

Western Australia

**Local Government (Appeals to Minister)
Regulations 1961**

As at 01 Jul 1996

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Western Australia

Local Government (Appeals to Minister) Regulations 1961

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Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Local Government (Appeals to Minister) Regulations 1961

Department of Local Government,
Perth, 22nd June 1961.

L.G. 58/61.

HIS Excellency the Lieutenant-Governor and Administrator in Executive Council, acting pursuant to the powers conferred by sections 401 and 678 of the *Local Government Act 1960*, and section 11 of the *Interpretation Act 1918*, has been pleased to make the regulations set forth in the schedule hereunder, to have and take effect from and including the 1st day of July 1961.

GEO. S. LINDSAY,
Secretary for Local Government.

1. Regulations

These regulations may be cited as the *Local Government (Appeals to Minister) Regulations 1961*.

2. Interpretation

In these regulations, unless the context requires otherwise —
“**department**” means the government department known as the
Department of Local Government;

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“Minister” means the Minister of the Crown to whom the administration of the Act is for the time being committed by the Governor, and includes any Minister of the Crown for the time being discharging the duties of the office of Minister;

“the Act” means the Local Government (Miscellaneous Provisions) Act 1960.

[Regulation 2 amended by Gazette 24 June 1996 p.2848.]

3. Appeal to Minister

A person referred to in subsection (3) of section 401 of the Act who is desirous of appealing to the Minister as provided by that section shall sign and serve upon the chief executive officer of the department two copies of a notice of appeal in writing in the Form No. 1 in the schedule to these regulations setting forth —

- (a) the matter in respect of which the notice of appeal is given;
- (b) the decision or requisition of the local government appealed against and the date thereof; and
- (c) the grounds upon which the appeal is based, and shall notify the chief executive officer of the department whether or not a hearing will be required in the matter of the appeal.

[Regulation 3 amended by Gazette 24 March 1969 p.987; 24 June 1996 pp.2848-9.]

4. Notice of appeal

The chief executive officer of the department shall deliver the notices of appeal to the Minister who shall cause one copy of the notice to be sent to the CEO of the local government whose decision or requisition is appealed against.

[Regulation 4 amended by Gazette 24 June 1996 p.2849.]

5. Statement of reasons

Within fourteen days of the receipt by him from the Minister of the notice of appeal, the CEO of the local government shall forward to the Minister a statement of the reasons of the local government for the decision or requisition appealed against and any comments of the local government in respect of the appeal.

[Regulation 5 amended by Gazette 24 June 1996 p.2849.]

6. Minister to investigate

The Minister shall investigate the matter of the appeal and, if so required by the appellant, shall hear such evidence as may be brought before him by the appellant or by the local government.

[Regulation 6 amended by Gazette 24 March 1969 p.987; 24 June 1996 p.2849.]

7. Notice of hearing

If any evidence is to be heard, the Minister shall fix a time and place for the hearing and cause not less than fourteen days' notice thereof to be given to the appellant and to the local government.

[Regulation 7 amended by Gazette 24 June 1996 p.2849.]

8. Procedure at hearing

The proceedings at the hearing need not be in accordance with the recognised procedure of a court of law, but shall be as determined by the Minister, who may inform himself of the subject matter of the appeal in such manner as he thinks fit and shall not be bound by the rules of evidence or by the provisions of the *Evidence Act 1906* (as amended), and at the hearing the parties thereto may be represented by counsel.

9. Evidence on oath

All evidence shall be given upon oath, and in relation to witnesses and their examination and the production of

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documents the Minister may exercise and enforce the like powers as by law in force at the time may be exercised or enforced by justices in the course of exercising summary jurisdiction.

10. Appeals under other sections of Act

A person upon whom a right of appeal to the Minister is conferred by a section, other than section 401, of the Act shall commence the appeal in the manner provided under regulation 3 of these regulations in respect of an appeal under section 401, and thereupon the provisions of these regulations, so far as they are applicable and with necessary adaptations, shall apply to the appeal so commenced.

Schedule

Form No. 1

[Reg. 3]

Western Australia

Local Government (Miscellaneous Provisions) Act 1960

NOTICE OF APPEAL

To the Hon. the Minister for Local Government:

I, (a)....., of (b).....
....., in the State of Western
Australia, (c) do in accordance with the provisions of section (d).....
of the *Local (Miscellaneous Provisions) Government Act 1960*, hereby appeal to
you against (e).....
.....of the (f).....
to (g).....

The grounds of my appeal are as follows: —

(h)
.....
.....

In support of my appeal I attach the following: —

(i)
.....
.....

The land concerned in this appeal is (j)
.....
.....

Dated the.....day of....., 19.....
(k).....

Appellant

(a) Full name. (b) Address. (c) Occupation. (d) No. of section. (e) Decision or
requisition of local government. (f) Name of local government. (g) Particulars
of Decision or requisition. (h) Details of grounds of appeal to be specified. (i)
Plans, specifications, letters, notices, or other relevant documents. (j) Full
description of land and where situated. (k) Signature of Appellant.

[Schedule amended by Gazette 24 June 1996 pp.2849-50.]

Notes

- ^{1.} This is a compilation of the *Local Government (Appeals to Minister) Regulations 1961* and includes the amendments referred to in the following Table.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government (Appeals to Minister) Regulations 1961</i>	22 Jun 1961 p. 1879-80 24 Mar 1969 p. 987	
<i>Local Government (Amendment and Repeal) Regulations 1996</i> r. 4	24 Jun 1996 p. 2848-50	1 Jul 1996 (see r. 2)