

LOCAL GOVERNMENT (AMENDMENT) ACT.

Act No. 11, 1942.

An Act to make provision for the exercise by the Municipal Council of Sydney and by the councils of municipalities and shires of certain powers in relation to matters connected with or arising out of the existence of a state of war; to make further provision in relation to the preparation of rolls of citizens in the City of Sydney, and of rolls of electors in municipalities and shires; to amend the Local Government Act, 1919, the Sydney Corporation Act, 1932-1941, and the Local Government (Electoral Provisions) Act, 1941; to repeal the Local Government (Patriotic Purposes) Act, 1941; to validate certain matters; and for purposes connected therewith. [Assented to, 19th June, 1942.]

George VI.
No. 11, 1942.

BE

Local Government (Amendment) Act.

No. 11, 1942.

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 :—

PART I.**PRELIMINARY.**

Short title
and divi-
sion into
Parts.

1. (1) This Act may be cited as the "Local Government (Amendment) Act, 1942."

(2) This Act is divided into Parts as follows :—

PART I.—PRELIMINARY.

PART II.—AMENDMENT OF THE LOCAL GOVERNMENT (ELECTORAL PROVISIONS) ACT, 1941.

PART III.—AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1941.

PART IV.—AMENDMENT OF THE LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

PART V.—CONSEQUENTIAL REPEAL.

PART VI.—VALIDATIONS.

PART II.**AMENDMENT OF THE LOCAL GOVERNMENT (ELECTORAL PROVISIONS) ACT, 1941.**

Amendment
of Act No.
32, 1941.

2. (1) The Local Government (Electoral Provisions) Act, 1941, is amended—

Sec. 5.
(Prepara-
tion of
original
roll.)

(a) by inserting at the end of subsection one of section five the following words: "It shall be a sufficient compliance with the requirements of this subsection if the preparation of such rolls is completed on or before the seventh day of October, one thousand nine hundred and forty-three";

Sec. 10.
(Extension
of fran-
chise.)

(b) by emitting from subsection one of section ten the words "one thousand nine hundred and forty-two" and by inserting in lieu thereof the words "one thousand nine hundred and forty-three";

(c)

(c) by omitting section eleven and by inserting in lieu thereof the following new section:—

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Sec. 11.
(Commence-
ment of s. 12.)

11. (1) The council of each area shall cause an original roll of electors to be prepared in the year one thousand nine hundred and forty-three.

Commence-
ment
of s. 12.

The preparation of such rolls shall be completed on or before the seventh day of October, one thousand nine hundred and forty-three.

(2) Such original rolls shall be prepared under and in accordance with the provisions of the Principal Act as amended by this Division of this Part of this Act.

(3) For the purposes only of the preparation of such original rolls and of matters necessary for or incidental to such preparation section twelve of this Act shall be deemed to have commenced upon the first Saturday in December, one thousand nine hundred and forty-one.

(4) Upon the eighth day of October, one thousand nine hundred and forty-three, section twelve of this Act shall come into operation for all purposes.

(2) It shall not be necessary for the council of an area to cause an original roll of electors or a supplementary roll of electors to be prepared in the year one thousand nine hundred and forty-two.

Rolls
need not be
prepared
in 1942.

PART III.

AMENDMENT OF THE SYDNEY CORPORATION ACT, 1932-1941.

DIVISION 1.—*Construction and citation.*

3. (1) This Part shall be read and construed with the Sydney Corporation Act, 1932-1941, as amended by subsequent Acts.

Construc-
tion and
citation.

(2) The Sydney Corporation Act, 1932-1941, as so amended, is in this Part referred to as the Principal Act.

(3) The Principal Act as amended by this Part of this Act may be cited as the Sydney Corporation Act, 1932-1942.

DIVISION

Local Government (Amendment) Act.

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DIVISION 2.—*Miscellaneous amendments of Sydney Corporation Act, 1932-1941.*

Amendment
of Act No.
58, 1932.
Sec. 262E.
(Polls as
to loans.)

4. (1) The Principal Act is amended—

(a) by inserting after paragraph (f1) in subsection eleven of section 262E the following new paragraph:—

(f2) the protection of persons and property from injury or damage in the event of any warlike attack; and for the purposes of this paragraph “warlike attack” has the meaning given to that expression in the National Emergency Act, 1941.

New secs.
293A-293D.

(b) by inserting next after section two hundred and ninety-three the following new sections:—

Charcoal.

293A. The council shall have the power to manufacture, produce or purchase and supply charcoal within or outside the city.

Air raid
shelters,
trenches.

293B. The council shall have and shall be deemed always to have had the power to do all things necessary in the construction of air raid shelters, trenches and other works for the protection of persons and property from injury or damage in the event of any warlike attack.

For the purpose of this section “warlike attack” has the meaning given to that expression in the National Emergency Act, 1941.

War expen-
diture.

293C. (1) The council may—

(a) expend money from the city fund to promote or assist recruiting for war service or to promote or contribute towards the cost of promoting the training of persons for National Emergency Services;

(b) keep open the positions of officers or servants engaged on war service;

(c) pay to any officer or servant—

(i) who is engaged on war service;

or

(ii)

- (ii) who is engaged upon training as a member of any National Emergency Service; or
- (iii) who is engaged on service with such National Emergency Service;

the difference between the pay received by such officer or servant for such service or training and the salary, wages or other remuneration of such officer or servant in respect of his office or employment with the council (or alternatively make provision for the dependants of any such officer or servant);

- (d) make available out of the city fund such moneys as it thinks fit—
 - (i) by way of gift to the Commonwealth of Australia for war purposes, or to any patriotic fund within the meaning of the National Security (Patriotic Funds) Regulations made under the National Security Act 1939-1940 of the Parliament of the Commonwealth of Australia and in force for the time being;
 - (ii) by way of loan to the Commonwealth of Australia for war purposes on such terms as it may decide;
- (e) organise and contribute towards various funds for war purposes and for the relief of suffering caused by war;
- (f) write off rates and interest due by any person who is or has been engaged on war service or who is or has been employed or engaged in time of war in any capacity in a sea-going ship if the land on which the rates and interest are due is or has been unproductive by reason of his being so engaged or employed

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- employed or if the enforcement of the payment of such rates and interest would cause hardship to such person;
- (g) expend a portion of its funds in the celebration of the signing of peace;
 - (h) supply any service, product or commodity free or at less than cost to the army, navy or air force; or
 - (i) supply any service, product or commodity free or at less than cost for any purpose of or relating to the meeting of any emergency arising out of a warlike attack or the fear or expectation thereof, or the protection of the persons and property of the civil population in case of emergency.

(2) For the purposes of this section "war service" shall have the meaning ascribed to that expression in the Defence Act 1903-1941 of the Parliament of the Commonwealth of Australia and a person who is a member of and who is performing or has performed continuous full time service with any of the following organisations, namely—

- (i) the Australian Army Nursing Service;
- (ii) the Royal Australian Air Force Nursing Service;
- (iii) the Australian Navy Nursing Service;
- (iv) the Australian Women's Army Service;
- (v) the Women's Royal Australian Naval Service;
- (vi) the Women's Auxiliary Australian Air Force;
- (vii) a Voluntary Aid Detachment attached to the defence force or to any of the naval, military or air forces of the United Kingdom or of any other part of His Majesty's Dominions (other than the Commonwealth) or of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged, or of any foreign authority recognised by His Majesty as competent

competent to maintain naval, military or air forces for service in association with His Majesty's forces; or

- (viii) any other organisation which the Governor declares by proclamation published in the Gazette to be an organisation engaged upon war service,

shall be deemed to be a person engaged on or to have been engaged on war service, and "National Emergency Service" means service in connection with the National Emergency Act, 1941.

293D. The Governor may from time to time by proclamation authorise the council for such time and on such conditions as he may decide to expend its funds within or outside the city for such purposes in connection with a war as are specified in the proclamation although such expenditure is not authorised by or under this or any other Act or any Act of the Parliament of the Commonwealth of Australia.

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War expenditure—
additional purposes.

(2) The Principal Act is further amended—

(a) by omitting section 61B;

(b) by omitting from section one the figures "293" and by inserting in lieu thereof the figures and letter "293D."

Further amendment of Act No. 58, 1932.
Sec. 61B.
(National Services expenditure.)

Sec. 1.
(Division into Parts.)

PART IV.

AMENDMENT OF LOCAL GOVERNMENT ACT, 1919, AS AMENDED BY SUBSEQUENT ACTS.

DIVISION 1.—*Construction.*

5. (1) This Part shall be read and construed with the Local Government Act, 1919, as amended by subsequent Acts.

Construction and citation.

(2) The Local Government Act, 1919, as so amended, is in this Part referred to as the Principal Act.

DIVISION

Local Government (Amendment) Act.

No. 11, 1942. DIVISION 2.—*Miscellaneous amendments of Local Government Act, 1919, as amended by subsequent Acts.*

Amendment
of Act No.
41, 1919.
Sec. 4.
(Definition
"soldier"
or
"sailor.")

6. The Principal Act is amended—

(a) by omitting from section four the words—

"Soldier" or "sailor" means a person who is or has been a member of the Commonwealth Naval or Military Forces (including member of the Imperial Reserve residing in New South Wales before 1915) who enlisted or was appointed for active service outside Australia in connection with naval or military preparations or operations or in connection with the army, medical or nursing service," and by inserting in lieu thereof the following definition: "Soldier" or "sailor" means a person who is or has been on war service within the meaning ascribed to that expression in the Defence Act 1903-1941 of the Parliament of the Commonwealth of Australia and includes a person deemed to be engaged on or to have been engaged on war service for the purposes of section five hundred and three of this Act;

Sec. 177.
(Purpose
of
ordinary
loans.)

(b) by inserting after paragraph (g5) of subsection one of section one hundred and seventy-seven the following new paragraph:—

(g6) the protection of persons and property from injury or damage in the event of any warlike attack; and for the purposes of this paragraph "warlike attack" has the meaning given to that expression in the National Emergency Act, 1941.

New sec.
279A.

Air raid
shelters,
trenches.

(c) by inserting after section two hundred and seventy-nine the following new section:—

279A. The council shall have and shall be deemed always to have had the power to do all things necessary in the construction of air raid shelters, trenches and other works for the protection

protection of persons and property from injury or damage in the event of any warlike attack. No. 11, 1942.

For the purposes of this section "warlike attack" has the meaning given to that expression in the National Emergency Act, 1941.

- (d) by inserting after section four hundred and seventy-eight the following new section:— New sec. 478A.

478A. The council shall have and shall be deemed always to have had the power to manufacture, produce or purchase and supply charcoal within or outside the area. Charcoal.

- (e) by omitting section five hundred and three and section 503A and by inserting in lieu thereof the following new sections:— Substituted secs. 503 and 503A.

503. (1) The council may—

(a) expend its funds to promote or assist recruiting for war service or to promote or contribute towards the cost of promoting the training of persons for National Emergency Services;

(b) keep open the positions of servants engaged on war service;

(c) pay to any servant—

(i) who is engaged on war service; or

(ii) who is engaged upon training as a member of any National Emergency Service; or

(iii) who is engaged on service with such National Emergency Service;

the difference between the pay received by such servant for such service or training and the salary or pay of such servant in the service of the council (or alternatively make provision for the dependants of such servant);

(d)

War expenditure.

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- (d) make available out of its funds such moneys as it thinks fit—
- (i) by way of gift to the Commonwealth of Australia for war purposes, or to any patriotic fund within the meaning of the National Security (Patriotic Funds) Regulations made under the National Security Act 1939-1940 of the Parliament of the Commonwealth of Australia and in force for the time being;
 - (ii) by way of loan to the Commonwealth of Australia for war purposes on such terms as it may decide;
- (e) organise and contribute towards various funds for war purposes, and for the relief of suffering caused by war;
- (f) write off rates and extra charges (on overdue rates) due by any person who is or has been engaged on war service or who is or has been employed or engaged in time of war in any capacity in a sea-going ship if the land on which the rates and extra charges are due is or has been unproductive by reason of his being so engaged or employed or if the enforcement of the payment of such rates and extra charges would cause hardship to such person;
- (g) expend a portion of its funds in the celebration of the signing of peace;
- (h) supply any service, product or commodity free or at less than cost to the army, navy or air force; or
- (i) supply any service, product or commodity free or at less than cost for any purpose of or relating to the meeting of any emergency arising out of a warlike attack or the fear or expectation

expectation thereof, or the protection of the persons and property of the civil population in case of emergency. No. 11, 1942.

(2) For the purposes of this section "war service" shall have the meaning ascribed to that expression in the Defence Act 1903-1941 of the Parliament of the Commonwealth of Australia and a person who is a member of and who is performing or has performed continuous full time service with any of the following organisations, namely—

- (i) the Australian Army Nursing Service;
 - (ii) the Royal Australian Air Force Nursing Service;
 - (iii) the Australian Navy Nursing Service;
 - (iv) the Australian Women's Army Service;
 - (v) the Women's Royal Australian Naval Service;
 - (vi) the Women's Auxiliary Australian Air Force;
 - (vii) a Voluntary Aid Detachment attached to the Defence Force or to any of the naval, military or air forces of the United Kingdom or of any other part of His Majesty's Dominions (other than the Commonwealth) or of any foreign power allied or associated with His Majesty in any war in which His Majesty is engaged, or of any foreign authority recognised by His Majesty as competent to maintain naval, military or air forces for service in association with His Majesty's Forces; or
 - (viii) any other organisation which the Governor declares by proclamation published in the Gazette to be an organisation engaged upon war service,
- shall be deemed to be a person engaged on or to have been engaged on war service, and "National Emergency Service" means service in connection with the National Emergency Act, 1941.

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(3) For the purposes of this section "council" includes a county council and a county council may exercise the powers given by this section in all respects as if such powers had been delegated to the county council by proclamation issued in pursuance of section five hundred and sixty-four of this Act.

War expenditure—
additional
purposes.

503A. The Governor may from time to time by proclamation authorise the council (including a county council) for such time and on such conditions as he may decide to expend its funds within or outside the area for such purposes in connection with the war as are specified in the proclamation although such expenditure is not authorised by or under this or any other Act or any Act of the Parliament of the Commonwealth of Australia.

PART V.**CONSEQUENTIAL REPEAL.**

Consequential
repeal of Act
No. 5, 1941.

7. The Local Government (Patriotic Purposes) Act, 1941, is repealed.

PART VI.**VALIDATIONS.**

Validation
of certain
acts of
Municipal
Council of
Sydney.

8. (1) Any act, matter or thing done or payment of any sum of money made by the Municipal Council of Sydney before the commencement of this Act which, if done or made after such commencement, would be authorised or permitted by section 293c of the Sydney Corporation Act, 1932-1942, inserted by this Act, is hereby validated.

Validation
of certain
acts of
councils.

(2) Any act, matter or thing done or payment of any sum of money made by the council of any area within the meaning of the Local Government Act, 1919, or by any county council within the meaning of that Act, before the commencement of this Act and which, if done or made after

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Amendment Act.**

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after such commencement, would be authorised or permitted by section five hundred and three of the said Act as substituted by this Act, is hereby validated.

(3) The levy by the council of the Municipality of Yass of rates during the year one thousand nine hundred and forty-two shall not be invalid by reason only of the facts that at the time of service the rate notices bore a fac-simile of a signature of a person then deceased and were not signed by or did not have stamped or printed thereon a fac-simile of the signature of the town clerk or any person duly acting as town clerk.

Validation
of certain
levy of
rates by
Yass
Council.
