section 32

Electricity Commission Act 1950 No. 22—section 78
