

Western Australia

## **City of Perth Restructuring Act 1993**

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## City of Perth Restructuring Act 1993

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Western Australia

## **City of Perth Restructuring Act 1993**

**An Act to dissolve the council of the City of Perth, to divide the district of the City of Perth into 4 districts being the City of Perth and 3 new municipalities and to provide for elections of councils for them, and for related matters.**

## **Part 1 — Preliminary**

### **1. Short title**

This Act may be cited as the *City of Perth Restructuring Act 1993*<sup>1</sup>.

### **2. Commencement**

- (1) This Act, other than section 8 and Parts 3 and 5, comes into operation on the day on which it receives the Royal Assent<sup>1</sup>.
- (2) Section 8 is deemed to have come into operation on 18 October 1993.
- (3) Parts 3 and 5 come into operation on division day<sup>1</sup>.

### **3. Interpretation**

- (1) In this Act —
  - commission* means the commission appointed under section 6;
  - dissolution day* means the day 7 days after the day on which this Act receives the Royal Assent;
  - division day* means 1 July 1994;
  - election day* means 6 May 1995 or such other day in 1995 as is appointed under the principal Act for the holding of ordinary elections;
  - Endowment Lands Fund* means the account referred to in section 15 and includes funds of that account which are in a reserve fund or which are invested;
  - new towns* means the towns constituted under section 9(1);
  - principal Act* means the *Local Government Act 1960*.
- (2) In this Act words and expressions have the same definitions as in the principal Act, unless the contrary intention appears.
- (3) Where in this Act an event is to happen on a particular day or a state of affairs is to exist on a particular day, the event happens



or the state of affairs exists, as the case may be, at the beginning of that day.

*[Section 3 amended by No. 70 of 1994 s. 11.]*

**4. Relationship with *Local Government Act 1960***

- (1) This Act is to be read with the principal Act.
- (2) If a provision of this Act conflicts or is inconsistent with the principal Act, this Act prevails.

## **Part 2 — Dissolution of the Perth City Council**

### **5. Council dissolved**

On and after dissolution day all offices of member of the council of the City of Perth are vacant until a council is elected as provided for in section 12.

### **6. Commission to be appointed**

- (1) The Governor is to appoint 5 persons who together are to form a commission.
- (2) The Governor is to appoint one of the members of the commission as chairperson and another as deputy chairperson.
- (3) Members of the commission hold office on and from dissolution day until 31 October 1995.
- (4) Schedule 5 has effect.

### **7. Commission regarded as council**

- (1) The commission is to be regarded as being the council —
  - (a) on and from dissolution day, of the City of Perth; and
  - (b) on and from division day, of each of the new towns,and has and may exercise the powers and shall discharge the duties of the council or councils (as the case may be).
- (2) Except to the extent that this Act provides otherwise for a matter, the principal Act applies to the commission as if the commission were a council of a municipality, the members councillors, the chairperson mayor, and the deputy chairperson deputy mayor.
- (3) In respect of each of the 4 municipalities referred to in subsection (1), the commission is to perform its functions until the commencement of the first properly constituted meeting of a council of the municipality elected after dissolution day.

- (4) After that in respect of each of those municipalities, the commission's function is to advise the elected council and for that purpose it is entitled to access to books and documents of the municipalities.

**8. Temporary limit on City of Perth's powers**

- (1) In the period beginning on 18 October 1993 and ending immediately before dissolution day, the City of Perth shall not —
- (a) enter into a contract —
    - (i) the consideration of which exceeds \$20 000;
    - (ii) involving the payment or receipt by the City of Perth of an amount exceeding \$20 000; or
    - (iii) under which the total liability or potential liability of the City of Perth exceeds or may exceed \$20 000;
  - (b) enter into a lease; or
  - (c) engage professional services in relation to a new matter.
- (2) Notwithstanding subsection (1), the Minister may at any time (whether during or after the period referred to in that subsection) approve a contract lease or engagement referred to in that subsection.

## **Part 3 — Division of the City of Perth**

### **9. Division of the City of Perth**

- (1) The municipal district of the City of Perth is divided into 4 municipal districts as follows:
  - (a) The area described in Schedule 1 becomes a municipal district and its inhabitants constitute a municipality named the City of Perth.
  - (b) The area described in Part A of Schedule 2 becomes a municipal district and its inhabitants constitute a municipality named the Town of Cambridge.
  - (c) The area described in Part A of Schedule 3 becomes a municipal district and its inhabitants constitute a municipality named the Town of Vincent.
  - (d) The area described in Part A of Schedule 4 becomes a municipal district and its inhabitants constitute a municipality named the Town of Shepperton<sup>2</sup>.
- (2) The division effected by subsection (1) is to be taken, for all purposes, as being made by Order by the Governor under Part III of the principal Act and the principal Act applies accordingly.
- (3) The districts and municipalities constituted by subsection (1) are to be taken, for all purposes, to be districts and municipalities constituted under and subject to the principal Act.
- (4) The body corporate named the City of Perth and in existence immediately before division day continues on and after division day as the same body corporate, notwithstanding the division of the municipal district effected by subsection (1).

### **10. Representation on the Perth City Council**

- (1) The council of the City of Perth is to consist of a mayor and 8 councillors.
- (2) The district of the City of Perth is not to be divided into wards.

- (3) Subsections (1) and (2) are to be taken, for all purposes, to be Orders made by the Governor under Part III of the principal Act and the principal Act applies accordingly.

**11. Representation on the councils of the new towns**

- (1) The council of each of the new towns is to consist of a mayor and 8 councillors.
- (2) Unless an Order is made under subsection (5), the district of each new town is to be divided into 2 wards as follows:
- (a) The wards of the Town of Cambridge are as named and described in Part B of Schedule 2.
  - (b) The wards of the Town of Vincent are as named and described in Part B of Schedule 3.
  - (c) The wards of the Town of Shepperton<sup>2</sup> are as named and described in Part B of Schedule 4.
- (3) Unless an Order is made under subsection (5), for each ward of the new towns there are to be 4 councillors.
- (4) Subsections (1), (2) and (3) are to be taken, for all purposes, to be Orders made by the Governor under Part III of the principal Act and the principal Act applies accordingly.
- (5) The Governor, by Order made on the recommendation of the commission and before election day, may declare that the district of a new town is to be divided into 4 wards, with the names and boundaries set out in the Order; and if an Order is so made there are to be 2 councillors for each ward of that new town.
- (6) An Order made under subsection (5) is to be taken, for all purposes, to be an Order under Part III of the principal Act and the principal Act applies accordingly.

**12. Election of Mayor of City of Perth**

The Mayor of the City of Perth is to be elected by the electors of the district of Perth under Part 4 of the *Local Government*

**s. 12A**

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*Act 1995* and sections 2.11 to 2.14 of that Act do not apply to the City of Perth.

*[Section 12 inserted by No. 14 of 1996 s. 4.]*

**12A. Election system**

(1) In this section —

***first elections*** means the elections held as required by section 12<sup>3</sup>;

***municipality*** means the City of Perth or a new town.

(2) The commission may decide that a municipality will be under the biennial election system for its first elections.

(3) If a decision is made under subsection (1) in relation to a municipality —

(a) the municipality is to be regarded, for the purposes of the principal Act, as being under the biennial election system for its first elections and from then on until a resolution under section 72A(1) of the principal Act choosing the annual election system takes effect; and

(b) section 72A(3) of the principal Act does not apply to the municipality.

(4) A decision under subsection (1) has no effect if it is made less than 48 days before the nomination day (as defined in section 81 of the principal Act) for the first elections.

(5) The first elections are to be regarded as ordinary elections for the purposes of section 72B(2) of the principal Act.

(6) If a decision is made under subsection (1) in relation to a municipality, a resolution under section 72A(1) of the principal Act by which the municipality chooses to be under the annual election system has no effect if the year specified in the resolution is earlier than 1999.

*[Section 12A inserted by No. 70 of 1994 s. 12.]*

**12B. Method of voting**

- (1) In this section —

*Electoral Commissioner* means the Electoral Commissioner appointed under the *Electoral Act 1907*;

*first elections* means the elections held as required by section 12<sup>3</sup>;

*municipality* means the City of Perth or a new town;

*postal election* means an election at which the principal method of casting votes is by post but at which votes can also be cast in person on or before the election day for the election in prescribed circumstances;

*subsequent election* means an election for a municipality held after its first elections but before 3 May 1997.

- (2) The commission may decide that the first elections of a municipality will be conducted as postal elections.
- (3) A municipality may, by resolution of its council passed by an absolute majority, decide that a subsequent election will be conducted as a postal election.
- (4) Subject to subsection (5) a decision under subsection (2) or (3) has effect.
- (5) A decision can be made under subsection (2) or (3) before, on or after nomination day, but has no effect if it is made after notice of the elections or election has been published under section 89(4) of the principal Act.
- (6) Regulations may be made under section 32 in relation to the conduct of postal elections.
- (7) The Minister may appoint a person nominated by the Electoral Commissioner to be the returning officer of a municipality to conduct a postal election.
- (8) If a person is so appointed —

**s. 13**

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- (a) the Electoral Commissioner is responsible for the conduct of the postal election;
  - (b) the person so appointed is to conduct the postal election for and under the direction of the Electoral Commissioner and may perform all the functions of the returning officer; and
  - (c) the municipality concerned is to meet the expenses incurred by the person in conducting the postal election to the extent required by the regulations.
- (9) For the purposes of section 12<sup>3</sup> and the principal Act an election is to be regarded as having been held on the election day for the election even though it is conducted as a postal election.

*[Section 12B inserted by No. 70 of 1994 s. 12; amended by No. 14 of 1996 s. 4.]*

**13. Operation of principal Act not affected**

The matters provided for in this Part have effect until provision is made otherwise under the principal Act and nothing in this Part affects or limits the application of the principal Act to or in relation to or its operation in relation to the districts, municipalities, councils, wards or offices provided for by this Part.



## **Part 4 — Establishing the new towns**

### **14. Commission to establish infrastructure**

- (1) In addition to its functions under this Act, the commission, acting as the council of the City of Perth, is to establish the infrastructure of the new towns so that on and after election day each new town can perform the functions imposed upon a municipality by law.
- (2) For the purposes of establishing the infrastructure of the new towns the commission, acting as the council of the City of Perth, has —
  - (a) before division day, such powers as the council of a new town would have under the principal Act if the new town existed; and
  - (b) after division day, such powers as the council of a new town has under the principal Act.
- (3) The costs incurred before election day of establishing the infrastructure of the new towns are to be paid, in such proportions as the commission thinks fit —
  - (a) before division day, out of —
    - (i) the proceeds arising from sales of the lands described as the Endowment Lands and the Lime Kilns Estate in the preamble to the *City of Perth Endowment Lands Act 1920*<sup>4</sup>;
    - (ii) the surplus invested in the joint names of the City of Perth and the Treasurer of the State under section 39(2) of that Act; and
    - (iii) the Parking Fund maintained under the *City of Perth Parking Facilities Act 1956*<sup>5</sup> (including any reserve fund of moneys in that Fund);and
  - (b) on and after division day, out of —
    - (i) the Endowment Lands Fund; and

**s. 15**

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- (ii) the Parking Fund maintained under the *City of Perth Parking Facilities Act 1956*<sup>5</sup> (including any reserve fund of moneys in that Fund).
- (4) In this section a reference to “**establishing the infrastructure of the new towns**” includes a reference to —
  - (a) acquiring land and buildings for the offices and other facilities of the new towns;
  - (b) providing equipment, facilities, machinery and plant for the new towns;
  - (c) appointing people to be officers of the towns; and
  - (d) doing anything necessary or convenient to be done for giving effect to the purpose in subsection (1).

**15. Endowment Lands Fund established**

- (1) On division day the City of Perth is to establish and maintain an account called the “Endowment Lands Fund”.
- (2) Any funds which immediately before division day are held or invested under section 39(2) of the *City of Perth Endowment Lands Act 1920*<sup>4</sup> are on division day to be transferred to the Endowment Lands Fund.
- (3) Any moneys to which section 39(2) of the *City of Perth Endowment Lands Act 1920*<sup>4</sup> applies and which immediately before division day are payable to the City of Perth, are to be paid into the Endowment Lands Fund.
- (4) Any proceeds arising from a sale of the said lands (as defined in the *City of Perth Endowment Lands Act 1920*<sup>4</sup>) under a contract entered into before division day are to be paid into the Endowment Lands Fund.
- (5) The City of Perth may transfer such of the funds in the Endowment Lands Fund as it thinks fit into a reserve fund.

- (6) The City of Perth may invest such of the funds in the Endowment Lands Fund as it thinks fit in any manner that a trustee may lawfully invest trust funds.

**16. Expenditure from Endowment Lands Fund**

- (1) In this section “**relevant period**” means the period beginning on election day and ending on 30 April 1999.
- (2) Funds in the Endowment Lands Fund may be expended by the City of Perth —
- (a) subject to this section, for the same purposes and in the same manner as the municipal fund of the City may be expended under the *Local Government Act 1995*;
  - (b) under section 14(3)(b).
- (3) In the relevant period the City of Perth shall not expend funds in the Endowment Lands Fund without the prior written approval of the Minister.
- (4) In the relevant period the Minister may in writing direct the City of Perth to make such payments to the local government of a new town from the Endowment Lands Fund as the Minister thinks fit and the City of Perth is to comply immediately with such a direction.

*[Section 16 amended by No. 14 of 1996 s. 4; No. 57 of 1997 s. 33.]*

**17. Endowment Lands Fund to be transferred to City of Perth**

- (1) On 1 May 1999 the Endowment Lands Fund is to be closed.
- (2) On 1 May 1999 any funds which immediately before then are standing to the credit of the Endowment Lands Fund are to be transferred to the municipal fund of the City of Perth.
- (3) Any moneys payable to the Endowment Lands Fund on or after 1 May 1999 are to be paid to the municipal fund of the City of Perth.

**s. 17**

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- (4) The municipal fund of the City of Perth is charged with any liabilities of the Endowment Lands Fund which arise before 1 May 1999.

## **Part 5 — *City of Perth Endowment Lands Act 1920*<sup>4</sup>**

### **18. Endowment Act**

In this Part the *City of Perth Endowment Lands Act 1920*<sup>4</sup> is referred to as the Endowment Act.

*[19-22. Omitted under the Reprints Act 1984 s. 7(4)(e).]*

### **23. Endowment Act by-laws (transition)**

By-laws made under the Endowment Act and in force immediately before division day continue to apply in relation to the said lands (as defined in that Act) on and after division day as if they had been made under that Act by the Town of Cambridge and may be amended or repealed by that Town.

### **24. Transfer of lands to Town of Cambridge**

- (1) In this section, “**land**” includes any estate or interest in land.
- (2) On division day, all land within the said lands (as defined in the Endowment Act) which immediately before division day is owned by or vested in the City of Perth and which is not contracted to be sold, is transferred to and becomes the property of or vested in (as the case may be) the Town of Cambridge.
- (3) On division day, Reserve  $\Xi$ 16921 is vested in the Town of Cambridge.
- (4) The Town of Cambridge is not liable to indemnify the City of Perth for any expenses incurred before division day in connection with land transferred under subsections (2) and (3).

## **Part 6 — Miscellaneous**

### **25. Town planning schemes**

If immediately before division day a town planning scheme under the *Town Planning and Development Act 1928* is in force and the land, or part of the land, included in the scheme lies in the district of a new town, then on and from division day, in respect of the land lying in the district of a new town —

- (a) the scheme has effect as if it were —
  - (i) a scheme prepared by the council of the new town in respect of that land and approved by the Minister under that Act; and
  - (ii) published under that Act in the *Gazette* on division day,and that Act applies to it accordingly;
- (b) the council of the new town is taken to be the responsible authority for the purposes of that Act; and
- (c) a reference in the scheme to the City of Perth is to be taken to be a reference to the new town.

[26.            *Omitted under the Reprints Act 1984 s. 7(4)(e).*]

### **27. City of Perth Parking Facilities Act 1956**

- (1) By-laws made under the *City of Perth Parking Facilities Act 1956*<sup>5</sup> and in force immediately before division day, have effect, in the form they are then, in the districts of the new towns on and after division day until 31 December 1994.
- (2) On division day parking property situated in the district of a new town becomes the property of the new town and subject to the principal Act.
- (3) In subsection (2) “**parking property**” means parking facilities, parking meters or parking stations (as defined in the *City of Perth Parking Facilities Act 1956*<sup>5</sup>) provided under that Act

and owned, immediately before division day, by the City of Perth.

**28. Lands held by the City of Perth in trust**

Any land —

- (a) which immediately before division day, is held in trust by the City of Perth; and
- (b) which is transferred pursuant to an Order of the Governor under the principal Act to a new town,

is to be taken, on and after division day, as being held by the new town subject to the same trusts.

**29. City of Perth superannuation scheme members who become employed by a new town**

(1) If a person —

- (a) immediately before division day is —
  - (i) an employee of the City of Perth; and
  - (ii) a member of the City of Perth scheme;and
- (b) on or after division day and before 1 July 1996 is transferred under section 21 or 22 of the principal Act to the service of and becomes an employee of the council of a new town,

then, despite section 170B of the principal Act, the new town shall, in respect of that person, participate in and comply with the City of Perth scheme in the same way and to the same extent as the City of Perth would be required to if the person were its employee; unless the person elects to become a member of the industry scheme.

(2) A person referred to in subsection (1) does not cease to be a member of the City of Perth scheme by reason only of ceasing to be an employee of the City of Perth.

**s. 30**

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- (3) In this section —

**City of Perth scheme** means the superannuation fund or scheme established under the *City of Perth Superannuation Fund Act 1934*<sup>6</sup> or under section 170C of the principal Act, as the case may be, as the scheme is amended from time to time;

**employee** and **employer** have the same definitions as in section 10 of the *Superannuation Industry (Supervision) Act 1993* (Cwlth) as amended from time to time;

**industry scheme** has the same definition as in section 170A of the principal Act;

**member**, if used in relation to the superannuation fund or scheme established under the *City of Perth Superannuation Fund Act 1934*<sup>6</sup>, includes contributor.

*[Section 29 inserted by No. 60 of 1994 s. 11.]*

**30. City of Perth may provide services to new towns**

- (1) On and after division day the City of Perth, on such terms and conditions and for such payment as is agreed between the City of Perth and a new town, may provide services to the new town.
- (2) In subsection (1), “**services**” includes services that a municipality is empowered to provide in its district or elsewhere, whether under the principal Act or any other written law.

**31. Legal proceedings precluded**

No proceedings seeking the grant of any relief or remedy in the nature of certiorari, mandamus, prohibition or *quo warranto*, or the grant of a declaration or injunction, may be brought against any person in respect of the operation of this Act or any act, matter or thing required or permitted by this Act.

**32. Regulations**

- (1) If there is no sufficient provision in this Act or the principal Act to give effect to the purposes of this Act the Governor may



make regulations prescribing all matters that are required or necessary or convenient to be prescribed for giving effect to them, including matters of a savings or transitional nature consequent on the enactment of this Act.

- (2) Regulations made under subsection (1) may provide that specific provisions of the principal Act, or of regulations or by-laws made under the principal Act —
  - (a) do not apply; or
  - (b) apply with specified modifications,to or in relation to any matter or thing.
- (3) Regulations made under subsection (1) may be made so as to have effect on the day this Act is assented to or a later day.
- (4) To the extent that a provision of any regulations made under subsection (1) has effect on a day that is earlier than the day of its publication in the *Gazette*, the provision does not operate so as —
  - (a) to affect in a manner prejudicial to any person (other than the City of Perth or a new town), the rights of that person existing before the day of its publication; or
  - (b) to impose liabilities on any person (other than the City of Perth or a new town) in respect of anything done or omitted to be done before the day of its publication.

*[33, 34. Omitted under the Reprints Act 1984 s. 7(4)(e) and (f).]*

**Schedule 1**

[s. 9(1)]

**District of the City of Perth**

All that portion of land and river bed bounded by lines starting from the intersection of the High Water Mark of the right bank of the Swan River with the prolongation easterly of the southern boundary of late Perth Suburban Lot 139 and extending westerly to and along that boundary and onwards to the prolongation southerly of the centreline of Winthrop Avenue; thence northerly to and generally northerly along that centreline to the centreline of Thomas Street; thence generally northeasterly along that centreline to the prolongation northwesterly of the southwestern side of Kings Park Road; thence northwesterly along that prolongation to the original centreline of Thomas Street; thence northeasterly along that original centreline and onwards to and generally northeasterly along the centreline of Loftus Street to the centreline of Newcastle Street; thence southeasterly along that centreline to the prolongation southwesterly of the centreline of Lindsay Street; thence northeasterly to and along that centreline to its intersection with the prolongation southeasterly of the centreline of Little Parry Street; thence southeasterly along that prolongation to the centreline of Beaufort Street; thence southwesterly along that centreline to the prolongation northwesterly of the centreline of Parry Street; thence southeasterly to and along that centreline to a northeastern side of Lord Street; thence northeasterly along that side to the prolongation westerly of the northern side of the western section of Summers Street; thence easterly to and along that side to the northwestern side of West Parade; thence easterly to the intersection of an eastern side of East Parade with the northern side of the eastern section of Summers Street; thence easterly to and along that side and onwards to the High Water Mark of the right bank of the Swan River; thence generally southerly downwards along that water mark to the northeastern side of the Causeway; thence southeasterly along that side to the High Water Mark of the Swan River on the northwestern shore of Heirisson Island; thence generally northeasterly, generally easterly and generally southwesterly along that water mark to the northeastern side of the Causeway; thence southeasterly along that side to the High Water Mark of the left bank of the Swan River; thence southwesterly along that watermark to the southwestern side of the Causeway; thence northwesterly along that side to the High Water Mark of the Swan River on the southeastern shore of Heirisson Island; thence generally southwesterly, generally westerly and generally northeasterly along that water mark to the prolongation southeasterly of the southwestern side of Barrack Square; thence

northwesterly to and along that side and onwards to the High Water Mark of the right bank of the Swan River; thence generally southwesterly downwards along that water mark to the eastern boundary of the late Municipal Baths; thence southerly, westerly and northerly along boundaries of that late baths to the High Water Mark of the right bank of the Swan River and thence generally southwesterly downwards along that mark to the starting point; excluding Class "A" Reserve 1720 (Kings Park).

Area: about 690 ha.

**Schedule 2**

[s. 9(1), 11(2)]

**Part A**

**District of the Town of Cambridge**

All that portion of land bounded by lines starting from the intersection of the Low Water Mark of the Indian Ocean with the prolongation westerly of the northern boundary of Swan Location 2301; thence easterly to and along that boundary and onwards to and along the southern boundary of Location 1097 to the western boundary of Location 3176; thence southerly along that boundary and onwards to a southern side of Empire Avenue; thence generally easterly along sides of that avenue to a point situated 359 degrees 49 minutes from the northeastern corner of portion of Alyth Road, as surveyed and shown coloured blue on Office of Titles<sup>7</sup> Diagram 24854; thence southerly to the prolongation westerly of the northern side of Cromarty Road; thence easterly to and along that side and onwards to a former northeastern side of Pearson Street; thence southeasterly along that former side and southeasterly along a northeastern side of Pearson Place to a southwestern corner of Herdsman Lake Suburban Lot 147; thence generally easterly along southern boundaries of that lot and onwards to a western side of Selby Street; thence northeasterly to and along the southeastern boundary of Lot 149 to a southern side of Flynn Street; thence easterly along that side and onwards to the eastern side of Marlow Street; thence southerly along that side to a northwestern side of Herdsman Parade; thence generally northeasterly along sides of that parade and onwards to the intersection of the western side of Jukes Way with the prolongation westerly of the northern side of Dodd Street; thence easterly to and along that side to the centreline of Harborne Street; thence northerly along that centreline to the prolongation westerly of the centreline of Powis Street; thence easterly to and easterly and generally northeasterly along that centreline and onwards to the centreline of the Perth-Currambine Railway; thence generally southeasterly along that centreline to the centreline of Loftus Street; thence generally southwesterly along that centreline to the prolongation southwesterly of the easternmost southwestern side of Railway Parade; thence northwesterly to and generally westerly along sides of that parade and onwards to a southeastern side of Salvado Road (Road Number 5); thence northwesterly along that side to the prolongation northeasterly of the northernmost northwestern boundary of Reserve 3491; thence southwesterly to and generally southwesterly along boundaries of that reserve to the prolongation southerly of the centreline of Station Street; thence

northerly to and along that centreline and onwards to the centreline of Salvado Road; thence westerly along that centreline to the prolongation northerly of the eastern boundary of the eastern severance of Location 2124; thence southerly to and southerly and westerly along eastern and southern boundaries of that severance and onwards to and along the easternmost southern boundary of a central severance of Location 2124 to a former eastern boundary of the easternmost central severance of Location 2124; thence southerly along that former boundary and onwards to the prolongation easterly of the southern boundary of the westernmost central severance of Location 2124; thence westerly to and along that boundary to the prolongation northerly of the western boundary of Lot 26 of Location 6721, as shown on Office of Titles<sup>7</sup> Plan 7468; thence southerly to and along that boundary to a northeastern corner of Lot 34; thence westerly along the northern boundary of that lot and westerly along a northern boundary of Lot 35 of Locations 2124 and 6721 to the northeastern corner of Lot 36; thence westerly and southerly along northern and western boundaries of that lot to a northern side of Dakin Street; thence westerly along the northern side of that street to the prolongation northerly of the northernmost western side of Northmore Street; thence southerly to and along that side to the northeastern corner of Lot 47 of Locations 2124 and 6721; thence westerly along the northern boundary of that lot and westerly along the northern boundary of Lot 92 and onwards to a western side of Selby Street; thence northerly along that side to the prolongation easterly of the southern side of Alderbury Street; thence westerly to and along that side to the eastern side of Brookdale Street; thence southerly along that side and onwards to a former northern boundary of Location 2103; thence westerly and southerly along former boundaries of that location to a present northwestern corner of Location 2103; thence southerly and westerly along boundaries of that location to an eastern boundary of Location 1911; thence southerly and westerly along boundaries of that location to an eastern boundary of Commonwealth Reserve 196 (Rifle Range); thence northerly and northwesterly along boundaries of that reserve and northwesterly along the southwestern boundary of Location 2301 and onwards to the Low Water Mark of the Indian Ocean and thence generally northerly along that water mark to the starting point.

Area: about 2163 ha.

**Part B**

**Wards in the District of the Town of Cambridge**

**City Beach Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation southwesterly of the southeastern boundary of Herdsman Lake Suburban Lot 149 with the centreline of Selby Street, a point on a present northwestern boundary of the municipality of the Town of Cambridge; thence southerly along that centreline to the centreline of Grantham Street; thence westerly along that centreline to the prolongation northeasterly of the centreline of Seymour Avenue; thence southwesterly to and along that centreline and onwards to the centreline of Lissadell Street; thence southerly along that centreline to the southern side of Alderbury Street; a point on a present southern boundary of the municipality of the Town of Cambridge and thence generally westerly, southerly, again westerly, generally northwesterly, generally northerly, easterly, southerly and generally easterly along boundaries of that town to the starting point.

**Wembley Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation southwesterly of the southeastern boundary of Herdsman Lake Suburban Lot 149 with the centreline of Selby Street, a point on a present northwestern boundary of the municipality of the Town of Cambridge; thence southerly along that centreline to the centreline of Grantham Street; thence westerly along that centreline to the prolongation northeasterly of the centreline of Seymour Avenue; thence southwesterly to and along that centreline and onwards to the centreline of Lissadell Street; thence southerly along that centreline to the southern side of Alderbury Street; a point on a present southern boundary of the municipality of the Town of Cambridge and thence generally easterly, northeasterly, generally northwesterly and generally southwesterly along boundaries of that town to the starting point.

## Schedule 3

[s. 9(1), 11(2)]

### Part A

#### District of the Town of Vincent

All that portion of land bounded by lines starting from the intersection of the prolongation northeasterly of the centreline of Powis Street with the centreline of the Perth-Currabine Railway and extending generally southeasterly along the lastmentioned centreline to the centreline of Loftus Street; thence northeasterly along that centreline to the centreline of Newcastle Street; thence southeasterly along that centreline to the prolongation southwesterly of the centreline of Lindsay Street; thence northeasterly to and along that centreline to its intersection with the prolongation southeasterly of the centreline of Little Parry Street; thence southeasterly along that prolongation to the centreline of Beaufort Street; thence southwesterly along that centreline to the prolongation northwesterly of the centreline of Parry Street; thence southeasterly to and along that centreline to a northeastern side of Lord Street; thence northeasterly along that side to the prolongation westerly of the northern side of the western section of Summers Street; thence easterly to and along that side to the northwestern side of West Parade; thence easterly to the intersection of an eastern side of East Parade with the northern side of the eastern section of Summers Street; thence easterly to and along that side and onwards to the High Water Mark of the right bank of the Swan River; thence generally northerly along that water mark to the southern side of Mitchell Street; thence westerly along that side and onwards to the western side of Stanley Street; thence northerly along that side and onwards to a southeastern side of Guildford Road; thence southwesterly along that side to the northernmost eastern side of East Parade; thence west to the centreline of Guildford Road; thence southwesterly along that centreline and onwards to the prolongation southeasterly of the centreline of Walcott Street; thence northwesterly to and along that centreline and onwards to the centreline of Wanneroo Road; thence southeasterly along that centreline to the prolongation northeasterly of a southeastern side of Green Street; thence southwesterly to and southwesterly and westerly along sides of that street and onwards to the prolongation northerly of the eastern boundary of Perthshire Location Aq; thence southerly to and along that boundary to a former northeastern side of Lake Monger Drive; thence southwesterly to the centreline of Brady Street; thence generally northwesterly along that centreline to the prolongation

**Schedule 3**

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northeasterly of the centreline of Powis Street and thence southwesterly to and generally southwesterly along that centreline to the starting point.

Area: about 1043 ha.

**Part B**

**Wards in the District of the Town of Vincent**

**Mount Hawthorn Ward**

All that portion of land bounded by lines starting from the intersection of the centreline of Walcott Street with the prolongation northeasterly of the centreline of William Street, a point on a present northeastern boundary of the Municipality of the Town of Vincent and extending southwesterly to and generally southwesterly along the lastmentioned centreline to the prolongation easterly of the centreline of Wasley Street; thence westerly to and along that centreline and onwards to the centreline of Fitzgerald Street; thence southerly along that centreline to the prolongation easterly of the centreline of View Street; thence westerly to and along that centreline and onwards to the centreline of Charles Street; thence generally southerly along that centreline to the prolongation easterly of the centreline of Bourke Street; thence westerly to and along that centreline and onwards to the centreline of the Perth-Currabine Railway, a point on a present southwestern boundary of the Municipality of the Town of Vincent and thence generally northwesterly, generally northeasterly, generally southeasterly, generally northerly, generally easterly and southeasterly along boundaries of that town to the starting point.

**North Perth Ward**

All that portion of land bounded by lines starting from the intersection of the centreline of Walcott Street with the prolongation northeasterly of the centreline of William Street, a point on a present northeastern boundary of the Municipality of the Town of Vincent and extending southwesterly to and generally southwesterly along the lastmentioned centreline to the prolongation easterly of the centreline of Wasley Street; thence westerly to and along that centreline and onwards to the centreline of Fitzgerald Street; thence southerly along that centreline to the prolongation easterly of the centreline of View Street; thence westerly to and along that centreline and onwards to the centreline of Charles Street; thence generally southerly along that centreline to the prolongation easterly of the centreline of Bourke Street; thence westerly to and along that centreline and onwards to the centreline of the Perth-Currabine



Railway, a point on a present southwestern boundary of the Municipality of the Town of Vincent and thence generally southeasterly, generally northerly and generally northwesterly along boundaries of that town to the starting point.

## Schedule 4

[s. 9(1), 11(2)]

### Part A

#### District of the Town of Shepperton <sup>2</sup>

All that portion of land bounded by lines starting from the westernmost western corner of Swan Location 34 and extending southeasterly along the original southwestern boundary of that location and southeasterly along the northeastern side of Orrong Road to the northwestern side of Kew Street; thence southwesterly along that side and onwards to a southwestern side of Planet Street; thence northwesterly along that side to the easternmost southeastern side of the southwestern section of Briggs Street; thence southwesterly along that side and generally southwesterly along former southeastern sides of Briggs Street to a northeastern side of Rutland Avenue; thence generally southeasterly along sides of that avenue to the prolongation southwesterly of the northwestern side of Kew Street; thence southwesterly along that prolongation to a northern side of Welshpool Road; thence westerly along that side and onwards to a former southwestern side of Albany Highway; thence generally southeasterly along the former sides of that highway to a southeastern side of Boundary Road; thence southwesterly along that side to the prolongation northwesterly of the northeastern side of Taree Street; thence southeasterly to and along that side to the prolongation northeasterly of the easternmost southeastern side of Reen Street; thence southwesterly to and generally southwesterly and generally westerly along sides of that street and onwards to an eastern side of Hill View Terrace; thence generally southerly along sides of that terrace to the prolongation northeasterly of the northwestern side of Marquis Street; thence southwesterly to and along that side and onwards to a southwestern side of McKay Street; thence northwesterly along that side to the easternmost eastern corner of Canning Location 2601; thence southwesterly along the easternmost southeastern boundary of that location and onwards to the former northern side of Manning Road; thence westerly along that former side to the prolongation southerly of the centreline of Kent Street; thence northerly to and generally northerly along that centreline, as surveyed and shown on Department of Land Administration <sup>7</sup> Original Plan 11177, to the southeastern side of Baron-Hay Court; thence northwesterly along that side and onwards to the southeastern side of George Street; thence northeasterly along that side to the northeastern side of Anketell Street; thence southeasterly along that side and onwards to the northwestern side of the southwestern section of Rathay Street; thence

northeasterly along that side to a southwestern boundary of Swan Location 36; thence northwesterly along that boundary and onwards to and northwesterly along the southwestern side of Ellam Street and again onwards to the High Water Mark of the left bank of the Swan River and thence generally northeasterly, generally northwesterly, generally easterly and generally southeasterly upwards along that watermark to the starting point.

Area: about 1800 ha.

## **Part B**

### **Wards in the District of the Town of Shepperton <sup>2</sup>**

#### **Carlisle Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern side of Welshpool Road with the centreline of Albany Highway, a point on a present southern boundary of the Municipality of the Town of Shepperton and extending generally northwesterly along that centreline and onwards to the High Water Mark of the left bank of the Swan River, a point on a present northwestern boundary of the Municipality of the Town of Shepperton and thence generally northerly, generally southeasterly, southwesterly, northwesterly, generally southwesterly, generally southeasterly, again southwesterly and westerly along boundaries of that town to the starting point.

#### **Victoria Park Ward**

All that portion of land bounded by lines starting from the intersection of the prolongation westerly of the northern side of Welshpool Road with the centreline of Albany Highway, a point on a present southern boundary of the Municipality of the Town of Shepperton and extending generally northwesterly along that centreline and onwards to the High Water Mark of the left bank of the Swan River, a point on a present northwestern boundary of the Municipality of the Town of Shepperton and thence generally southwesterly, generally southerly, easterly, generally northeasterly and again easterly along boundaries of that Town to the starting point.

## Schedule 5

[s. 6(4)]

### Provisions applicable to the Commission

**1. Oath or affirmation of allegiance and office**

Before acting in the office of member of the commission, a member must take the oath or affirmation of allegiance, and must make the declaration, set out in the Fourth Schedule to the principal Act before a justice of the peace.

**2. Application of principal Act, Part IV, Division 2**

- (1) Subject to this clause, Division 2 of Part IV of the principal Act does not apply to or in relation to the members of the commission.
- (2) Section 67 (other than subsection (1)(f)) and section 71 of the principal Act apply to or in relation to members of the commission.
- (3) A person is not disqualified under section 67(1)(d) or (e) of the principal Act from being a member of the commission by reason only that he or she is entitled to remuneration and allowances under clause 3.

**3. Remuneration and allowances**

- (1) A member of the commission is entitled to such remuneration and allowances as the Minister determines from time to time.
- (2) Before division day, the remuneration and allowances are to be paid out of the municipal fund of the City of Perth.
- (3) On and after division day 40% of the remuneration and allowances is to be paid out of the municipal fund of the City of Perth and 20% of them is to be paid out of the municipal fund of each of the new towns.

**4. Meetings of the commission**

- (1) At a meeting of the commission —
  - (a) the chairperson, or in his or her absence the deputy chairperson, is to preside; or

- (b) in the absence of both of those members, a member elected by the members present is to preside.
- (2) At least 3 members of the commission constitute a quorum.
- (3) At a meeting of the commission —
  - (a) each member has one vote;
  - (b) a question is to be determined by a majority of the members present and voting; and
  - (c) if the votes are equal the question is to be taken to have been determined in the negative.
- (4) Section 174(3) of the principal Act does not apply to an interest that a member of the commission has in a question relating to the remuneration or allowances payable under clause 3.

**5. Quarterly report to Minister**

- (1) The commission is to report quarterly to the Minister about the performance of its functions, the first such report to be given to the Minister on or before 31 December 1993.
- (2) The Minister is to cause each report to be laid before each House of Parliament on the next sitting day of that House after the Minister receives it.
- (3) If because a House of Parliament is not sitting, a report can not be laid before that House within 7 days after the Minister receives it, the Minister, within that time, is to —
  - (a) give a copy of the report to the Clerk of that House; and
  - (b) cause the report to be printed and made available to the public.
- (4) A copy of the report given to the Clerk of a House under subsection (3) is to be laid before that House on its next sitting day.

**6. Vacancies**

- The position of a member of the commission becomes vacant if —
- (a) the Governor receives the written resignation of a member;

**Schedule 5**

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- (b) the member is absent, without leave and without reasonable excuse, from 3 consecutive meetings of the commission of which the member has had notice;
- (c) under section 67 of the principal Act (other than section 67(1)(f)) the member is disqualified from being elected or acting as mayor, president or councillor of a municipality; or
- (d) the Governor terminates the member's appointment.

**7. Vacancies may be filled**

If a position of a member of the commission becomes vacant the Governor may appoint a person to fill the vacancy.

*[Schedules 6 and 7 omitted under the Reprints Act 1984 s. 7(4)(e).]*

**Notes**

<sup>1</sup> This is a compilation of the *City of Perth Restructuring Act 1993* and includes the amendments made by the other written laws referred to in the following table.

**Compilation table**

Short title	Number and year	Assent	Commencement
<i>City of Perth Restructuring Act 1993</i>	38 of 1993	20 Dec 1993	s. 8: 18 Oct 1993 (see s. 2(2)); balance other than Pt. 3 and 5: 20 Dec 1993 (see s. 2(1)); Pt. 3 and 5: 1 Jul 1994 (see s. 2(3))
<i>Local Government (Superannuation) Legislation Amendment Act 1994 s. 11</i>	60 of 1994	7 Nov 1994	24 Dec 1994 (see s. 2 and <i>Gazette</i> 23 Dec 1994 p. 7070)
<i>Local Government Amendment (Elections) Act 1994 Pt. 3</i>	70 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 33</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<b>Reprint of the <i>City of Perth Restructuring Act 1993</i> as at 6 Dec 2002</b> (includes amendments listed above)			

<sup>2</sup> The Town of Shepperton has been renamed the Town of Victoria Park.

<sup>3</sup> The reference here to section 12 is to section 12 as it read originally, viz:

“

**12. Elections**

Elections to elect persons to the offices of mayor and of councillor of the City of Perth and of each of the new towns are to be held under the principal Act on election day.

”

<sup>4</sup> Now known as the *Cambridge Endowment Lands Act 1920*.

<sup>5</sup> Repealed by the *Perth Parking Management (Consequential Provisions) Act 1999*.

<sup>6</sup> Repealed by the *Local Government (Superannuation) Legislation Amendment Act 1994*.

<sup>7</sup> Office of Titles and Department of Land Administration plans and diagrams are now being held by the Western Australian Land Information Authority (see the *Land Information Authority Act 2006* s. 100).