

LOCAL GOVERNMENT.

No. 43 of 1982.

AN ACT to amend the Local Government Act 1960-1981.

[Assented to 27 May 1982.]

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 Amendment Act 1982*. Short title and citation.
- (2) In this Act the Local Government Act 1960-1981 is referred to as the principal Act.
- (3) The principal Act as amended by this Act may be cited as the Local Government Act 1960-1982.

Commence-
ment.

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

(2) Sections 4 and 5 of this Act shall be deemed to have come into operation on 12 November 1979.

(3) Section 6 of this Act shall come into operation on a day to be fixed by proclamation.

Section 242
amended.

3. Section 242 of the principal Act is amended in subsection (2)—

(a) by deleting “and” after the semi-colon at the end of paragraph (g);

(b) by deleting the full stop at the end of paragraph (h) and substituting the following—

“ ; and ” ; and

(c) by inserting, after paragraph (h), the following paragraph—

“ (i) for prescribing charges to be paid, in addition to any fees payable in respect of licences issued by the council under those by-laws in respect of stalls set up in streets or other public places, by persons to whom those licences are so issued. ” .

Section 248
amended.

4. Section 248 of the principal Act is amended by inserting—

(a) after “248.”, the following—

“ (1) ” ; and

(b) after the existing section, the following subsections—

“ (2) In the event of an inconsistency between any by-laws made by a council under subsection (1) of this section (in this section called “town planning by-laws”) or a town planning scheme in

force under the Town Planning and Development Act 1928 and uniform general by-laws made under section 433A, those town planning by-laws or that town planning scheme shall prevail to the extent of that inconsistency.

(3) In the exercise of any power under any town planning by-laws or a town planning scheme in force under the Town Planning and Development Act 1928, as the case requires, a council is not obliged to have regard to any uniform general by-laws made under section 433A. ” .

5. Section 259A of the principal Act is amended Section 259A amended. by inserting—

(a) after “259A.”, the following—

“ (1) ” ;

(b) in paragraph (h)—

(i) after “pursuant to this section and”, the following—

“ the provisions of ” ; and

(ii) before “, the former provisions prevail”, the following—

“ , and subject to subsection (2) of this section ” ;

and

(c) after the existing section, the following subsection—

“ (2) Where and to the extent that there is inconsistency between the provisions of a uniform general by-law made under section 433A and having effect pursuant to this section and the provisions of a by-law made by a council under section 248 (1), the latter provisions prevail. ” .

Section 274
repealed and
substituted.

6. Section 274 of the principal Act is repealed and the following section is substituted—

Governor
may make
regulations
relating to
tenders for
contracts.

“ 274. The Governor may make regulations—

- (a) prescribing the circumstances in which a council shall invite tenders for the execution of work or the furnishing of goods (in this section called “council tenders”);
- (b) specifying the procedures to be followed—
 - (i) in the invitation of council tenders; or
 - (ii) after a decision has been made on any council tenders received by a council;
- (c) specifying the procedures to be followed and the criteria to be adopted in deciding on any council tenders received by a council; and
- (d) prescribing such matters, other than those referred to in paragraphs (a), (b) and (c) of this section, as are necessary or convenient to be prescribed for giving effect to the purposes of this section. ” .

Section 552
amended.

7. Section 552 of the principal Act is amended in subsection (1) by deleting “forty dollars” and substituting the following—

“ \$75 ” .

Section 678A
inserted.

8. After section 678 of the principal Act, the following section is inserted—

Provisions
relating to
regulations
generally.

“ 678A. (1) Regulations made under this Act may be made—

- (a) so as to apply—
 - (i) generally or in a particular class of case or in particular classes of cases;

- (ii) at all times or at a specified time or at specified times; and
 - (iii) throughout the State or in a specified part or specified parts of the State;
- (b) so as to require a matter affected by them to be—
- (i) in accordance with a specified standard or specified requirement; or
 - (ii) as approved by, or to the satisfaction of, a specified person or body or a specified class of person or body;
- (c) so as to confer on a specified person or body or a specified class of person or body a discretionary authority;
- and
- (d) so as to provide that, in specified cases or a specified class of case or specified classes of cases, whether on specified conditions or unconditionally, persons or things of a class or classes of persons or things may be exempted from the provisions of those regulations, either wholly or to such extent as is specified.
- (2) In subsection (1) of this section—
- “specified” means specified in regulations made under this Act. ” .