



**PARLIAMENT OF WESTERN AUSTRALIA**

**REPORT**

**OF**

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS  
AND STATUTES REVISION**

**IN RELATION TO**

**A PETITION REQUESTING THE LEGISLATIVE COUNCIL TO  
INVESTIGATE WHETHER THE PROPOSED DISSOLUTION  
OF THE CITY OF PERTH CONTRAVENES THE  
CONSTITUTION ACT 1889 OR ANY OTHER ACT OR  
STATUTE**

**Presented by the Hon M D Nixon (Chairman)**

**4**

**DECEMBER 1993**

## **MEMBERS**

Hon M D Nixon MLC (Chairman)  
Hon A J G MacTiernan MLC  
Hon B M Scott MLC

## **STAFF**

Mr J F Edwards, Research/Advisory Officer  
Mr A C Evans, Committee Clerk

## **TERMS OF REFERENCE**

The functions of the Committee are to consider and report on -

- (a) what written laws of the State and spent or obsolete Acts of Parliament might be repealed from time to time;
- (b) what amendments of a technical or drafting nature might be made to the Statute book;
- (c) the form and availability of written laws and their publication;
- (d) any petition;
- (e) any matter of a constitutional or legal nature referred to it by the House.

A petition stands referred to the Committee after presentation.

**STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS  
AND STATUTES REVISION**

**REPORT ON PETITION REQUESTING THE LEGISLATIVE COUNCIL TO INVESTIGATE  
WHETHER THE PROPOSED DISSOLUTION OF THE CITY OF PERTH CONTRAVENES  
THE CONSTITUTION ACT 1889 OR ANY OTHER ACT OR STATUTE**

**Introduction**

The Standing Committee on Constitutional Affairs and Statutes Revision was first appointed on 21 December 1989. Under its terms of reference the Committee is required, inter alia, to consider and report on any petition.

**Petition**

On 11 November 1993, the Honourable Alannah MacTiernan presented a petition (TP #800) from 8 citizens of Western Australia in the following terms:

*" The Petition of the undersigned Councillors of the City of Perth respectfully showeth concern that the City of Perth Restructuring Bill has precluded the Perth City Council from taking legal advice in relation to the proposed dissolution and restructuring of the City of Perth and the Perth City Council.*

*Your Petitioners most humbly pray that the Legislative Council, in Parliament assembled should investigate whether the proposed dissolution of the City of Perth contravenes the Constitution Act WA (1889) or any other act or statute."*

**Action by Committee with respect to the Petition**

Advice received by the Committee was that the City of Perth Restructuring Bill 1993 is consistent with the Constitution Act 1889, ss 52, 53. No other enactment is relevant. The Committee is satisfied that its advice is correct. Accordingly, there is no constitutional or legal impediment to the enactment of the Bill.

**THE HONOURABLE MURRAY NIXON  
CHAIRMAN**