

LOCAL GOVERNMENT (AMENDMENT) ACT.

Act No. 16, 1953.

An Act to reconstitute the Council of the City of Sydney; to make certain provisions as to the election of the Lord Mayor of the said City and the conduct of contested elections of aldermen and councillors; to authorise councils to expend moneys on the forthcoming Royal Visit; for these and certain other purposes to amend the Local Government Act, 1919, and certain other Acts; and for purposes connected therewith. [Assented to, 3rd November, 1953.]

Elizabeth II,
No. 16, 1953.

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:—

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1953".

(2) Short title and construction.

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No. 16, 1953. (2) This Act shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

Amendment of Act No. 41, 1919. **2.** The Local Government Act, 1919, as amended by subsequent Acts, is amended—

Sec. 23. (Composition of city and municipal councils.) Council of City of Sydney. (a) by inserting next after subsection one of section twenty-three the following new subsection:—

(1A) On and from the fifth day of December, one thousand nine hundred and fifty-three, the Council of the City of Sydney shall be reconstituted and shall consist of the Lord Mayor and twenty aldermen.

The Lord Mayor shall be an alderman by virtue of his office.

Sec. 25. (Mayors and presidents.) (b) by inserting at the end of section twenty-five the following new subsection:—

(5) This section shall not apply to the City of Sydney.

New sec. 25A. (c) by inserting next after section twenty-five the following new section:—

Lord Mayor, City of Sydney. **25A.** (1) The Lord Mayor of the City of Sydney shall (except as provided in this section) be elected by the electors of that City.

(2) If an extraordinary vacancy in the office of Lord Mayor occurs within the last six months of the Council's term of office the Governor may appoint any qualified person to the vacant office.

(3) If a vacancy in the office of Lord Mayor continues after the time prescribed for election thereto the Governor may appoint any qualified person to the vacant office.

Sec. 26. (Deputy of mayor or president.) (d) by omitting from subsection one of section twenty-six the word "year" and by inserting in lieu thereof the word "term";

(e)

- (e) by inserting at the end of section twenty-seven the following new subsection:—
- No. 16, 1953.
Sec. 27.
(Time for election of mayor or president.)
- (2) This section shall not apply to the election of the Lord Mayor of the City of Sydney.
- (f) by inserting at the end of section twenty-nine the following new subsection:—
- Sec. 29.
(Mayors and presidents.)
Lord Mayor, City of Sydney.
- (5) The allowance payable by the Council of the City of Sydney to the Lord Mayor shall be fixed by the Council for each year of the mayoral term. The allowance shall not exceed £5,000 and on a certificate issued by the Minister, such additional sum not to exceed £2,500 as the Minister may consider reasonable having regard to special circumstances that may arise. The allowance for the year immediately following an ordinary election shall be fixed at the first meeting of the Council held after that election and for any other year shall be fixed at the first meeting of the Council held in such year.
- (g) by inserting at the end of section thirty-two the following paragraph:—
- Sec. 32.
(Tenure of office.)
- Paragraph (a) of this section shall not apply to the Lord Mayor of the City of Sydney.
- (h) by inserting at the end of subsection two of section thirty-three the following words:—
- Sec. 33.
(Office of alderman or councillor.)
- In this subsection a reference to an alderman shall, in relation to the Council of the City of Sydney, be deemed to include the Lord Mayor.
- (i) by inserting at the end of subsection two of section thirty-four the following paragraph:—
- Sec. 34.
(Office of mayor or president.)
- This subsection shall not apply to the Lord Mayor of the City of Sydney.
- (j) by inserting next after section thirty-eight the following new section:—
- New sec. 38A
Election of Lord Mayor.
- 38A. Elections of the Lord Mayor of the City of Sydney shall take place on the days appointed therefor.

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Sec. 39.
(Appointed
day for
election of
aldermen or
councillors.)
Appointed
day for
election of
Lord Mayor.

(k) by inserting at the end of section thirty-nine the following new subsection:—

(2) The appointed day for an election of the Lord Mayor of the City of Sydney shall be—

- (a) for ordinary elections—the day on which ordinary elections of aldermen of the City of Sydney are held;
- (b) for an extraordinary election—a Saturday fixed and advertised by the returning officer being within two months after the occurrence of the extraordinary vacancy.

Sec. 50.
(Qualifica-
tion of
elector.)

(l) by inserting at the end of section fifty the following new word and paragraph:—

“and

- (c) in the case of the City of Sydney to vote at any election of Lord Mayor.”

Sec. 71.
(Nomina-
tions.)

(m) (i) by inserting in subsection one of section seventy-one after the word “councillor” the words “or as the Lord Mayor of the City of Sydney”;

(ii) by inserting at the end of subsection two of the same section the following new paragraph:—

- (b) To entitle a person to be nominated as Lord Mayor of the City of Sydney he must be qualified to be elected as an alderman of that City.

(iii) by inserting at the end of subsection three of the same section the following new paragraph:—

- (b) A person shall not, in respect of any election of Lord Mayor of the City of Sydney and any election of aldermen of the said City to be held
at

at the same time, be nominated as Lord Mayor of that City and also as alderman for that City. **No. 16, 1953.**

(n) by inserting at the end of section seventy-two the following new subsection:— **Sec. 72.**
(Uncontested election of aldermen or councillors.)

(3) This section shall, mutatis mutandis, apply to elections of the Lord Mayor of the City of Sydney and in its application to such elections a reference to candidates nominated as aldermen shall be construed as a reference to candidates nominated for the office of Lord Mayor.

(o) (i) by inserting next after subsection one of section seventy-three the following new subsection:— **Sec. 73.**
(Contested elections of aldermen or councillors.)

(1A) If on the day appointed for any election of Lord Mayor of the City of Sydney there are two or more candidates nominated as Lord Mayor there shall be a contested election of Lord Mayor.

(ii) by omitting subsection three of the same section and by inserting in lieu thereof the following subsections:—

(3) At any ordinary election held on the first Saturday in December, one thousand nine hundred and fifty-three—

(a) the system of election according to the principle of proportional representation shall apply where the number of aldermen or councillors to be elected for the area, ward or riding is three or more;

(b) the system of preferential voting for which provision is made by subsection four of this section shall apply where the number of aldermen or councillors to be elected for the ward or riding is less than three.

(3A)

No. 16, 1953.

(3A) At any ordinary election or extraordinary election held after the ordinary election referred to in subsection three of this section the system of election which applied to the area, ward or riding at the ordinary election referred to as aforesaid shall apply to such ordinary election or extraordinary election except where the Governor has by proclamation under subsection (3c) of this section otherwise provided:

Provided that where only one vacancy is to be filled at any such extraordinary election the provisions of Divisions 1 and 4 of Schedule Six to this Act shall apply, mutatis mutandis, to and in respect of such extraordinary election.

(3B) On receipt of a petition signed by not less than one-tenth in number of the enrolled electors praying that a poll be taken on the question of adopting either of the following systems of election, that is to say:—

- (a) the system of election according to the principle of proportional representation; or
- (b) the system of preferential voting for which provision is made by subsection four of this section;

the council shall forthwith take such a poll and shall certify the result thereof to the Governor:

Provided that the council shall not be required to take such a poll if such a poll has been held since the date of the last ordinary election or if the petition is presented within the last six months of the council's term of office.

(3c)

(3c) Where the decision of the poll is in favour of the adoption of the system not in force in the area the Governor shall by proclamation apply that system to the area for contested elections. No. 16, 1953.

Where the Governor has by proclamation applied a system of election to the area for contested elections any such ordinary election or extraordinary election held after such proclamation shall until any further proclamation is issued by the Governor pursuant to this subsection be conducted as prescribed in accordance with the system so applied.

- (iii) by omitting from subsection four of the same section the words "In all other cases contested elections shall be conducted according to the ordinary ballot in the manner prescribed:

Provided that in the case of a contested election of aldermen for the City of Greater Newcastle (including the first election of aldermen for the City of Greater Newcastle to be held pursuant to Part III of the Greater Newcastle Act, 1937)" and by inserting in lieu thereof the words "Where the system of election by preferential voting applies";

- (iv) by omitting from paragraph (a) of the same subsection the words "set out in Schedule Five to this Act" and by inserting in lieu thereof the word "prescribed";

- (p) by inserting next after section seventy-three the following new section:— New sec.
73A.

73A. The provisions of Divisions 1 and 4 of Schedule Six to this Act shall apply, mutatis mutandis, to and in respect of every contested election of the Lord Mayor of the City of Sydney. Election
of
Lord Mayor.

(q)

Local Government (Amendment) Act.**No. 16, 1963.**

Sec. 74.
(Method of election in case of adoption of proportional representation.)

Sec. 290.
(Control and regulation.)

(q) by omitting from section seventy-four the words "has been applied" and by inserting in lieu thereof the word "applies";

(r) by inserting at the end of section two hundred and ninety the following new paragraph:—

(g) premises for the manufacture or storage or sale of bread and pastry.

Schedule Five.
(Consequential.)
Schedule Six.
(Consequential.)

(s) by omitting Schedule Five;

(t) by omitting from Schedule Six the heading "City of Greater Newcastle".

Abolition of Wards. City of Sydney.

3. (1) The division, in force at the commencement of this Act, of the City of Sydney into wards is hereby abolished.

Provided that such abolition shall not affect the representation of the City on its Council until the fifth day of December, one thousand nine hundred and fifty-three.

(2) The abolition of wards effected by this section shall not affect the original rolls of electors prepared by the Council of the City of Sydney during the year one thousand nine hundred and fifty-three.

The rolls of electors for all wards of the City as existing immediately before the commencement of this Act and any supplementary rolls prepared by the said Council shall taken together be the roll of electors for the City of Sydney until a new original roll is prepared under the Local Government Act, 1919, as amended by subsequent Acts.

(3) The abolition of wards effected by this section shall be deemed to be an exercise of the powers conferred upon the Governor by section fifty-eight of the Local Government Act, 1919, as amended by subsequent Acts, and the provisions of the said section shall apply to the City of Sydney and the Council thereof

as

as if on the day on which the Assent of Her Majesty to this Act is signified the Governor had issued a proclamation under the said section abolishing the wards of the said City. No. 16, 1953.

(4) The abolition of wards effected by subsection one of this section shall not affect any valuation list, supplementary valuation list or valuation furnished by the Valuer-General under the Valuation of Land Act, 1916-1951, or the Local Government Act, 1919, as amended by subsequent Acts, and the Valuer-General may continue to furnish such lists or valuations in respect of land within the City of Sydney in all respects as though the wards in existence immediately before the commencement of this Act had not been abolished.

4. (1) The reconstitution of the Council of the City of Sydney shall be deemed to be an exercise of the powers conferred upon the Governor by section twenty-three of the Local Government Act, 1919, as amended by subsequent Acts, and the provisions of that section shall apply to the City of Sydney and the Council thereof as if on the day on which the Assent of Her Majesty to this Act is signified the Governor had under that section determined the number of aldermen of the Council of the said City at twenty. Reconstitution to be deemed an exercise of power conferred on Governor by L.G. Act, 1919.

(2) Nothing contained in this Act shall prejudice or affect in any way the continuity of the Council of the City of Sydney but such body corporate shall continue notwithstanding the provisions of this Act. Continuity of body corporate.

5. (1) The provisions of the Local Government Act, 1919, as amended by subsequent Acts, and any ordinances made thereunder relating to mayors, members or officers of the council shall, to the extent to which such provisions are not inconsistent with the amendments made by this Act, apply, mutatis mutandis, to and in respect of the Lord Mayor of the City of Sydney. Application of L. G. Act, 1919, and Ordinances to Lord Mayor.

(2) The provisions of Ordinance No. 8—Nominations and Uncontested Elections, made under the Local Government Act, 1919, as amended by subsequent Acts, shall

Wheat Marketing (Amendment) Act.

No. 16, 1953. shall apply, mutatis mutandis, to and in respect of nominations and uncontested elections of the Lord Mayor of the City of Sydney.

Expenditure
by councils
in connec-
tion with
Royal Visit.

6. Each of the following authorities, that is to say, the council of any city, municipality or shire, the Sydney County Council, or any county council is hereby empowered to expend from its funds such moneys as it thinks fit for the purpose of promoting any function, entertainment, pageant or display arranged in connection with the visit which Her Majesty the Queen and His Royal Highness the Duke of Edinburgh propose to make to New South Wales during the year one thousand nine hundred and fifty-four.
