

LOCAL GOVERNMENT (No. 2).

No. 42 of 1984.

AN ACT to amend the Local Government Act 1960-1983 and for related purposes.

[Assented to 20 June 1984.]

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:—

PART I.—PRELIMINARY.

1. (1) This Act may be cited as the *Local Government Amendment Act (No. 2) 1984*. Short title and citation.

(2) In this Act the Local Government Act 1960-1983 is referred to as the principal Act. Reprinted as approved 24 June 1983 and amended by Acts Nos. 6 and 84 of 1983.

(3) The principal Act as amended by this Act may be cited as the Local Government Act 1960-1984.

Commence-
ment.

2. (1) Subject to subsections (2) and (3) of this section this Act shall come into operation on the day on which it is assented to by the Governor.

(2) Sections 3, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18, 19 and 30 shall come into operation on 15 November 1984.

(3) The provisions of Division 1 of Part II of this Act, other than the sections mentioned in subsection (2) of this section, shall come into operation on 20 March 1985.

PART II.—AMENDMENTS RELATING TO ELECTORS AND RATEPAYERS AND ELECTIONS, POLLS AND PETITIONS.

Division 1.—Amendments to principal Act.

Section 6
amended.

3. Section 6 of the principal Act is amended by inserting, in their appropriate alphabetical positions, the following definitions—

“ “Australian citizen” means a person who is an Australian citizen under the Australian Citizenship Act 1948 of the Commonwealth;

“Chief Electoral Officer” has the same meaning as in the Electoral Act 1907;

“extraordinary election” means an election referred to in section 74;

“inaugural election” means an election referred to in section 34, 72 or 156; ”.

Section 12
amended.

4. (1) Section 12 of the principal Act is amended in subsection (1)—

(a) in paragraphs (a), (b) and (c) by deleting “ratepayers in respect of rateable property in” and substituting, in each case, the following—

“ eligible to be registered as electors on the electoral roll of ”;

- (b) in paragraph (d) by deleting “ratepayers in respect of rateable property in any part of the area comprising the districts” and substituting the following—

“ eligible to be registered as electors on the electoral roll of any ”;

- (c) in paragraph (e) by deleting the description in the second column and substituting the following—

“ A majority of the persons who are electors of the municipality from the district of which it is sought to sever the portion and who reside in, or occupy rateable land in, the portion or, if no electors of that municipality reside in, or occupy rateable land in, the portion, at least 20 electors of the municipality to the district of which it is sought to annex the portion. ”; and

- (d) in paragraphs (g) and (h) by deleting “persons whose names appear on the municipal roll” and substituting, in each case, the following—

“electors ”.

(2) Section 12 of the principal Act is hereby amended by inserting the following subsection:

“(4A) An Order made pursuant to subsection (3) (a) or subsection (4) (d) of this section is a regulation for the purposes of, and is subject to, section 42 of the Interpretation Act 1984.”

5. Section 27 of the principal Act is amended in subsection (1) by deleting from paragraph (b) “are ratepayers” and substituting the following—

Section 27
amended.

“ reside or own or occupy rateable property ”.

Section 30
amended.

6. Section 30 of the principal Act is amended in paragraph (b) of subsection (1)—

(a) in subparagraph (i), by deleting “in respect of rateable property in” and substituting the following—

“ by reason of residing in, or owning or occupying rateable property in, ”;

and

(b) in subparagraph (ii), by deleting “in respect of any rateable property in” and substituting the following—

“ by reason of residing in, or owning or occupying rateable property in, ”.

Section 30A
amended.

7. Section 30A of the principal Act is amended—

(a) in paragraph (a) of subsection (2) by deleting “ratepayers or electors, as the case may be” and substituting the following—

“ electors ”;

(b) in subsection (4) by deleting “ratepayers” in both places where it occurs and substituting, in each case, the following—

“ electors ”;

(c) in subsection (5) by deleting “ratepayers” and substituting the following—

“ electors ”; and

(d) in subsection (6) by deleting “ratepayers” in subparagraphs (i) and (ii) of paragraph (d) and in paragraph (e) and substituting, in each case, the following—

“ electors ”.

8. Part IV of the principal Act is amended by repealing Division 1 and substituting the following Division—

Part IV
Division 1
repealed and
substituted.

“ *Division 1—The Electoral Roll.*

Subdivision A.—Prerequisites for Registration
on Electoral Rolls.

35. In this Division—

Interpreta-
tion.

“annual election day” means the first
Saturday in May in each year;

“election day” means an annual election
day or the day appointed under this
Act for the holding of an inaugural
election or extraordinary election.

36. (1) Subject to this Division, a person is eligible to be registered as an elector on the electoral roll of a municipality if—

Eligibility
for registra-
tion as an
elector.

(a) he is enrolled as an elector for the Legislative Assembly in respect of a residence within the district of the municipality; or

(b) he—

(i) has attained the age of 18 years;

(ii) is an Australian citizen or is ordinarily resident in the State; and

(iii) is the owner or occupier of rateable property in the district of the municipality.

(2) Where the person is eligible under subsection (1) (a) to be registered as an elector and the district is not divided into wards, he shall not be eligible to be registered under subsection (1) (b).

(3) Subsections (4) to (7) apply where the district is divided into wards.

(4) Where the person is eligible under subsection (1) (a) to be registered as an elector, he shall be eligible to be registered in respect of the ward in which the residence referred to in that provision is situated.

(5) Where the person is eligible under subsections (1) (a) and (4) to be registered as an elector in respect of a ward, rateable property that is situated in that ward or that is held as one holding and is situated partly in that ward and partly in another ward or wards shall be deemed not to be rateable property owned or occupied by him for the purposes of subsection (1) (b) (iii).

(6) Where the person is eligible under subsection (1) (b) to be registered as an elector and the rateable property referred to in subsection (1) (b) (iii), or a portion of it, is held as one holding and is situated partly in one ward and partly in another ward or wards, he shall be eligible to be registered in respect of only one of those wards, being the ward nominated by him.

(7) Except where subsection (6) is applicable, where the person is eligible under subsection (1) (b) to be registered as an elector, he shall be eligible to be registered in respect of each ward in which the rateable property referred to in subsection (1) (b) (iii) is situated.

(8) Where 2 or more persons in conjunction own, or wholly occupy, rateable property—

- (a) each, if there are only 2 of those persons; or
- (b) if there are more than 2 of those persons, each of 2 only of them, being the 2 from time to time selected by all or a majority of them,

shall, for the purposes of this Part, be deemed to be an owner or occupier, as the case may be, of the property.

(9) Where one person occupies a separate and distinguishable portion of rateable property, whether the occupancy is of a separate portion of a building on the property, or is of any other portion, he shall, for the purposes of this Part, be deemed to be an occupier of rateable property being the portion so occupied.

(10) Where 2 or more persons in conjunction occupy a separate and distinguishable portion of rateable property, whether the occupancy is of a separate portion of a building on the property, or is of any other portion—

- (a) each, if there are only 2 of those persons; or
- (b) if there are more than 2 of those persons, each of 2 only of them, being the 2 from time to time selected by all or a majority of them,

shall, for the purposes of this Part, be deemed to be an occupier of rateable property being the portion so occupied.

(11) Where rateable property is owned or occupied by a body corporate each of 2 persons nominated by it shall, for the purposes of this Part (other than section 65), be deemed to be an owner or occupier, as the case may be, of the property.

(12) A nomination or selection mentioned in subsection (6), (8) (b), (10) (b) or (11)—

- (a) shall be in writing addressed to the clerk and, if the person nominated or selected applies for registration as an elector pursuant to section 37, shall accompany that application; and

(b) may be made from time to time and shall remain in force until it is withdrawn by notice in writing, served upon the clerk, by the persons eligible at that time to make a further nomination or selection or until the property ceases to be held, owned or occupied as referred to in subsection (6), (8), (10) or (11), as the case may be.

(13) Where a person occupies property that is owned by the Crown in right of the Commonwealth or State or by any agency or instrumentality of the Crown in right of the Commonwealth or State, if in respect of the property the Crown or the agency or instrumentality pays to the municipality in the district of which the property is situated an *ex gratia* payment in lieu of rates, the property shall for the purposes of this Part, be deemed to be rateable property.

(14) The husband or wife, as the case may be, of the owner or occupier of rateable property, if residing on the property, shall be deemed to be an occupier for the purposes of this Part.

Application
by owners
and occupiers
for registra-
tion.

37. A person eligible under section 36 (1) (b) to be registered as an elector may apply to the clerk in the prescribed form at any time to be so registered on electoral rolls prepared by the clerk from time to time.

Acknow-
ledgement of
application.

38. (1) The clerk shall, if he is satisfied that a person who has applied under section 37 is eligible under section 36 (1) (b) to be registered as an elector, send to that person by post advice in the prescribed form that his application has been accepted.

(2) The clerk shall, if he is not satisfied that a person who has applied under section 37 is eligible under section 36 (1) (b) to be

registered as an elector, reject the application and send to that person by post a notice in the prescribed form giving the grounds for the rejection of the application.

(3) If, within 14 days after a person who has applied under section 37 receives a notice under subsection (2) of this section, he satisfies the clerk that he is eligible under section 36 (1) (b) to be registered as an elector the clerk shall send to that person by post advice in the prescribed form that his application has been accepted.

(4) Where, because of inadequate particulars being furnished in an application under section 37, the clerk is unable to determine the application he shall make such inquiries as are necessary to enable him to do so.

39. Subject to this Division a person whose application under section 37 is accepted under section 38 (1) or (3) shall, while he continues to be eligible under section 36 (1) (b) to be registered as an elector, be qualified to be registered—

Duration of effect of application.

- (a) on any district roll or combined ward roll; and
- (b) on any ward roll for any ward in respect of which he is eligible under section 36 (6) or (7) to be registered.

Subdivision B.—Compilation of Electoral Rolls.

40. (1) Subject to subsection (2) of this section an electoral roll in the appropriate form required by section 41 shall be compiled

Rolls to be prepared.

for a municipality in respect of each election day and shall be used for the election or elections (if any) to be held in the municipality on that day.

(2) Notwithstanding anything in this Sub-division, where an extraordinary election is held not more than 77 days after an election day in respect of which an electoral roll was compiled that roll may be used for that extraordinary election if, in the opinion of the clerk, it is suitable for that purpose.

Form of
electoral
roll.

41. (1) Subject to subsection (3) of this section the electoral roll compiled in respect of an annual election day or the election day for an inaugural election shall comprise—

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

(b) where the district is divided into wards and the mode of election to the office of mayor or president is by the electors of the municipality—

(i) a district roll; and

(ii) ward rolls for each of the wards of the district or a combined ward roll that sufficiently identifies the ward in relation to which each elector is entitled to be registered;

(c) where the district is divided into wards and the mode of election to the office of mayor or president is by the council—ward rolls for each of the wards of the district, or a combined ward roll that sufficiently identifies the ward in relation to which each elector is entitled to be registered.

(2) Subject to subsection (3) of this section the electoral roll compiled in respect of the election day for an extraordinary election to fill a vacancy in the office of mayor or president where the mode of election is by the electors of the municipality shall be a district roll.

(3) In a case to which subsection (1) (b) or (2) of this section applies it shall not be necessary for a district roll to be compiled if a combined ward roll is compiled and that roll is suitable for use as a district roll.

(4) The electoral roll compiled in respect of the election day for an extraordinary election to fill a vacancy in the office of a councillor shall comprise—

- (a) where the district is not divided into wards—a district roll;
- (b) where the district is divided into wards—a ward roll for the ward in respect of which the office of councillor has become vacant.

(5) Each district roll, ward roll or combined ward roll required by this section shall comprise—

- (a) a roll of persons eligible under section 36 (1) (a) to be registered as electors (in this Division and in section 111 called a “residents roll”) compiled by the Chief Electoral Officer; and
- (b) a roll of persons qualified under section 39 to be registered as electors (in this Division and in section 111 called an “owners and occupiers roll”) compiled by the clerk.

(6) Rolls compiled as required by this section may be bound together in such manner as the clerk considers appropriate for the purposes of this Act.

Preparation
of residents
rolls.

42. (1) On or before the 77th day prior to an election day the clerk shall advise the Chief Electoral Officer of the residents roll or residents rolls, as the case may be, required under sections 40 and 41 in respect of that election day.

(2) The Chief Electoral Officer shall, after the 56th day prior to the election day, compile the required residents roll or residents rolls and certify it or them as correct and shall deliver it or them to the clerk before the 45th day prior to the election day.

(3) The Chief Electoral Officer shall include on a residents roll compiled in respect of an election day—

(a) in the case of a district roll or combined ward roll, each person who, when the roll is certified, is eligible under section 36 (1) (a) to be registered as an elector on the electoral roll of the municipality; or

(b) in the case of a ward roll, each person who, when the roll is certified, is eligible under section 36 (1) (a) to be registered as an elector on the electoral roll of the municipality and is eligible under section 36 (4) to be so registered in respect of that ward,

other than a person who became so eligible in consequence of a claim for enrolment as an elector for the Legislative Assembly made after the 71st day prior to the election day.

43. (1) On the 45th day prior to an election day the clerk shall compile the owners and occupiers roll or owners and occupiers rolls, as the case may be, required under sections 40 and 41 in respect of that election day.

Preparation
of owners
and
occupiers
rolls.

(2) An owners and occupiers roll shall be compiled in the prescribed form and the clerk shall sign and date the roll on each page.

(3) The clerk shall include on an owners and occupiers roll each person who is qualified under section 39 to be registered as an elector on the district roll, combined ward roll or ward roll of which that owners and occupiers roll forms part.

44. Without limiting the generality of section 36, a person shall not be registered more than once on the same district roll, ward roll or combined ward roll.

Multiple
enrolment
on same roll
prohibited.

45. The Chief Electoral Officer, in the case of a residents roll, and the clerk, in the case of an owners and occupiers roll, shall—

Particulars
on rolls.

- (a) cause the names on the roll to be arranged in alphabetical order; and
- (b) cause the prescribed particulars for each elector to be included on the roll.

46. (1) Subject to subsection (2) of this section, the clerk shall during the period commencing on the 91st day and ending on the 77th day prior to an election day, by notice published at least once in a newspaper circulating in the district of the municipality, and by exhibiting a copy of the notice on the

Clerk to
give notice
as to
registration
on rolls.

official notice board of the council, give notice that persons who wish to be registered on a roll of electors of the municipality compiled in respect of that election day and who are neither eligible under section 36 (1) (a) nor qualified under section 39 to be so registered should, on or before the 71st day prior to the election day—

- (a) in the case of a person who resides in the district and is eligible to be enrolled as an elector for the Legislative Assembly, make a claim for enrolment under the Electoral Act 1907; or
- (b) in the case of a person who is eligible under section 36 (1) (b), (1) (b) and (6) or (1) (b) and (7) to be so registered, make application under section 37.

(2) Subsection (1) of this section does not apply in relation to the election day for an extraordinary election if a previously compiled roll is to be used for that extraordinary election pursuant to section 40 (2).

Subdivision C.—General.

Roll of the
municipality.

47. Subject to section 55, the electoral roll compiled in respect of an annual election day, or that electoral roll as superseded in whole or in part from time to time by any electoral roll compiled in respect of the election day for an inaugural election or extraordinary election, shall be the electoral roll of the municipality until superseded by the electoral roll compiled in respect of the subsequent annual election day.

Provision of
copies of roll.

48. The clerk shall cause an adequate number of copies of an electoral roll to be prepared for the purposes of this Act.

49. (1) The clerk shall furnish copies of an electoral roll to persons requiring them, on payment of the fee determined by the council for each copy, not exceeding the maximum fee prescribed.

Clerk to furnish copies of roll.

(2) The council may determine different fees for different rolls provided that those fees do not exceed the maximum fee prescribed under subsection (1) of this section.

(3) The clerk shall supply free of charge to—

(a) each member of the council a copy of the current electoral roll of the municipality, or at the option of the member, a copy of any current electoral roll that may have been compiled for the ward that he represents;

(b) each candidate at an election to fill a vacancy in an office of member of the council, a copy of the electoral roll that is to be used for that election.

50. A copy certified by the clerk to be a copy of an electoral roll is evidence that it is a copy of the original of which it is certified to be a copy.

Certified copy of roll to be evidence.

51. The clerk shall comply with any request by the Chief Electoral Officer for information required by the Chief Electoral Officer in connection with this Division.

Clerk to supply information.

Minister may
appoint time
for doing
anything
connected
with rolls
not done
within time
prescribed.

52. If anything required by this Act to be done in connection with the compilation of an electoral roll has not been done within the time appointed or limited for that purpose, the Minister may, by one or more public notices, direct it to be done, and may appoint the several times or intervals of time, as the case requires, at or within which anything required to be done in connection with the compilation of the roll shall or may be done, and the omission or non-compliance shall be rectified accordingly and the roll validated according to the tenor of the public notice or notices.

Minister may
direct
compilation
of fresh roll
in certain
cases.

53. Where the Minister is satisfied that an electoral roll, having been compiled, has not been duly and regularly compiled in accordance with this Division, he may, by one or more public notices, direct the compilation of a fresh electoral roll and that the electoral roll be compiled in accordance with those directions which have effect according to their tenor, and an electoral roll so compiled supercedes a prior electoral roll.

Compilation
of roll on
division of
municipal
districts.

54. (1) Where—

- (a) a district is divided so as to constitute 2 or more districts, or is divided into wards;
- (b) there is an adjustment of a ward or wards;
- (c) 2 or more municipalities are united;
or
- (d) an annexation to a district includes part of another district,

the clerk of the council of the municipality or the clerks of the respective councils of the municipalities created or affected, as the case may be, shall divide the electoral roll or rolls of the municipality or those municipalities into separate electoral rolls of electors of the resulting districts or wards or shall make up the rolls into new rolls of the new districts or of the adjusted ward or wards, or into an electoral roll or rolls of the district of the united municipality, as the case requires, but shall make only such changes in the particulars set against the names of electors and only such transpositions of those names from the roll of one district or ward to that of another district or ward, as the case requires.

(2) In carrying out the duties imposed upon him or them by subsection (1) of this section, the clerk or clerks of the respective councils shall observe the provisions of section 45 in respect of the rolls resulting from the carrying out of those duties, and shall sign and date the rolls on each page.

(3) In subsections (4) and (5) of this section—

“new roll” means a roll resulting from the carrying out by the clerk or clerks of the duties imposed by subsection (1) of this section.

(4) Where a new roll is compiled for a district, or a ward of a district, the mayor or president of the municipality shall satisfy himself that the new roll is correctly compiled and if so satisfied he shall at the end of the new roll sign and date a certificate to that effect.

(5) Sections 47, 48, 49, 50, 52 and 53 shall apply *mutatis mutandis* to a new roll or the compilation of a new roll.

Governor
may validate
irregular roll.

55. (1) Where a provision of this Division has not been complied with, the Governor may, by Order, declare that an electoral roll is valid notwithstanding the non-compliance.

(2) Where an Order is made under this section in respect of an electoral roll, the Minister shall not, in respect of that roll, exercise the powers conferred upon him by section 53, and if the Minister has, before the making of the Order, already issued a direction under section 53 to which effect has not been completely given, he shall cancel the direction on the making of the Order. ”.

Section 65
substituted.

9. Section 65 of the principal Act is repealed and the following section is substituted—

Qualification
of mayor or
president and
councillors.

“ 65. (1) A person is eligible to be elected as a member of the council of a municipality, whether as mayor, president or councillor, if—

(a) he has attained the age of 18 years;

(b) he is an Australian citizen;

(c) he resides in, or is the owner or occupier of rateable property in, the district of the municipality;

(d) he is registered as an elector on the electoral roll of the municipality or would be so registered if his name had not been omitted in error; and

(e) he is not disqualified from being elected as a member under section 66 or 67.

(2) Where a district is divided into wards, a person to whom subsection (1) of this section applies shall be eligible to be elected as a councillor notwithstanding that he does not reside in, and is neither the owner nor the occupier of rateable property in, the ward for which he has nominated for election as a councillor. ”.

10. Section 66 of the principal Act is amended by repealing subsections (1) and (2) and substituting the following subsection—

Section 66
amended.

“ (1) Subject to this section, a person is disqualified from being elected as mayor, president or councillor of a municipality and from acting as such if, at the date of his nomination for election to the office, or if, while holding the office, he owes to the municipality in respect of rateable property owned by him, not being rateable property owned by him in the capacity of a trustee for any other person, rates imposed by the municipality on the property that have been due and payable by him at the relevant time for more than 6 months. ”.

11. Section 85 of the principal Act is amended in subsection (4) by deleting paragraph (c) and substituting the following paragraph—

Section 85
amended.

“ (c) the person nominated as a candidate is neither registered as an elector on the electoral roll of the municipality nor a person who would have been so registered if his name had not been omitted in error, ”.

12. Section 89 of the principal Act is amended in subsection (4)—

Section 89
amended.

(a) by deleting “and” after paragraph (b); and

(b) by deleting the comma after paragraph (c) and substituting the following—

“ ; and

(d) the period fixed by section 115, and the hours fixed by or under section 115, during which the place or places appointed for the casting of early votes will be open for that purpose, ”.

Part IV,
Division 3,
Sub-
division F
substituted.

13. Part IV of the principal Act is amended in Division 3 by repealing Subdivision F and substituting the following Subdivision—

“ Subdivision F—One Vote for Each Elector.

Elector may
only vote
once.

94. An elector shall not vote more than once at an election. ”.

Section 111
amended.

14. Section 111 of the principal Act is amended—

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) A person who applies for an early vote or who applies to vote on polling day but whose name does not appear on the residents roll used for the election shall be permitted to vote if he is otherwise eligible to vote and if—

(a) his name should appear on that roll pursuant to section 42 (3) and was omitted in error; or

(b) his name would have appeared on that roll pursuant to section 42 (3) if that roll had been compiled on the 45th day prior to the polling day.

(1a) A person who applies for an early vote or who applies to vote on polling day but whose name does not appear on the owners and occupiers roll used for the election shall be permitted to vote if he is otherwise qualified to vote and if his name should appear on that roll pursuant to section 43 (3) and was omitted in error. ”;

and

(b) by inserting after subsection (2) the following subsection—

“ (2a) In determining whether a person is entitled to vote under this section the electoral officer may have regard, in addition to the declaration made under subsection (2) of this section, to—

- (a) a previously compiled electoral roll;
- (b) an advice sent to the person pursuant to section 38 (1) or (3);
- (c) an electoral roll or other document prepared under the Electoral Act 1907; or
- (d) any other document or material that he considers relevant. ”.

15. Section 114 of the principal Act is amended in paragraph (b) by inserting after “prevented” the following—

Section 114
amended.

“ by his employment commitments or ”.

Section 115
amended.

16. Section 115 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

“ (1) An elector wishing to cast an early vote shall present himself to the officer appointed to issue early voting papers—

(a) at the office of the council during the normal office hours of the council;
or

(b) at any other appointed place in the district in which the election is to be held at such hours as are fixed by the clerk with respect to that place,

within the period commencing on the 11th day following nomination day and terminating at 4 o'clock in the afternoon of the day prior to the polling day. ”.

Section 117
amended.

17. Section 117 of the principal Act is amended in paragraph (b) by inserting after “prevented” the following—

“ by his employment commitments or ”.

Section 121
amended.

18. Section 121 of the principal Act is amended in paragraph (b) by inserting after “prevented” the following—

“ by his employment commitments or ”.

Section 154G
amended.

19. Section 154G of the principal Act is amended in paragraph (h) of the Table by deleting “at an election more often than entitled to vote” and substituting the following—

“ more than once at an election ”.

20. Section 174 of the principal Act is amended— Section 174 amended.

(a) in subsection (7) by inserting before “ratepayers” the following—

“ electors and ”;

(b) in subsection (9) by inserting in paragraph (b) before “ratepayers” the following—

“ electors, ”.

21. Section 236 of the principal Act is amended by deleting “ratepayers and”. Section 236 amended.

22. Section 487 of the principal Act is amended in paragraph (c) by deleting “ratepayers of the district of the municipality, obtained at a meeting of the ratepayers” and substituting the following— Section 487 amended.

“ electors of the municipality, obtained at a meeting of the electors ”.

23. Section 527 of the principal Act is amended in subsection (2) by deleting “ratepayers” and substituting the following— Section 527 amended.

“ electors ”.

24. Section 533 of the principal Act is amended— Section 533 amended.

(a) by deleting “ratepayers” wherever it occurs in subsections (11), (12) and (14) and substituting, in each case, the following—

“ electors ”; and

(b) in subsection (12) by deleting “of the district”.

Section 548
amended.

25. Section 548 of the principal Act is amended in subsection (4) by inserting before “inhabitants” in subparagraph (i) of paragraph (c) the following—

“ ratepayers or ”.

Section 607
amended.

26. Section 607 of the principal Act is amended by inserting before “ratepayers” the following—

“ electors and ”.

Section 609
amended.

27. Section 609 of the principal Act is amended by inserting before “ratepayers” the following—

“ electors and ”.

Section 610
amended.

28. Section 610 of the principal Act is amended in paragraph (c) by inserting before “ratepayers” the following—

“ electors and ”.

Section 611
amended.

29. Section 611 of the principal Act is amended—

(a) in subsection (1) by inserting before “to liquidate” the following—

“ for a purpose mentioned in section 601 (1) (b) or ”; and

(b) by repealing subsection (5) and substituting the following subsections—

“ (4) The roll to be used for the purposes of the poll shall be compiled in accordance with subsection (5) and the regulations.

(5) Subject to subsection (6), where the notice states that in the opinion of the council a portion or portions of the district will benefit specially from the

works or undertakings for which the loan is proposed, only the persons who, on the day prescribed in the regulations, have, or are entitled to have, their names recorded in the rate book in respect of rateable property in that portion or those portions are entitled to be registered on the roll, but otherwise all persons who, on the day prescribed in the regulations, have, or are entitled to have, their names recorded in the rate book in respect of rateable property are entitled to be registered on the roll.

(6) The regulations shall provide—

- (a) that where, in respect of any rateable property, more than 2 persons would be entitled under subsection (5) to be registered on the roll, only 2 of them, being the 2 from time to time selected or deemed to be selected in accordance with the regulations, shall be entitled to be registered on the roll; and
- (b) that where, in respect of any rateable property, a body corporate would be entitled under subsection (5) to be registered on the roll, 2 persons nominated by it in accordance with the regulations shall be entitled to be registered on the roll on behalf of, and instead of, the body corporate. ”.

30. Section 692 of the principal Act is amended by inserting after “polls” wherever it occurs the following—

“ and referenda ”.

Section 692
amended.

Division 2—Saving and Transitional Provisions.

Interpreta-
tion.

31. In this Part—

“the amended provisions” means the provisions of the principal Act as amended by the sections of this Act that come into operation on 15 November 1984;

“the previous provisions” means the provisions of the principal Act as in force before 15 November 1984.

Elections
and polls.

32. (1) This section applies to—

(a) an election to fill a vacancy in the office of a member of a council held on or after 15 November 1984 and before 4 May 1985;

(b) a poll of electors or ratepayers of a municipality held on or after 15 November 1984 and before 4 May 1985;

(c) a poll of ratepayers of a municipality held on or after 4 May 1985 under section 36 of this Act.

(2) An election or poll to which this section applies shall be prepared for and conducted in accordance with the previous provisions and to that extent those provisions shall be deemed to continue in force.

Continua-
tion of
existing
rolls;
preparation
for new
rolls.

33. (1) For the purposes of the amended provisions the electoral roll of a municipality as in existence immediately before 15 November 1984, together with any supplementary roll or rolls compiled on or after that day under the previous provisions as applied by section 32 of this Act, shall continue to be the electoral roll of the municipality until 20 March 1985.

(2) At any time after the coming into operation of this section—

(a) the Chief Electoral Officer of the State may request the clerk of a municipality for information which the Chief Electoral Officer considers that he will require in connection with the amended provisions;

and

(b) the clerk of a municipality shall comply with any request directed to him under paragraph (a).

34. (1) Notwithstanding sections 65 and 67 of the amended provisions a person holding office as a member of a council on 19 March 1985 (not being a person to whom subsection (2) of this section applies) shall not be disqualified from continuing to Act in his office for the remainder of his term on the ground that he is not an Australian citizen or on the ground that he is neither registered as an elector on the electoral roll of the municipality nor a person who would have been so registered if his name had not been omitted in error.

Members of councils.

(2) Notwithstanding sections 65 and 67 of the amended provisions a person who was elected or appointed as a member of a council by virtue of a nomination under section 65 (4) of the previous provisions and who is holding that office on 14 November 1984 shall not be disqualified from continuing to act in his office for the remainder of his term on the ground that he is neither registered as an elector on the electoral roll of the municipality nor a person who would have been so registered if his name had not been omitted in error so long as he resides in the district.

35. A petition, authorization, confirmation or demand that has been duly presented, given or made by ratepayers before 20 March 1985 under section 12,

Petitions, demands, etc. by rate-payers.

487, 527 or 533 of the principal Act shall have effect on and after that date as if it were a petition, authorization, confirmation or demand, as the case may be, duly presented, given or made by electors or persons eligible to be registered as electors, as the case may require.

Polls of
ratepayers.

36. If before 20 March 1985 that day, or a day subsequent to that day, is appointed for the taking of a poll of ratepayers demanded under section 533 of the principal Act, that poll of ratepayers shall be conducted, notwithstanding that section as amended by this Act, and the result of that poll shall be given effect to as if it had been a poll of electors.

PART III.—AMENDMENTS RELATING TO
RATING MATTERS.

Section 174
amended.

37. Section 174 of the principal Act is amended by inserting after subsection (1) the following subsection—

“ (1a) Without limiting the generality of subsection (1) of this section a pecuniary interest that a person has as or through a ratepayer in a matter arising under Division 1, 2, 3 or 4 of Part XXV shall be regarded for the purposes of this section as an interest shared in common with the ratepayers of the municipality. ”.

Section 531A
amended.

38. Section 531A of the principal Act is amended—

(a) by inserting after the section designation “531A.” the subsection designation “(1)”;

- (b) by deleting the definition of “farm land” and substituting the following definition—

“ “farm land” means—

(a) any single lot or portion of rateable property which is wholly or mainly maintained or used for the time being for carrying on one or more of the following businesses or industries, namely, grazing (including agistment), dairying, pig-farming, poultry-farming, tree-farming, fish-farming, bee-keeping, viticulture, horticulture, fruit growing or the growing of crops of any kind where either—

(i) the occupier derives the whole or a substantial part of his livelihood from such businesses or industries,
or

(ii) the owner is ordinarily resident on such lot or portion of rateable property; or

(b) 2 or more separate lots or portions of rateable property which have the same owner, on one of which the owner is ordinarily resident, and which are together wholly or mainly maintained or used for the time being for carrying on one or more of the businesses or industries mentioned in paragraph (a) of this definition. ”; and

(c) by inserting the following subsections—

“ (2) Where an exempt proprietary company within the meaning of the Companies (Western Australia) Code is the owner of rateable property the owner shall be deemed to be ordinarily resident on the property for the purposes of the definition of “farm land” in subsection (1) of this section if a person who has a share in the share capital of that company is ordinarily resident on the property.

(3) In this section and in section 533A “the owner”, in relation to rateable property that is owned by 2 or more persons in conjunction, means one of those persons. ”.

Section 533
amended.

39. Section 533 of the principal Act is amended—

(a) in subsection (2)—

(i) by deleting “and” after paragraph (a);

(ii) by deleting the comma at the end of paragraph (b) and substituting the following—

“ ; and

(c) the provisions of subsections (4ha) to (4hg), inclusive, in relation to qualifying land, ”; and

(iii) by deleting “, and shall, where as a result of the application of section 548A a phased in valuation applies, also record that valuation”;

(b) in subsection (4) by inserting after “(4h)” the following—

“ , (4hc), (4hg) ”;

- (c) by inserting after subsection (4h) the following subsections—

“ (4ha) A council, when imposing the general rate for a financial year, may by resolution declare that subsections (4hb), (4hc), (4hd), (4he), (4hf) and (4hg) of this section shall have effect in the district and that declaration shall remain in force until a general valuation under the Valuation of Land Act 1978 in respect of gross rental values comes into force in the district.

(4hb) In this subsection and in subsections (4hc), (4hd), (4he), (4hf) and (4hg) of this section, unless the context otherwise requires—

“qualifying land” means rateable land—

- (a) which is improved land, the improvements on the land consisting of a single residence only or a single residence and outbuilding only; and
- (b) which is used for residential purposes only and on which the owner is ordinarily resident;

“rateable land” includes land owned by a person who has been registered as an entitled pensioner under the Pensioners (Rates Rebates and Deferments) Act 1966;

“single residence” means a building that is a Class 1 building under and for the purposes of the Uniform Building By-laws 1974 made under this Act.

(4hc) Subject to subsections (4hd), (4he) and (4i) of this section, where a declaration is in force under subsection (4ha) of this section in respect of a

district the gross rental value of qualifying land in the district shall be determined without regard to paragraph (b) of the definition of "gross rental value" in section 4 (1) of the Valuation of Land Act 1978.

(4hd) Subsection (4hc) of this section shall not apply to qualifying land unless the owner thereof has applied in writing to the council in whose district the land is situated to have the land declared to be qualifying land and the council is satisfied that the land is qualifying land, in which event the council shall so declare.

(4he) When a council declares land to be qualifying land, subsection (4hc) of this section shall apply, or be deemed to have applied, to the land from the beginning of the financial year during which the council receives the application by the owner referred to in subsection (4hd) of this section and shall cease to apply or be deemed to have ceased to apply to the land upon—

- (a) it ceasing to be qualifying land;
- (b) a general valuation under the Valuation of Land Act 1978 in respect of gross rental values coming into force in the district; or
- (c) an interim valuation under the Valuation of Land Act 1978 in respect of the gross rental value of the land coming into force.

(4hf) The person on whose application the provisions of subsection (4hc) of this section apply to qualifying land shall forthwith, in writing, notify the council within whose district the land is situated if the land ceases to be qualifying land.

(4hg) When a council declares land to be qualifying land in accordance with subsection (4hd) of this section it shall request the Valuer-General to value such land in accordance with subsection (4hc) of this section and shall forthwith adopt a valuation made by the Valuer-General pursuant to that request. ”; and

(d) in subsection (4i) by deleting “or (4h)” and substituting the following—

“ , (4h) or (4hg) ”.

40. (1) Section 533A of the principal Act is amended—

Section 533A
amended and
transitional
provision
made.

(a) in subsection (3) by deleting paragraph (a) and substituting the following paragraph—

“ (a) shall declare the rateable property to which the request relates to be urban farm land for the purposes of this Part if it is satisfied—

(i) that the rateable property is farm land which is in the metropolitan region as defined in the Metropolitan Region Town Planning Scheme Act 1959; or

(ii) that the rateable property is farm land which is in a townsite that is declared under subsection (10) of this section to be a townsite to which this section applies; or

(iii) that the rateable property is farm land which adjoins a townsite referred to in subparagraph (ii) of this paragraph and that the unimproved value or gross rental value of the rateable property has been substantially increased by reason of its proximity to the townsite; ”;

(b) by inserting after subsection (3) the following subsections—

“ (3a) If the council fails to furnish the advice required by subsection (3) of this section within the period of 60 days mentioned in that subsection the request shall be deemed to have been refused on the last day of that period.

(3b) Subject to subsection (9) of this section where, pursuant to a request made under subsection (1) of this section, rateable property is declared to be urban farm land, that declaration shall take and have effect, or be deemed to have taken and had effect, as the case may require—

(a) if the request was received by the council on or before 30 April in a financial year, at and from the beginning of the next financial year;

- (b) if the request was received by the council after 30 April in a financial year, at and from the end of the next financial year. ”;
- (c) in subsection (4) by deleting “thereupon the land ceases to be urban farm land for the purposes of this Part” and substituting the following—
 - “ the rateable property shall cease to be urban farm land for the purposes of this Part at the end of the financial year during which the revocation occurs ”; and
- (d) by repealing subsection (7) and substituting the following subsections—
 - “ (7) Where, pursuant to subsection (6) of this section, the council revokes a declaration of any rateable property as urban farm land—
 - (a) the council shall, within 14 days after the revocation, advise the owner of the rateable property, in writing, of the revocation;
 - (b) the rateable property shall cease to be urban farm land for the purposes of this Part at the end of the financial year during which the revocation occurs unless the revocation has been set aside before then under section 558A; and
 - (c) if the revocation is set aside under section 558A during the next financial year the declaration shall be deemed to have had effect from the commencement of that next financial year.

(8) Where there is a change in the ownership of any rateable property declared to be urban farm land the rateable property shall, subject to subsections (3b) (a) and (9) of this section, cease to be urban farm land at the end of the financial year during which the change of ownership occurs.

(9) Notwithstanding subsection (3b) of this section, where—

(a) rateable property ceases to be urban farm land by reason of a change in its ownership; and

(b) pursuant to a request made under subsection (1) of this section within 14 days after the change of ownership, the rateable property is again declared to be urban farm land,

that declaration shall take and have effect or be deemed to have taken and had effect, as the case may require, at and from the beginning of the next financial year after the financial year during which the change of ownership occurs.

(10) The council of a municipality may by resolution declare any townsite in the district to be a townsite to which this section applies. ”.

(2) Notwithstanding subsection (1) of this section or the amended provisions where, after the coming into operation of that subsection, land to which a prescribed request relates is, pursuant to that request, declared to be urban farm land for the purposes of Part XXV of the principal Act, that declaration shall take and have effect or be deemed to have taken and had effect, as the case may require, at and from 1 July 1984.

(3) In subsection (2) of this section “prescribed request” means a request made under section 533A (1) of the amended provisions within 2 months after the coming into operation of subsection (1) of this section.

(4) Nothing in subsection (1) of this section or the amended provisions prevents a declaration that is in force under section 533A of the principal Act immediately before the coming into operation of that subsection from remaining in force in respect of the remainder of the financial year ending on 30 June 1984.

(5) In subsections (2), (3) and (4) of this section “amended provisions” means the principal Act as amended by subsection (1) of this section.

41. Section 540 of the principal Act is amended— Section 540
amended.

(a) by repealing subsection (1) and substituting the following subsections—

“ (1) Each council shall cause to be recorded particulars relating to the rateable property in its district in, or substantially in, accordance with the form in the Sixteenth Schedule either in a bound book or in such other manner of recording as is approved by the Minister.

(1a) The particulars so recorded shall include the name of the owner of the land and—

(a) where as a result of the application of section 548A a phased in valuation applies to the land, the gross rental value or the unimproved value of the land, as the case may require, and that phased in valuation;

(b) where as a result of the application of section 548B (1) (a) or (b) a change to rating on the basis of valuations on gross rental value is being phased in in respect of the land, the gross rental value of the land and the original valuation of the land within the meaning of that section; or

(c) in any other case, the gross rental value or the unimproved value of the land, as the case may require. ”;

(b) in subsection (7) by deleting “the provisions of this Part including particulars of the date on which any rateable property that had been so declared ceased to be urban farm land” and substituting the following—

“ section 533A, or to be eligible land pursuant to section 533 (4d), or to be qualifying land pursuant to section 533 (4hd) ”; and

(c) by inserting after subsection (7) the following subsection—

“ (8) Where differentiating general rates are imposed under section 548 (4b) the council shall also cause to be recorded in the rate book—

(a) the purpose for which the land is zoned; and

(b) whether or not the land is improved land. ”.

42. Section 542 of the principal Act is amended— Section 542
amended.

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) The council shall, as soon as practicable after the rate book has been made up, cause to be served upon every person whose name is in the book as an owner, or on his attorney or agent, a notice of valuation and rate in, or substantially in, the form in the Seventeenth Schedule. ”;

(b) in subsection (3) by deleting paragraph (a) and substituting the following paragraphs—

“ (a) the valuation or valuations recorded in the rate book under section 540 (1a) in respect of the rateable property;

(aa) particulars of every rate to be collected in respect of the property; ”;

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

“ (4) Where as a result of the application of section 548A a phased in valuation applies the council shall include in or attach to the notice a statement—

(a) explaining the method by which that phased in valuation was calculated; and

(b) clearly indicating that any objection must relate to the valuation determined or assessed under the Valuation of Land Act 1978 and not to that valuation as phased in.

(5) Where as a result of the application of section 548B (1) (a) or (b) a change to rating on the basis of valuations on gross rental value is being phased in in respect of property included in the notice the council shall include in or attach to the notice a statement explaining the method by which the amount payable was assessed.

(6) Where the council imposes differentiating general rates under section 548 (4b) it shall include in or attach to the notice a statement setting out—

- (a) details of the various general rates so imposed; and
- (b) with respect to each property included in the notice—
 - (i) the particular general rate applicable to the property;
 - (ii) the purpose for which the land is zoned; and
 - (iii) whether or not the property is improved land. ”.

Section 543
amended.

43. Section 543 of the principal Act is amended in subsection (1)—

(a) in paragraph (f) by deleting “534” and substituting the following—

“ 533 (4b) to (4h), inclusive, or (4ha) to (4hg), inclusive, 534, 548 (4a) to (4h), inclusive ”;

and

(b) by inserting after paragraph (f) the following paragraph—

“ (fa) recording in it the date on which rateable property declared to be urban farm land pursuant to section 533A will cease to be urban farm land; ”.

44. (1) Section 548 of the principal Act is amended—

Section 548
amended and
transitional
provision
made.

(a) in subsection (3) by deleting “Unless authorized to impose differentiating rates under subsection (3a) or (4) of this section” and substituting the following—

“ Subject to this Division ”;

(b) in subsection (3a) by deleting “A” and substituting the following—

“ Subject to subsection (3b) of this section, a ”;

(c) by repealing subsection (3b) and substituting the following subsection—

“ (3b) A council is not authorized to impose a lesser general rate under subsection (3a) of this section in respect of a financial year unless during the month of March in the preceding financial year the council has advertised twice in a newspaper circulating in the district inviting the making of requests under section 533A (1) and drawing attention to the effect of section 533A (3b). ”;

(d) by inserting after subsection (4) the following subsections—

“ (4a) For the purposes of this subsection, subsections (4b), (4e) and (4f) of this section, and sections 540 (8), 542 (6) and 552 (6)—

(a) land shall be regarded as being zoned for a purpose (in this paragraph called “the relevant purpose”) if—

(i) it is zoned for the relevant purpose under—

(I) a town planning scheme in force under the Town Planning and Development Act 1928, other than the Metropolitan Region Scheme; or

(II) by-laws made under section 248,

and is not the subject of a declaration under subparagraph (ii) of this paragraph declaring it to be zoned for another purpose; or

(ii) it is lawfully used, by virtue of the exercise of the discretion of the council or by virtue of a non-conforming use, for a use that would,

if the land were zoned for the relevant purpose under the scheme or by-laws referred to in subparagraph (i) of this paragraph, be permitted by the scheme or by-laws, and the council has, in writing, declared the land to be zoned for the relevant purpose under this subsection (which the council is hereby authorized to do);

(b) “improved land” means—

- (i) land which is zoned for a residential purpose and on which the improvements consist of or include a dwelling house;
- (ii) land which is zoned for a residential purpose and in respect of which the value of improvements thereon, other than merged improvements, within the meaning of the Valuation of Land Act 1978 exceeds 20 per centum of the unimproved value of the land within the meaning of that Act; or
- (iii) land which is not zoned for a residential purpose and which is not vacant land within the meaning of the Valuation of Land Act 1978;

- (c) "zone" means all the land within a municipal district that is zoned for the same purpose;
- (d) a zone group may consist of one zone or 2 or more zones.

(4b) Subject to subsection (4c) of this section a council may impose general rates that differ according to the purpose for which the land is zoned, or according to the purpose for which the land is zoned and whether or not it is improved land.

(4c) A council is not authorized to impose differentiating general rates under subsection (4b) of this section unless those rates are imposed—

- (a) with, and in accordance with, the approval of the Minister; and
- (b) by resolution passed by the council.

(4d) Unless the council imposed differentiating general rates under subsection (4b) of this section in respect of the preceding financial year the resolution referred to in subsection (4c) (b) shall be passed by a number of members of the council that is not less than two-thirds of the total number of offices of member of the council.

(4e) An approval granted to a council by the Minister under subsection (4c) (a) of this section shall apply in respect of one financial year only and shall specify—

- (a) the financial year in respect of which it applies;

- (b) the total number of separate differentiating general rates that the council may impose;
- (c) the zone groups in respect of which separate rates may be imposed;
- (d) the limits within which the amount of revenue derived by way of rates from each zone group, and from improved land and land that is not improved land within each zone group, may vary from the amount that would be derived therefrom if a general rate was imposed otherwise than under subsection (4b) of this section; and
- (e) any other requirement that the Minister thinks fit.

(4f) Where, after notice of assessment of a differentiating general rate imposed on land under subsection (4b) of this section has been served in respect of a financial year—

- (a) the purpose for which the land is zoned is changed; or
- (b) the land becomes or ceases to be improved land,

the council shall not, on account thereof, amend the assessment of rates payable on that land in respect of that financial year.

(4g) The Minister may from time to time—

- (a) give directions to be complied with by councils in relation to the exercise or performance by them of their powers and

duties as to the imposition of differentiating general rates under subsection (4b) of this section;

- (b) require councils to provide him with such information as to the imposition by them of differentiating general rates under subsection (4b) of this section as is specified in the requirement.

(4h) A direction or requirement under subsection (4g) may be given or made in respect of a municipality or municipalities specified in the direction or requirement, and the Minister shall cause notice of the direction or requirement to be given to the council or councils affected. ”; and

- (e) in subsection (6) by inserting after “property”, where it first occurs, the following—

“ or a system in force under section 548B (1) (a) or (b) ”.

(2) Notwithstanding section 548 (3b) of the principal Act as inserted by subsection (1) of this section, a council is authorized to impose a lesser general rate under section 548 (3a) in respect of the financial year commencing on 1 July 1984 if within the period of one month after the coming into operation of subsection (1) the council has advertised twice in a newspaper circulating in the district inviting the making of requests under section 533A (1) and drawing attention to the effect of section 40 (2) and (3) of this Act.

45. Section 548A of the principal Act is amended by inserting after subsection (2) the following subsections—

Section 548A
amended.

“ (3) Where, during the phasing in of a valuation of any rateable property under subsection (1) of this section the system of valuation is changed, or the phasing in of a change to rating on the basis of valuations on gross rental value is commenced under section 548B, subsection (1) shall cease to apply to that valuation.

(4) In subsection (3) of this section “system of valuation” means valuation on unimproved value or gross rental value of rateable property. ”.

46. After section 548A of the principal Act the following section is inserted—

Section 548B
inserted.

“ 548B. (1) Where, in respect of a financial year, a council is authorized under or required by section 533 to change in respect of the whole of its district or a portion of its district, from valuations on unimproved value to valuations on gross rental value, the council may, when imposing the general rate for that financial year, resolve that the change to rating on the basis of valuations on gross rental value shall, in relation to rateable land in the district, or that portion of the district, be phased in over a 3 year period and effect shall be given to that resolution over that period by the council—

Phasing in of
rating based
on gross
rental values.

(a) when imposing any rate on such land in the first year of assessment for which rating would otherwise be wholly on the basis of valuations on gross rental value, rating the land on the basis of valuations on gross rental value in order to yield one-third of the estimated revenue from

the rate and rating the same land on the basis of original valuations in order to yield two-thirds of the estimated revenue from the rate;

- (b) when imposing any rate on such land in the second such year, rating the land on the first-mentioned basis in order to yield two-thirds of the estimated revenue from the rate and rating the same land on the second-mentioned basis in order to yield one-third of the estimated revenue from the rate; and
- (c) when imposing any rate on such land in the third such year, rating the land on the first-mentioned basis in order to yield the whole of the estimated revenue from the rate.

(2) In subsection (1) of this section “original valuations” means the valuations on unimproved value in force under the Valuation of Land Act 1978 immediately before the beginning of the year mentioned in paragraph (a) of that subsection.

(3) Where, during the phasing in of a change to rating on the basis of valuations on gross rental value in a district or portion of a district under subsection (1) of this section, a general valuation under the Valuation of Land Act 1978 in respect of gross rental values comes into force in that district or portion of a district, subsection (1) shall cease to apply to that change in the basis of rating. ”.

Section 550
amended.

47. Section 550 of the principal Act is amended in subsection (1) by inserting after “548A” the following—

“ or to phase in a change to rating on the basis of valuations on gross rental value pursuant to section 548B ”.

48. Section 552 of the principal Act is repealed and the following section is substituted—

Section 552 substituted.

“ 552. (1) Notwithstanding that, if imposed under other provisions of this Part, the rate payable in respect of any location, lot or other piece of land would be less, a council may, subject to and in accordance with this section, impose in respect of that land a minimum rate of such sum as the council thinks fit.

Power to impose minimum rate and differentiate minimum rate.

(2) When imposing a minimum rate the council shall impose a general minimum and may, subject to subsection (3) of this section, impose a lesser minimum in respect of any portion of the district.

(3) In applying subsection (2) of this section the council shall ensure that the general minimum is imposed on not less than 50 per centum of the number of separately rated properties in the district on which a minimum rate is imposed.

(4) A minimum rate shall not be imposed on more than the prescribed percentage of the number of separately rated properties in the district unless the general minimum does not exceed the prescribed amount.

(5) In subsection (4) of this section—

(a) unless some other amount is prescribed by regulation “prescribed amount” means \$75; and

(b) unless some other percentage is prescribed by regulation “prescribed percentage” means 50 per centum.

(6) Where the council imposes differentiating general rates under section 548 (4b) it may, with the approval of the Minister, impose a minimum rate—

- (a) in such a manner that the minimum imposed differs according to the purpose for which land is zoned or according to the purpose for which land is zoned and whether or not it is improved land; and
- (b) in a manner that does not comply with subsections (2), (3) and (4) of this section.

(7) Where the district comprises more than one valuation area subsections (2), (3), (4) and (5) of this section shall not apply to or in relation to the district as a whole but shall apply to and in relation to each valuation area as if it were a separate district.

(8) In subsection (7) of this section “valuation area” means a portion or portions of the district in which the same system of valuation, as defined in section 548 (6), applies.

(9) Where a rate imposed under section 548 (4) is payable in respect of land and a minimum rate is imposed under this section, the minimum shall apply only in respect of that portion of the amount payable which would have been payable if the first-mentioned rate had been the same as the rate imposed elsewhere in the district.

(10) Where as a result of the application of section 548B (1) (a) or (b) a change to rating on the basis of valuations on gross rental value is being phased in in respect of land and a minimum rate is imposed under this section, the minimum shall apply after the amounts payable in respect of the land that are assessed by reference to gross rental value and unimproved value, respectively, have been aggregated. ”.

49. Section 555 of the principal Act is amended in subsection (1) by deleting the full stop at the end of the subsection and substituting the following—

Section 555
amended.

“ ; or

(c) where the council imposes differential general rates under section 548 (4b)—

(i) that the purpose recorded in the rate book as the purpose for which land is zoned should be deleted and another purpose substituted; or

(ii) that land recorded in the rate book as being improved land should be recorded as not being improved land or *vice versa*. ”.

PART IV—AMENDMENTS RELATING TO POWERS,
FUNCTIONS AND DUTIES OF MUNICIPALITIES
AND THEIR COUNCILS.

50. Section 162 of the principal Act is amended in subsection (1) by deleting “the Minister” and substituting the following—

Section 162
amended.

“ it ”.

51. Section 172 of the principal Act is amended by repealing subsection (1) and substituting the following subsection—

Section 172
amended.

“ (1) The council shall meet for the transaction of business at such places and times as the council from time to time appoints, and at least once in every 3 months. ”.

Section 268
amended.

52. Section 268 of the principal Act is amended—

- (a) in subsection (1) by deleting “council may, if it first obtains the consent of the Minister and observes the requirements of subsection (2) of this section,” and substituting the following—

“ Subject to subsection (2) of this section, a council may ”; and

- (b) in subsection (2) by deleting “by Order otherwise directs” and substituting the following—

“ directs otherwise ”.

Section 298
amended
and transi-
tional
provision
made.

53. (1) Section 298 of the principal Act is amended—

- (a) in subsection (1) —

(i) by deleting “the Governor may, with the consent of”; and

(ii) by deleting “, by Order” and substituting the following—

“ may, by agreement, ”; and

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

“ (2) The councils concerned may, by subsequent agreement vary or terminate an agreement made under subsection (1) of this section. ”.

(2) Where an Order under section 298 of the principal Act is in force immediately before the coming into operation of subsection (1) of this section, an agreement in the terms of that Order shall be deemed to be in force between the councils concerned under and for the purposes of that section as amended by subsection (1).

54. Section 441 of the principal Act is amended by repealing subsection (2). Section 441 amended.

55. Section 442 of the principal Act is amended by repealing subsection (2). Section 442 amended.

56. Section 464 of the principal Act is amended by deleting "with the written consent of the Minister,". Section 464 amended.

57. Section 505 of the principal Act is amended in subsection (2)— Section 505 amended.

(a) in paragraph (c) by deleting "a manner to be approved by the Minister" and substituting the following—

“ such of the modes as are authorized by any Act for the investment of trust funds by trustees ”; and

(b) in paragraph (d) by deleting "investments in which trustees are authorized by law to invest or in a manner approved by the Minister" and substituting the following—

“ accordance with section 528 (8) ”.

58. Section 512 of the principal Act is amended in paragraph (n) by deleting "and of which the Minister approves in writing". Section 512 amended.

59. Section 530 of the principal Act is amended in subparagraph (v) of paragraph (c) by deleting ", subject to the approval of the Minister,". Section 530 amended.

60. Section 600A of the principal Act is amended in subsection (1) by deleting ", with the written consent of the Minister,". Section 600A amended.

Section 624A
amended.

61. Section 624A of the principal Act is amended—

(a) in subsection (1) by deleting “with the approval of the Minister”;

(b) in subsection (2) by deleting “the Minister” and substituting the following—

“ the council ”; and

(c) in subsection (4) by deleting “approved by the Minister unless he” and substituting the following—

“ accepted by the council unless it ”.

Section 691A
amended.

62. Section 691A of the principal Act is amended by deleting “and with the approval of the Minister,”.
