

WESTERN AUSTRALIA

LOCAL GOVERNMENT AMENDMENT ACT

No. 10 of 1988

AN ACT to amend the *Local Government Act 1960* and to consequentially amend the *Valuation of Land Act 1978* and for connected purposes.

[Assented to 6 July 1988]

The Parliament of Western Australia enacts as follows:

Short title

1. This Act may be cited as the *Local Government Amendment Act 1988*.

Commencement

2. (1) Except as otherwise provided, this Act shall come into operation on the day on which it receives the Royal Assent.

(2) Sections 4, 5, 6, 7, 9 and 10 shall come into operation on such day as is fixed by proclamation.

Principal Act

3. In this Act, the *Local Government Act 1960** is referred to as the principal Act.

[*Reprinted as approved 24 June 1983 and amended by Acts Nos. 6 and 84 of 1983, 17, 25, 42 and 79 of 1984, 35, 98, 99, 105 and 109 of 1985, 9 and 26 of 1986 and 42 of 1987.]

Section 35 amended

4. Section 35 of the principal Act is amended—

(a) in the definition of “election”, by inserting after “inaugural election” the following—

“ or a section 20 election ”;

(b) at the end of the definition of “election day”, by deleting “election.” and substituting the following—

“ election or a section 20 election; ”; and

(c) by inserting after the definition of “election day” the following definition—

“ “section 20 election” means an election the holding of which is directed under section 20. ”.

Section 40 amended

5. Section 40 of the principal Act is amended in subsection (2)—

(a) by inserting before “is held” the following—

“ or a section 20 election ”; and

(b) by inserting before “if” the following—

“ or section 20 election ”.

Section 41 amended

6. Section 41 of the principal Act is amended—

(a) in subsection (2), by deleting “be” and substituting the following—

“ include ”; and

(b) by repealing subsection (4) and substituting the following subsection—

“ (4) The electoral roll compiled in respect of the election day for an extraordinary election or a section 20 election shall include—

(a) where the district is not divided into wards—a district roll;

(b) where the district is divided into wards and an office of councillor is, or offices of councillor are, required to be filled—

(i) in respect of only one of the wards—a ward roll for that ward;

(ii) in respect of more than one of the wards—a ward roll for each of those wards in respect of which such an office is or such offices are required to be filled, or a combined ward roll of the electors entitled to be registered in relation to those wards that sufficiently identifies in relation to which of those wards each of the electors is entitled to be registered. ”;

(c) in subsection (5) (b) (i), by deleting “36 (2) (a)” and substituting the following—

“ 36 (2) ”; and

(d) in subsection (7), by deleting paragraph (a) and “and” after that paragraph.

Section 46 amended

7. Section 46 of the principal Act is amended in subsection (2)—

(a) by inserting before “if” the following—

“ or a section 20 election ”; and

(b) by deleting “extraordinary” in the second place where it occurs.

Section 49 amended

8. Section 49 of the principal Act is amended—

(a) in subsection (1), by deleting “the maximum fee prescribed” and substituting the following—

“ a fee that would be commensurate with the cost of producing the copy ”; and

(b) by repealing subsection (2) and substituting the following subsection—

“ (2) Subject to the limit imposed by subsection (1), the council may determine different fees for different rolls. ”.

Section 80A inserted

9. After section 80 of the principal Act the following section is inserted—

Certain elections to be held as one

“ 80A. (1) For the purposes of this section annual elections, extraordinary elections and elections under section 20 are the specified kinds of elections.

(2) Where more than one office of councillor for—

(a) a particular district that is not divided into wards; or

(b) a particular ward,

is to be filled by the holding on the same day of elections of more than one of the specified kinds, those elections shall be held in accordance with this section.

(3) Where elections of more than one of the specified kinds are required to be held in accordance with this section—

- (a) sections 81 to 138 and section 139 (7) and (8) shall apply as if the elections were one election to fill all of the offices of councillor for the particular district or ward that require to be filled; and
- (b) the returning officer shall, where any of the elections required to be held was an extraordinary election, determine which of the persons elected is elected to fill the extraordinary vacancy, or each of the extraordinary vacancies where there are more than one, and shall so make that determination as to give effect to paragraphs (e) and (f) of section 139 (8).

(4) Nothing in this section shall be taken to prevent the holding of one election to fill more than one office of councillor for a particular district that is not divided into wards, or for a particular ward, where the offices are to be filled by the holding of elections of only one of the specified kinds. ”.

Section 139 amended

10. Section 139 of the principal Act is amended in subsection (6) by inserting after “elected” at the end of the subsection the following—

“ and, where an election is held to fill more than one extraordinary vacancy, the returning officer shall determine which of the persons elected is elected to fill each of the vacancies, and shall so make that determination as to give effect to paragraphs (e) and (f) of subsection (8) ”.

Section 157A amended

11. Section 157A of the principal Act is amended in subsection (6) by deleting paragraph (e).

Section 532 amended and validation

12. (1) Section 532 of the principal Act is amended by inserting after subsection (1) the following subsection—

“ (1a) Where—

- (a) under the *Mining Act 1978*, a person holds in respect of land a mining tenement within the meaning given to that expression by that Act; or
- (b) in accordance with the *Mining Act 1978*, a person holds, occupies, uses, or enjoys in respect of land a mining tenement within the meaning given to that expression by the *Mining Act 1904*,

that mining tenement is rateable property under this Act notwithstanding that the land the subject of the tenement may be rateable under this Act in the hands of the holder of another estate in that land. ”.

(2) Anything purporting to have been done under the principal Act before the coming into operation of subsection (1) shall be taken to have been as valid and effective as if subsection (1) had then been in force and as if section 532 (1a) (b) of the principal Act as inserted by subsection (1) had included, before “in accordance”, the following—

“ under the *Mining Act 1904* or ”.

Section 533 amended

13. Section 533 of the principal Act is amended—

(a) in subsection (2)—

(i) by inserting after paragraph (a) the following—

“ and ”;

(ii) in paragraph (b) by deleting “land; and” and substituting the following—

“land, ”; and

(iii) by deleting paragraph (c);

(b) in subsection (4) by deleting “, (4hc), (4hg)”;

- (c) by repealing subsections (4ha) to (4hg); and
- (d) in subsection (4i) by deleting “, (4h) or (4hg)” and substituting the following—
“ or (4h) ”.

Section 540 amended

14. Section 540 of the principal Act is amended in subsection (7) by deleting “, or to be qualifying land pursuant to section 533 (4hd)”.

Section 543 amended

15. Section 543 of the principal Act is amended in subsection (1) (f) by deleting “or (4ha) to (4hg), inclusive,”.

Section 669DA inserted

16. After section 669D of the principal Act the following section is inserted—

Honorary parking inspectors

“ 669DA. (1) A council may appoint any person to be an honorary parking inspector in relation to the whole or any part of its district.

(2) A person appointed to be an honorary parking inspector has, within the limits as to area specified in the instrument of his appointment, such of the powers conferred by section 669D (other than subsection (5)) on an authorized officer as relate to offences within the meaning of that section that are offences of which the parking, standing or leaving of a vehicle is an element.

(3) A person appointed to be an honorary parking inspector shall be furnished with a certificate evidencing his appointment and shall produce that certificate whenever required to do so by any person in respect of whom he has exercised or is about to exercise any of his powers under this section. ”.

Consequential amendment

17. Section 30 of the *Valuation of Land Act 1978** is amended by repealing subsection (1) and substituting the following subsection—

“ (1) Whenever the Valuer-General is requested under section 533(4g) of the *Local Government Act 1960* to determine the value of land, he shall make the determination in accordance with section 533(4c). ”.

[*Reprinted as approved 2 February 1983 and amended by Acts Nos. 10, 25 and 43 of 1984, 40 of 1985, 7 and 73 of 1986 and 20 of 1987.]
