

Act No. 12

CITY OF SYDNEY BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are—

- (a) to provide for the appointment of 3 Commissioners to exercise the functions of the Council of the City of Sydney;
- (b) to confirm the proclamation published on 26 March 1987 removing from office the members of the Council of the City of Sydney and appointing an Administrator; and
- (c) to enact consequential and ancillary provisions.

Clause 1 specifies the short title of the proposed Act.

Clause 2 (1) refers to the Local Government Act 1919 as the Principal Act. Clause 2 (2) provides that the proposed Act is to be read and construed with the Principal Act, thereby making the definitions in the Principal Act applicable to the proposed Act.

Clause 3 provides for the appointment by the Governor-in-Council of 3 Commissioners, of whom one is to be appointed as Chief Commissioner and another as Deputy Chief Commissioner.

Clause 4 (1) empowers the Commissioners to act as the Council of the City of Sydney. Clause 4 (2) provides that the Administrator will cease to hold office as such when the Commissioners take over. Clause 4 (3) and (4) deal with meetings of the Commissioners, which are to be convened by the Chief Commissioner or the Minister and held at least once in each month.

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Clause 5 provides that the Commissioners will cease to hold office on a date to be proclaimed. The clause also enables a fresh election of members of the Council.

Clause 6 (1) legislates directly for the removal from office of the members of the Council, the appointment of the Administrator and certain other matters dealt with by the proclamation published on 26 March 1987. Clause 6 (2) validates the proclamation to the extent (if any) of any invalidity. Clause 6 (3) provides that no proceedings lie in connection with the proclamation, the removal of the Council or associated matters. Clause 6 (4) provides that any pending proceedings do not affect the operation of the clause. Clause 6 (5) terminates any pending proceedings. Clause 6 (6) provides that the costs incurred in any terminated proceedings are to be borne by the parties, unless the parties otherwise agree. Clause 6 (7) declares that there was no obligation to afford an opportunity to be heard, or to give reasons, in connection with the removal of the Council and associated matters. Clause 6 (8) is consequential on clause 6 (1).

Schedule 1 sets out provisions relating to the Commissioners.

Schedule 2 sets out provisions relating to meetings of the Commissioners.
