

# Local Government Amendment (Suspension and Dismissal) Bill 2018

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Western Australia

LEGISLATIVE ASSEMBLY

*(As amended during consideration in detail)*

**Local Government Amendment (Suspension and  
Dismissal) Bill 2018**

**A Bill for**

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

The Parliament of Western Australia enacts as follows:

**s. 1**

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1   **1.     Short title**

2           This is the *Local Government Amendment (Suspension and*  
3           *Dismissal) Act 2018*.

4   **2.     Commencement**

5           This Act comes into operation as follows —

6           (a)   sections 1 and 2 — on the day on which this Act  
7           receives the Royal Assent;

8           (b)   the rest of the Act — on the day after that day.

9   **3.     Act amended**

10          This Act amends the *Local Government Act 1995*.

11   **4.     Section 2.22 amended**

12          In section 2.22(1)(c) delete “on indictment”.

13   **5.     Section 2.25 amended**

14          In section 2.25(5)(b)(iiia) delete “section 5.117(1)(a)(iv); or”  
15          and insert:

16

17          section 5.117(1)(a)(iv) or Part 8; or

18

19   **6.     Section 2.32 amended**

20          After section 2.32(da) insert:

21

22                   (db)   is dismissed under section 8.15L or 8.25(2); or

23

1   **7.       Section 2.36 amended**

2       (1)   In section 2.36 delete “If a council is dismissed under  
3       section 8.25” and insert:

4  
5           (1)   If a council is dismissed under section 8.25(1)

6  
7       (2)   At the end of section 2.36 insert:

8  
9           (2)   If a council member is dismissed under section 8.15L  
10           or 8.25(2) the office of the member becomes vacant  
11           from the time when the order dismissing the member  
12           takes effect.

13  
14       Note: The heading to amended section 2.36 is to read:

15           **Vacancies on dismissal of council or council member**

16   **8.       Section 2.37A amended**

17       In section 2.37A(1) delete “or 8.25,” and insert:

18  
19           or 8.25(1),

20  
21   **9.       Section 4.14 amended**

22       In section 4.14 delete “section 8.25” and insert:

23  
24           section 8.25(1)

25

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1     **10.     Section 5.117 amended**

2             In section 5.117(8) delete “section 8.29 applies to the member  
3             as if the council had been suspended.” and insert:

4  
5             section 8.30B applies to the member.  
6

7     **11.     Section 8.14 amended**

8             (1) In section 8.14(1) delete “to the local government concerned.”  
9             and insert:

10  
11                     to —

- 12                             (a) the local government concerned; and  
13                             (b) if the council of the local government is  
14                             suspended — each council member; and  
15                             (c) if a council member is suspended — that  
16                             member.  
17

18             (2) In section 8.14(2) delete “report to the local government” and  
19             insert:

20  
21             report, as required under subsection (1),  
22

23             (3) After section 8.14(3) insert:  
24

25                     (4) A council member who is suspended or who is a  
26                     member of a council that is suspended may, within  
27                     35 days after receiving the report or such longer period  
28                     as the Minister allows, give the Minister written advice  
29                     setting out the member’s comments on the  
30                     recommendations in the report.  
31



1 Note: The heading to amended section 8.14 is to read:

2 **Copies to be given to local government and suspended council**  
3 **members**

4 **12. Section 8.15 amended**

5 In section 8.15(1):

6 (a) in paragraph (a) delete “the local government’s advice;  
7 or” and insert:

8  
9 advice under section 8.14(3) or (4); or

10  
11 (b) in paragraph (b) delete “section 8.14(3)” and insert:

12  
13 section 8.14(3) or (4)

14  
15 **13. Part 8 Division 2A heading replaced**

16 Delete the heading to Part 8 Division 2A and insert:

17  
18 **Division 1A — Intervention by the Minister in**  
19 **certain circumstances**

20 **Subdivision 1 — Council may be suspended or required to**  
21 **undertake remedial action**

22  
23 **14. Section 8.15C amended**

24 In section 8.15C(2)(d) delete “the order.” and insert:

25  
26 the order within the time specified in the order.

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1   **15.     Part 8 Division 1A Subdivisions 2 and 3 inserted**

2           After section 8.15C insert:

3

4                   **Subdivision 2 — Council member may be suspended or**  
5                   **required to undertake remedial action**

6           **8.15D.   Terms used**

7                   In this Subdivision —

8                   ***disqualification offence*** means —

- 9                   (a) a serious local government offence, as defined  
10                   in section 2.22(3); or
- 11                   (b) an offence against a law of this State, the  
12                   Commonwealth, another State or a Territory,  
13                   for which the indictable penalty, as defined in  
14                   section 2.22(3), is —
- 15                         (i) imprisonment for life; or  
16                         (ii) imprisonment for more than 5 years;

17                   ***on which the order is based***, in relation to —

- 18                   (a) a factor — means a factor set out in  
19                   section 8.15E(2) specified in an order in  
20                   accordance with section 8.15E(4)(a); and
- 21                   (b) a type of failure or conduct — means a type of  
22                   failure or conduct set out in section 8.15E(3)(a)  
23                   specified in an order in accordance with  
24                   section 8.15E(4)(b);

25                   ***reinstatement***, of a member, means the reinstatement  
26                   of the member under section 8.15H, 8.24(4B) or 8.30D.

1           **8.15E. Minister may suspend council member or require**  
2           **member to undertake remedial action**

3           (1) If satisfied that it is appropriate to intervene under this  
4           section, the Minister may, by order, do either or both of  
5           the following —

- 6                   (a) suspend a council member;  
7                   (b) require a council member to undertake any  
8                   remedial action specified in the order within the  
9                   time specified in the order.

10          (2) The Minister can only be satisfied that it is appropriate  
11          to intervene under this section if one or more of the  
12          following factors exist —

- 13                   (a) the member has been charged with a  
14                   disqualification offence;  
15                   (b) the Departmental CEO has, under Part 5  
16                   Division 9, made an allegation to the State  
17                   Administrative Tribunal that the member has  
18                   committed a serious breach or a recurrent  
19                   breach, as those terms are defined in  
20                   section 5.102A;  
21                   (c) the circumstances set out in subsection (3) have  
22                   occurred.

23          (3) The circumstances referred to in subsection (2)(c) are  
24          that —

- 25                   (a) the Departmental CEO has advised the Minister  
26                   in writing that the Departmental CEO suspects  
27                   on reasonable grounds that at least one of the  
28                   following apply —  
29                           (i) the member has failed, or is failing, to  
30                           perform the member's role, functions or  
31                           duties under this Act;

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- 1 (ii) the member's conduct has adversely  
2 affected, or is adversely affecting, the  
3 ability of another person to perform  
4 their role, functions or duties under this  
5 Act;
- 6 (iii) the member's conduct has adversely  
7 affected, or is adversely affecting, the  
8 ability of the local government to  
9 comply with the principles that apply to  
10 it under section 5.40;
- 11 and
- 12 (b) the Minister is satisfied that the seriousness or  
13 duration of the suspected failure or conduct  
14 requires intervention under this section.
- 15 (4) An order made under subsection (1) must specify —
- 16 (a) each paragraph of subsection (2) that sets out a  
17 factor on which the order is based; and
- 18 (b) if subsection (2)(c) is a factor on which the  
19 order is based — each subparagraph of  
20 subsection (3)(a) that sets out a type of failure  
21 or conduct about which the Minister has  
22 received advice from the Departmental CEO.
- 23 (5) Before making an order under subsection (1) the  
24 Minister must —
- 25 (a) give to the member written notice of the  
26 proposed order that provides a description of  
27 the facts of —
- 28 (i) each factor on which it is proposed that  
29 the order be based; and
- 30 (ii) if relevant, each type of failure or  
31 conduct on which it is proposed that the  
32 order be based;
- 33 and

- 1 (b) give the member the opportunity to show cause  
2 in writing, within 21 days of receiving the  
3 notice or such longer period as the Minister  
4 allows, as to why the Minister should not make  
5 the proposed order; and  
6 (c) take into consideration the member's response,  
7 if any.

8 **8.15F. Period of suspension: order under section 8.15E**

- 9 (1) An order under section 8.15E(1) suspending a council  
10 member ceases to have effect on whichever of the  
11 following occurs first —  
12 (a) the term of office of the member ends, or the  
13 member's office becomes vacant;  
14 (b) the member is reinstated by the Minister;  
15 (c) if section 8.15E(2)(a) or (b) is a factor on which  
16 the order is based — the matter is resolved as  
17 described in subsection (2);  
18 (d) if section 8.15E(2)(c) is the only factor on  
19 which the order is based — the period of  
20 suspension described in subsection (3) expires.
- 21 (2) A matter is resolved for the purposes of  
22 subsection (1)(c) when —  
23 (a) if section 8.15E(2)(a) is a factor on which the  
24 order is based — one of the following has  
25 occurred in respect of each charge for a  
26 disqualification offence —  
27 (i) the member is convicted of the offence  
28 and any appeal has been determined, or  
29 any period for appeal has expired;  
30 (ii) the member is acquitted of the offence  
31 and any appeal has been determined, or  
32 any period for appeal has expired;

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- 1 (iii) the prosecution for the offence is  
2 discontinued;
- 3 (b) if section 8.15E(2)(b) is a factor on which the  
4 order is based — one of the following has  
5 occurred in respect of each allegation to the  
6 State Administrative Tribunal that the member  
7 has committed a serious breach or a recurrent  
8 breach —
- 9 (i) the Tribunal makes an order described  
10 in section 5.117 and any appeal has  
11 been determined, or any period for  
12 appeal has expired;
- 13 (ii) the Tribunal decides that the member  
14 did not commit the breach and any  
15 appeal has been determined, or any  
16 period for appeal has expired.
- 17 (3) The period of suspension for the purposes of  
18 subsection (1)(d) is —
- 19 (a) the period of not more than 6 months specified  
20 in the order, or if no period is specified in the  
21 order, the period of 6 months from when the  
22 order was made; and
- 23 (b) if the period of suspension has been extended  
24 by an order under section 8.15G(1) (an  
25 *extension order*), the additional period of not  
26 more than 6 months specified in the extension  
27 order, or if no period is specified in the  
28 extension order, the additional period of  
29 6 months.

1           **8.15G. Suspension of certain council members may be**  
2           **extended while inquiry conducted**

- 3           (1) The Minister may, by order, extend the suspension of a  
4           council member who is already suspended by an order  
5           (the *original order*) under section 8.15E(1) if  
6           section 8.15E(2)(c) is the only factor on which the  
7           order is based where —
- 8               (a) an inquiry is being conducted under Division 1  
9               or 2 into any failure or conduct on which the  
10              original order was based; and
- 11              (b) the Departmental CEO has advised the Minister  
12              that, in the CEO's opinion, the original order  
13              suspending the member will cease to have  
14              effect under section 8.15F(1)(d) and (3)(a)  
15              before the inquiry is completed; and
- 16              (c) the Minister is satisfied that each type of failure  
17              or conduct on which the original order was  
18              based still exists.
- 19           (2) For the purposes of this Act, the extended suspension  
20           of a member the subject of an order under  
21           subsection (1) is to be taken to have effect under the  
22           original order.

23           **8.15H. Reinstatement of council member whose suspension**  
24           **was extended under section 8.15G**

25           The Minister must, by order, reinstate a council  
26           member the subject of an order under section 8.15G(1)  
27           if the Departmental CEO advises the Minister in  
28           writing that, taking into account the recommendations  
29           in the report on the outcome of the inquiry, the CEO  
30           considers that it is not appropriate —

- 31               (a) that the member be charged with a serious local  
32               government offence, as defined in  
33               section 2.22(3); or

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- 1 (b) to make an allegation to the State  
2 Administrative Tribunal under section 5.116(2)  
3 that the member has committed a serious  
4 breach.

5 **8.15I. Minister may suspend council member if member**  
6 **fails to undertake remedial action as ordered**

- 7 (1) If the Minister is satisfied that an order by the Minister  
8 under section 8.15C(2)(d) or 8.15E(1)(b), requiring a  
9 member of a council to take remedial action, has not  
10 been complied with according to its terms, the Minister  
11 may, by order, suspend the member.
- 12 (2) Before making an order under subsection (1) the  
13 Minister must —
- 14 (a) give to the member written notice of the  
15 proposed order and provide information, and if  
16 available, evidence as to why the Minister is  
17 satisfied that the order has not been complied  
18 with; and
- 19 (b) give the member the opportunity to show cause  
20 in writing, within 21 days of receiving the  
21 notice or such longer period as the Minister  
22 allows, as to why the Minister should not make  
23 the proposed order; and
- 24 (c) take into consideration the member's response,  
25 if any.
- 26 (3) If a member is already suspended, then an order may  
27 be made under subsection (1) extending the suspension  
28 of the member and, for the purpose of this Act, such an  
29 order is to be taken to be an order suspending the  
30 member made under this section.



1           **8.15J. Council member must inform CEO if charged with**  
2           **disqualification offence**

- 3           (1) A member of a council of a local government who has  
4           been charged with a disqualification offence and does  
5           not advise the CEO of the local government in writing  
6           of the charge without delay commits an offence.
- 7           (2) If a CEO receives a notice under subsection (1), or  
8           becomes aware by other means that a council member  
9           has been charged with a disqualifying offence, the  
10          CEO must, as soon as is practicable, give the  
11          Departmental CEO written notice that the member has  
12          been so charged.

13                   **Subdivision 3 — Council member may be dismissed**

14           **8.15K. Minister may recommend that council member be**  
15           **dismissed**

- 16           (1) If satisfied that it is appropriate to intervene under this  
17           section, the Minister may recommend that the  
18           Governor dismiss a council member.
- 19           (2) The Minister can only be satisfied that it is appropriate  
20           to intervene under this section if the Minister —
- 21                   (a) is of the opinion, based on the advice in writing  
22                   of the Departmental CEO, that either or both of  
23                   the following apply —
- 24                           (i) the member is impeding the ability of  
25                           the local government to perform its  
26                           functions and duties under this Act;
- 27                           (ii) it is in the best interests of the local  
28                           government that the member be  
29                           dismissed;
- 30                           and

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- 1                   (b) is satisfied that the seriousness of the situation  
2                                   for the local government requires intervention  
3                                   under this section.
- 4           (3) Before making a recommendation under subsection (1)  
5           the Minister must —
- 6                   (a) give to the member a report that contains —  
7                                   (i) the proposed recommendation; and  
8                                   (ii) the grounds on which the Minister  
9                                   proposes to make the recommendation;  
10                                  and  
11                   (b) give the member the opportunity to show cause  
12                                   in writing, within 21 days of receiving the  
13                                   report or such longer period as the Minister  
14                                   allows, as to why the Minister should not make  
15                                   the proposed recommendation; and  
16                   (c) take into consideration the member’s response,  
17                                   if any.
- 18           (4) The power conferred on the Minister under  
19           subsection (1) is in addition to, and does not derogate  
20           from, the power conferred on the Minister under  
21           section 8.24(4A) to take action in respect of an Inquiry  
22           Panel’s report under Division 2.

23           **8.15L. Governor may dismiss council member on**  
24           **recommendation of the Minister**

25           The Governor may, by order made on the  
26           recommendation of the Minister under  
27           section 8.15K(1), dismiss a member of a council.

28           **8.15M. Report setting out grounds to be made available to**  
29           **the public**

- 30           (1) On the day an order dismissing a council member  
31           under section 8.15L takes effect, the Minister is to

1 make available to the public in any manner that the  
2 Minister thinks fit a report that contains the grounds on  
3 which the Minister made the recommendation to  
4 dismiss the member under section 8.15K(1).

5 (2) Despite subsection (1), the Minister may withhold the  
6 report, or any part of its contents, to the extent that the  
7 Minister considers that making it available might  
8 prejudice a matter that is likely to come before a court  
9 of law or to be the subject of an allegation to the State  
10 Administrative Tribunal.  
11

12 **16. Section 8.19A inserted**

13 After section 8.19 insert:  
14

15 **8.19A. Suspension of council member while inquiry is held**

16 (1) Before or after appointing an Inquiry Panel to conduct  
17 an inquiry and make a report about a local government,  
18 the Minister may, by order, suspend a member of the  
19 council of the local government if the Minister thinks  
20 that the conduct of the inquiry would be likely to be  
21 seriously prejudiced if the member were not  
22 suspended.

23 (2) If an Inquiry Panel has not been appointed when the  
24 suspension under an order made under this section  
25 takes place the Minister is to appoint one within  
26 6 months after the suspension.

27 (3) Before making an order under subsection (1) the  
28 Minister must —

29 (a) give to the member written notice of the  
30 proposed order and the reasons why the  
31 Minister thinks that the conduct of the inquiry

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- 1                                    would be likely to be seriously prejudiced if the  
2                                    member were not suspended; and
- 3                           (b)   give the member the opportunity to show cause  
4                                    in writing, within 21 days of receiving the  
5                                    notice or such longer period as the Minister  
6                                    allows, as to why the Minister should not make  
7                                    the proposed order; and
- 8                           (c)   take into consideration the member’s response,  
9                                    if any.
- 10                   (4)   If a member is already suspended, then an order may  
11                                    be made under subsection (1) extending the suspension  
12                                    of the member and, for the purpose of this Act, such an  
13                                    order is to be taken to be an order suspending the  
14                                    member made under this section.  
15

16   **17.       Section 8.22 amended**

- 17       (1)   In section 8.22(2):
- 18                   (a)   in paragraph (b) delete “reinstated.” and insert:  
19                                    reinstated; or
- 20                                    reinstated; or
- 21
- 22                   (b)   after paragraph (b) insert:
- 23
- 24                                    (c)   if subsection (2A) applies, that a council  
25                                    member be dismissed; or
- 26                                    (d)   that a council member who has been suspended  
27                                    be reinstated.  
28

1 (2) After section 8.22(2) insert:  
2

3 (2A) The Inquiry Panel can only recommend that a council  
4 member be dismissed if the Inquiry Panel is satisfied,  
5 on reasonable grounds, that —

6 (a) at least one of the following apply —

7 (i) the member has failed, or is failing, to  
8 perform the member's role, functions or  
9 duties under this Act;

10 (ii) the member's conduct has impeded, or  
11 is impeding, the ability of another  
12 person to perform their role, functions  
13 or duties under this Act;

14 (iii) the member's conduct has impeded, or  
15 is impeding, the ability of the local  
16 government to comply with the  
17 principles that apply to it under  
18 section 5.40;

19 and

20 (b) the seriousness or duration of that failure or  
21 conduct make it inappropriate for the member  
22 to continue to be a member of the governing  
23 body of the local government.  
24

25 **18. Section 8.23 amended**

26 (1) Delete section 8.23(1) and insert:  
27

28 (1) If the Minister receives a report from an Inquiry Panel  
29 under section 8.22(3), the Minister is to give a copy of  
30 the report to —

31 (a) the local government concerned; and

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- 1 (b) if the council of the local government is  
2 suspended — each council member; and  
3 (c) if a council member is suspended — that  
4 member.  
5

6 (2) In section 8.23(3) delete “law.” and insert:  
7

8 law or to be the subject of an allegation to the State  
9 Administrative Tribunal.  
10

11 (3) In section 8.23(5) delete “If the council is suspended each  
12 council member” and insert:  
13

14 A council member who is suspended, or who is a member of a  
15 council that is suspended,  
16

17 Note: The heading to amended section 8.23 is to read:

18 **Copies to be given to local government and suspended council**  
19 **members, and made available to public**

20 **19. Section 8.24 amended**

21 (1) In section 8.24(2):

22 (a) in paragraph (a) delete “the advice of the local  
23 government; or” and insert:

24  
25 advice under section 8.23(4) or (5); or  
26

27 (b) in paragraph (b) delete “section 8.23(4)” and insert:

28  
29 section 8.23(4) or (5)  
30

- 1 (2) In section 8.24(4)(b) delete “section 8.28,” and insert:  
2  
3 section 8.28(3),  
4
- 5 (3) After section 8.24(4) insert:  
6
- 7 (4A) If, and only if, the Inquiry Panel has recommended that  
8 a council member be dismissed, the Minister may  
9 recommend that the Governor dismiss the member, but  
10 the Minister does not have to so recommend.
- 11 (4B) If a council member has been suspended the  
12 Minister —
- 13 (a) must, by order, reinstate the member if the  
14 Inquiry Panel has not recommended the  
15 member’s dismissal; and
- 16 (b) may, by order under section 8.30D, reinstate  
17 the member even if the Inquiry Panel has  
18 recommended the member’s dismissal.
- 19 (4C) Subsection (4B)(a) does not apply in respect of a  
20 member the subject of an order under section 8.15G(1)  
21 unless there is also a duty to reinstate the member  
22 under section 8.15H.  
23
- 24 (4) In section 8.24(5):
- 25 (a) delete “any of its council members” and insert:  
26  
27 any member of its council  
28
- 29 (b) delete “the council” and insert:  
30  
31 the council, or the member,  
32

**s. 20**

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1   **20.    Section 8.25 amended**

2       (1) In section 8.25 delete “The Governor” and insert:

3

4           (1) The Governor

5

6       (2) At the end of section 8.25 insert:

7

8           (2) The Governor may, by order made on the  
9                recommendation of the Minister under  
10               section 8.24(4A), dismiss a member of a council.

11

12           Note: The heading to amended section 8.25 is to read:

13                **Dismissal of council or council member by Governor**

14   **21.    Part 8 Division 3 heading amended**

15           In the heading to Part 8 Division 3 after “**councils**” insert:

16

17                **and council members**

18

19   **22.    Part 8 Division 3 Subdivision 1 heading inserted**

20           At the beginning of Part 8 Division 3 insert:

21

22                **Subdivision 1 — Provisions about suspension of councils**

23

24   **23.    Section 8.28 amended**

25       (1) In section 8.28(2)(c) delete “subsection (3),” and insert:

26

27                subsection (3) or section 8.24(4)(a),

28



1 (2) In section 8.28(3) delete “may, if he or she” and insert:

2

3 may by order, if the Minister

4

5 **24. Section 8.29 amended**

6 After section 8.29(4) insert:

7

8 (5) Despite Part 5 Division 8 —

9 (a) while a council member is suspended that  
10 member is not entitled to be paid any fee or  
11 allowance to which they would otherwise be  
12 entitled to be paid under Part 5 Division 8; and

13 (b) if a local government pays an annual allowance  
14 or annual fee under Part 5 Division 8 to the  
15 member in advance then section 5.102AB  
16 applies in respect of that member as if the  
17 member had, during the period of suspension,  
18 ceased to hold the office to which the  
19 allowance or fee relates.  
20

21 **25. Part 8 Division 3 Subdivision 2 inserted**

22 After section 8.30 insert:

23

24 **Subdivision 2 — Provisions about suspension of**  
25 **council members**

26 **8.30A. Period of suspension: orders under sections 8.15I**  
27 **and 8.19A**

28 (1) An order under section 8.15I(1) or 8.19A(1)  
29 suspending a council member has effect for the period,  
30 not exceeding 2 years, specified in the order or, if no

**s. 25**

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- 1 period is so specified, for the period of 2 years from  
2 when the order was made.
- 3 (2) An order under section 8.15I(1) or 8.19A(1)  
4 suspending a council member ceases to have effect on  
5 whichever of the following occurs first —
- 6 (a) the period of suspension expires;  
7 (b) the term of office of the member ends, or the  
8 member's office becomes vacant;  
9 (c) the member is reinstated by the Minister under  
10 section 8.24(4B) or 8.30D.
- 11 **8.30B. Effect of suspension of council member**
- 12 (1) While a council member is suspended, the powers and  
13 duties of the member cannot be performed by the  
14 member.
- 15 (2) The suspension of a council member does not prevent  
16 the term of office of the member from continuing to  
17 run while the member is suspended.
- 18 (3) The suspension of a council member does not affect —
- 19 (a) the application of Part 4 Divisions 3 and 4, in  
20 relation to the member's office; or
- 21 (b) the eligibility of the member to be a candidate  
22 to be elected as a member of a council,  
23 including to fill the office vacated by the  
24 member.
- 25 (4) Despite Part 5 Division 8 —
- 26 (a) while a council member is suspended that  
27 member is not entitled to be paid any fee or  
28 allowance to which they would otherwise be  
29 entitled to be paid under Part 5 Division 8; and  
30 (b) if a local government pays an annual allowance  
31 or annual fee under Part 5 Division 8 to the

1 member in advance then section 5.102AB  
2 applies in respect of that member as if the  
3 member had, during the period of suspension,  
4 ceased to hold the office to which the  
5 allowance or fee relates.

6 **8.30C. Continuing effect of suspension**

- 7 (1) This section applies if —
- 8 (a) an order under Division 1A Subdivision 2 or  
9 section 8.19A(1) suspending a council member  
10 ceases to have effect under section 8.15F(1)(a)  
11 or 8.30A(2)(b) because —
- 12 (i) the term of office of the member ended  
13 under the Table to section 2.28; or
- 14 (ii) the member's office became vacant  
15 under section 2.32(b), (e) or (f),  
16 2.36A(1) or 2.37(1) or (2);
- 17 and
- 18 (b) the suspended council member is elected as a  
19 member of a council, including to fill the office  
20 vacated by the suspended member.
- 21 (2) Despite anything else in this Act —
- 22 (a) an order described in subsection (1)(a) is taken  
23 to continue to have effect in respect of the  
24 suspended council member as if the term of  
25 office of the member had not ended or the  
26 office of the member had not become vacant;  
27 and
- 28 (b) for that purpose, the order is taken to extend to  
29 the member holding office as a member of a  
30 council, as described in subsection (1)(b).

1           **8.30D. Reinstatement of suspended council member**

2                           The Minister may by order, if the Minister thinks fit,  
3                           reinstatement a suspended council member with effect from  
4                           the time specified in the order.  
5

6   **26. Part 8 Division 3 Subdivision 3 heading inserted**

7                           Before section 8.31 insert:  
8

9                           **Subdivision 3 — Provisions about dismissal of councils**  
10

11   **27. Section 8.31 amended**

12                           In section 8.31(1) delete “section 8.25” and insert:  
13

14                           section 8.25(1)  
15

16   **28. Part 8 Division 3 Subdivision 4 inserted**

17                           After section 8.34 insert:  
18

19                           **Subdivision 4 — Provisions about dismissal of**  
20                           **council members**

21           **8.34A. No dismissal of council member except on**  
22                           **recommendation of Minister or Inquiry Panel**

23                           (1) A council member cannot be dismissed otherwise than  
24                           under section 8.15L or 8.25(2).

25                           (2) Subsection (1) does not affect the operation of  
26                           section 2.36A or 2.37.

1  
2  
3  
4  
5  
6  
7  
8  
9

**8.34B. When dismissal of council member takes effect**

An order dismissing a council member has effect from the day specified in the order.

Note:

The note at the beginning of Part 8 is to be altered in paragraph (b) by deleting "*councils; and*" and inserting:  
*councils and members of councils; and*

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