

Western Australia

## **Local Government Amendment Act 2006**

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As at 08 Dec 2006

No. 66 of 2006

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## Local Government Amendment Act 2006

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Western Australia

## Local Government Amendment Act 2006

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No. 66 of 2006

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**An Act to amend the *Local Government Act 1995*.**

[Assented to 8 December 2006]

The Parliament of Western Australia enacts as follows:

**1. Short title**

This is the *Local Government Amendment Act 2006*.

**2. Commencement**

- (1) Except as stated in subsection (2), this Act comes into operation on the day after the day on which it receives the Royal Assent.
- (2) Section 14 comes into operation on a day fixed by proclamation.

**3. The Act amended**

The amendments in this Act are to the *Local Government Act 1995*\*.

[\* *Reprint 3 as at 5 August 2005.*  
*For subsequent amendments see Western Australian Legislation Information Tables for 2005, Table 1 and Acts Nos. 38 of 2005 and 28 of 2006.*]

**4. Section 2.28 amended**

The Table to section 2.28 is amended in items 1, 2, 4 and 7 by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

**5. Section 2.30 amended**

Section 2.30 is amended by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

**6. Section 4.7 amended**

- (1) Section 4.7(1)(a) and (b) and (2) are amended by deleting “first Saturday in May” and inserting instead —

“ third Saturday in October ”.

- (2) Section 4.7(2) is amended by deleting “another Saturday in May” and inserting instead —

“  
a later Saturday in October, or the first, second or third  
Saturday in November,  
”.

Note: The heading to section 4.7 will be altered by deleting “first Saturday in May” and inserting instead “**third Saturday in October**”.

**7. Section 4.16 amended**

- (1) Section 4.16(2), (3)(a) and (4)(b) are amended by deleting “first Saturday in February” and inserting instead —  
“ third Saturday in July ”.
- (2) Section 4.16(4)(a) is amended by deleting “first Saturday in August in the year before” and inserting instead —  
“ third Saturday in January in ”.

**8. Section 4.17 amended**

- (1) Section 4.17(1) and (2)(b) are amended by deleting “first Saturday in February” and inserting instead —  
“ third Saturday in July ”.
- (2) Section 4.17(2)(a) is amended by deleting “first Saturday in August in the year before” and inserting instead —  
“ third Saturday in January in ”.

**9. Section 4.40 amended**

Section 4.40(3) is amended by deleting “enrolments” and inserting instead —

“  
enrolments (other than persons who will be under  
18 years of age on election day)  
”.

**10. Section 4.41 amended**

Section 4.41(2) is amended by deleting “enrolments,” and inserting instead —

“  
enrolments (other than persons who will be under  
18 years of age on election day)

**11. Section 4.65 amended**

Section 4.65(3) is amended by inserting after “elector” —  
“ , or who is under 18 years of age on election day, ”.

**12. Section 5.76 amended**

Section 5.76(3) is repealed.

**13. Section 9.71 amended**

After section 9.71(5) the following subsection is inserted —

“

- (6) Schedule 9.3 also has effect for the purpose of the transition to —
- (a) this Act as enacted after the coming into operation of an enactment amending it; from
  - (b) this Act as enacted before the coming into operation of that enactment.

”.

**14. Schedule 2.3 amended**

Schedule 2.3 is amended in clause 4(6) by deleting “the procedures set out in”.

**15. Schedule 9.3 amended**

After Schedule 9.3 clause 14 the following clause is inserted in Division 3 —

“

**14A. Transition to October elections**

- (1) In this clause —
- “**amending Act**” means the *Local Government Amendment Act 2006*;
- “**new ordinary election day provisions**” means section 4.7 as amended by section 6 of the amending Act.



- (2) If by operation of —
- (a) item 3, 8, 9 or 10 of the Table to section 2.28; and
  - (b) a determination made by the returning officer under section 4.78 before the coming into operation of section 6 of the amending Act,

the term of office of a councillor would end on the first Saturday in May in a year, that term of office is to end on the third Saturday in October in that year (but note section 2.30).

- (3) Despite section 3.64(e), the establishment agreement for a regional local government may be amended under section 3.65 in consequence of the new ordinary election day provisions even though the amendments result in the current chairman and deputy chairman of the regional local government holding office for terms exceeding 2 years.

”.

