

GREATER NEWCASTLE BILL, 1919.

NOTE.—This draft was prepared for consideration under the direction of the Hon. J. D. Fitzgerald, M.L.C., Minister for Local Government, in 1919; but was not at that time adopted by the Government, nor laid before Parliament. It has not yet been considered by the present Government.

T. D. MUTCH,

Minister for Local Government.

23 September, 1920.

No. , 1919.

A BILL

To constitute a Greater Newcastle; for that purpose to amend the Acts relating to local government, and certain other Acts; and for purposes consequent thereon or incidental thereto.

BE it enacted by the King'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:—

Preliminary.

1. (1) This Act may be cited as the "Local Government (Greater Newcastle) Act, 1919." Short title and commencement.

(2) This Act shall commence and come into operation on the first day of January, one thousand nine hundred and twenty.

Interpreta
tion.

2. (1) This Act shall be read with the Local Government Act, and expressions which are defined in that Act shall, where used in this Act, have the meanings so defined, except where inconsistent with the context or subject-matter. 5

(2) In so far as there may be any inconsistency between this Act and the Local Government Act this Act shall prevail. 10

(3) In this Act (unless inconsistent with the context or subject-matter),—

“Commission” means the Greater Newcastle Electoral Commission. 15

“Existing Municipalities” means the city of Newcastle and the municipalities existing at the commencement of this Act and proposed by this Act to be united in Greater Newcastle.

“Local Government Act” means the Local Government Act, 1919 (as amended by any other Act), or any Act hereafter passed repealing and replacing that Act. 20

“Greater Newcastle” means the City of Greater Newcastle. 25

(4) Wherever any Act is herein referred to, such reference shall include all Acts amending such Act or incorporating any of its provisions.

Constitution of Greater Newcastle.

Constitution.

3. (1) The Governor may (irrespective of the provisions of the Local Government Act as to preliminary procedure) by proclamation unite as one area the existing city of Newcastle, the municipalities of Adamstown, Carrington, Hamilton, Lambton, New Lambton, Merewether, Stockton, Wallsend, Waratah, Wickham, and certain portions of the shires of Tarro, Port Stephens, and Lake Macquarie, which are included in the area described in Schedule One hereto. 30 35

Schedule One.

(2) The proclamation aforesaid shall take effect on the day of the first election of the Greater Newcastle Council. 40

(3)

(3) The said area so united shall, with the boundaries described in Schedule One hereto, be the City of Greater Newcastle. Schedule One:

(4) Greater Newcastle shall be a "city" within the meaning of the Local Government Act.

Preparation for election of first council.

4. (1) The Governor shall appoint a Greater Newcastle Electoral Commission consisting of a chairman and two other members. Electoral Commission.

10 (2) Any vacancy in the membership of the commission may be filled by appointment made by the Governor.

(3) The commission shall cause rolls of electors and of ratepayers of the area proposed to be included in Greater Newcastle to be prepared and revised in accordance, mutatis mutandis, with the provisions made by or under the Local Government Act. For that purpose the secretary of the commission acting under its direction shall have the powers and discharge the duties of a town clerk, and may appear before the Revision Court and oppose any claim or objection and call evidence.

25 (4) The commission shall appoint a returning officer, who shall, under the supervision of the commission, make all necessary arrangements for, and shall hold, the election of the first council of the City of Greater Newcastle in accordance with the provisions made by or under this Act and the Local Government Act.

30 (5) For the purposes of this section the commission may appoint all necessary servants and incur all necessary expenditure.

(6) The commission shall be granted by the council of a municipality or shire whose area is wholly or partly included in the proposed Greater Newcastle all necessary assistance and information, together with the use of offices and the assistance of the servants of those councils in so far as such assistance is needed for the purposes of this section.

(7)

(7) The commission shall from time to time prepare estimates of the expenditure necessary to carry out its duties under this Act, and an apportionment of the amount of such estimates among the councils of the existing municipalities pro rata according to the unimproved capital value of the ratable land of each such municipality. The shires whose areas will be affected by this Act shall not be included in such apportionment. 5

(8) Upon requisition served by the commission, the council of each existing municipality shall pay to the commission its respective share of such estimate so apportioned, and in case of default the secretary of the commission may recover the amount on behalf of the commission as a debt. 15

Greater Newcastle Council.

Constitution
and election
of council.

5. (1) For the local government of Greater Newcastle under this Act and the Local Government Act there shall be a Greater Newcastle Council.

(2) Subject to the provisions of this Act, the Greater Newcastle Council shall be a council for all the purposes of the Local Government Act, and the provisions of the Local Government Act relating to councils shall apply to the Greater Newcastle Council. 20

(3) The Greater Newcastle Council shall consist of eleven aldermen: Provided that after the election of the first council the Governor may, in accordance with the Local Government Act, fix the number of aldermen who shall constitute such council. 25

(4) For the purpose of the election of the council Greater Newcastle shall not be divided into wards; but for convenience in connection with elections the rolls shall be divided into districts, and electors shall be enrolled thereon according to the districts in which the land is situated from which their electoral qualifications arise: Provided that within the districts the electors' names shall be arranged in alphabetical order. 30 35

(5) The first election of the Greater Newcastle Council shall be held on a day to be fixed by the Governor on the recommendation of the commission, provided that such day shall not be more than twelve months after the passing of this Act. 40 (6)

(6) Elections of the Greater Newcastle Council after the first election shall be held on the day appointed by or under the Local Government Act for the ordinary election of councils of municipalities. Subsequent elections according to L.G. Act.

5 **6.** The Greater Newcastle Council may elect or co-opt any person not a member of the council to be a member of any committee appointed by the council, with full power to join in the proceedings of the committee except the power to vote. Committees of council—power to co-opt additional members.

10 *Transitional provision.*

7. (1) Upon the election of the first Greater Newcastle Council the existing municipalities shall cease to exist. Abolition of existing councils.

(2) Thereupon the councils of the said municipalities shall likewise cease to exist.

15 **8.** (1) All ordinances applicable only to the existing municipalities therein specified and in force on the election of the Greater Newcastle Council shall remain in force until altered or repealed, but only within the boundaries of the existing municipalities respectively to which they are made to apply. Preservation of existing rights.

20 (2) All the provisions of any Act, public or private, referring to an existing municipality or its council, officers, or servants shall apply to Greater Newcastle and its council officers and servants.

25 (3) All rates, fees, charges and sums of money which on the election of the Greater Newcastle Council, are due or payable to or leviable by or for the council of an existing municipality or by or for the council of a shire in respect of any portion thereof which is included in the area described in Schedule One to this Act, shall be paid to and may be received, levied, and recovered by the Greater Newcastle Council, and shall remain a charge on property as if this Act had not passed.

30 (4) On the election of the Greater Newcastle Council all lands, property, money, securities for money and documents, and all rights and liabilities of the councils of existing municipalities respectively, shall be vested in and binding on the Greater Newcastle Council, and for that purpose the said council shall be the successor in law and in fact of the councils of the existing municipalities, (5)

(5) Any suit or action which, on the election of the Greater Newcastle Council, is pending by or against the council of an existing municipality shall not abate or be discontinued by reason only of the passing of this Act, but may be continued by or against the Greater Newcastle Council. 5

Servants of
existing
councils.

9. (1) Upon the election of the first Greater Newcastle Council all persons who are in the service of the councils of any of the existing municipalities shall be transferred to the Greater Newcastle Council, and be 10 deemed to be servants thereof.

(2) For the purposes of this section—

(a) the expression “transferred persons” shall mean persons transferred by virtue of this section to the service of the Greater Newcastle 15 Council; and

(b) the expression “transferred officers” shall mean such of the transferred persons as at the date of transfer held any professional, clerical, or administrative post under one of the 20 existing municipal councils, and in particular shall include heads of departments of the existing Newcastle City Council, town clerks, deputy town clerks, engineers, architects, draftsmen, clerks, accountants, book-keepers, 25 typists, overseers or foremen of works, and health inspectors.

(3) All transferred persons shall be transferred to the service of the Greater Newcastle Council upon the same terms and conditions, *mutatis mutandis*, as 30 those upon which (at the date of the first introduction of this measure into Parliament as a Bill) they were in the service of an existing municipal council, provided that—

(a) the Greater Newcastle Council may alter the 35 title and distribute the duties to be performed by the transferred persons in such manner as the council may think fit, and every transferred person shall perform such duties as may be directed by the council or as may be pre- 40 scribed; and

(b)

5 (b) in the case of transferred persons other than transferred officers, the council shall, so far as it may find to be practicable, continue them in its service, other things being equal, and subject to competence and good conduct, in preference to employing other persons desirous of admission to its service.

10 (4) If within five years after the date of transfer the council dispenses for any cause other than incompetence or misconduct with the services of any transferred officer who at the date of transfer has served a municipal or shire council for ten years, the council shall pay to the officer a gratuity as follows, that is to say—

15 (a) where the officer at the date of transfer is of or over the age of forty-five years, a gratuity equivalent to one month's pay for each year of service ;

20 (b) where the officer at the date of transfer is under the age of forty-five years, a gratuity equivalent to six months' pay.

(5) For the purposes of this section—

25 (a) an officer shall be deemed to have served a municipal or shire council for ten years if at the date of transfer he has for an aggregate period of ten years without any break of more than six months been in the employment of any municipal or shire council within the meaning of any Act now or heretofore in force in New South Wales, whether the employment was by the same or by different councils ;

30 (b) a month's pay shall be deemed to mean one thirty-sixth of the total salary received by the officer concerned from the council by which he was employed during the last thirty-six months of employment preceding the date of transfer.

35 **10.** (1) Paragraph (ii) of section five of the Hunter District Water Supply and Sewerage Act of 1892 is repealed and the following is inserted in its place :— Amendment of Hunter District W. & S. Act, 1892.

40 (ii) The Greater Newcastle Council shall elect three members, and the councils of East and West Maitland and Morpeth shall together elect one member. (2)

(2) The First Schedule to the same Act is repealed.

Amendment
of Fire
Brigades Act.

11. (1) Subsection three of section nine of the Fire Brigades Act, 1909, is amended as follows:—

(a) After the words "shall have four votes" insert 5
the words "Provided that the Greater New-
castle Council shall have ten votes."

(b) After the word "Provided" insert the word
"also."

(2) Part II of Schedule One to the same Act 10
is amended by omitting the words "Adamstown," "Car-
rington," "Hamilton," "Lambton," "Lambton, New,"
"Merewether," "Newcastle," "Plattsburg," "Stockton,"
"Wallsend," "Waratah," and "Wickham," and by
inserting after "Grafton South" the words "Greater 15
Newcastle."

Main Roads
Act.

12. The Local Government (Main Roads) Act, 1919,
shall not apply to Greater Newcastle.

Ordinances.

Ordinances.

13. Ordinances may be made under the Local 20
Government Act for carrying this Act into effect.

SCHEDULES.

SCHEDULES.

SCHEDULE ONE.

COUNTIES of Gloucester and Northumberland, parishes of Stowell, Stockton, Newcastle, Hexham, Teralba, and Kahibah: Commencing
5 on the high-water mark of the South Pacific Ocean at a point due east of the north-east corner of John Smith's portion 145 of 640 acres, parish of Stowell, county of Gloucester, and bounded thence by a line west to that corner; thence by the north boundary of that portion west to the south-west corner of portion 143; by part of the western
10 boundary of that portion north to the centre of the road from Saltash to Hexham Ferry; by the centre line of that road generally westerly and south-westerly to the western boundary of portion 7, parish of Stockton; by that boundary and a line south to the centre of the north channel of the Hunter River; by the centre line of that
15 channel downwards and the centre line of Dempsey's Channel, dividing Ash Island from Moscheto and Dempsey Islands to the centre of the south channel of the Hunter River; by the centre line of the main channel upwards to Ironbark Creek; by the centre line of that creek upwards to the northern boundary of the municipality of Wallsend,
20 proclaimed 20th October, 1915; by that boundary west to the east boundary of portion 6, parish of Hexham; by a line partly forming the western boundary of the aforesaid municipality and passing through the parish of Teralba south to the northern boundary of portion 24, parish of Kahibah; by part of the northern boundary of that portion
25 east to the east boundary of the private town of Boolaroo, proclaimed 15th January, 1904, under the Police Offences Act of 1901; by that boundary south to the north-west corner of portion 11; by the northern boundary of that portion and part of the south boundary of portion 222 east to the south-east corner of the latter portion; by a line and the
30 north boundaries of portions 106, 105, and 107 easterly to the north-east corner of the last-mentioned portion; by the eastern boundary of that portion south to its most easterly south-east corner; by a line east to the north-west corner of portion 7, by the western and southern boundaries of that portion and a south boundary of portion 64 south and
35 east to the eastern side of the road from Swansea to Newcastle; by that road northerly to a point west of the north-west corner of portion 63; by a line east to that corner the northern boundary of portion 63, and part of its eastern boundary south to the south-west corner of portion 157; by the southern boundaries of portions 157, 170, and
40 164, a line and the northern boundaries of portions 65, 56, and 93 easterly to the high-water mark of the South Pacific Ocean; and thence by a line easterly to its intersection with a line following the general contour of the coast and distant 3 miles therefrom; by that contour line generally northerly to a point east of the point of commencement;
45 and by a line west to that point. Inclusive of any islands within the metes and bounds of this description, but not inclusive of the land known as "Walsh Island."