

CITY OF PERTH BILL 2015

EXPLANATORY MEMORANDUM

OVERVIEW OF THE BILL

The *City of Perth Bill 2015* recognises Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from Perth's status as a capital.

The key provisions:

1. provide for the continuation of the City of Perth and set out the objects of the City of Perth;
2. set out the constitution of the City of Perth Council and specify the roles and responsibilities of the City of Perth Lord Mayor and councillors;
3. establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth, and set out its membership;
4. specify the boundaries of the enlarged City of Perth, including the University of Western Australia, Kings Park, the Queen Elizabeth II Medical Centre and the new Perth Children's Hospital (to take effect on 1 July 2016);
5. provide for the election of the Lord Mayor;
6. set out a change to the duration of enrolment of a non-residential occupier elector and provide for a penalty for failing to inform the City of Perth of a change in non-residential elector enrolment eligibility;
7. sets out transitional provisions necessary including the capacity to make regulations for the purpose of dealing with a transitional matter, and providing the City of Subiaco with the ability to undertake a review of its ward boundaries and councillor numbers prior to the boundary change coming into effect;
8. repeal the *City of Perth Restructuring Act 1993*; and
9. make consequential amendments to other legislation including the *Botanic Gardens and Parks Authority Act 1998*, the *Local Government Act 1960* Part VIA and the *Local Government Act 1995*.

CLAUSE NOTES

Contained below is a brief description of each clause contained in the *City of Perth Bill 2015*.

Part 1 – Preliminary

This part contains the title and the relevant commencement provisions, definitions, objects of the Act and the relationship of the Act to the Crown and the *Local Government Act 1995*.

Clause 1 – Short title

Clause 1 cites the short title of the Act.

Clause 2 - Commencement

Clause 2 provides that Part 1 will commence on the day on which the Act receives Royal Assent. The rest of the Act will commence on the day after the day on which the Act receives Royal Assent.

The boundaries of the City of Perth will, however, continue in their present form until 30 June 2016 when they will change to those indicated by the map in Schedule 1 (and as shown officially on Deposited Plan 404450).

Clause 3 – Terms used

Clause 3 sets out the terms defined in the Act and their definitions.

The terms defined are:

- **Authority** meaning the Western Australian Land Information Authority;
- **City of Perth** meaning the body corporate continued by clause 6(1);
- **City of Perth Council** means the council of the City of Perth;
- **Committee** meaning the City of Perth Committee established by clause 12(1);
- **councillor** meaning a person who holds office on the City of Perth Council;
- **Deposited Plan** means a numbered deposited plan which has been lodged with the Authority, certified by an authorised land officer, and is available in paper and electronic form from the Authority; and
- **Lord Mayor** means the Lord Mayor of Perth.

Clause 4 – Objects

Clause 4 sets out the objects of the Act.

The Act is being introduced to recognise Perth as the capital of Western Australia and the special social, economic, cultural, environmental and civil role the City of Perth plays because of this. It also recognises the special role the City of Perth plays in representing

Perth and Western Australia nationally and internationally. This is set out in Part 2 Division 1.

The Act provides for the constitution of the City of Perth Council and sets out the unique role and responsibilities of the Lord Mayor and councillors. This is set out in Part 2 Division 2 of this Act.

The Act establishes a City of Perth Committee and provides for its membership and functions including facilitating collaboration between the State and the City of Perth. This is set out in Part 2 Division 3.

The Act establishes the boundaries of the City of Perth. This is set out in Part 2 Division 4.

Clause 5 – Relationship with Local Government Act 1995

Clause 5 provides that the City of Perth Act will prevail over the *Local Government Act 1995* to the extent of any conflict or inconsistency between the two Acts.

Part 2 – City of Perth

Division 1 – City of Perth

Clause 6 – City of Perth continued

Clause 6 confirms that the local government district known as the City of Perth, and the associated body corporate, continue to operate. It also recognises its continued status as a city.

Clause 7 – Perth is capital of Western Australia

Clause 7 confirms the status of Perth as the capital of Western Australia.

Clause 8 – Objects of City of Perth

Clause 8 sets out ten objects of the City of Perth. These are:

- (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 Perth and ensure its continued role as a thriving centre of business with vibrant cultural and entertainment precincts, while enhancing and protecting its natural environment and having due regard to the flow-on impact on the Perth metropolitan area;
- (g) to maintain and strengthen the local, national and international reputation of the Perth metropolitan area as an innovative, sustainable and vibrant global city that attracts and welcomes everyone;
- (h) to nurture and support the initiatives and innovations of the diverse precincts of the City of Perth;
- (i) to develop and maintain collaborative inter-governmental relationships at regional, State, national and international levels with a view to developing and implementing strategies for the continued improvement of the City of Perth;
- (j) in achieving its objects, to use its best endeavours to strike an appropriate balance among the complementary and competing civic, economic, social, cultural and environmental considerations including considerations relating to visitors and tourists.

The objects summarise the considerations that should guide the City of Perth in its actions and decision-making. The objects are intended to be aspirational objectives which the City of Perth will strive towards. The objects are not intended to be definitive or all encompassing. The City of Perth Council will interpret the objects and apply them to its decision-making. The Council is not restricted from taking other relevant considerations into account.

Given the unique status of the City of Perth which flows from Perth being the capital of Western Australia, the objectives recognise that the City of Perth should consider the impacts of its actions and decision-making more broadly than just electors of the City of Perth or its residential community. The objectives highlight that those who visit the City of Perth regularly, such as people who work in the City of Perth, interstate or international business travellers, and tourists who holiday in the city, need to be considered when providing services and facilities and when making decisions.

It is acknowledged that in taking action and making decisions, it will not necessarily be possible to satisfy all of the objects listed. While some objects are complementary, there may be tensions between the achievement of others.

As such, the objects are not binding on the City of Perth and do not limit its role, functions, powers or obligations as set out under the *Local Government Act 1995* or other written law. There is no legal right associated with the objects that is enforceable in a court of law against the City of Perth or City of Perth Council.

Division 2 – City of Perth Council

Clause 9 – Representation on City of Perth Council

Clause 9 sets out that the constitution of the City of Perth Council will be eight councillors plus the Lord Mayor of Perth.

The constitution is the same as provided for by the *City of Perth Restructuring Act 1993*, which will be repealed.

This clause recognises that the mayor of Perth has the title of Lord Mayor.

Clause 10 – Special role of the Lord Mayor

Clause 10 sets out the role of the Lord Mayor of Perth. This is:

- (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.

Subclauses (1)(a) to (c) highlight the special role that the Lord Mayor of Perth often has in representing the City of Perth at State, national and international civic functions and events, and in maintaining inter-governmental relationships.

The remaining subclauses are closely aligned with the role of all mayors found in section 2.8 of the *Local Government Act 1995*. They are reiterated in this Act so that the role of the Lord Mayor is set out in one Act as much as is practicable.

The role stated in this Act does not limit the Lord Mayor's role, functions, powers, obligations or responsibilities as set out under the *Local Government Act 1995* or other written law.

The provisions in the *Local Government Act 1995* relating to the appointment of a deputy are specifically made to apply.

Clause 11 – General roles of Lord Mayor and councillors

Clause 11 sets out the role of City of Perth councillors. The roles set out in clause 11(a) to (j) also apply to the Lord Mayor.

The role of a councillor is:

- (a) to represent the interests of electors, ratepayers and residents of the City of Perth;
- (b) to serve the current and future interests of the community in the City of Perth;
- (c) to provide leadership and guidance to the community in the City of Perth;
- (d) to facilitate communication between the community and the City of Perth Council;
- (e) to participate in the City of Perth Council's decision-making processes at council and committee meetings;
- (f) to participate in the determination, oversight and regular review of certain matters required by the *Local Government Act 1995* or any other written law;
- (g) to balance economic, social, cultural and environmental considerations, and consider the flow-on effects on the broader metropolitan area, where a matter relates to the unique responsibilities of the City of Perth flowing from Perth's status as capital of Western Australia;
- (h) to have due regard to the objects of the City of Perth as set out in the Act to inform City of Perth Council's work and decision-making;
- (i) to participate in achieving a vision for the desired future of the City of Perth through the formulation of strategic plans and policies that align with the objects of the City of Perth as set out in this Act;
- (j) to ensure the City of Perth Council discharges its responsibilities under this Act, the *Local Government Act 1995* and any other written law;
- (k) to perform whatever other functions are given to a councillor by this Act, the *Local Government Act 1995* and any other written law.

The role of councillors set out in this clause is closely aligned with the role and responsibilities of councillors set out in the *Local Government Act 1995*. It has been further enhanced to identify that a councillor should have due regard to the objects of the City of Perth as set out in this Act in undertaking his or her role.

The role set out in this clause does not limit the roles, functions, powers, obligations and responsibilities of the Lord Mayor or councillors as may be set out under the *Local Government Act 1995* or any other written law.

Division 3 – City of Perth Committee

Clause 12 – City of Perth Committee

Subsection (1) of this clause creates the City of Perth Committee.

This Committee is an advisory committee only.

Subclause (2) sets out the membership of the Committee to include:

- (a) the Premier of Western Australia, or another Minister as nominated by the Premier, as Chair of the Committee;
- (b) the Minister that administers the *Local Government Act 1995* (the Minister for Local Government);
- (c) the Lord Mayor of the City of Perth;
- (d) the Deputy Lord Mayor of the City of Perth;
- (e) the chief executive officer of the City of Perth; and
- (f) the chief executive officer of the Department which assists the Minister for Local Government in the administration of the *Local Government Act 1995*.

Subclause (2)(a) provides that the Premier or his nominee shall be Chair of the Committee.

Subclause (3) provides that the Premier may invite any Minister of the Crown, Parliamentary Secretary or other member of Parliament to attend a Committee meeting.

If the Committee will be discussing a particular issue related to the portfolio of a Minister not on the Committee, the Premier will be able to invite this Minister to attend Committee meetings and participate in discussions as needed to appropriately canvas the issue. A Member of Parliament may also be invited to attend meetings where they will be able to inform the discussion.

Clause 13 – Functions of Committee

Clause 13 lists the broad functions of the Committee.

The Committee's functions are:

- (a) to facilitate collaboration between the State and the City of Perth to further the objects of this Act and those of the City of Perth as set out in this Act;
- (b) to identify and promote opportunities and strategies for strengthening the economic, cultural, social, physical and environmental development and growth of the Perth Central Business District and other residential and non-residential areas of the City of Perth;
- (c) to assist in the identification and development of mechanisms that promote greater integration between the State's planning and development processes and those of the City of Perth;
- (d) to identify and promote opportunities to improve, simplify and streamline the requirements and processes of the City of Perth with respect to development applications under the *Planning and Development Act 2005*;

- (e) to develop and promote more efficient and effective transitioning arrangements for developments that are undertaken by or on behalf of the State that will become wholly or partly the responsibility of the City of Perth;
- (f) to identify and develop other opportunities to further the objects of the Act and those of the City of Perth as set out in this Act;
- (g) to do anything incidental to the functions set out above.

The Committee is an advisory body with the objective of facilitating collaboration between the State and the City of Perth on issues and projects of interest to both.

The functions have been broadly stated so as not to limit the functions of the Committee.

Clause 14 – Meetings of Committee

Clause 14 provides that the Committee must meet at least twice a year.

The Premier will determine when the Committee meets.

Clause 15 – Committee may regulate own procedure

Clause 15 provides that the Committee may regulate its own procedure as it thinks fit.

Division 4 – Boundaries of City of Perth

Clause 16 – Existing City of Perth boundaries to continue until 30 June 2016

Clause 16 provides that, until the end of 30 June 2016, the City of Perth boundary will stay the same as it is immediately before this Act comes into effect. (Clause 17 establishes new boundaries on 1 July 2016.)

After this date, the boundaries of the City of Perth or any other district may be changed using the normal procedure outlined in the *Local Government Act 1995* through the use of an order under section 2.1 of the *Local Government Act 1995*.

Clause 17 – City of Perth boundaries on and after 1 July 2016

Clause 17 sets out the boundaries of the City of Perth which take effect on and from 1 July 2016.

These boundaries are set out in the indicative map at Schedule 1 and are formally defined on Deposited Plan 404450.

From 1 July 2016, the boundaries of the City of Perth will encompass the current local government district of the City of Perth, plus parts of the local government districts of the City of Nedlands and the City of Subiaco. In particular, The University of Western Australia, Queen Elizabeth II Medical Centre and Perth Children's Hospital will become part of the City of Perth. This will bring this key medical and educational precinct under a single local government.

Kings Park is not currently part of a local government district; it will become part of the City of Perth. The management of Kings Park will continue to be governed by the *Botanic Gardens and Parks Authority Act 1998*. This is further set out in Part 4 Division 2 of this Act. Kings Park's status as a Class A reserve is not affected by this change.

Clause 18 – Boundaries of other local government districts changed

This clause sets out the change in the boundaries of the City of Nedlands and the City of Subiaco which result from the change in boundaries to the City of Perth. The new boundaries are those shown on Deposited Plans 405530 and 405529 respectively.

These changes will come into effect on 1 July 2016.

Division 5 – Electoral Matters

Clause 19 – Election of Lord Mayor

Clause 19 of this Act provides that the Lord Mayor will be directly elected by the electors of the City of Perth.

It also provides that sections 2.11 to 2.14 of the *Local Government Act 1995* do not apply to the City of Perth. Therefore, it will not be possible to change the method of election of the Lord Mayor of the City of Perth using the process provided for by the *Local Government Act 1995*.

This method of election of the Lord Mayor of Perth, and sections 2.11 to 2.14 of the *Local Government Act 1995* not applying to the City of Perth, have the same effect as provisions found in the *City of Perth Restructuring Act 1993*.

Clause 20 – Successful enrolment eligibility claim of a non-resident occupier does not expire

Under the *Local Government Act 1995*, an owner of property who has enrolled to vote is eligible to remain on the electoral roll until the person ceases to own the property that formed the basis for the elector's eligibility to enrol.

An occupier of property who has enrolled to vote is eligible to remain on the electoral roll until six months after the holding of the second ordinary election after the person was placed on the roll. That is, the enrolment eligibility claim of an occupier expires six months after the holding of the second ordinary election held after the person was placed on the roll. If enrolment takes place within 49 days of the election day, the elector will remain on the roll until six months after the third ordinary election following enrolment.

Clause 20 of the Act provides that the **enrolment eligibility claim** of an occupier of property who is eligible to be enrolled to vote in City of Perth elections on the basis of occupation of rateable property, and has applied to be placed on the electoral roll, does not expire due to the effluxion of time.

This clause will apply to all occupiers who are on the electoral roll at the time this clause comes into effect. It also applies to all occupiers who are placed on the electoral roll after this clause comes into effect. It does not apply to an occupier whose enrolment eligibility

claim expires under the general rules of the *Local Government Act 1995* before this clause comes into effect.

If an eligible occupier wants to be on the City of Perth electoral roll, the occupier will need to make an enrolment eligibility claim as outlined in the *Local Government Act 1995*.

Clause 21 – Offence for owner or occupier to fail to notify becoming ineligible as elector

Clause 21 provides that an owner or occupier of rateable property who is enrolled to vote in City of Perth elections on the basis of ownership or occupation of rateable property, must notify the City of Perth if that person ceases to be eligible to be enrolled to vote at elections for the City of Perth.

The notification must be given in writing, which includes notification by email, within three months of the date on which the person ceases to be eligible to vote in City of Perth elections on the basis of ownership or occupation of rateable property.

If an owner or occupier does not inform the City of Perth within the required timeframe, a maximum penalty of \$500 can be imposed.

An owner or occupier who ceases to be eligible to vote in City of Perth elections prior to the date this clause comes into effect will not be subject to this penalty.

Division 6 – Application of *Local Government Act 1995*

Clause 22 – Local Government Act 1995 applies as if things are done by a section 2.1 order

Clause 22 provides that the provisions in the Act which set the City of Perth's boundaries, and the constitution of the City of Perth Council, will be treated as if made by a section 2.1 order.

A section 2.1 order is an order made under section 2.1 of the *Local Government Act 1995*. Section 2.1 provides the Governor with the power to make an order to, relevantly, change the boundaries of a district, amongst other powers.

If a section 2.1 order is made, Clause 11 of Schedule 2.1 of the *Local Government Act 1995* has effect. This provides for transitional arrangements relating to matters affecting the transfer of property, rights and liabilities. For example, it specifies that local governments are to negotiate as to any adjustment or transfer between them of property, rights and liabilities and, to the extent that those matters are not resolved by negotiation, the Governor can, by order, give directions. It also provides an employment guarantee for employees directly affected by the order.

Division 1 of Part 2 of the *Local Government (Constitution) Regulations 1998* will also apply. This provides, among other matters, that the local planning scheme and local laws applying to an area that will become part of the district of the City of Perth will continue to apply until formally amended by the City of Perth. This ensures that people within that area have the opportunity to comment on any proposed changes.

Subclause (2)(c) allows for the subsequent making of a section 2.1 order or any other order in relation to the district of Perth or any other district.

Subclause (3) provides that it is not possible to abolish the local government district of Perth or divide the local government district of Perth into wards through an order under the *Local Government Act 1995*.

Part 3 – Miscellaneous, transitional and savings provisions

Division 1 – Review of City of Subiaco ward boundaries and councillor numbers

Clause 23 – City of Subiaco may review ward boundaries and councillor numbers

Clause 23 enables the City of Subiaco to undertake a review of its ward boundaries and the number of offices of councillor for each ward under schedule 2.2 of the *Local Government Act 1995*. This review may be undertaken prior to the changes coming into effect on 1 July 2016, but will be based on the boundaries which will come into effect on 1 July 2016.

Under the *Local Government Act 1995*, a district can only undertake a review of its ward structure and councillor numbers based on the district's boundaries at the time it undertakes the review. This clause enables the City of Subiaco to undertake the review based on its future boundaries.

This will mean that when the new boundaries come into effect on 1 July 2016, the appropriate ward structure and number of councillors which were determined by the review can be introduced for the City of Subiaco.

Subclauses (2) and (4) provide that the City of Subiaco may undertake the review of its ward boundaries and number of offices of councillor for each ward prior to 31 March 2016. This provides the Local Government Advisory Board with sufficient time to follow the process set out in Schedule 2.2 of the *Local Government Act 1995*.

Subclause (3) has the effect of modifying the application of the *Local Government Act 1995* so the review can be conducted.

Under subclause (3), the City of Subiaco will need to ensure that the local public notices made about the ward and councillor numbers review provide information to inform the public of the purpose of the review and the basis on which it is being carried out. That is, that the review relates to the City of Subiaco's boundaries set out under clause 18 of this Act as if they had already taken effect. These additional actions should assist the community to understand the purpose of the review and therefore provide comments.

Division 2 – Provisions consequential on repeal of *City of Perth Restructuring Act 1993*

Clause 24 – Preservation of rights of City of Perth superannuation scheme members who became employees of other local governments

Section 29 of the *City of Perth Restructuring Act 1993* provides that employees and members of the City of Perth superannuation scheme prior to 1 July 1994, who became employed by another local government district, were entitled to continue to be a part of the City of Perth superannuation scheme.

Clause 24 of this Act provides that the effect of section 29 of the *City of Perth Restructuring Act 1993*, which is to be repealed (see clause 27 below) will continue. That is, people who were employees and members of the City of Perth superannuation scheme prior to 1 July 1994, and who have remained members of the City of Perth superannuation team since that time, may continue to be members of the scheme. It continues the obligation on the local government employer of those members to participate in and comply with the City of Perth scheme, unless the employee elects to become a member of an industry scheme.

This clause preserves the rights of those City of Perth superannuation scheme members who became employees of other local governments but have continued to be part of the City of Perth superannuation scheme.

Division 3 – Miscellaneous

Clause 25 – Regulations

Clause 25 enables regulations which relate to matters under this Act to be prescribed, if it is necessary or convenient to do so to achieve the objects and purposes of the Act.

Division 4 – Transitional and savings provisions

Clause 26 – Transitional regulations

This clause enables regulations to be made in relation to the transitional matters which may arise as a consequence of the enactment of this Act, or the repeal of the *City of Perth Restructuring Act 1993*.

Subclause (3) provides for regulations to be made which specify that a written law does not apply or is modified in relation to any transitional matter resulting from this Act.

Subclause (4) provides that regulations may be made which have effect from earlier than the day the regulation is published in the *Government Gazette*. However, regulations may not come into effect before this clause 26 comes into effect.

Subclause (5), however, provides that a regulation made under clause 26 will not have effect against a person before the day it is published, if the outcome of that regulation having effect before the day it was published would prejudice the rights of that person. Similarly, a regulation will not have effect against a person before the day it is published, if the outcome of that regulation having effect before the day it is published would impose liabilities on any person.

In these circumstances, the regulations will have general effect from the day specified which is earlier than the day the regulation is published in the *Government Gazette*, except against those persons described in subclause (5). The regulation will only come into effect from the date of publication against persons to whom subclause (5) applies.

Subclause (5) does not apply to the State or any authority of the State.

Part 4 – Repeal and amendments to other Act

Division 1 – Repeal

Clause 27 – City of Perth Restructuring Act 1993 repealed

Clause 27 repeals the *City of Perth Restructuring Act 1993*.

Division 2 – Botanic Gardens and Parks Authority Act 1998 amended

Clause 28 – Act amended

Clause 28 provides that the Bill amends the *Botanic Gardens and Parks Authority Act 1998* (the Botanic Gardens Act).

Clause 29 – Section 44A inserted

Clause 29 of the Bill inserts new section 44A into the Botanic Gardens Act. The purpose of this amendment is to allow the Executive Director, Public Health and all persons authorised by him to exercise and perform all or any of the powers and duties of a local government over designated land under the Botanic Gardens Act (Kings Park). To enable this to occur, new section 44A contains five new subsections:

New subsection (1) provides that the meaning of the **Executive Director, Public Health** has the meaning given in the *Health Act 1911* and explains that **public health** means the health of individuals in the context of the wider community and the combination of safeguards, policies and programs to promote and improve the health of individuals and their communities.

New subsection (2) provides that for the purposes of protecting, promoting and improving public health, the Executive Director has all the power and authority of a local government under the *Local Government Act 1995* over the designated land.

New subsection (3) provides that the Executive Director's powers will include the power to make and enforce local laws under the *Local Government Act 1995*.

New subsection (4) provides that prior to the making of a local law, the Executive Director must consult with the Botanic Gardens and Parks Authority and consider any advice provided. When making a local law, the Executive Director is to have it published in the *Government Gazette* and inform the public of the purpose and effect of the local law. This subsection also provides that the local law comes into effect 14 days after being published and that the Executive Director can repeal local laws.

New subsection (5) provides that if there is a conflict or inconsistency between a local law made by the Executive Director and one made by a local government under the *Local Government Act 1995* or any other Act, the local law made by the Executive Director, Public Health will prevail to the extent of the conflict or inconsistency.

Clause 30 – Section 53A inserted

New section 53A provides that local laws do not apply to Kings Park other than a local law made by the Executive Director, Public Health under new section 44A.

This protects the status quo.

Division 3 – Local Government Act 1960 Part VIA amended

Clause 31 – Act amended

Clause 31 sets out that this Division 3 amends the *Local Government Act 1960* as set out in clauses 32 and 33.

Clause 32 – Section 170B amended

Clause 32 amends section 170B of the *Local Government Act 1960* which relates to local government superannuation schemes.

This amendment removes the reference to section 29 of the *City of Perth Restructuring Act 1993* regarding superannuation schemes and replaces it with reference to clause 24 of the *City of Perth Act 2015* described above.

Clause 33 – Section 170C amended

This clause amends section 170C of the *Local Government Act 1960* which relates to local government superannuation schemes.

It removes the reference to section 29 of the *City of Perth Restructuring Act 1993* regarding superannuation schemes and replaces it with reference to clause 24 of the *City of Perth Act 2015* described above.

Division 4 – Local Government Act 1995 amended

Clause 34 – Act amended

Clause 34 sets out that this Division 4 amends the *Local Government Act 1995* as set out in clauses 35 to 37.

Clause 35 – Section 4.33 amended

Clause 35 amends section 4.33 of the *Local Government Act 1995*.

This is a consequential amendment resulting from clause 20 of this Act which provides that an occupier of property who is eligible to be enrolled to vote in City of Perth elections on the basis of occupation of rateable property, and has applied to be placed on the electoral roll, does not expire due to the effluxion of time.

Clause 36 – Section 4.35 amended

Clause 36 amends section 4.35 of the *Local Government Act 1995*.

This is a consequential amendment due to clause 21 of this Act which provides that an owner or occupier of property who is enrolled to vote in City of Perth elections on the basis of ownership or occupation of rateable property, may be subject to a penalty if the owner or occupier does not inform the City of Perth that the owner or occupier ceases to be eligible to be enrolled to vote at elections for the City of Perth.

Clause 37 – Schedule 2.1, clause 5 amended

Clause 37 amends schedule 2.1, clause 5 of the *Local Government Act 1995*.

Schedule 2.1, clause 5 sets out the considerations that the Local Government Advisory Board may have regard to when considering a proposal to change the boundaries of a local government district.

Clause 37 inserts an additional factor that the Board should have regard to when considering proposals which directly affect the City of Perth. This factor is the special significance of the role and responsibilities of the City of Perth that flow from Perth being the capital of Western Australia.

This additional factor aligns the considerations undertaken by the Board with the objects of this Act and the City of Perth. It recognises that the City of Perth has a unique status and role, and that this should be taken into account in the Board's considerations.

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

This schedule contains a map showing the boundaries of the City of Perth created by this Act, which are effective from 1 July 2016.

This map is indicative only and the official boundaries of the City of Perth created by this Act are delineated on Deposited Plan 404450, which can be accessed from the Western Australian Land Information Authority in paper or electronic versions.