

LOCAL GOVERNMENT GRANTS.

No. 56 of 1985.

AN ACT to amend the Local Government Grants Act 1978.

[Assented to 28 October 1985.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Local Government Grants Amendment Act 1985*. Short title and principal Act.

(2) In this Act the Local Government Grants Act 1978 is referred to as the principal Act. Act No. 4 of 1978.

Commence-
ment.

2. This Act shall come into operation on a day to be fixed by proclamation.

Section 3
amended.

3. Section 3 of the principal Act is amended—

(a) by inserting in its appropriate alphabetical position, the following definition—

“ “Deputy Chairman” means the deputy chairman of the Commission appointed under section 5 (1) (b); ”;

(b) in the definition of “member” by inserting after “Chairman” the following—

“ and the Deputy Chairman ”; and

(c) by deleting the definitions of “section” and “subsection”.

Section 5
amended.

4. Section 5 of the principal Act is amended—

(a) in subsection (1)—

(i) by deleting paragraphs (b) and (c) and substituting the following paragraphs—

“ (b) one person appointed as a member and Deputy Chairman who is an officer of the Department of Local Government of the State, nominated by the Permanent Head of that Department and approved by the Minister; and

- (c) 3 other members appointed on the nomination of the Minister of whom—
- (i) one shall be a person selected by the Minister from a panel of names submitted by the body known as the Local Government Association of Western Australia;
 - (ii) one shall be a person selected by the Minister from a panel of names submitted by the body known as the Country Shire Councils' Association of W.A.; and
 - (iii) one shall be a person selected by the Minister from a panel of names submitted by the body known as the Country Urban Council's Association. ”;
- (b) in subsection (2) by deleting “paragraph (b) of subsection (1)” and substituting the following—
- “ subsection (1) (c) ”;
- (c) in subsection (5) by deleting “A person” and substituting the following—
- “ Subject to subsection (7) a person ”;
- (d) in subsection (6) by deleting “If” and substituting the following—
- “ Subject to subsection (7), if ”; and

(e) by inserting after subsection (6) the following subsection—

“ (7) A person appointed pursuant to subsection (3) as the deputy of the member appointed under subsection (1) (b) is—

(a) in the event of the absence from a meeting of the Commission of that member, entitled to attend that meeting, and when so attending is deemed to be a member; and

(b) in the event that the office of that member becomes vacant before his term of office expires until the office of the member is filled by the appointment of another member, deemed to be a member,

and while so attending or acting has all the powers, functions and duties of that member other than his powers, functions and duties as Deputy Chairman. ”.

Section 6
amended.

5. Section 6 of the principal Act is amended—

(a) in subsection (2) by repealing paragraph (f) and substituting the following paragraph—

“ (f) in the case of a member holding the office referred to in section 5 (1) (b), he ceases to be an officer of the Department of Local Government. ”; and

- (b) in subsection (3) by deleting “Act, 1904,” and substituting the following—

“ Act 1978 ”; and

- (c) by inserting after subsection (3) the following subsection—

“ (4) Each member shall in the exercise of his powers under this Act have regard to the general interests of local government in the State. ”.

6. Section 7 of the principal Act is amended in subsection (2) by deleting “Act, 1904” and substituting the following— Section 7 amended.

“ Act 1978 ”.

7. Section 8 of the principal Act is amended— Section 8 amended.

- (a) by repealing subsection (2) and substituting the following subsection—

“ (2) At a meeting of the Commission a quorum is constituted by 4 members. ”; and

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

“ (4) At a meeting of the Commission where the Chairman is not present, the Deputy Chairman shall preside. ”.

8. Section 10 of the principal Act is amended in subsection (2) by deleting “Town” and substituting the following— Section 10 amended.

“ Urban ”.

Section 13
amended.

9. Section 13 of the principal Act is amended by deleting "Town" and substituting the following—

“ Urban ”.

Section 20
inserted.

10. After section 19 of the principal Act the following section is inserted—

Review
of Act.

“ 20. (1) The Minister shall carry out a review of the operation of this Act as soon as is practicable after 1 January 1991 and every 5th anniversary of that date and in the course of such review the Minister shall consider and have regard to—

- (a) the effectiveness of the operations of the Commission;
- (b) the need for the continuation of the functions of the Commission; and
- (c) such other matters as appear to him to be relevant to the operation and effectiveness of this Act.

(2) The Minister shall prepare a report based on the review referred to in subsection (1) and shall, as soon as is practicable after its preparation, cause the report to be laid before each House of Parliament. ”.
