

## City of Perth Bill 2015

### Contents

<b>Part 1 — Preliminary</b>		
1.	Short title	2
2.	Commencement	2
3.	Terms used	2
4.	Objects	3
5.	Relationship with <i>Local Government Act 1995</i>	3
<b>Part 2 — City of Perth</b>		
<b>Division 1 — City of Perth</b>		
6.	City of Perth continued	4
7.	Perth is capital of Western Australia	4
8.	Objects of City of Perth	4
<b>Division 2 — City of Perth Council</b>		
9.	Representation on City of Perth Council	6
10.	Special role of Lord Mayor	6
11.	General roles of Lord Mayor and councillors	7
<b>Division 3 — City of Perth Committee</b>		
12.	City of Perth Committee	8
13.	Functions of Committee	9
14.	Meetings of Committee	10
15.	Committee may regulate own procedure	10
<b>Division 4 — Boundaries of City of Perth</b>		
16.	Existing City of Perth boundaries to continue until 30 June 2016	10
17.	City of Perth boundaries on and after 1 July 2016	11
18.	Boundaries of other local government districts changed	11
<b>Division 5 — Electoral matters</b>		
19.	Election of Lord Mayor	12

Contents

---

20.	Successful enrolment eligibility claim of non-resident occupier does not expire	12
21.	Offence for owner or occupier to fail to notify becoming ineligible as elector	13
	<b>Division 6 — Application of <i>Local Government Act 1995</i></b>	
22.	<i>Local Government Act 1995</i> applies as if things done by section 2.1 order	14
	<b>Part 3 — Miscellaneous, transitional and savings provisions</b>	
	<b>Division 1 — Review of City of Subiaco ward boundaries and councillor numbers</b>	
23.	City of Subiaco may review ward boundaries and councillor numbers	16
	<b>Division 2 — Provisions consequential on repeal of <i>City of Perth Restructuring Act 1993</i></b>	
24.	Preservation of rights of City of Perth superannuation scheme members who became employees of other local governments	17
	<b>Division 3 — Miscellaneous</b>	
25.	Regulations	18
	<b>Division 4 — Transitional and savings provisions</b>	
26.	Transitional regulations	18
	<b>Part 4 — Repeal and amendments to other Acts</b>	
	<b>Division 1 — Repeal</b>	
27.	<i>City of Perth Restructuring Act 1993</i> repealed	21
	<b>Division 2 — <i>Botanic Gardens and Parks Authority Act 1998</i> amended</b>	
28.	Act amended	21
29.	Section 44A inserted	21
	44A. Executive Director, Public Health responsible for public health matters	21
30.	Section 53A inserted	23
	53A. Local laws do not apply to King's Park	23

**Division 3 — *Local Government Act 1960***

**Part VIA amended**

31.	Act amended	23
32.	Section 170B amended	23
33.	Section 170C amended	24

**Division 4 — *Local Government Act 1995*  
amended**

34.	Act amended	24
35.	Section 4.33 amended	24
36.	Section 4.35 amended	24
37.	Schedule 2.1 clause 5 amended	25

**Schedule 1 — Map of City of Perth  
(effective 1 July 2016) (indicative  
only)**

**Defined terms**



Western Australia

LEGISLATIVE ASSEMBLY

## **City of Perth Bill 2015**

**A Bill for**

**An Act to —**

- **continue the City of Perth as a local government district but redefine its boundaries; and**
- **recognise Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that; and**
- **establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth; and**
- **repeal the *City of Perth Restructuring Act 1993*; and**
- **make consequential and other amendments to the *Botanic Gardens and Parks Authority Act 1998*, the *Local Government Act 1960* Part VIA and the *Local Government Act 1995*; and**
- **provide for related matters.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

## **Part 1 — Preliminary**

### **1. Short title**

This is the *City of Perth Act 2015*.

### **2. Commencement**

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

### **3. Terms used**

In this Act —

***Authority*** means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

***City of Perth*** means the body corporate continued by section 6(1);

***City of Perth Council*** means the council of the City of Perth;

***Committee*** means the City of Perth Committee established by section 12(1);

***councillor*** means a person who holds the office of councillor on the City of Perth Council;

***Deposited Plan***, followed by a number, means the deposited plan of that number —

- (a) lodged with the Authority; and
- (b) certified by an authorised land officer (as defined in the *Land Administration Act 1997* section 3(1)); and
- (c) available —
  - (i) in paper form at the Authority’s head office; and
  - (ii) in electronic form on the Authority’s official website;

1            **Lord Mayor** means the Lord Mayor of Perth.

2    **4. Objects**

3            The objects of this Act are —

4            (a) to recognise, promote and enhance —

5                    (i) the special social, economic, cultural,  
6                                environmental and civic role that the City of  
7                                Perth plays because Perth is the capital of  
8                                Western Australia; and

9                    (ii) the important role that the City of Perth plays in  
10                                representing the broader Perth area and the State  
11                                of Western Australia on both a national and  
12                                international level;

13                    and

14            (b) to provide for the constitution of the City of Perth  
15                                Council and recognise the unique role and  
16                                responsibilities of the Lord Mayor of Perth and City of  
17                                Perth councillors; and

18            (c) to establish a City of Perth Committee as a means of  
19                                facilitating collaboration between the State and the City  
20                                of Perth; and

21            (d) to revise the boundaries of the City of Perth.

22    **5. Relationship with *Local Government Act 1995***

23            If a provision of this Act conflicts or is inconsistent with the  
24            *Local Government Act 1995*, this Act prevails to the extent of  
25            the conflict or inconsistency.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29

**Part 2 — City of Perth**

**Division 1 — City of Perth**

**6. City of Perth continued**

- (1) There continues to be a body corporate called the City of Perth.
- (2) The City of Perth is the same body corporate that was continued by the *City of Perth Restructuring Act 1993* section 9(4).
- (3) The City of Perth continues to be a local government district that is a city.

**7. Perth is capital of Western Australia**

Perth is the capital of Western Australia.

**8. Objects of City of Perth**

- (1) The objects of the City of Perth are as follows —
  - (a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors;
  - (b) to represent the community and encourage community participation in decision-making;
  - (c) to provide a safe, clean and aesthetic environment for community members, people who work in the City of Perth, visitors and tourists;
  - (d) to continuously improve the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists;
  - (e) to promote awareness of the facilities and events provided or facilitated by the City of Perth and encourage the community to make use of or participate in them;
  - (f) to initiate and promote the continued growth and environmentally sustainable development of the City of



- 1                      Perth and ensure its continued role as a thriving centre  
2                      of business with vibrant cultural and entertainment  
3                      precincts, while enhancing and protecting its natural  
4                      environment and having due regard to the flow-on  
5                      impact on the Perth metropolitan area;
- 6                      (g) to maintain and strengthen the local, national and  
7                      international reputation of the Perth metropolitan area as  
8                      an innovative, sustainable and vibrant global city that  
9                      attracts and welcomes everyone;
- 10                     (h) to nurture and support the initiatives and innovations of  
11                     the diverse precincts of the City of Perth;
- 12                     (i) to develop and maintain collaborative  
13                     inter-governmental relationships at regional, State,  
14                     national and international levels with a view to  
15                     developing and implementing strategies for the  
16                     continued improvement of the City of Perth;
- 17                     (j) in achieving its objects, to use its best endeavours to  
18                     strike an appropriate balance among the complementary  
19                     and competing civic, economic, social, cultural and  
20                     environmental considerations, including considerations  
21                     relating to visitors and tourists.
- 22                     (2) This section does not —
- 23                     (a) limit the role, functions, powers and obligations of the  
24                     City of Perth or the City of Perth Council under the  
25                     *Local Government Act 1995* or any other written law; or
- 26                     (b) impose on the City of Perth or the City of Perth Council  
27                     any obligation that is enforceable in a court of law; or
- 28                     (c) confer on any person any legal right that is enforceable  
29                     in a court of law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**Division 2 — City of Perth Council**

**9. Representation on City of Perth Council**

The City of Perth Council consists of —

- (a) a mayor, called the Lord Mayor of Perth; and
- (b) 8 councillors.

**10. Special role of Lord Mayor**

(1) The role of the Lord Mayor is as follows —

- (a) to act as an ambassador for the City of Perth in hosting international delegations and attending local, regional, State, national and international civic functions and events;
- (b) to carry out civic and ceremonial duties associated with the office of Lord Mayor;
- (c) to develop and maintain inter-governmental relationships at regional, State, national and international levels, and as part of that to develop and implement strategies and policies that seek to ensure consistency in policies and strategic direction at all levels of government;
- (d) to provide leadership and guidance to the City of Perth Council;
- (e) to preside at meetings in accordance with the *Local Government Act 1995*;
- (f) to speak on behalf of the City of Perth;
- (g) to liaise with the chief executive officer of the City of Perth on the City of Perth’s affairs and the performance of its functions;
- (h) to perform whatever other functions are given to the Lord Mayor by this Act, the *Local Government Act 1995* or any other written law.

- 1       (2) This section does not limit —
- 2               (a) the role, functions, powers, obligations and
- 3               responsibilities of the Lord Mayor under the *Local*
- 4               *Government Act 1995* or any other written law; or
- 5               (b) the application of the *Local Government Act 1995*
- 6               sections 2.9, 5.34 and 5.35 in relation to the
- 7               performance of the functions of the Lord Mayor.

8       **11. General roles of Lord Mayor and councillors**

- 9       (1) In addition to the role set out in section 10, the role of the Lord
- 10       Mayor includes the matters set out in subsection (2)(a) to (j).
- 11       (2) The role of a councillor is as follows —
- 12               (a) to represent the interests of electors, ratepayers and
- 13               residents of the City of Perth;
- 14               (b) to serve the current and future interests of the
- 15               community in the City of Perth;
- 16               (c) to provide leadership and guidance to the community in
- 17               the City of Perth;
- 18               (d) to facilitate communication between the community and
- 19               the City of Perth Council;
- 20               (e) to participate in the City of Perth Council’s
- 21               decision-making processes at council and committee
- 22               meetings;
- 23               (f) to participate in the determination, oversight and regular
- 24               review of the following matters, as required by the *Local*
- 25               *Government Act 1995* or any other written law —
- 26                       (i) the City of Perth Council’s policies, goals,
- 27                       finances, resource allocation, expenditure and
- 28                       corporate strategies;
- 29                       (ii) the efficiency and effectiveness of the City of
- 30                       Perth Council’s service delivery, the
- 31                       performance standards for that service delivery

- 1 and the monitoring of those performance  
2 standards;
- 3 (g) in matters that relate to the unique responsibilities of the  
4 City of Perth that flow from Perth's status as capital of  
5 Western Australia, to seek to ensure that —
- 6 (i) an appropriate balance is struck among  
7 economic, social, cultural and environmental  
8 considerations; and
- 9 (ii) the flow-on effects on the broader metropolitan  
10 area are considered;
- 11 (h) to have due regard to the objects of the City of Perth in  
12 informing the City of Perth Council's work and in the  
13 making of decisions by the Council;
- 14 (i) to participate in achieving a vision for the desired future  
15 of the City of Perth through the formulation of strategic  
16 plans and policies that align with the objects of the City  
17 of Perth;
- 18 (j) to ensure that the City of Perth Council discharges its  
19 responsibilities under this Act, the *Local Government*  
20 *Act 1995* and any other written law;
- 21 (k) to perform whatever other functions are given to a  
22 councillor by this Act, the *Local Government Act 1995*  
23 or any other written law.
- 24 (3) This section does not limit the roles, functions, powers,  
25 obligations and responsibilities of the Lord Mayor or  
26 councillors under the *Local Government Act 1995* or any other  
27 written law.

28 **Division 3 — City of Perth Committee**

29 **12. City of Perth Committee**

- 30 (1) A committee called the City of Perth Committee is established.

- 1       (2) The membership of the Committee is as follows —
- 2           (a) the Premier of the State or a Minister of the Crown
- 3                 nominated by the Premier, who is the Chair of the
- 4                 Committee;
- 5           (b) the Minister to whom the administration of the *Local*
- 6                 *Government Act 1995* is committed by the Governor
- 7                 (the ***Minister for Local Government***);
- 8           (c) the Lord Mayor;
- 9           (d) the Deputy Lord Mayor of Perth;
- 10          (e) the chief executive officer of the City of Perth;
- 11          (f) the chief executive officer of the Department of the
- 12                 Public Service principally assisting the Minister for
- 13                 Local Government in the administration of the *Local*
- 14                 *Government Act 1995*.
- 15       (3) The Premier may invite any Minister of the Crown,
- 16         Parliamentary Secretary or other member of Parliament to
- 17         attend a meeting of the Committee.

18       **13. Functions of Committee**

19         The Committee's functions are as follows —

- 20           (a) to facilitate collaboration between the State and the City
- 21                 of Perth in order to further —
- 22                 (i) the object set out in section 4(a); and
- 23                 (ii) the objects of the City of Perth set out in
- 24                 section 8;
- 25           (b) to identify and promote opportunities and strategies for
- 26                 strengthening the economic, cultural, social, physical
- 27                 and environmental development and growth of the Perth
- 28                 Central Business District and other residential and
- 29                 non-residential areas of the City of Perth;
- 30           (c) to assist in the identification and development of
- 31                 mechanisms that promote greater integration between

- 1 the State's planning and development processes and  
2 those of the City of Perth;
- 3 (d) to identify and promote opportunities to improve,  
4 simplify and streamline the requirements and processes  
5 of the City of Perth with respect to development  
6 applications under the *Planning and Development*  
7 *Act 2005*;
- 8 (e) to develop and promote more efficient and effective  
9 transitioning arrangements for developments that are  
10 undertaken by or on behalf of the State and that are to  
11 become wholly or partly the responsibility of the City of  
12 Perth;
- 13 (f) to identify and develop other opportunities to further —  
14 (i) the object set out in section 4(a); and  
15 (ii) the objects of the City of Perth set out in  
16 section 8;
- 17 (g) to do anything that is incidental to the functions set out  
18 in paragraphs (a) to (f).

19 **14. Meetings of Committee**

- 20 (1) The Committee must meet at least twice each year.  
21 (2) The Premier decides when the Committee is to meet.

22 **15. Committee may regulate own procedure**

23 The Committee may regulate its procedure in whatever manner  
24 it thinks fit.

25 **Division 4 — Boundaries of City of Perth**

26 **16. Existing City of Perth boundaries to continue until**  
27 **30 June 2016**

- 28 (1) Until the end of 30 June 2016, the district of Perth continues to  
29 have the boundaries that it had immediately before this section  
30 comes into operation.

1 (2) However, this section does not prevent the subsequent making  
2 of an order under the *Local Government Act 1995* section 2.1 or  
3 any other order under that Act in relation to the district of Perth  
4 or any other district.

5 (3) Subsection (2) is subject to sections 17 and 22(3).

6 **17. City of Perth boundaries on and after 1 July 2016**

7 (1) On and after 1 July 2016, the district of Perth consists of the  
8 land delineated in red and coloured purple on Deposited  
9 Plan 404450.

10 (2) The map set out in Schedule 1 illustrates the boundaries of the  
11 district of Perth, but is indicative only and subsection (1)  
12 prevails if there is any inconsistency.

13 (3) The inclusion of the area known as King's Park in the district of  
14 Perth by this section does not affect —

15 (a) the status of that area as a Class A reserve under the  
16 *Land Administration Act 1997*; or

17 (b) the application of the *Botanic Gardens and Parks*  
18 *Authority Act 1998* to that area.

19 (4) This section is subject to section 22.

20 **18. Boundaries of other local government districts changed**

21 (1) On 1 July 2016, the boundaries of the City of Nedlands are  
22 changed so that the district consists of the land delineated in red  
23 and coloured purple on Deposited Plan 405530.

24 (2) On 1 July 2016, the boundaries of the City of Subiaco are  
25 changed so that the district consists of the land delineated in red  
26 and coloured purple on Deposited Plan 405529.

27 (3) This section is subject to section 22.

**Division 5 — Electoral matters**

**19. Election of Lord Mayor**

- (1) The Lord Mayor is to be elected by the electors of the district of Perth under the *Local Government Act 1995* Part 4.
- (2) The *Local Government Act 1995* sections 2.11 to 2.14 do not apply to the City of Perth.

**20. Successful enrolment eligibility claim of non-resident occupier does not expire**

- (1) In this section —

*enrolment eligibility claim* means a claim —

- (a) that a person is eligible, under the *Local Government Act 1995* section 4.30(1)(a) and (b), to be enrolled to vote at elections for the City of Perth on the basis of occupation of rateable property within the district of Perth; and
- (b) that is accepted under section 4.32(4) or (8) of that Act.

- (2) Despite the *Local Government Act 1995* section 4.33, an enrolment eligibility claim does not expire under that section.

- (3) This section does not limit the power of the chief executive officer of the City of Perth to make a decision under the *Local Government Act 1995* section 4.35 in relation to the eligibility to enrol of a person who has made an enrolment eligibility claim.

- (4) This section —

- (a) applies in relation to any enrolment eligibility claim, whether made or accepted before or after this section comes into operation; but
- (b) does not apply to an enrolment eligibility claim that has expired before this section comes into operation.



- 1 **21. Offence for owner or occupier to fail to notify becoming**  
2 **ineligible as elector**
- 3 (1) In this section —  
4 ***enrolment eligibility claim*** means a claim —
- 5 (a) that a person is eligible, under the *Local Government*  
6 *Act 1995* section 4.30(1)(a) and (b), to be enrolled to  
7 vote at elections for the City of Perth on the basis of  
8 ownership or occupation of rateable property within the  
9 district of Perth; and
- 10 (b) that is accepted under section 4.32(4) or (8) of that Act.
- 11 (2) This section applies to any person who —
- 12 (a) has made an enrolment eligibility claim; and
- 13 (b) ceases to be eligible, under the *Local Government*  
14 *Act 1995* section 4.30(1)(a) and (b), to be enrolled to  
15 vote at elections for the City of Perth on the basis of the  
16 ownership or occupation of rateable property to which  
17 the claim relates.
- 18 (3) A person to whom this section applies must notify the chief  
19 executive officer of the City of Perth that the person is no longer  
20 eligible under the *Local Government Act 1995*  
21 section 4.30(1)(a) and (b) to be enrolled to vote at elections for  
22 the City of Perth.
- 23 (4) The notification must —
- 24 (a) be given in writing —
- 25 (i) in any of the ways provided for by the  
26 *Interpretation Act 1984* section 75 or 76; or
- 27 (ii) by electronic means of communication;
- 28 and
- 29 (b) be given not later than 3 months after the date on which  
30 the person ceases to be eligible under the *Local*  
31 *Government Act 1995* section 4.30(1)(a) and (b) to be  
32 enrolled to vote at elections for the City of Perth.

- 1 (5) A person to whom this section applies who fails to comply with  
2 subsection (3) in the manner and within the period specified in  
3 subsection (4) commits an offence.  
4 Penalty for an offence under subsection (5): a fine of \$500.
- 5 (6) Subsection (5) —  
6 (a) applies to any person who has made an enrolment  
7 eligibility claim, whether made or accepted before or  
8 after this section comes into operation; but  
9 (b) does not apply to that person if, before this section  
10 comes into operation, the person ceases to be eligible to  
11 be enrolled to vote at elections for the City of Perth on  
12 the basis of the ownership or occupation of rateable  
13 property to which the claim relates.

14 **Division 6 — Application of *Local Government Act 1995***

15 **22. *Local Government Act 1995* applies as if things done by**  
16 **section 2.1 order**

- 17 (1) The following are to be taken for all purposes to have been done  
18 by the Governor by an order under the *Local Government*  
19 *Act 1995* section 2.1 (a ***section 2.1 order***) that comes into  
20 operation when this section comes into operation —  
21 (a) the constitution of the district of Perth by sections 16(1)  
22 and 17(1);  
23 (b) the boundary changes effected by section 18.
- 24 (2) The *Local Government Act 1995* applies accordingly, and in  
25 particular (but without limitation) —  
26 (a) Schedule 2.1 clause 11 of that Act applies in the same  
27 way as it would apply if the constitution and boundary  
28 changes had been done by a section 2.1 order; and  
29 (b) regulations providing for matters to give effect to  
30 section 2.1 orders also apply in that same way; and

- 1 (c) the fact that the constitution and boundary changes are  
2 effected by Act does not prevent —
- 3 (i) the subsequent making of a section 2.1 order or  
4 any other order under the *Local Government*  
5 *Act 1995* in relation to the district of Perth or any  
6 other district; or
- 7 (ii) the performance of any other function under the  
8 *Local Government Act 1995* or any other written  
9 law in relation to the district of Perth or any  
10 district whose boundaries are changed by  
11 section 18.
- 12 (3) However, an order under the *Local Government Act 1995*  
13 cannot —
- 14 (a) abolish the district of Perth; or  
15 (b) divide the district of Perth into wards.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31

**Part 3 — Miscellaneous, transitional and savings provisions**

**Division 1 — Review of City of Subiaco ward boundaries and councillor numbers**

**23. City of Subiaco may review ward boundaries and councillor numbers**

- (1) The object of this section is to enable the City of Subiaco to review its ward boundaries, and the number of offices of councillor for each ward, for the purpose of ensuring that, on 1 July 2016, those things take account of the constitution of the district of Perth by section 17(1) and the boundary changes effected by section 18.
- (2) After this section comes into operation and before 31 March 2016, the City of Subiaco may carry out a review under this section of —
  - (a) its ward boundaries; and
  - (b) the number of offices of councillor for each ward.
- (3) For the purposes of a review carried out under subsection (2) —
  - (a) the *Local Government Act 1995*, with all necessary changes, applies to the review as if, under Schedule 2.2 clause 6(3) of that Act, the Local Government Advisory Board had required the City of Subiaco to carry out the review; and
  - (b) the review is to be carried out as if the constitution of the district of Perth by section 17(1), and the boundary changes effected by section 18, had taken effect when this section comes into operation; and
  - (c) the local public notice of the review given under Schedule 2.2 clause 7 of that Act must —
    - (i) state that the review is being carried out under this section; and

- 1 (ii) state that the review is being carried out as if the  
2 constitution of the district of Perth by  
3 section 17(1), and the boundary changes effected  
4 by section 18, had taken effect when this section  
5 comes into operation; and
- 6 (iii) state that the review is being carried out for the  
7 purpose of ensuring that, on 1 July 2016, the City  
8 of Subiaco's ward boundaries, and the number of  
9 offices of councillor for each ward, take account  
10 of that constitution and those boundary changes;  
11 and
- 12 (iv) contain an explanation of the purpose of the  
13 review (as set out in subparagraph (iii)), and of  
14 the basis on which it is being carried out (as set  
15 out in subparagraph (ii)).
- 16 (4) If the City of Subiaco carries out a review under subsection (2),  
17 it must ensure that the report that the *Local Government*  
18 *Act 1995* Schedule 2.2 clause 9 requires it to make to the Local  
19 Government Advisory Board on completing the review is made  
20 to the Advisory Board no later than 31 March 2016.

21 **Division 2 — Provisions consequential on repeal of *City of Perth***  
22 ***Restructuring Act 1993***

23 **24. Preservation of rights of City of Perth superannuation**  
24 **scheme members who became employees of other local**  
25 **governments**

- 26 (1) In this section —
- 27 ***City of Perth scheme*** means the superannuation scheme  
28 established under the *Local Government Act 1960* section 170C,  
29 as the scheme is amended from time to time;
- 30 ***employee*** and ***employer*** have the meanings given in the  
31 *Superannuation Industry (Supervision) Act 1993*  
32 (Commonwealth) section 10;

1 *industry scheme* has the meaning given in the *Local*  
2 *Government Act 1960* section 170A, as the scheme is amended  
3 from time to time.

4 (2) This section applies to any person who, immediately before  
5 section 27 comes into operation, is a person in respect of whom,  
6 under the *City of Perth Restructuring Act 1993* section 29, a  
7 local government is required to participate in and comply with  
8 the City of Perth scheme.

9 (3) A local government whose employee is a person to whom this  
10 section applies must, in respect of that employee, continue to  
11 participate in and comply with the City of Perth scheme in the  
12 same way and to the same extent as the City of Perth would be  
13 required to do if the person were its employee.

14 (4) Subsection (3) ceases to apply in respect of a local  
15 government's employee if the employee elects to become a  
16 member of the industry scheme.

17 **Division 3 — Miscellaneous**

18 **25. Regulations**

19 The Governor may make regulations prescribing all matters that  
20 are required or permitted by this Act to be prescribed, or are  
21 necessary or convenient to be prescribed for achieving the  
22 objects and giving effect to the purposes of this Act.

23 **Division 4 — Transitional and savings provisions**

24 **26. Transitional regulations**

25 (1) In this section —  
26 *specified* means specified or described in the regulations;  
27 *transitional matter* —

28 (a) means a matter or issue of a transitional nature that  
29 arises as a result of —

30 (i) the enactment of this Act; or

- 
- 1 (ii) the repeal of the *City of Perth Restructuring*  
2 *Act 1993*;
- 3 and
- 4 (b) includes a saving or application matter.
- 5 (2) If there is not sufficient provision in this Act for dealing with a  
6 transitional matter, regulations under this Act may prescribe all  
7 matters that are required or necessary or convenient to be  
8 prescribed for dealing with the matter.
- 9 (3) Regulations made under subsection (2) may provide that  
10 specified provisions of a written law —
- 11 (a) do not apply to or in relation to any matter; or  
12 (b) apply with specified modifications to or in relation to  
13 any matter.
- 14 (4) If regulations made under subsection (2) provide that a specified  
15 state of affairs is taken to have existed, or not to have existed,  
16 on and from a day that is earlier than the day on which the  
17 regulations are published in the *Gazette* but not earlier than the  
18 day this section comes into operation, the regulations have  
19 effect according to their terms.
- 20 (5) If regulations made under subsection (2) contain a provision  
21 referred to in subsection (4), the provision does not operate so  
22 as —
- 23 (a) to affect in a manner prejudicial to any person (other  
24 than the State or an authority of the State) the rights of  
25 that person existing before the day of publication of  
26 those regulations; or
- 27 (b) to impose liabilities on any person (other than the State  
28 or an authority of the State) in respect of anything done  
29 or omitted to be done before the day of publication of  
30 those regulations.
- 31 (6) Regulations made under subsection (2) in relation to a matter  
32 referred to in subsection (3) must be made within whatever

**City of Perth Bill 2015**

**Part 3** Miscellaneous, transitional and savings provisions

**Division 4** Transitional and savings provisions

**s. 26**

---

1 period is reasonably and practicably necessary to deal with a  
2 transitional matter.



1            **Part 4 — Repeal and amendments to other Acts**

2                            **Division 1 — Repeal**

3    **27.      *City of Perth Restructuring Act 1993* repealed**

4                    The *City of Perth Restructuring Act 1993* is repealed.

5                            **Division 2 — *Botanic Gardens and Parks Authority***  
6    ***Act 1998* amended**

7    **28.      Act amended**

8                    This Division amends the *Botanic Gardens and Parks Authority*  
9                    *Act 1998*.

10   **29.      Section 44A inserted**

11                    At the beginning of Part 8 insert:  
12

13                    **44A.      Executive Director, Public Health responsible for**  
14    **public health matters**

15                    (1) In this section —

16    *Executive Director, Public Health* has the meaning  
17    given in the *Health Act 1911* section 3;

18    *public health* means the health of individuals in the  
19    context of —

20    (a) the wider health of the community; and

21    (b) the combination of safeguards, policies and  
22    programmes designed to protect, maintain,  
23    promote and improve the health of individuals  
24    and their communities and to prevent and  
25    reduce the incidence of illness and disability.

**City of Perth Bill 2015**

**Part 4** Repeal and amendments to other Acts

**Division 2** Botanic Gardens and Parks Authority Act 1998 amended

**s. 29**

---

- 1 (2) For the purposes of protecting, promoting and  
2 improving public health in relation to any designated  
3 land, the Executive Director, Public Health has all the  
4 powers and authority of a local government under the  
5 *Local Government Act 1995* as if —
- 6 (a) the designated land were a district for the  
7 purposes of that Act; and
- 8 (b) the Executive Director, Public Health were the  
9 local government for that district.
- 10 (3) The power and authority conferred on the Executive  
11 Director, Public Health by subsection (2) includes the  
12 power to make and enforce local laws under the *Local*  
13 *Government Act 1995*.
- 14 (4) However —
- 15 (a) nothing in the *Local Government Act 1995*  
16 Part 3 Division 2 Subdivision 2 (other than  
17 sections 3.12(5) and (8), 3.14(1) and 3.15)  
18 applies to or in respect of the making of local  
19 laws by the Executive Director, Public Health;  
20 and
- 21 (b) before making local laws, the Executive  
22 Director, Public Health must consult with the  
23 Authority, and consider any advice provided by  
24 the Authority.
- 25 (5) If there is a conflict or inconsistency between a local  
26 law made by the Executive Director, Public Health  
27 under subsection (2) and a local law made by a local  
28 government under the *Local Government Act 1995* or  
29 any other Act, the local law made by the Executive  
30 Director, Public Health prevails to the extent of the  
31 conflict or inconsistency.  
32

1 **30. Section 53A inserted**

2 After section 52 insert:

3

4 **53A. Local laws do not apply to King's Park**

5 (1) No local law applies to or in respect of King's Park.

6 (2) This section does not apply to or in respect of any local  
7 law made by the Executive Director, Public Health  
8 under section 44A(2).

9

10 **Division 3 — Local Government Act 1960 Part VIA amended**

11 **31. Act amended**

12 (1) This Division amends the *Local Government Act 1960* Part VIA  
13 (as continued in operation by the *Local Government Act 1995*  
14 Schedule 9.3 clause 16, and amended by the *Local Government*  
15 *(Amendment of Part VIA - Employee Superannuation)*  
16 *Regulations 2006*).

17 (2) The amendment of the *Local Government Act 1960* Part VIA by  
18 this Division does not prevent that Part from being amended by  
19 regulations made under the *Local Government Act 1995*.

20 **32. Section 170B amended**

21 In section 170B(3) delete “section 29 of the *City of Perth*  
22 *Restructuring Act 1993*,” and insert:

23

24 the *City of Perth Act 2015* section 24,

25

1 **33. Section 170C amended**

2 In section 170C(1) delete “section 29 of the *City of Perth*  
3 *Restructuring Act 1993*,” and insert:

4  
5 the *City of Perth Act 2015* section 24,  
6

7 **Division 4 — *Local Government Act 1995* amended**

8 **34. Act amended**

9 This Division amends the *Local Government Act 1995*.

10 **35. Section 4.33 amended**

11 After section 4.33(3) insert:

12  
13 (4) This section is subject to the *City of Perth Act 2015*  
14 section 20.  
15

16 **36. Section 4.35 amended**

17 After section 4.35(1) insert:

18  
19 (2A) The *City of Perth Act 2015* section 21 makes it an  
20 offence for certain persons who cease to be eligible,  
21 under section 4.30(1)(a) and (b), to be enrolled to vote  
22 at elections for the City of Perth to fail to notify the  
23 CEO of that fact.  
24

1    **37.      Schedule 2.1 clause 5 amended**

2            After Schedule 2.1 clause 5(2) insert:

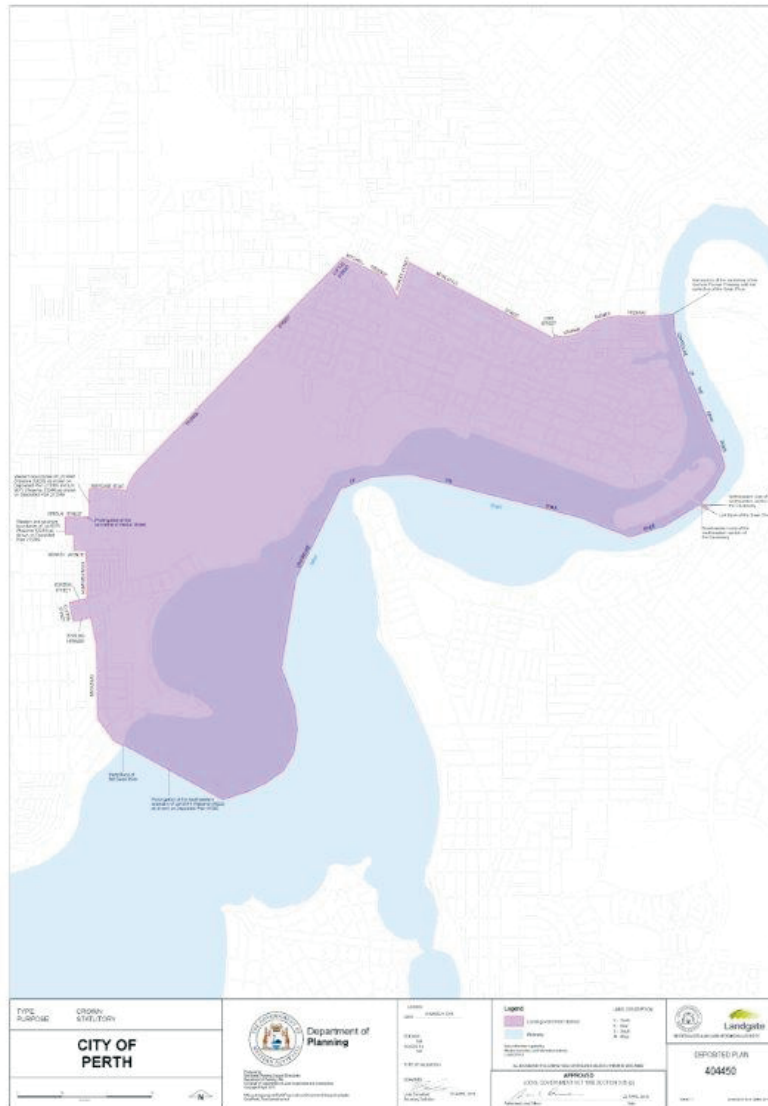
3

- 4            (3)    In carrying out a formal inquiry into a proposal that directly  
5            affects the district of Perth, the Advisory Board is also to  
6            have regard to the special significance of the role and  
7            responsibilities of the City of Perth that flow from Perth  
8            being the capital of Western Australia.

9

1 **Schedule 1 — Map of City of Perth (effective 1 July 2016)**  
2 **(indicative only)**

[s. 17(2)]



4

## Defined terms

*[This is a list of terms defined and the provisions where they are defined.*

*The list is not part of the law.]*

<b>Defined term</b>	<b>Provision(s)</b>
Authority .....	3
City of Perth.....	3
City of Perth Council .....	3
City of Perth scheme .....	25(1)
Committee.....	3
councillor .....	3
Deposited Plan .....	3
employee.....	25(1)
employer .....	25(1)
enrolment eligibility claim.....	21(1), 22(1)
industry scheme .....	25(1)
Lord Mayor .....	3
Minister for Local Government .....	13(2)
section 2.1 order.....	23(1)
specified .....	27(1)
transitional matter .....	27(1)