

LOCAL GOVERNMENT (AMENDMENT) BILL 1987

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Local Government Act 1919 so as—

- (a) to vary the amounts of allowances payable to members of a council;
- (b) to constitute a Building Regulations Advisory Council and to specify its functions as an advisory body;
- (c) to constitute, from the members for the time being of that Advisory Council, a Building Accreditation Authority, whose principal function will be to accredit building materials, methods of construction, designs and components; and
- (d) to allow the responsibility for payment of the travelling expenses of members of a council to be delegated by the council.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act. The amendments to the Principal Act relating to objects (b) and (c) mentioned above will commence on a date to be appointed by the Governor-in-Council. The rest of the proposed Act will commence on the date of assent.

Clause 3 gives effect to the Schedule of amendments.

Clause 4 amends the Land and Environment Court Act 1979 as a consequence of the amendment made by Schedule 1 (4).

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Schedule 1 (1) amends section 29A of the Principal Act so as to provide for a maximum daily allowance of \$60 to be payable to council members (instead of the currently fixed amount of \$30) and to raise the maximum permissible annual aggregate of those allowances for any one member (currently \$1,000) to \$3,000. These amounts may (as the Principal Act currently provides) be varied by ordinance.

Schedule 1 (2) amends section 304 of the Principal Act to insert a definition of "function" for the purposes of Part XI of the Principal Act and proposed Schedule 10 to that Act.

Schedule 1 (3) inserts two new Divisions into Part XI of the Principal Act, the provisions of which may be explained as follows:

DIVISION 3—Building Regulations Advisory Council

Proposed section 309 defines the term "Advisory Council" for the purposes of the Division.

Proposed section 309A constitutes the Building Regulations Advisory Council. The Advisory Council consists of representatives of interested Government Departments and private sector organisations.

Proposed section 309B prescribes the functions of the Advisory Council as an advisory body.

DIVISION 3A—Accreditation of materials, methods of construction, designs and components

Proposed section 309C defines "accreditation", "Authority" and "certificate" for the purposes of the Division.

Proposed section 309D constitutes the Building Accreditation Authority. The Authority consists of the members for the time being of the Building Regulations Advisory Council.

Proposed section 309E prescribes the functions of the Authority as an accrediting authority for building materials, methods of construction, designs and components. There are similar bodies in other States, and one of the functions of the Authority is to carry out reciprocal arrangements entered into with those bodies so that eventually a nationwide scheme of accreditations can operate.

Proposed section 309F allows the Authority to delegate its functions.

Proposed section 309G provides for the making of applications for accreditation.

Proposed section 309H provides for accreditations by the Authority. Accreditations may be given for specified periods and subject to conditions.

Proposed section 309I provides that a council shall not refuse to give its approval to a building application on the ground that any material, method of construction, design or component relating to the building is unsatisfactory if the material, method of construction, design or component is for the time being accredited by the Authority.

Proposed section 309J provides for the issue of certificates of accreditation.

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Proposed section 309K provides for the periodic renewal of accreditations.

Proposed section 309L allows the Authority to revoke an accreditation in certain circumstances.

Proposed section 309M indemnifies the members, servants and agents of the Authority against legal action arising from the exercise in good faith of the Authority's functions.

Schedule 1 (4) inserts a new section 317N into the Principal Act. The proposed section allows an appeal to the Land and Environment Court against a refusal or failure by the Authority to grant or renew an accreditation or a decision by the Authority to cancel an accreditation.

Schedule 1 (5) amends section 318 of the Principal Act to enable ordinances to be made in aid of the new provisions inserted by the other provisions of the Schedule.

Schedule 1 (6) amends section 530A of the Principal Act to remove the prohibition on delegation of a council's responsibility for payment of members' travelling expenses.

Schedule 1 (7) inserts new Schedules 10 and 10A into the Principal Act, which contain provisions relating to the members and procedure of the Advisory Council.
