

1991—No. 672

**LOCAL GOVERNMENT ACT 1919—ORDINANCE**

(Relating to managerial appointments)

NEW SOUTH WALES



*[Published in Gazette No. 180 of 20 December 1991]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Local Government Act 1919, has been pleased to make the Ordinance set forth hereunder.

**G. B. PEACOCKE**  
Minister for Local Government  
and Minister for Co-operatives.

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Ordinance No. 4 under the Local Government Act 1919 is amended:

(a) by inserting at the end of clause 9B the following subclauses:

(2) A Council may appoint or employ a person not holding the qualifications specified in subclause (1) to exercise administrative or managerial control over another employee of the Council holding those qualifications.

(3) The control referred to in subclause (2) does not apply in relation to the making of decisions, or the exercise of discretionary powers, concerning building regulation which would be inappropriate for a person not holding those qualifications.

(b) by inserting after clause 9B the following clause:

**Health regulation positions**

9C. (1) A Council may appoint a person not holding the qualifications prescribed under section 93A of the Act to exercise administrative or managerial control over another employee of the Council holding those qualifications.

(2) The control referred to in subclause (1) does not apply in relation to the making of decisions, or the exercise of discretionary powers, concerning health regulation which would be inappropriate for a person not holding those qualifications.

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**EXPLANATORY NOTE**

The object of this Ordinance is to amend Ordinance No. 4 under the Local Government Act 1919 to facilitate management restructuring by local councils. The amendment will enable councils to appoint or employ senior managerial or administrative staff, who are not qualified health and building surveyors, to exercise managerial or administrative control over staff so qualified.

However, such persons will not be able to make decisions or exercise discretionary powers of a kind that are only properly made or exercised by a qualified person or control a qualified person's making of such decisions or exercising of such powers.

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