

LOCAL GOVERNMENT**LG301**

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT (CONSTITUTION) AMENDMENT
REGULATIONS (NO. 2) 1996**

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government (Constitution) Amendment Regulations (No. 2) 1996*.

Commencement

2. These regulations shall be deemed to have come into operation on 1 July 1996.

Principal regulations

3. In these regulations the *Local Government (Constitution) Regulations 1996** are referred to as the principal regulations.

[* *Published in Gazette 24 June 1996, pp. 2753-70.*
For amendments to 6 August 1996 see *Gazette 28 June 1996*
pp. 3170-1.]

Regulations 13, 14 and 15 inserted

4. After regulation 12 of the principal regulations the following regulations are inserted —

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Transitional provision relating to certain members — s. 9.71

13. (1) To avoid doubt it is declared that for the purposes of the application of Part 2, Division 5 and section 2.32 of the Act to —

- (a) the remainder of the term of office of a member of a council referred to in clause 6 of Schedule 9.3; or
- (b) the term of office of a member of a council elected at an election referred to in clause 13 of Schedule 9.3,

the member is to be regarded as being an elector of the district so long as he or she continues to —

- (c) reside in the district; or
- (d) be, within the meaning of the former provisions, the owner or occupier of rateable property in the district.

(2) In subregulation (1) —

“**former provisions**” means the *Local Government Act 1960* as in force immediately before the commencement day.

Transitional provision relating to vacancies — s. 9.71

14. Section 75 of the *Local Government Act 1960* as in force immediately before the commencement day continues to have effect in relation to a vacancy in an office of a member of a council that occurs on or before 3 August 1996.

Transitional provision relating to districts and boundaries — s. 9.71

15. (1) Despite clause 3 (4) of Schedule 2.1, if the Advisory Board is considering a proposal that is substantially similar in effect to a question in relation to which the Boundaries Commission has held meetings or hearings or received submissions during the relevant period, the Board may —

- (a) take account of the deliberations of the Boundaries Commission, and any submissions or other information received by it, in relation to that question; and
- (b) in a written report to the Minister, recommend* that the Minister reject the proposal or that an order be made in accordance with the proposal,

without formally inquiring into the proposal.

* *Absolute majority required.*

(2) In subregulation (1) —

“Boundaries Commission” means the Local Government Boundaries Commission constituted under the *Local Government Act 1960*;

“proposal” means a proposal made under clause 2 of Schedule 2.1 that an order be made as to any or all of the matters referred to in section 2.1 of the Act;

“relevant period” means the period beginning on 9 January 1996 and ending on 30 June 1996.

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By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.
