

Local Government Areas Amalgamation Act 1980 No 110

[1980-110]



New South Wales

Status Information

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Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Repeal**

The Act was repealed by Sch 4 to the [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) with effect from 8.7.2011.

Authorisation

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Local Government Areas Amalgamation Act 1980 No 110



New South Wales

An Act to amend the *Local Government Act 1919* to unite certain areas, within the meaning of that Act, with other areas or parts thereof; and for other purposes.

1 Name of Act

This Act may be cited as the *Local Government Areas Amalgamation Act 1980*.

2 Interpretation

(1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires:

constituent area means an area referred to in Column 2 of Part 1 or 2 of Schedule 1.

Principal Act means the *Local Government Act 1919*.

united area means a municipality or shire constituted by the operation of section 3.

(2) In this Act, a reference to a constituent area of a united area is a reference to a constituent area which is referred to in Column 2 of Part 1 or 2 of Schedule 1 opposite the number by which the united area is designated in Column 1 of that Part of Schedule 1.

(3) This Act shall be construed with and as part of the Principal Act, but this Act has effect notwithstanding anything in the Principal Act.

3 Amalgamation of areas and parts thereof

(1) Subject to subsection (3), on 1 January 1981:

(a) the areas, or

(b) the areas and part of an area,

as the case may be, specified or described in Column 2 of Part 1 of Schedule 1 opposite a number specified in Column 1 of that Part of Schedule 1 are united, and the united area is constituted as a municipality.

(2) Subject to subsection (3), on 1 January 1981:

- (a) the areas, or
- (b) the area and part of an area,

as the case may be, specified or described in Column 2 of Part 2 of Schedule 1 opposite a number specified in Column 1 of that Part of Schedule 1 are united, and the united area is constituted as a shire.

(3) For the purposes only of:

- (a) enabling the provisions of sections 11 (1)-(3), 12 (7) and (10), 13 and 16 and Schedule 2 to be carried into effect, and
- (b) section 16 (g) of the Principal Act,

the references in subsections (1) and (2) to 1 January 1981 shall be construed as references to the date of assent to this Act.

4 Principal Act deemed to have been complied with

Where:

- (a) areas,
- (b) an area and part of another area, or
- (c) areas and part of another area,

are united and the united area is constituted as a municipality or shire by the operation of section 3, they shall be deemed to be united and the united area shall be deemed to be so constituted by a proclamation under section 16 (e) of the Principal Act.

5 Abolition of certain councils

On 1 January 1981 the constituent areas are dissolved and the councils for those areas, as constituted immediately before that day, are abolished.

6 Certain elections cancelled or nullified

- (1) In this section, **prescribed delegate** means a delegate referred to in subsection (2) (b).
- (2) Subject to subsection (3), an election of a person to hold office as:
 - (a) alderman or councillor for a constituent area,
 - (b) delegate to a county council specified in Part 2 of the Table to section 12, or
 - (c) urban committeeman for an urban area within a constituent area,

shall not take place within the period commencing with the date of assent to this Act and ending with 31 December 1980.

(3) Nothing in subsection (2):

(a) affects the operation of section 7 or 13 (4), or

(b) applies to or in respect of:

(i) an election required to be held under the Principal Act by reason of the operation of section 12 (8), or

(ii) any extraordinary election held before 1 January 1981, pursuant to section 562 (11) of that Act, to fill a vacancy in the office of a prescribed delegate elected at an election referred to in subparagraph (i).

(4) Section 72 of the Principal Act does not operate so as to deem any person to be elected:

(a) as an alderman or councillor for a constituent area, or

(b) as an urban committeeman for an urban area within a constituent area,
on or after the date of assent to this Act.

(5) Clause 3 (3) of *Ordinance No 20* made under the Principal Act does not operate so as to deem any person to be elected to the office of a prescribed delegate within the period commencing with 20 September 1980, or the date of assent to this Act, whichever is the later date, and ending with 20 November 1980.

(6) Subject to subsection (8), if the date of assent to this Act occurs after 20 September 1980, any election of:

(a) aldermen or councillors for a constituent area, or

(b) urban committeemen for an urban area within a constituent area,

held under the Principal Act on 20 September 1980 and any nomination made with respect thereto shall be deemed to have been void and to have had no legal effect.

(7) Subject to subsection (9), if the date of assent to this Act occurs after 20 September 1980, any election of a person to the office of a prescribed delegate within the period:

(a) commencing with 20 September 1980, and

(b) ending with 20 November 1980, or the day immediately preceding that date of assent, whichever is the earlier day,

and any nomination made with respect thereto shall be deemed to have been void

and to have and to have had no legal effect.

(8) Nothing in subsection (6) affects any act, matter or thing lawfully done or omitted to be done before the date of assent to this Act by:

- (a) the council of a constituent area consisting of aldermen or councillors, or
- (b) the urban committee of an urban area within a constituent area constituted by urban committeemen,

lawfully elected before that date under the Principal Act at an election referred to in that subsection.

(9) Nothing in subsection (7) affects any act, matter or thing lawfully done or omitted to be done before the date of assent to this Act by a county council composed of prescribed delegates who were lawfully elected before that date under the Principal Act at an election referred to in that subsection.

7 Certain persons deemed elected

(1) In this section:

nominated office means the office of:

- (a) mayor or president of, or alderman or councillor for, a constituent area, or
- (b) urban committeeman for an urban area within a constituent area.

prescribed office means an office of delegate to a county council specified in Part 2 of the Table to section 12.

(2) Except in a case to which subsection (3) or (4) applies, a person who, immediately before 20 September 1980, held a nominated office, shall, where the date of assent to this Act occurs:

- (a) on or before 20 September 1980—be deemed to be, or
- (b) after 20 September 1980—be deemed to have been,

elected under the Principal Act to that office for a term commencing with 20 September 1980 and ending with 31 December 1980.

(3) Where:

- (a) the date of assent to this Act occurs after 20 September 1980, and
- (b) an election of aldermen or councillors for a constituent area took place under the Principal Act on 20 September 1980,

a person who, immediately before 20 September 1980, held office as mayor or

president of, or alderman or councillor for, the area shall, if he would, had this Act not been enacted, have been entitled to be nominated under the Principal Act for election to fill a vacancy in that office arising on 20 September 1980, be deemed to be elected under the Principal Act to that office for a term commencing with that date of assent and ending with 31 December 1980.

(4) Where:

(a) the date of assent to this Act occurs after 20 September 1980, and

(b) an election of urban committeemen for an urban area within a constituent area took place under the Principal Act on 20 September 1980,

a person who, immediately before 20 September 1980, held office as urban committeeman for the urban area shall, if he would, had this Act not been enacted, have been entitled to be nominated under the Principal Act for election to fill a vacancy in that office arising on 20 September 1980, be deemed to be elected under the Principal Act to that office for a term commencing with that date of assent and ending with 31 December 1980.

(5) Except in a case to which subsection (6) applies, a person who, immediately before 20 September 1980, held a prescribed office, shall, where the date of assent to this Act occurs:

(a) on or before 20 September 1980—be deemed to be, or

(b) after 20 September 1980—be deemed to have been,

elected under the Principal Act to that office for a term commencing with 20 September 1980 and ending upon the expiration of the appointed period, within the meaning of section 12, for the county council to which he is so deemed to be, or so deemed to have been, elected.

(6) Where:

(a) the date of assent to this Act occurs after 20 September 1980, and

(b) an election of a person to a prescribed office took place under the Principal Act on or after 20 September 1980 and before that date of assent,

the person who, immediately before 20 September 1980, held that office shall, if he would, had this Act not been enacted, have been eligible to be elected under the Principal Act to fill a vacancy in that office on that date of assent, be deemed to be elected under the Principal Act to that office for a term commencing with that date of assent and ending upon the expiration of the appointed period, within the meaning of section 12, for the county council to which he is so deemed to be elected.

(7) In determining, under subsection (6), the eligibility of a person to be elected under

the Principal Act on the date of assent to this Act to fill a vacancy in a prescribed office, it shall be assumed that an election may have been held on that date under the Principal Act to fill the vacancy.

(8) Where the date of assent to this Act occurs after 20 September 1980, any act, matter or thing done or omitted to be done during the period commencing with 20 September 1980 and ending with that date of assent by:

(a) the council of a constituent area consisting of aldermen or councillors, or

(b) the urban committee of an urban area within a constituent area constituted by urban committeemen,

deemed by subsection (2) to have been elected under the Principal Act on 20 September 1980, being an act, matter or thing that could have lawfully been done or omitted to be done if the persons so deemed to have been elected had in fact been elected under that Act on 20 September 1980, is hereby validated.

8 Certain allowances may be paid

Where:

(a) an allowance was paid or payable under section 29 of the Principal Act:

(i) to the mayor or president of a constituent area, and

(ii) in respect of the year ending with 19 September 1980, and

(b) the person holding office as mayor or president of the area immediately before 20 September 1980 is re-elected on that day as mayor or president of the area by the operation of section 7,

an amount equivalent to 2/7ths of that allowance may be paid by the council of the area by such instalments as that council may determine to the mayor or president, as the case may be, of the area in respect of the period commencing with 20 September 1980, and ending with 31 December 1980.

9 Remuneration, mobility and redundancy of certain servants

(1) This section applies to a person who, pursuant to section 20C of the Principal Act, is transferred on 1 January 1981 to the service of the council of a united area.

(2) A person to whom this section applies:

(a) shall, subject to Part 5 of the *Industrial Arbitration Act 1940*, be remunerated by the council of the united area to whose service he is transferred on terms not less advantageous than those on which he was remunerated by the council of the constituent area of which he was a servant immediately before 1 January 1981,

(b) subject to subsection (3), may not, without his consent, be required by the council of the united area to whose service he is transferred to be based, as a servant of that council, at a place outside the constituent area in which, immediately before 1 January 1981, he was based as a servant of the council of that constituent area, and

(c) shall not have his employment as a servant of the council of the united area to whose service he is transferred terminated on the ground of redundancy arising from the operation of this Act.

(3) Where a person to whom this section applies or, on 1 January 1981, will apply, has, on or after the date of assent to this Act, once given an unconditional consent for the purposes of subsection (2) (b), that paragraph does not apply in respect of him.

10 Staff committees

(1) The Minister may, in respect of each council of a united area, appoint a staff committee to report to the council on any matter arising from the operation of this Act in relation to servants of the council.

(2) For the purposes of subsection (1), a staff committee for a council of a united area shall comprise:

(a) a chairman nominated by the Minister,

(b) 2 persons nominated by the council, and

(c) 2 persons nominated by the Minister, after consulting such persons as he thinks fit, to represent servants of the council.

(3) The Minister may constitute a staff committee under this section by appointing different persons according to the subject-matter with which it is at any time, or from time to time, required to deal.

11 Continuation of housing scheme

(1) In this section, ***nominated council*** means the council of the united area designated "3" in Column 1 of Part 1 of Schedule 1.

(2) During the month of December in each year, the nominated council shall furnish to the Minister a proposal with respect to the acts, matters and things intended to be done by the council or on its behalf:

(a) in the area described at the date of assent to this Act as the Municipality of Wingham, and

(b) during the next ensuing year,

pursuant to the powers conferred on the council by section 496 of the Principal Act.

- (3) The Minister may, by order in writing served on the nominated council:
- (a) approve, approve subject to specified conditions, or disapprove, a proposal furnished to him under subsection (2), or
 - (b) at any time, give such directions as he, in his absolute discretion, considers necessary to the nominated council with respect to the exercise by the council, within the area referred to in subsection (2) (a), of the powers conferred on it by section 496 of the Principal Act.
- (4) The nominated council shall:
- (a) carry into effect any proposal approved by the Minister under subsection (3) (a) and comply with the specified conditions, if any, subject to which the approval was given, and
 - (b) comply with any direction given to it pursuant to subsection (3) (b),
- but shall not carry into effect any proposal disapproved by the Minister pursuant to subsection (3) (a).

12 Delegates to certain county councils

- (1) In this section:

affected area means a constituent area within the meaning of this Act.

appointed period, in relation to a county council, means the period of 2 months commencing with the day appointed for the county council under subsection (2).

nominated county council means a county council specified in Part 1 of the Table to this section.

prescribed county council means a county council specified in Part 2 of the Table to this section.

- (2) The Minister may, by order in writing published in the Gazette, appoint a day occurring after 20 November 1980 with respect to each nominated county council and prescribed county council as the day with which the appointed period for the county council shall commence.
- (3) An order may be made under subsection (2) appointing the same day with respect to all or any number of the nominated county councils or prescribed county councils.
- (4) For the purposes of section 562 (10) of the Principal Act, the prescribed time within which the next general election, after 20 September 1980, of a nominated county council shall be held is the period of 2 months commencing with that day.
- (5) If the date of assent to this Act occurs after 20 September 1980, any election of a

delegate to a nominated county council held under the Principal Act before that date of assent which:

- (a) had subsection (4) been in force when the election was held, would have been a lawful election, and
- (b) would not otherwise have been a lawful election,

is hereby validated.

(6) The term of office of a person elected:

- (a) at a general election of a nominated county council held within the period of 2 months commencing with 20 September 1980, and
- (b) as a delegate for a county electorate comprised of, or a combined county electorate which includes, the whole or any part of an affected area,

shall end upon the expiration of the appointed period for the county council.

(7) An extraordinary election of delegates to a nominated county council for each of the county electorates, or combined county electorates, within the county district of the county council which are comprised of, or include, the whole or any part of a united area shall be held under the Principal Act within the appointed period for the county council.

(8) A general election of a prescribed county council shall be held under the Principal Act within the appointed period for the county council.

(9) The term of office of a person elected:

- (a) at an extraordinary election of delegates to a nominated county council required to be held by subsection (7), or
- (b) at a general election of a prescribed county council required to be held by subsection (8),

shall commence upon the expiration of the appointed period for the county council and end upon the next general election of the county council.

(10) For the purposes only of:

- (a) an extraordinary election of delegates to a nominated county council required to be held by subsection (7),
- (b) a general election of a prescribed county council required to be held by subsection (8), or
- (c) an extraordinary election of a delegate to fill a vacancy in the office of a person

elected at an election referred to in paragraph (a) or (b),

being in each case an election held before 1 January 1981, a reference:

(d) in Part 29 of the Principal Act or any ordinance made thereunder to:

(i) an area or part thereof, shall be construed as a reference to a united area or part thereof or an area or part thereof other than an affected area or part thereof, or

(ii) a council (other than a county council), shall be construed as a reference to the council of a united area or of an area other than an affected area, or

(e) in a proclamation under section 561 of the Principal Act, to the whole or any part of an affected area, shall be construed as a reference to:

(i) the corresponding part of the united area of which the affected area forms part, or

(ii) where the affected area is divided by the common boundary of 2 united areas—the corresponding part or parts of either or both of those united areas, as the case may be.

(11) To the extent that they are not inconsistent with the provisions of section 7 (5) or (6), this section or a proclamation under section 21 (1) of the Principal Act, the provisions of the Principal Act and of the ordinances made under that Act:

(a) relating to an extraordinary election of a delegate to a county council, shall apply to and in respect of an election required to be held by subsection (7), or

(b) relating to a general election of delegates to a county council, shall apply to and in respect of an election required to be held by subsection (8).

(12) Nothing in this section or section 7 prevents a delegate to a county council from being re-elected as such a delegate.

(13) For the purposes of *Ordinance No 20* made under the Principal Act, an ordinary election of aldermen or councillors for a united area held in 1983 shall be deemed to be a triennial election.

Table

Part 1

Central Tablelands County Council
Hawkesbury River County Council
Illawarra County Council
Macquarie County Council
Namoi Valley County Council

Prospect County Council
Shortland County Council

Part 2

Central Northern County Council
Central West County Council
Gwydir Valley County Council
Lachlan Valley County Council
Monaro County Council
North West County Council
Northern Riverina County Council
Oxley County Council
Peel-Cunningham County Council
Southern Riverina County Council

13 Urban areas within united areas

- (1) In this section, ***continued urban area*** means a part of a shire that, by the operation of subsection (2), is or will, on and from 1 January 1981, be for all purposes an urban area within a united area.
- (2) An urban area under the Principal Act that is part of a united area which is a shire shall:
 - (a) where it is an urban area for which, had this Act not been enacted, an urban committee would be required by section 549 of the Principal Act to be elected, be deemed to be an urban area for that shire under and subject to the Principal Act
 - (i) for the purpose only of enabling an election of urban committeemen for the urban area to be held pursuant to this section—on and from the date of assent to this Act, and
 - (ii) for all other purposes—on and from 1 January 1981, or
 - (b) where it is not an urban area to which paragraph (a) applies, be deemed to be an urban area for that shire under and subject to the Principal Act on and from 1 January 1981.
- (3) An urban area under the Principal Act that is part of a united area which is a municipality is, on 1 January 1981, dissolved and the urban committee, if any, for the urban area is, on that date, abolished.
- (4) An election of persons who will be urban committeemen for a continued urban area within a united area (being an urban area for which, had this Act not been enacted, an urban committee would be required by section 549 of the Principal Act to be elected) shall be held on the same day as the first election of councillors for the united area

required to be held by clause 3 (1) of Schedule 2.

- (5) To the extent that they are not inconsistent with the provisions of a proclamation under section 21 (1) of the Principal Act, the provisions of section 549 of the Principal Act apply to and in respect of an election of persons who will be urban committeemen for an urban area within a united area required to be held by subsection (4) and they so apply as if:
- (a) section 549 (1) of that Act were omitted, and
 - (b) the requirements of section 549 (2) of that Act were modified so as to require the returning officer for the united area (within the meaning of Schedule 2) to:
 - (i) cause urban area rolls of electors to be compiled by transcribing from the roll of electors required by clause 6 (4) of Schedule 2 to be used for the first election for the united area (within the meaning of that Schedule) the names of persons appearing thereon in respect of the continued urban area, and
 - (ii) arrange for and hold an election of an urban committee by the electors of the continued urban area in accordance with subsection (4).
- (6) An urban committee constituted by urban committeemen elected at an election held pursuant to this section may exercise and shall perform, on and from 1 January 1981, all of the, powers, authorities, duties and functions of an urban committee under and subject to the Principal Act.

14 Transitional provisions

- (1) The valuations and the lists of electors in force as at 31 December 1980 in respect of the land situated in any of the constituent areas of a united area shall, for the purposes of the Principal Act, continue in force after that date in so far as they relate to land situated in the united area as if they were made or prepared in respect of the united area, until fresh valuations and fresh lists come into force therein.
- (2) Any disallowance or surcharge which could have been made, continued, enforced or recovered under the Principal Act except for the provisions of this Act may be made, continued, enforced and recovered notwithstanding the abolition of any council by this Act.
- (3) Without affecting the generality of subsection (2):
- (a) any inspector of local government accounts may disallow in the books or accounts of a council of any constituent area of a united area any expenditure, transfer or entry which has been incurred or made in contravention of any Act or any ordinance, regulation or by-law made under any Act and shall surcharge the amount of any such disallowance upon any officer or servant of the council of the constituent area by whom the expenditure, transfer or entry was incurred or

made, or ordered to be incurred or made, and

- (b) all liability of any officer or servant of a council of any constituent area in respect of any such expenditure, transfer or entry or of any deficiency or loss of the council incurred by the culpable negligence or misconduct of the officer or servant or by the failure to account for any sum to the council shall be a liability of the officer or servant to account therefor:
 - (i) where the constituent area is wholly included in one united area—to the council of the united area, or
 - (ii) where parts of the constituent area are included in 2 united areas—to such of the councils of those areas and in such proportions, if any, as the Minister may direct by order in writing,

whether the amount of any such disallowance, deficiency, loss or sum is surcharged before or after 1 January 1981.

- (4) Any provision of an ordinance made under the Principal Act which, immediately before 1 January 1981, applied to the whole or any part of a constituent area, in either case forming part of a united area, shall apply to that part of the united area, but nothing in this subsection prevents the application of any such provision to an area or part of an area from being varied under the Principal Act from that or a later date.
- (5) The provisions of Division 2 of Part 3 of the *Library Act 1939* shall, subject to that Act, apply to and in respect of all united areas except:
 - (a) the united area designated “3” in Column 1 of Part 1 of Schedule 1, and
 - (b) the united areas designated “10” and “14” in Column 1 of Part 2 of Schedule 1.
- (6) On and from 1 January 1981, the council of a united area shall take over and retain and may complete all certificates, deeds, documents and records relating to, or intended to be executed with respect to, the constituent areas of the united area but, where parts of a constituent area are included in 2 united areas, the Minister shall determine in writing which of the united areas shall be treated as the area by the council of which a duty imposed by this subsection with respect to the constituent area shall be performed or by the council of which a power conferred by this subsection with respect to that area may be exercised.

15 Certain acts etc validated

Any act, matter or thing:

- (a) which was done or omitted to be done, before the date of assent to this Act, by an officer or servant of the council of a constituent area, and
- (b) which could have been lawfully done or omitted to be done only if section 7 had been

in force when it was done or omitted to be done,
is hereby validated.

16 Special provisions relating to certain elections etc

Schedule 2 has effect.

Schedule 1 Areas and parts of areas united

(Section 3)

Part 1 United areas constituted as municipalities

Column 1	Column 2
Designation of united area	Constituent areas and part of an area
1	The Municipality of Port Macquarie and the Shire of Hastings
2	The City of Wagga Wagga and the Shires of Kyeamba and Mitchell
3	The Municipalities of Taree and Wingham and the Shire of Manning, other than the part of that Shire described in Column 2 of Part 2 of this Schedule

Part 2 United areas constituted as shires

Column 1	Column 2
Designation of united area	Constituent areas and part of an area
1	The Municipality of Bega and the Shires of Mumbulla and Imlay
2	The Municipality of Moree and the Shires of Boomi and Boolooroo
3	The Municipality of Narrabri and the Shire of Namoi
4	The Municipality of Quirindi and the Shire of Tamarang
5	The Municipality of Cowra and the Shire of Waugoola
6	The Municipality of Forbes and the Shire of Jemalong
7	The Municipality of Parkes and the Shire of Goobang
8	The Municipality of Narromine and the Shire of Timbregongie
9	The Municipality of Temora and the Shire of Narraburra
10	The Municipality of Junee and the Shire of Illabo
11	The Municipality of Cooma and the Shire of Monaro
12	The Municipality of Bowral and the Shires of Mittagong and Wingecarribee

- 13 The Municipality of Windsor and the Shire of Colo
- The Shire of Great Lakes and that part of the Shire of Manning commencing on the foreshore of the South Pacific Ocean at the intersection of the generally eastern boundary of the Shire of Manning as proclaimed in Gazette No 98 of 26 August 1960, with a line along the northern boundary of portion 264, Parish of Tuncurry, County of Gloucester; and bounded thence by part of the said generally eastern boundary of that Shire generally southerly to its intersection with the generally northern boundary of the Shire of Great Lakes (formerly named Stroud Shire) as proclaimed in Gazette No 147 of 24 December 1964; by part of that boundary generally westerly to its intersection with the generally eastern side of the Pacific Highway (State Highway No 10) passing through portion 116, Parish of Coolongolook, County of Gloucester; by that side of that highway generally northeasterly to its intersection with a line along the northern boundaries of portions 66, 57, 60, 89, 78, 69, 68 and 95, Parish of Tuncurry, County of Gloucester; by that line easterly to the northwesternmost corner of portion 167 of that Parish; by the eastern side of Main Road No 111 generally southerly to the westernmost northwestern corner of portion 85 of that Parish; by the generally northern and eastern boundaries of that portion easterly, northeasterly, again easterly and southerly to the northern boundary of portion 169 of that Parish; by part of that boundary and the northern boundary of portion 44 of that Parish easterly to the western boundary of portion 43 of that Parish; by part of that boundary and the northern boundary of that portion northerly and easterly to the western boundary of portion 74 of that Parish; by part of that boundary, the western and part of the northern boundary of portion 72 of that Parish and the western boundary of portion 70 of that Parish northerly, easterly and again northerly to the northwestern corner of portion 70 of that Parish; by the northern boundaries of portions 70, 114, 12 and ML6 of that Parish and part of the northern boundary of portion 264 of that Parish easterly to the northwestern corner of portion 274 of that Parish; by the northern boundary of the said portion 274 easterly to the northeastern most corner of that portion; thence again by part of the northern boundary of portion 264 of that Parish easterly to the point of commencement, and having an area of about 182.5 square kilometres.
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Schedule 2 Special provisions

(Section 16)

1 Definitions

In this Schedule, except in so far as the context or subject-matter otherwise indicates or requires:

first election means an election required to be held by clause 3 (1).

preliminary period means the period commencing with the date of assent to this Act and ending with 31 December 1980.

returning officer, in relation to a united area, means the person for the time being appointed under clause 5 (1) (a) for the area.

2 Determination of numbers of aldermen or councillors

Within one month (or such other period as may be fixed by the Governor for the purposes

of this clause) after the date of assent to this Act, a determination shall be made under section 23 (2) or 24 (2), as the case may require, of the Principal Act with respect to the council of each united area.

3 Elections of aldermen or councillors

- (1) An election of aldermen or councillors for each united area shall take place during the preliminary period.
- (2) Subject to subclause (3), an election required to take place by subclause (1) shall take place on 6 December 1980.
- (3) If it appears to the Minister to be impracticable or inconvenient for the first election for a united area to be held on 6 December 1980, he may, by notification published in the Gazette, appoint an earlier or a later date occurring during the preliminary period for the first election for the area and the date so appointed shall be the date on which the first election for that area shall take place.
- (4) A notification published under subclause (3) may appoint a day for the first election for all or any number of united areas.
- (5) Section 39 (1) (c) of the Principal Act does not apply in respect of the first election of aldermen or councillors for a united area held after the constitution of the united area.

4 Elections of mayors or presidents

- (1) The first election of a mayor or president of a united area shall be held within 14 days after the aldermen or councillors elected at the first election for the area have been declared, or deemed by section 72 of the Principal Act, to be elected.
- (2) Section 27 (1) (f) of the Principal Act does not apply in respect of an election of a mayor or president of a united area.
- (3) For the purposes of sections 27 (1) (d) and 33 (1) (b) of the Principal Act, a first election shall be deemed to be an ordinary election.

5 Returning officers

- (1) The Minister may:
 - (a) by order in writing served on a person, appoint the person as returning officer for a united area, or
 - (b) by notice given in such manner as he thinks fit, remove a returning officer for a united area from his office and, if he thinks fit, appoint another person under paragraph (a) as returning officer for the united area.
- (2) An order or notice referred to in subclause (1) may:

- (a) in the case of the order—be made or served, or
 - (b) in the case of the notice—be given,
- after the preliminary period.
- (3) Subject to this Schedule, the powers, authorities, duties and functions, with respect to elections, of the returning officer, the clerk and the council for an area which are conferred or imposed by and under Part 5 of the Principal Act and the ordinances made thereunder may be exercised and shall be performed, with respect to the first election for a united area, by the returning officer for the united area.
 - (4) In the exercise and performance of his powers, authorities, duties and functions, the returning officer for a united area may make use of:
 - (a) the services of any of the officers or servants of the councils of its constituent areas, and
 - (b) any records kept by the councils of its constituent areas.
 - (5) Where, for the purpose of enabling him to exercise any of his powers under subclause (4), the returning officer for a united area makes any reasonable request of:
 - (a) a council of any of its constituent areas, or
 - (b) an officer or servant of the council of such an area,the council, officer or servant, as the case may be, to which or whom the request is made shall comply with that request.
 - (6) Any act, matter or thing done or omitted to be done in relation to a first election by a predecessor in office of a returning officer for a united area shall have the same force and effect as if it had been done or omitted to be done by the returning officer for the united area.

6 Rolls

- (1) For the purposes of this clause, the Shire of Manning is the divided area.
- (2) The clerk of a constituent area, not being the divided area, of a united area shall, as soon as practicable after 1 October 1980, furnish to the returning officer for the united area, a copy of the list that that clerk is required to keep and continuously maintain up to date by section 65 (1) of the Principal Act, certified in writing by that clerk to be, to the best of his knowledge and belief, an accurate and complete list of the persons who appear to him to have had, on that date, the requisite qualifications, within the meaning of the Principal Act, to be electors for the constituent area.
- (3) The clerk of the divided area shall, as soon as practicable after 1 October 1980:

- (a) from the list that that clerk is required to keep and continuously maintain up to date by section 65 (1) of the Principal Act, compile 2 separate and different lists, each of which shall be a list of the persons who, in his opinion, would have had, on that date, the requisite qualifications, within the meaning of the Principal Act, to be electors for a part of the divided area (being a part comprised of so much of the divided area as falls within the boundaries of a united area) if that part had been an area, within the meaning of the Principal Act, on that date, and
 - (b) after compiling a list under paragraph (a), furnish to the returning officer for the united area in respect of the part of which the list was compiled a copy of the list certified in writing by that clerk to be, to the best of his knowledge and belief, an accurate and complete list of the persons who, in his opinion, would have had, on that date, the requisite qualifications, within the meaning of the Principal Act, to be electors for that part if it had been an area, within the meaning of the Principal Act, on that date.
- (4) Notwithstanding section 66 of the Principal Act, the copies of lists certified by the clerks of constituent areas and furnished pursuant to this clause to a returning officer for a united area together comprise the roll of electors for the first election for the united area.
- (5) Section 64 (1) (a) of the Principal Act does not apply in respect of a united area.
- (6) Section 65A of the Principal Act does not apply to or in respect of the first election for a united area.

7 Nominations in certain cases

Notwithstanding section 71 (2) (a) of the Principal Act, a person whose name is not on the roll of electors for the first election for a united area may be nominated for election as alderman or councillor for the united area at that election if:

- (a) had the united area been, on 1 October 1980, an area within the meaning of the Principal Act, he would have had, on that date, the requisite qualification, within the meaning of the Principal Act, to vote at an election of aldermen or councillors for that area, and
- (b) he satisfies the returning officer for the united area by statutory declaration that, if the circumstances referred to in paragraph (a) had prevailed on 1 October 1980, he would have had that qualification on that date.

8 Electors

Notwithstanding section 51 (1) of the Principal Act, in order to have the requisite qualification of an elector at the first election for a united area, a person must be, within the meaning of that Act:

- (a) an owner of ratable land in a constituent area, the whole of which forms part of the united area, or in a part of a constituent area which part forms part of the united area, or
- (b) a resident of any such constituent area or part of a constituent area.

9 System of election

- (1) Notwithstanding section 73 of the Principal Act, the system of election to be applied to a first election for a united area shall be the system of election according to the principle of proportional representation.
- (2) Section 74 (b) of the Principal Act applies in relation to the first election for a united area notwithstanding that a person's name may appear more than once on the roll for the election.

10 Expenses of first elections

- (1) An electoral officer appointed in connection with a first election for a united area is entitled to be paid remuneration in accordance with a scale of fees and charges fixed by the Minister, which scale shall, with respect to any such first election, be deemed to be the scale of fees and charges referred to in clause 4 (b) of *Ordinance No 11* made under the Principal Act.
- (2) The expenses of the first election for a united area, including the remuneration payable pursuant to subclause (1), shall be paid from the General Fund of the council of a constituent area of the united area, being the constituent area nominated by the Minister for the purposes of this clause.

11 Certain references

A reference in ordinances made under Part 5 of the Principal Act to the office of the council shall be construed, in relation to the first election for a united area, as a reference to the office of the council of a constituent area of the united area, being the constituent area nominated by the Minister for the purposes of this clause.

12 Application of Principal Act etc to first elections

- (1) To the extent that they are not inconsistent with the provisions of this Schedule or a proclamation under section 21 (1) of the Principal Act, the provisions relating to elections of the Principal Act and of the ordinances made under that Act shall apply to and in respect of the first elections of aldermen or councillors for, and mayors or presidents of, the united areas.
- (2) Subject to this Act, a first election for a united area shall be treated as an ordinary election under the Principal Act for the purposes of that and any other Act and of any instrument made under any Act.

13 Proclamations under section 21 (1) (r) of the Principal Act

- (1) Notwithstanding any other provision of this Act, a proclamation under section 21 (1) (r) of the Principal Act may provide:
 - (a) that specified provisions of the Principal Act or the ordinances made thereunder apply or do not apply to or in relation to an election required to be held by this Act,
 - (b) where specified provisions of that Act or those ordinances are applied under paragraph (a), that they so apply with specified modifications by way of omission from, addition to or partial substitution for those provisions, and
 - (c) whether or not specified provisions of that Act or those ordinances are applied under paragraph (a), that specified provisions additional to those of the Principal Act and the ordinances made thereunder apply to or in relation to an election required to be held by this Act.
- (2) A provision of a proclamation referred to in subclause (1) may:
 - (a) apply generally or be limited in its application by reference to specified exceptions or factors,
 - (b) apply differently according to different factors of a specified kind, or
 - (c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,or may do any combination of those things.
- (3) In this clause, ***specified***, in relation to a proclamation, means specified in the proclamation.

14 Interim powers of council

- (1) Subject to subclause (3), during the remainder of the preliminary period after the first election for a united area has taken place, the council of the area may:
 - (a) elect a mayor or president, as the case may require,
 - (b) make arrangements for an office for the council,
 - (c) make arrangements with respect to the transfer to it and the appointment by it of servants,
 - (d) where it is the council of a united area designated "3" in Column 1 of Part 1 of Schedule 1 or "14" in Column 1 of Part 2 of Schedule 1, make arrangements with respect to the transfer to it of the whole or part of the real and personal property of the councils of its constituent areas, and

- (e) do all other acts, matters or things which are reasonably necessary or are expedient to enable the council to exercise and perform the powers, authorities, duties and functions of the council of the united area on and from 1 January 1981, but may not do anything else during the remainder of that period.
- (2) Any arrangements made for the purpose of subclause (1) (c) shall not take effect before 1 January 1981.
- (3) Nothing in subclause (1) prevents:
 - (a) the nominated council, within the meaning of section 11, from complying with any obligation imposed on it by that section with respect to the preliminary period, or
 - (b) the council of a united area from exercising or performing, during the preliminary period, any power, authority, duty or function that may be necessary or convenient for it to exercise or perform in connection with an election referred to in section 12 (10) (a), (b) or (c).

15 First meeting of council

- (1) The first meeting of the council for a united area shall be convened by the returning officer for the united area whether or not during the preliminary period.
- (2) The council for a united area shall conduct the following business at its first meeting:
 - (a) the election of a temporary chairman for the meeting,
 - (b) the appointment of a person to take the minutes of the meeting,
 - (c) the fixing of an allowance to be payable by the council to its mayor or president for the period commencing with 1 January 1981 and ending with 19 September 1981,
 - (d) the election of a mayor or president, as the case may require,
 - (e) the fixing of the time and place for the next meeting of the council,
 - (f) the authorisation of its mayor or president, as the case may be, to incur expenditure up to a maximum sum determined by the council for the purpose of defraying incidental expenses, and
 - (g) subject to clause 14, any other business the introduction of which is approved by a majority of the members present.

16 Procedure at first meetings

Subject to clause 14 and the provisions of any proclamation made under section 21 (1) of the Principal Act, the provisions of sections 47 and 48 of the Principal Act and of the

ordinances made under Division 11 of Part 4 of that Act shall apply to and in respect of the first meeting of the council for a united area and any other meeting of that council held before 1 January 1981.