

LOCAL GOVERNMENT AMENDMENT (LOCAL GOVERNMENT ADVISORY BOARD) ACT 1987

No. 29 of 1987

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43zi—Polls in connection with making of proclamations under this Part.

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SCHEDULE 2

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PRINCIPAL ACT



LOCAL GOVERNMENT AMENDMENT (LOCAL
GOVERNMENT ADVISORY BOARD) ACT 1987

—————
No. 29 of 1987
—————

AN ACT to amend the Local Government Act 1962, the Hobart Corporation Act 1963, the Launceston Corporation Act 1963, and the Local Government (City of Launceston Reorganization) Act 1985.

[Royal Assent 8 May 1987]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

1—This Act may be cited as the *Local Government Amendment (Local Government Advisory Board) Act 1987*. Short title.

2—(1) This section, sections 1 and 10, and Schedule 1 shall commence on the day on which this Act receives the Royal assent. Commence-
ment.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be fixed by proclamation.

3—In this Act, the *Local Government Act 1962** is referred to as the Principal Act. Principal Act

* No. 67 of 1962. For this Act, as amended to 1st July 1980, see the continuing Reprint of Statutes. Subsequently amended by Nos. 19, 44, and 59 of 1980, Nos. 48, 77, and 89 of 1981, Nos. 9, 35, 51, 56, 73, 76, 98, and 99 of 1982, Nos. 88 and 91 of 1983, Nos. 29, 46, 52, and 83 of 1984, Nos. 7, 28, 31, 49, 51, 80, 86, 91, and 115 of 1985, and Nos. 28, 30, 88, and 91 of 1986, and affected by No. 30 of 1981.

Insertion in
Principal Act
of new
section 30.

4—Before section 31 of the Principal Act, the following section is inserted in Division 5 of Part II:—

Powers of
Governor
with respect
to towns.

30—(1) Subject to this Division, the Governor may, by proclamation—

- (a) create a town;
- (b) abolish a town;
- (c) alter the boundaries of a town;
- (d) give a name to a town; or
- (e) alter the name of a town.

(2) A proclamation under subsection (1)—

- (a) shall state the date on which it takes effect; and
- (b) may contain such other provisions as the Governor considers necessary, desirable, or expedient.

(3) Where—

- (a) a town is created by proclamation under subsection (1), the boundaries of the town so created; or
- (b) the boundaries of a town are altered by proclamation under that subsection, the boundaries as so altered,

shall be wholly within one municipality.

Insertion in
Principal Act
of new
Part IIA.

5—After section 43 of the Principal Act, the following Part is inserted:—

PART IIA

LOCAL GOVERNMENT ADVISORY BOARD: ESTABLISHMENT,
FUNCTIONS, POWERS, AND PROCEDURES AND INCIDENTAL
MATTERS

Division 1—Preliminary

Interpretation:
Part IIA.

43A—(1) In this Part and in Schedule 1A, unless the contrary intention appears, “ Board ” means the Local Government Advisory Board established by section 43B.

(2) In this Part, unless the contrary intention appears, “ employee of a municipality ” means a person employed in any capacity by a municipality.

Division 2—Establishment of the Board and related matters

43B—(1) There is established by this section a board to be known as the Local Government Advisory Board.

Local
Government
Advisory
Board.

(2) The Board shall consist of 5 members appointed by the Governor—

- (a) one of whom shall be the chairman of the Board;
- (b) one of whom shall be a member or former member of the council of a municipality who is nominated by the Minister from a list of 3 names submitted to him by the Municipal Association of Tasmania;
- (c) one of whom shall be a person who is nominated by the Minister from a list of 3 names submitted to him by the Institute of Municipal Management (Tasmanian Division);
- (d) one of whom shall be a person with experience in local government who is nominated by the Minister; and
- (e) one of whom shall be a person holding an office, or acting in an office, in the Local Government Office who is nominated by the Minister.

(3) Where the Minister, by notice in writing, requests a body referred to in paragraph (b) or (c) of subsection (2) to make a nomination for the purposes of the appropriate paragraph and that body fails to make the nomination within the time specified in the notice (being not less than 3 months), the Minister may nominate a person to be appointed for the purposes of that paragraph.

(4) If a body referred to in paragraph (b) or (c) of subsection (2) changes its name to another name or ceases to exist under the name referred to in the appropriate paragraph, the Governor may, by order, amend that paragraph—

- (a) by substituting for the name of that body that other name; or
- (b) by substituting for the name of that body the name of some other body which he is satisfied represents substantially the same interests as those represented by the first-mentioned body.

(5) Part I of Schedule 1A has effect with respect to the membership of the Board.

(6) Part II of Schedule 1A has effect with respect to meetings of the Board.

**Disclosure
of interests.**

43C—(1) A member of the Board who has an interest in a matter being considered or about to be considered by the Board shall, as soon as possible after the relevant facts have come to his knowledge, disclose the nature of his interest at a meeting of the Board.

(2) A disclosure under subsection (1) shall be recorded in the minutes of the meeting of the Board and the member by whom the disclosure is made shall not, unless the Minister removes his disability as provided in subsection (3)—

(a) take part in any deliberation or decision of the Board with respect to that matter; or

(b) remain in the room where the meeting is being held.

(3) The Minister may, subject to such conditions as he thinks fit, remove the disability of a member of the Board under this section where—

(a) the number of members so disabled at any one time would be great enough to impede the transaction of business by the Board; or

(b) it appears to the Minister that the relevant matter, or the interest of that member in that matter, is of such a nature that his taking part in any deliberation or decision of the Board, with respect to that matter, would not prejudice or unduly influence that deliberation or decision.

(4) Where the Minister does not, pursuant to subsection (3), remove the disability of a member of the Board who has made a disclosure under subsection (1)—

- (a) the Minister may, subject to paragraph (b), appoint another person to act in the office of that member for the purpose of taking part in any deliberation or decision of the Board with respect to the matter to which the disclosure relates;
- (b) a person appointed pursuant to paragraph (a) to act in the office of a member, other than the chairman of the Board, shall be nominated as required by section 43B (2) in relation to the appointment of that member; and
- (c) in the case of the chairman of the Board, another member of the Board elected by the members present at a meeting of the Board shall preside at all meetings of the Board with respect to that matter.

(5) The appointment of a person under subsection (4) is subject to such terms and conditions (including terms and conditions as to the payment of expenses and allowances) as are specified in his instrument of appointment.

(6) For the purposes of this section, a member of the Board has an interest in a matter where he has a pecuniary interest, whether direct or indirect, in that matter or where that matter concerns—

- (a) a council of which he is a member or a municipality of which he is an employee; or
- (b) a municipality in respect of which he is an elector, or entitled to be an elector, by virtue of owning or occupying any land in that municipality.

(7) For the purposes of this section, the provisions of section 123 (3) to (5) apply, with the necessary modifications, in relation to the pecuniary interests of a member of the Board.

43D—(1) The Board—

- (a) shall perform such functions as are imposed on it by this Part; and
- (b) may exercise such powers as are conferred on it by this Part.

**Functions and
powers of
the Board.**

(2) Where the Board holds a hearing or conducts an inquiry for the purposes of this Part or for the purposes of any other enactment, Division 2 of Part II of the *Evidence Act 1910* applies to that hearing or inquiry as if—

- (a) the Board were such a board of inquiry as is referred to in section 14 (1) (b) of that Act; and
- (b) the subject of the hearing or inquiry were the matter into which it was appointed to inquire by its instrument of appointment.

Staffing
assistance
for the Board.

43E—For the purposes of this Part, the Director may make arrangements with the Head of an Agency, within the meaning of the *Tasmanian State Service Act 1984*, for such employees employed in that Agency as may be considered necessary to be made available to the Director in order to enable him—

- (a) to appoint as Secretary of the Board such an employee who is experienced in matters related to local government; and
- (b) to make available to the Board such other staffing assistance as is necessary for the efficient performance by the Board of its functions under this Part,

and any such employee may hold that office or provide assistance to the Board, as the case requires, in conjunction with his position in the State Service.

Protection for
members of the
Board, &c.

43F—Where a member of the Board, the Secretary of the Board, or a person who provides other staffing assistance to the Board pursuant to section 43E does or purports to do, or omits or purports to omit to do, any act or thing in good faith for the purpose or purported purpose of the performance by him of his functions as a member of the Board, or as that Secretary, or for the purpose or purported purpose of providing that assistance, he shall not be personally subject to any action, liability, claim, or demand in respect of that act or omission.

Division 3—Referral of local government matters to the Board

43G—In this Division, unless the contrary intention appears—

Interpretation:
Division 3,
Part IIA.

“excluded dispute” means a dispute of an industrial nature;

“local government matter” or “matter” means any of the following matters:—

- (a) a dispute, except an excluded dispute, between members of the council of a municipality;
- (b) a proposal for the making of a proclamation under this Part;
- (c) the conduct of an inquiry with respect to a matter relating to local government that is requested by 20 per cent or more of the electors of a municipality or part of a municipality;
- (d) such other matters relating to local government, as the Minister determines, except excluded disputes.

43H—(1) The Minister may of his own motion, and shall on an application under subsection (2), refer a local government matter to the Board for investigation and the making of a report to the Minister on the result of the investigation by the Board.

Referral
of local
government
matters to
the Board.

(2) Subject to subsection (5), an application for referral of a local government matter to the Board under subsection (1) may be made to the Minister where the matter relates to a municipality or part of a municipality (whether or not the matter affects any other municipality or part of any other municipality)—

- (a) by the corporation of the municipality; or
- (b) by 20 per cent or more of the electors of the municipality or part of the municipality.

(3) For the purposes of subsection (2) (b), a person is an elector of a part of a municipality if the person is enrolled on an electoral index for the municipality in respect of a place of residence or rateable property within that part of the municipality.

(4) An application under subsection (2)—

- (a) in the case of an application made by the corporation of a municipality, shall be under the common seal of the corporation;
- (b) in the case of any other application, shall be accompanied by a certificate of the clerk of the municipality to which the application relates that the electors by whom the application is made comprise 20 per cent or more of the electors of the municipality or part of the municipality, as the case may be;
- (c) in the case of an application with respect to a part of a municipality, shall contain a plan showing the boundaries of that part; and
- (d) shall set out in general terms the nature and effect of the local government matter to which it relates.

(5) Where the Board has made a report to the Minister on a local government matter contained in an application under subsection (2), another local government matter that is the same as, or substantially similar to, the first-mentioned matter shall not be the subject of an application under that subsection within the period of 3 years commencing on the date on which the first-mentioned application was made.

Publication
of substance
of local
government
matter, &c.

43I—(1) On the referral of a local government matter to the Board pursuant to section 43H (1), the Board shall, unless it is satisfied that the matter is of a minor nature only, cause a notice to be published in a daily newspaper circulating in the municipality to which the matter relates, or, if the matter relates to more than one municipality, circulating in each of those municipalities, being a notice—

- (a) setting out the substance of the matter; and
- (b) inviting interested persons to make submissions in writing to the Board on the matter within one month after the date of the publication of the notice or such longer period as may be specified in the notice.

(2) Where a notice has been published under subsection (1) in relation to a local government matter, the Board shall, after the expiration of the period specified for the making of submissions to the Board on the matter, hold a hearing in relation to the matter.

(3) A hearing pursuant to subsection (2) may, as determined by the Board, be held in public or in private or partly in public and partly in private.

(4) The Board may, whether or not it holds a hearing pursuant to subsection (2) in relation to a local government matter, make such requests for information about the matter as it thinks expedient.

43J—(1) After the completion of its investigations in relation to a local government matter, the Board shall report to the Minister on the matter, and on any evidence and submissions received by the Board in relation to the matter, and may recommend to the Minister how the matter should be dealt with and, if the matter relates to the carrying out of a proposal—

Report by the Board on local government matter.

- (a) that the proposal be carried out;
- (b) that some alternative proposal be carried out; or
- (c) that the proposal should not be carried out.

(2) Where a notice has been published under section 43I (1) in respect of a local government matter that relates to the carrying out of an original proposal, the Board shall not recommend an alternative proposal under subsection (1) (b) unless—

- (a) a fresh notice has been published under section 43I (1) in relation to the alternative proposal and a hearing has been held under section 43I (2) in relation to that proposal; or
- (b) the Board is satisfied—
 - (i) that those persons who may be affected by the alternative proposal have had an opportunity to consider that proposal and to make submissions to the Board in relation to that proposal; or

(ii) that the alternative proposal differs from the original proposal in minor respects only.

Board to act as expeditiously as possible.

43K—The Board shall, in the performance of its functions under this Division, act as expeditiously as possible.

Division 4—Provisions as to making of proclamations

Restrictions on the making of proclamations under this Part.

43L—A proclamation shall not be made under this Part, except—

- (a) upon the recommendation of the Board; and
- (b) in the case of a proclamation changing the name of a municipal district or of a ward of a municipal district—upon the recommendation of the corporation of that municipal district.

Authority for one proclamation to be used in respect of separate provisions.

43M—Matters for which provision may be made in proclamations under separate provisions of this Part may, if the Governor thinks fit, be provided for in the same proclamation.

Division 5—Creation, unification, and abolition of municipal districts

Creation of municipal districts.

43N—(1) Subject to subsection (2), the Governor may, by proclamation, create a municipal district.

(2) A city shall not be created by proclamation under subsection (1), but shall be declared by proclamation under section 43T (1).

Unification of municipal districts.

43O—(1) The Governor may, by proclamation, unify 2 or more municipal districts.

(2) In subsection (1), “municipal districts” includes parts of municipal districts.

(3) A unification provided for in a proclamation under subsection (1) may, according to the terms of the proclamation, result in the formation of a single municipal district or of 2 or more municipal districts (being a lesser number than the number of municipal districts before unification).

(4) A proclamation under subsection (1) shall—

- (a) define the municipal district, or each municipal district, to be formed by the unification to which it relates;

- (b) assign a name to the municipal district, or each of the municipal districts, to be formed by that unification;
- (c) determine whether the municipal district to be formed by that unification or any such municipal district is to be divided into wards;
- (d) in the case of a division referred to in paragraph (c), determine the boundaries and name of each ward;
- (e) provide, if the municipal district, or any of the municipal districts, to be formed by the unification is a city—
 - (i) that the council of that city shall consist of the mayor and aldermen;
 - (ii) that the mayor—
 - (A) shall be elected by the council like a warden or at a municipal election;
 - (B) may be required to be an alderman and to have served a certain term in that office; and
 - (C) shall have a deputy mayor elected in the same way as the mayor; and
 - (iii) that the aldermen shall be—
 - (A) of the number provided in the proclamation;
 - (B) where the city is divided into wards, elected for, and by the electors of, the several wards; and
 - (C) elected for a term of not more than 6 years each and so that the terms of an equal number of them end every year or every second or third year as provided in the proclamation;

- (f) determine, subject to section 46, if the municipal district, or any of the municipal districts, to be formed by the unification is not a city, the number of councillors—
- (i) for that municipal district; or
 - (ii) for each of the wards of that district, as the case requires; and
- (g) appoint, or make provision for the election of, the first members of the council to be formed by the unification or of each of the councils to be so formed.

Abolition
of municipal
districts.

43P—The Governor may, by proclamation, abolish a municipal district.

Division 6—Names

Change of
names of
municipal
districts.

43Q—Subject to section 43L (b), the Governor may, by proclamation, change the name of a municipal district.

Names of
wards.

43R—(1) A name may be assigned to a ward—

- (a) by the proclamation under which the ward is established; or
- (b) by special resolution of the council.

(2) The Governor may, by proclamation, change the name of a ward to which a name has been assigned as provided in subsection (1) (a).

(3) The council may, by special resolution, change the name of a ward to which a name has been assigned as provided in subsection (1) (b).

Division 7—Cities

Interpretation:
Division 7,
Part II A.

43S—In this Division, “municipal area” means the whole or part of a municipality that is not a city.

Power to
declare cities.

43T—(1) Subject to subsection (2), the Governor may, by proclamation—

- (a) declare a municipal area to be a city;

(b) incorporate the electors of that area; and

(c) provide for the matters referred to in section 43o
(4) (e) (ii) and (iii).

(2) A proclamation shall not be made under subsection (1) in relation to a municipal area, unless—

(a) the Government Statistician has given a certificate that that area has had, within a period of 5 years ending not less than 12 months before the certificate is given, an average population of not less than 20 000 people; and

(b) the corporation has requested the Minister that the proclamation be made.

(3) A request under subsection (2) (b)—

(a) may be made to the Minister by the corporation of its own motion; and

(b) shall be made by the corporation to the Minister if the corporation is so requested by a poll of electors held as a consequence of a petition by at least 500 electors resident in the municipal area on the question of whether the municipal area to which the request relates should become a city.

(4) If, as a result of its inquiries into a request under subsection (2) (b), the Board recommends to the Minister that the boundaries of the municipal area to which the request relates be amended, the Minister may advise the corporation of the Board's recommendation whereupon the corporation may request the Minister that the proposal not be proceeded with further.

43U—(1) Where the Governor issues a proclamation under section 43T (1) declaring a municipal area to be a city (with or without any adjoining area), he may, by the proclamation—

Powers of
Governor on
declaration
of cities.

(a) extend to the city and the persons incorporated by the proclamation the provisions of this Act relating to cities to the exclusion of any provisions of this Act formerly applicable to the municipal area and the persons in it and not relating to cities;

- (b) provide for the constitution of the city, including—
 - (i) the term of office of the mayor and deputy mayor; and
 - (ii) the number and boundaries of the wards (if any); and
- (c) fix such dates, times, and places and nominate such persons to perform such functions and make such other temporary modifications in this or any other public general Act applying to cities as appear to him to be necessary or proper for making the Act applicable to the city.

(2) The dates, times, and places fixed by a proclamation under section 43T (1) and the persons appointed by the proclamation to perform any functions shall, in relation to the city named in the proclamation, be substituted for the dates, times, places, and persons mentioned in any enactment (including any enactment in this Act) to which the proclamation is made applicable, and the persons so appointed have the same functions, and are subject to the same penalties, as the persons mentioned in the enactment.

(3) Subject to the provisions of a proclamation declaring a city under section 43T (1), all public general Acts applying to cities—

- (a) apply to that city when the proclamation takes effect; and
- (b) apply to the first mayor and aldermen, or any of them, named in the proclamation as if they were elected under this Act or, if those persons are not so named, apply to them on their first election.

(4) Where the Governor issues a proclamation under section 43T (1) declaring a city, the Governor may, after the issue of that proclamation—

- (a) by proclamation, make provision for—
 - (i) what should become of the remainder of the municipality, if any, not included in the city; and
 - (ii) the changes, if any, that should be made in the boundaries of any other municipalities or wards or any towns; and

- (b) issue such other proclamations as he considers proper for the adjustment of the rights of a municipal corporation affected by the creation of the city, including the city so created, and of all persons having dealings with any such corporation.

(5) The Governor shall, in such manner as he thinks fit, give notice of his intention to issue a proclamation under subsection (4) so as to allow all persons intended to be affected by the proposed proclamation an opportunity to petition against it.

(6) A proclamation under subsection (4) in relation to a city—

- (a) may divest and revest all kinds of property;
- (b) may substitute new trustees for existing trustees;
- (c) may create rights in substitution for, but different from, rights destroyed by or in consequence of the creation of the city;
- (d) may dispense from compliance with, or vary the operation of, any enactment relating to local government; and
- (e) may cause the employment of employees of a municipality transferred to the city or another municipality to be deemed to be continuous, notwithstanding the transfer or a break in employment consequential on the creation of the city.

43v—(1) The Governor may, by proclamation, amend a charter creating a city granted in pursuance of the Royal prerogative and section 19 as in force before the day fixed by proclamation under section 2 (2) of the *Local Government Amendment (Local Government Advisory Board) Act 1987*.

Power of Governor to amend charters and orders-in-council with respect to cities.

(2) A charter referred to in subsection (1) shall not be amended except as provided by that subsection.

(3) The Governor may, by order-in-council, amend an order-in-council relating to a city referred to in subsection (1) and made under section 20 as in force before the day fixed by proclamation under section 2 (2) of the *Local Government Amendment (Local Government Advisory Board) Act 1987*.

Division 8—Alteration of the composition of councils

Powers in
respect of
members of
councils.

43w—The Governor may, by proclamation—

- (a) in the case of a municipality divided into wards, specify, subject to section 46, the number of councillors or aldermen for each of those wards; or
- (b) in the case of any other municipality, specify the number of councillors or aldermen for that municipality.

Division 9—Alteration of boundaries of municipalities

Powers in
respect of
alteration of
municipal
boundaries.

43x—(1) The Governor may, by proclamation, alter the boundaries of a municipality.

(2) The Governor may, by proclamation under subsection (1) or by a subsequent proclamation under that subsection, where the alteration of the boundaries of 2 or more municipalities affects 2 or more municipal corporations—

- (a) make, or make provision for, an adjustment of rights and liabilities as between those municipal corporations;
- (b) make any special provision that may be necessary or desirable in relation to the by-laws that are to apply in parts of the areas affected by the alteration of those boundaries; and
- (c) make any other provision that may be necessary or desirable in view of the alteration of those boundaries.

Division 10—Formation, alteration, or abolition of wards

Powers in
respect of
division of
municipalities,
&c.

43y—The Governor may, by proclamation—

- (a) divide a municipality into wards;
- (b) make any alteration to the division of a municipality into wards, including, where land is added to a municipality as a result of the alteration of its boundaries—
 - (i) the constitution of the additional land, or part of it, as an additional ward or wards; or

- (ii) the incorporation of the additional land, or part of it, within an existing ward or existing wards; and
- (c) abolish the division of a municipality into wards.

Division 11—Consequences of alterations made pursuant to this Part

43z—In addition to exercising any other power conferred on him by this Part, the Governor may, by proclamation—

Membership
of councils
and elections.

- (a) continue in office all or any number of the members of a council for such time as he deems expedient, and may do so, notwithstanding any alteration in the boundaries of the municipality or any of its wards, or in the subdivision of the municipality, any resubdivision of a municipality, or any abolition of wards;
- (b) direct and declare that all or any number of the members of a council shall go out of office on a specified date or on the happening of a specified event and, if not all those members are to go out, may specify the manner of determining them or may name them, and those members shall go out of office accordingly;
- (c) make temporary appointments of members of a council;
- (d) direct municipal elections to be held for the return of all the members or of one or more of its members and whether to represent an unsubdivided municipality or all the wards or any ward of a municipality;
- (e) direct and empower the Minister to determine the date and place for any election and to make such provisions as the Minister may consider desirable to enable the election to be carried out, including the appointment of officers; and
- (f) provide for any other matter or thing that he considers necessary or desirable in the circumstances.

When certain
changes are
to take effect.

43ZA—Except as otherwise provided by the relevant proclamation, where any changes arising out of the exercise by the Governor of any of the powers conferred on him by this Part include a change requiring the holding of a municipal election, those changes, except that requiring the holding of the election, do not take effect until the day immediately following that on which the certificate of the result of the election is given under section 105.

Expenses
where new
municipality
constituted
or election
ordered.

43ZB—(1) Where, as the result of a proclamation under this Part, a new municipal district is constituted, all expenses of and incidental to the constitution of that district and the first election of members of its council, or of an election held by order of the Governor, shall be paid out of the municipal fund of the municipal corporation having jurisdiction over that district.

(2) Where, as the result of a proclamation under this Part, 2 or more new municipal districts are constituted, all expenses of and incidental to the constitution of those districts and the first elections of members of their councils, or of elections held by order of the Governor, shall be paid out of the municipal funds of the municipal corporations having jurisdiction over those districts, the proportion of those expenses to be paid out of each of those municipal funds being such proportion as is fixed by the Governor by proclamation under this subsection.

(3) In fixing the proportion of expenses to be paid by a municipal corporation pursuant to subsection (2), the Governor shall have regard to the amount of revenue that it is estimated will be received by the corporation during the financial year immediately following its incorporation.

Rights and
liabilities.

43ZC—(1) Where—

- (a) a municipal district is abolished and the whole of the municipal district is included in another municipal district; or
- (b) 2 or more municipal districts are abolished and the whole of them are constituted as one municipal district,

all the property, rights, powers, functions, and liabilities of the municipal corporation or corporations having jurisdiction over the abolished municipal district or districts devolve on the municipal corporation having jurisdiction over the other municipal district or the one municipal district, as the result of the abolition, but subject to the same trusts and purposes, or as near to them as the circumstances allow, in respect of any property held on a trust or for a special purpose.

(2) Where—

- (a) a municipal district is divided into 2 or more municipal districts;
- (b) an area is severed from one municipal district and included in another municipal district;
- (c) an area is severed from one municipal district and is constituted as a separate municipal district;
- (d) a municipal district is constituted by the union of portions of 2 or more municipal districts; or
- (e) the boundaries of municipal districts are altered,

the Governor may, by proclamation, declare the respective rights of the municipal corporations affected by the division, severance, constitution, or alteration and apportion the liabilities of those municipal corporations between them as the Governor thinks fit.

(3) Where, in a case to which subsection (1) or (2) applies, the Crown has made a loan to any of the municipal corporations concerned, the Governor shall, by proclamation—

- (a) declare and apportion the liabilities of the respective municipal corporations in respect of the loan; and
- (b) declare on what areas of the municipal district any part of the loan is chargeable, as between the several areas of the municipal district, but so that the whole of the loan is chargeable to the whole of the municipal district, as between the municipal corporation and the Crown.

(4) The Governor may, by proclamation—

- (a) apportion, settle, or adjust any property, income, contracts, debts, powers, functions, liabilities, or expenses that he considers ought to be appor-

tioned, settled, or adjusted in consequence of the operation of this Part or of the exercise by him of any of the powers conferred on him by this Part;

- (b) declare that the municipal corporation having jurisdiction over an abolished municipal district or abolished area of a municipal district may levy a special rate within the abolished municipality or area for such periods and for such amounts as the Governor thinks fit, in liquidation of any liability that that municipal corporation may assume or be charged with under this section;
- (c) make such arrangements as the Governor thinks fit as to the employees of a municipality affected by a proclamation under this Part; and
- (d) make any other provision that may be necessary or desirable in consequence of the operation of this Part or of the exercise by him of any of the powers conferred on him by this Part, including, without prejudice to the generality of the foregoing, provisions of a transitional or saving character relating to financial matters including the audit of accounts and other matters relating to accounts.

(5) Where a proclamation under subsection (4) declares that an employee of a municipality affected by a proclamation under this Part is to continue as an employee of that municipality—

- (a) the employee shall, on and after the day on which the proclamation takes effect—
 - (i) continue, subject to subsection (8), to be paid a salary or wage not less than the salary or wage payable to him immediately before that day; and
 - (ii) until otherwise directed by the municipality if the employee is the clerk of the municipality, or until otherwise directed by that clerk, in any other case,

continue to perform the functions that attached to his employment immediately before that day; and

- (b) subject to paragraph (a), the employment of the employee by that municipality continues, in all respects, subject to the provisions of this Act relating to the employment of employees of municipalities.

(6) Where a proclamation under subsection (4) declares that an employee of a municipality is to be transferred to the employment of another municipality—

- (a) the employee becomes an employee of that other municipality on the day on which the proclamation takes effect;

- (b) the employee shall, on that day, be deemed to have been employed by that other municipality as an employee of that other municipality;

- (c) the employee shall, on and after that day—

- (i) continue, subject to subsection (8), to be paid a salary or wage not less than the salary or wage payable to him immediately before that day; and

- (ii) until otherwise directed by the clerk of that other municipality, continue to perform the functions that attached to his employment immediately before that day; and

- (d) the employee shall, on and after that day—

- (i) retain any rights that, immediately before that day, have accrued or are accruing to him by virtue of his being an employee of a municipality, including any rights accruing to him under a prescribed scheme;

- (ii) continue to contribute to a prescribed scheme, if he was contributing to that scheme immediately before that day;
and

- (iii) be entitled to receive any leave (including long-service leave and study leave granted to him by the municipality by which he was employed immediately before that day) and any remuneration, pension, gratuity, or other payment, as if he had continued to be an employee of that municipality by which he was so employed immediately before that day.
- (7) In subsection (6) (d), “prescribed scheme” means—
- (a) the scheme under Division 4 of Part VI;
 - (b) a scheme or fund referred to in section 75 (1) (b) of the *Hobart Corporation Act 1963*; or
 - (c) a scheme or fund referred to in section 70 (1) (b) of the *Launceston Corporation Act 1963*.
- (8) The salary or wage of an employee to whom subsection (5) or (6) refers shall not be reduced, except—
- (a) to the extent necessary to give effect to a change made in the award applicable to the employee as the result of a National Wage Case decision announced by the Australian Conciliation and Arbitration Commission; or
 - (b) as the result of a change in the terms or conditions of employment for a class or grade of employee to which the employee belongs, being a change made by an award.
- (9) In subsection (8), “award” means an award under or in accordance with any law in force in Tasmania that relates to industrial relations, and includes an industrial agreement under or in accordance with any such law.
- (10) A proclamation under this section has the same effect as if it were a part of this Act, so that the rights, powers, functions, and liabilities of the respective municipalities to which it relates shall be as declared by the proclamation.
- (11) When, in consequence of the provisions of this Act or of the exercise of any powers under this Act, a municipality ceases to exist, any action or proceeding by or against the municipality shall not be affected or quashed unless the

Governor, by proclamation, otherwise determines, but may be continued by or against the municipality succeeding to the right, power, function, or liability to which the action or proceeding relates or by or against all of them, if more than one.

43ZD—When, in consequence of an alteration of municipal boundaries, a municipal district or an area of a municipal district becomes a new municipal district or an area of another municipal district, all rates, charges, and other amounts that have accrued due in respect of lands within the municipal district or area so affected, and that remain unpaid at the date of the alteration of the boundaries, remain due, payable, and leviable, and may be paid to and received, levied, and recovered by the new municipal corporation or the municipal corporation to whose municipal district that area has been added.

Change of boundaries not to affect payment of rates.

43ZE—(1) Where a proclamation is made under this Part, the Minister may cause to be served on such municipality or municipalities as, on the advice of the Board, he considers appropriate, an order requiring the municipality or municipalities to give notice of the effects of the making of the proclamation—

Notice of effects of making of proclamations under this Part.

(a) in such manner as is; and

(b) to such persons, or to such classes of persons, as are,

specified in the order.

(2) A municipality which fails to comply with an order served on it pursuant to subsection (1) is guilty of an offence against this Act.

43ZF—Where a provision of a proclamation under this Part is inconsistent with a provision of an Act other than this Act, the first-mentioned provision prevails over the second-mentioned provision.

Provisions of proclamations under this Part to prevail in certain cases.

Division 12—Periodical reviews by municipal corporations

43ZG—(1) A municipal corporation shall carry out periodical reviews for the purpose of determining whether the electors of the municipal district would be more adequately and fairly represented if—

Periodical reviews by municipal corporations.

- (a) some change were made in pursuance of this Part in the composition of the council;
 - (b) in the case of a municipal district that is not divided into wards—the municipal district were divided into wards; or
 - (c) in the case of a municipal district that is divided into wards—the municipal district were resubdivided into wards or the division of the municipal district into wards were altered or abolished.
- (2) The first review to be carried out by a municipal corporation under this section shall be conducted within such period as the Minister may, by written notice to the municipal corporation, determine, and each subsequent review shall be completed within 10 years or such lesser period, if so directed by the Minister, of the completion of the previous review.
- (3) A municipal corporation shall give notice of a review to be carried out under this section.
- (4) A notice for the purposes of subsection (3) shall—
- (a) be published in a newspaper circulating in the municipal district concerned;
 - (b) be posted at the municipal office; and
 - (c) contain an invitation to interested persons to make written submissions to the municipal corporation giving the notice on the subject of the proposed review within one month of the date of the notice or such longer period as may be specified in the notice.
- (5) A municipal corporation shall give to a person who makes a written submission in response to an invitation contained in a notice under subsection (3) given by the municipal corporation an opportunity—
- (a) in the case of a natural person, to appear personally;
 - or
 - (b) in the case of a body corporate, to appear by representative,
- before the council or a committee of the council and be heard on that person's submission.

(6) The Board may, at the request of a municipal corporation, provide the municipal corporation with advice on any matters arising in the course of a review under this section.

(7) On completion of a review by a municipal corporation under this section, the municipal corporation shall provide the Minister with a written report on the review and may, if it considers it necessary in order to achieve adequate and fair representation of the electors of the relevant municipal district, propose—

- (a) that a change, as specified in the report, be made in the composition of the council;
- (b) if that municipal district is not divided into wards— that it should be so divided in a manner set forth in the report; and
- (c) if that municipal district is divided into wards—
 - (i) that the municipal district should be redivided into wards, or the division of the area into wards should be altered, in a manner set forth in the report; or
 - (ii) that the division of the municipal district into wards should be abolished.

(8) If a municipal corporation fails to complete a review within the period determined pursuant to this section, the Board shall carry out the review and may make recommendations on any matter with respect to which the municipal corporation might have made a proposal if it had completed such a review.

(9) After a review under subsection (8) is carried out in relation to a municipal corporation—

- (a) the Board shall provide the Minister and the municipal corporation with a written report on the review, being a report containing any recommendations made by it as mentioned in that subsection; and
- (b) the municipal corporation shall, in the case of a report containing any such recommendations, notify the Minister in writing within one month of receiving the report, what it intends to do as a result of those recommendations.

(10) Where the Board carries out a review under subsection (8) in relation to a municipal corporation, the Minister may recover from the municipal corporation, in a court of competent jurisdiction, the amount of the costs incurred by the Board in carrying out the review.

Reference to
the Board of
certain
proposals.

43ZH—(1) Where the Minister is provided with a report pursuant to section 43ZG (7), he shall refer to the Board any proposal contained in the report.

(2) The Board shall, after making such inquiries as it thinks fit, report to the Minister on a proposal contained in a report referred to in subsection (1) and, if it thinks fit to do so, recommend to the Minister—

- (a) that the proposal be carried out;
- (b) that some alternative proposal be carried out, being an alternative that it is satisfied differs from the original proposal in minor respects only;
- (c) that the proposal should not be carried out; or
- (d) that a hearing in relation to the proposal be held by the Board, in a case where the Board is satisfied that significant changes are required to be made to the proposal before it can be carried out.

(3) Where, following a recommendation under subsection (2) (d), the Minister directs that a hearing in relation to a proposal be held by the Board—

- (a) the Board shall cause a notice to be published in a daily newspaper circulating in the municipality to which the proposal relates, being a notice—
 - (i) setting out the substance of the proposal; and
 - (ii) inviting interested persons to make submissions in writing to the Board on the proposal within one month after the date of the publication of the notice or such longer period as may be specified in the notice;
- (b) the Board shall, after the expiration of the period specified for the making of submissions to the Board on the proposal, hold a hearing in relation to the proposal;

- (c) a hearing pursuant to paragraph (b) may, as determined by the Board, be held in public or in private or partly in public and partly in private; and
- (d) the Board may make such requests for information about the proposal as it thinks expedient.

Division 13—Polls in connection with making of proclamations under this Part

43Z1—(1) Subject to this section, the Minister may direct that the proposal for the making of a proclamation under this Part be submitted to a poll.

Polls in connection with making of proclamations under this Part.

(2) The Minister shall determine the basis of entitlement to vote at a poll under this section and the manner in which the poll shall be conducted.

(3) The Minister may, or the Board shall, at the request of the Minister, prepare a summary of the arguments for and against implementation of the proposal that is to be the subject of a poll under this section.

(4) Where a summary of arguments is prepared pursuant to this section, the Minister shall cause copies of the summary to be made available for public inspection at the municipal office or municipal offices of the municipality or municipalities affected by the proposal.

(5) Where the Minister makes a direction under subsection (1), the Minister may—

(a) direct the municipality or municipalities affected by the proposal to which the direction relates to conduct a poll under this section; or

(b) direct a body or other person to conduct that poll.

(6) A direction under subsection (5) shall contain particulars of matters determined by the Minister under subsection (2) in relation to the relevant poll.

(7) A municipality, body, or other person to which or to whom a direction is given under subsection (5) shall comply with that direction.

(8) Where a body or other person is, pursuant to subsection (5) (b), directed to conduct a poll under this section, that body or other person may recover in a court of competent jurisdiction the cost or a proportion of the cost of the poll from the municipality or municipalities affected by the proposal to which the poll relates.

(9) The Minister shall have regard to the results of a poll under this section.

6—Part VII of the Principal Act is repealed.

Repeal of
Part VII of
Principal Act
(COUNTIES).

7—After Schedule 1 to the Principal Act, the following Schedule is inserted:—

Insertion in
Principal Act
of new
Schedule 1A.

SCHEDULE 1A

Section 43B (5)

PART I

PROVISIONS WITH RESPECT TO MEMBERSHIP OF LOCAL GOVERNMENT ADVISORY BOARD

Term of office.

1—(1) A member of the Board, other than the member referred to in section 43B (2) (e), shall, subject to subclause (2), hold office for such term, not exceeding 3 years, as is specified in his instrument of appointment.

(2) Where the term of office of a member of the Board referred to in subclause (1) will, apart from this subclause, expire during the period when the Board is holding a hearing or conducting an inquiry under Part IIA or any other enactment, the Governor may extend the term of office of that member—

(a) for such period so that his term of office, as extended, does not exceed 4 years; or

(b) to and until the completion of that hearing or inquiry, whichever first happens.

(3) A member of the Board to whom subclause (1) applies is eligible for re-appointment for such term or terms, each not exceeding 3 years, as is specified in the relevant instrument of re-appointment.

(4) A member of the Board referred to in section 43B (2) (e) shall hold office while he holds an office, or acts in an office, in the Local Government Office.

2—The provisions of the *Tasmanian State Service Act* 1984 do not apply to or in respect of the appointment of a member of the Board, or to or in respect of a member of the Board in his capacity as such, during his term of office but an employee, within the meaning of that Act, may hold office as a member of the Board in conjunction with his position in the State Service.

*Tasmanian
State Service
Act* 1984 not
to apply.

3—A member of the Board is entitled to be paid such expenses and allowances as the Minister may from time to time determine in respect of him. Expenses and allowances payable to members of Board.

4—(1) Subject to subclause (2), the Minister may appoint a person to act in the office of a member of the Board while that member is absent from his office through illness or any other cause. Appointment of substitute to act during absence of member of Board.

(2) A person appointed under subclause (1) to act in the office of a member of the Board, other than the member who is the chairman of the Board, shall be nominated as required by section 43B (2) in relation to the appointment of that member.

(3) Where the Minister, by notice in writing, requests a body referred to in paragraph (b) or (c) of section 43B (2) to make a nomination for the purposes of the appointment of a person under subclause (1) and that body fails to make the nomination within the time specified in the notice, the Minister may nominate a person to be appointed under that subclause.

(4) A member of the Board shall, for the purposes of subclause (1), be deemed to be absent from his office if there is a vacancy in that office which has not been filled in accordance with clause 6.

(5) A person shall not be concerned to inquire whether or not any occasion has arisen requiring or authorizing a person to act in the office of a member of the Board, and all things done or omitted to be done by that person while so acting shall be as valid, and shall have the same consequences, as if they had been done or omitted to be done by that member.

5—(1) The office of a member of the Board becomes vacant—

(a) when he dies;

(b) if he becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors, or makes an assignment of his remuneration or estate for their benefit;

(c) if he is absent from 3 consecutive meetings of the Board of which reasonable notice has been given to him, either personally or in the ordinary course of post, unless on leave granted by the Minister or unless, before the expiration of 4 weeks after the last of those meetings, he is excused by the Minister for his absence from those meetings;

(d) if he becomes liable to be detained under the *Mental Health Act 1963* in a hospital, being a hospital within the meaning of section 3 (1) of that Act;

(e) if he is convicted in Tasmania of an offence that is punishable by imprisonment for 12 months or more, or if he is convicted elsewhere than in Tasmania of an offence so punishable, or has been convicted, whether in Tasmania or elsewhere, of a crime or offence for which he has been sentenced to imprisonment;

Vacation of office.

- (f) if he resigns his office by writing under his hand addressed to the Governor and the Governor accepts the resignation; or
- (g) if he is removed from office by the Governor under subclause (2).
- (2) The Governor may remove from office a member of the Board—
- (a) for misbehaviour or incompetence;
- (b) if the Governor is satisfied that the member is unable to perform adequately the duties of his office; or
- (c) at the request of the body by whom the member was, pursuant to section 43B (2) (b) or (c), nominated for appointment.
- (3) Without limiting the generality of the expression "misbehaviour" in subclause (2), a member of the Board is guilty of misbehaviour if he fails, without reasonable excuse, to comply with his obligations under section 43c.

Filling of
casual
vacancies.

6—(1) Subject to subclause (2), on the occurrence of a vacancy in the office of a member of the Board, otherwise than by the expiration of the term for which he was appointed, the Governor may appoint a person to the vacant office for the residue of his predecessor's term of office.

(2) A person appointed under subclause (1) on the occurrence of a vacancy in the office of a member of the Board, other than the member who is the chairman of the Board, shall be nominated as required by section 43B (2) in relation to the appointment of that member.

Validity of
proceedings,
&c.

7—(1) No act or proceeding of the Board or of any person acting pursuant to any direction of the Board is invalidated or prejudiced by reason only of the fact that, at the time when the act or proceeding was done, taken, or commenced, there was a vacancy in the membership of the Board.

(2) All acts and proceedings of the Board or of any person acting pursuant to any direction of the Board are, notwithstanding the subsequent discovery of any defect in the appointment of any member of the Board or that any person was disqualified from acting as, or incapable of being, a member of the Board, as valid as if the member had been duly appointed and was qualified to act as, or capable of being, a member, and as if the Board had been fully constituted.

Presumptions.

8—In any proceedings by or against the Board, unless evidence is given to the contrary, no proof shall be required of—

- (a) the constitution of the Board;
- (b) any resolution of the Board;
- (c) the appointment of any member of the Board; or
- (d) the presence of a quorum at any meeting of the Board.
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PART II

Section 43B (6)

PROVISIONS WITH RESPECT TO MEETINGS OF LOCAL GOVERNMENT
ADVISORY BOARD

1—(1) Four members of the Board shall form a quorum at any duly convened meeting of the Board. Procedure at meetings.

(2) Any duly convened meeting of the Board at which a quorum is present shall be competent to transact any business of the Board.

(3) A question arising at a meeting of the Board shall be determined by a majority of votes of the members of the Board present and voting.

2—(1) The chairman of the Board shall preside at all meetings of the Board at which he is present. Chairman.

(2) If the chairman of the Board is not present at a meeting of the Board, a member of the Board elected by the members present shall preside at that meeting.

3—The procedure for the calling of, and for the conduct of business at, meetings of the Board shall, subject to any procedure that is specified in this Part, be as determined by the Board. General procedure.

8—Section 10 of the *Hobart Corporation Act 1963** is amended as follows:— Amendment of section 10 of Hobart Corporation Act 1963 (Lands which are included in the city).

(a) by omitting from subsection (1) “The” and substituting “Subject to subsection (1A), the”;

(b) by inserting the following subsection after subsection (1):—

(1A) Where, after the day fixed by proclamation under section 2 (2) of the *Local Government Amendment (Local Government Advisory Board) Act 1987*, the boundaries of the city are altered by a proclamation under section 43x of the *Local Government Act 1962*—

(a) that proclamation shall contain a description of those boundaries as altered or an illustrative copy of the relevant plan or plans filed and registered in the office of the Director-General of Lands at Hobart; and

(b) on the date on which that proclamation takes effect, the city comprises the lands contained within those boundaries, instead of the land described in Schedule 2.

* No. 81 of 1963. For this Act, as amended to 12th October 1981, see the continuing Reprint of Statutes. Subsequently amended by No. 49 of 1981, Nos. 53, 71, and 99 of 1982, No. 90 of 1983, No. 53 of 1984, Nos. 10 and 51 of 1985, and No. 88 of 1986.

Amendments of
the *Launceston
Corporation
Act 1963*.

9—(1) Section 9 of the *Launceston Corporation Act 1963** is repealed and the following section is substituted:—

Lands which
are included
in the city.

9—(1) Subject to subsection (2), the city comprises the lands contained within the boundaries of the city, being the boundaries shown on plan L.D. 853 filed and registered in the office of the Director-General of Lands at Hobart.

(2) Where, after the day fixed by proclamation under section 2 (2) of the *Local Government Amendment (Local Government Advisory Board) Act 1987*, the boundaries of the city are altered by a proclamation under section 43x of the *Local Government Act 1962*—

(a) that proclamation shall contain a description of those boundaries as altered or an illustrative copy of the relevant plan or plans filed and registered in the office of the Director-General of Lands at Hobart; and

(b) on the date on which that proclamation takes effect, the city comprises the lands contained within those boundaries, instead of the lands referred to in subsection (1).

(2) Section 10 (1) of the *Launceston Corporation Act 1963** is amended by omitting “section 7 of the *Local Government Act 1962* notwithstanding any provision of that Act to the contrary.” and substituting “section 43x of the *Local Government Act 1962*.”

(3) Section 11 of the *Launceston Corporation Act 1963** is repealed and the following section is substituted:—

Discretionary
alterations of
boundaries.

11—On receipt of a request under the common seal of the corporation for the extension or alteration of the boundaries of the city, the Minister shall proceed in accordance with Part IIA of the *Local Government Act 1962*.

* No. 82 of 1963. For this Act, as reprinted as at 12th October 1981, see the continuing Reprint of Statutes. Subsequently amended by Nos. 52 and 99 of 1982, No. 89 of 1983, Nos. 10 and 30 of 1985, and No. 88 of 1986.

10—(1) Section 5 of the *Local Government (City of Launceston Reorganization) Act 1985** is amended by omitting subsection (2) and substituting the following subsection:—

Amendments
of Local
Government
(City of
Launceston
Reorganization)
Act 1985.

(2) The boundaries of the city are as shown on plan L.D. 853 filed and registered in the office of the Director-General of Lands at Hobart, a reduced copy of that plan being firstly contained in Schedule 1 by way of illustration.

(2) Section 6 of the *Local Government (City of Launceston Reorganization) Act 1985** is amended by omitting paragraph (b) and substituting the following paragraph:—

(b) as respectively shown on plans L.D. 854 and L.D. 855 filed and registered in the office of the Director-General of Lands at Hobart, reduced copies of those plans being secondly and thirdly contained in Schedule 1 by way of illustration.

(3) Schedule 1 to the *Local Government (City of Launceston Reorganization) Act 1985** is amended by omitting the plan firstly contained in that Schedule and substituting a reduced copy, as shown in Schedule 1 to this Act, of plan L.D. 853 filed and registered in the office of the Director-General of Lands at Hobart.

11—(1) The Principal Act is amended as set out in Schedule 2.

(2) Schedule 3 to the Principal Act is repealed.

Consequential
amendments of
Principal Act.

12—(1) The district comprised within the limits set forth in the first Schedule to the charter of incorporation notified in the *Gazette* as Statutory Rules 1964, No. 165 is declared to be, and always to have been, the city of Glenorchy on and after the date when that charter was accepted by the Mayor, Aldermen, and Citizens of the City of Glenorchy.

Validations
and savings.

(2) The district comprised within the limits set forth in the Schedule to the charter of incorporation notified in the *Gazette* as Statutory Rules 1981, No. 67 is declared to be, and always to have been, the city of Devonport on and after the date when that charter was accepted by the Mayor, Aldermen, and Citizens of the City of Devonport.

(3) Notwithstanding the repeal by this Act of Division 3 of Part II of the Principal Act—

(a) a charter creating a city granted in pursuance of the Royal prerogative and section 19 of that Act, as in force before the day fixed by proclamation under section 2 (2) of this Act; and

(b) an order-in-council relating to a city referred to in paragraph (a) made under section 20 of that Act, as so in force,

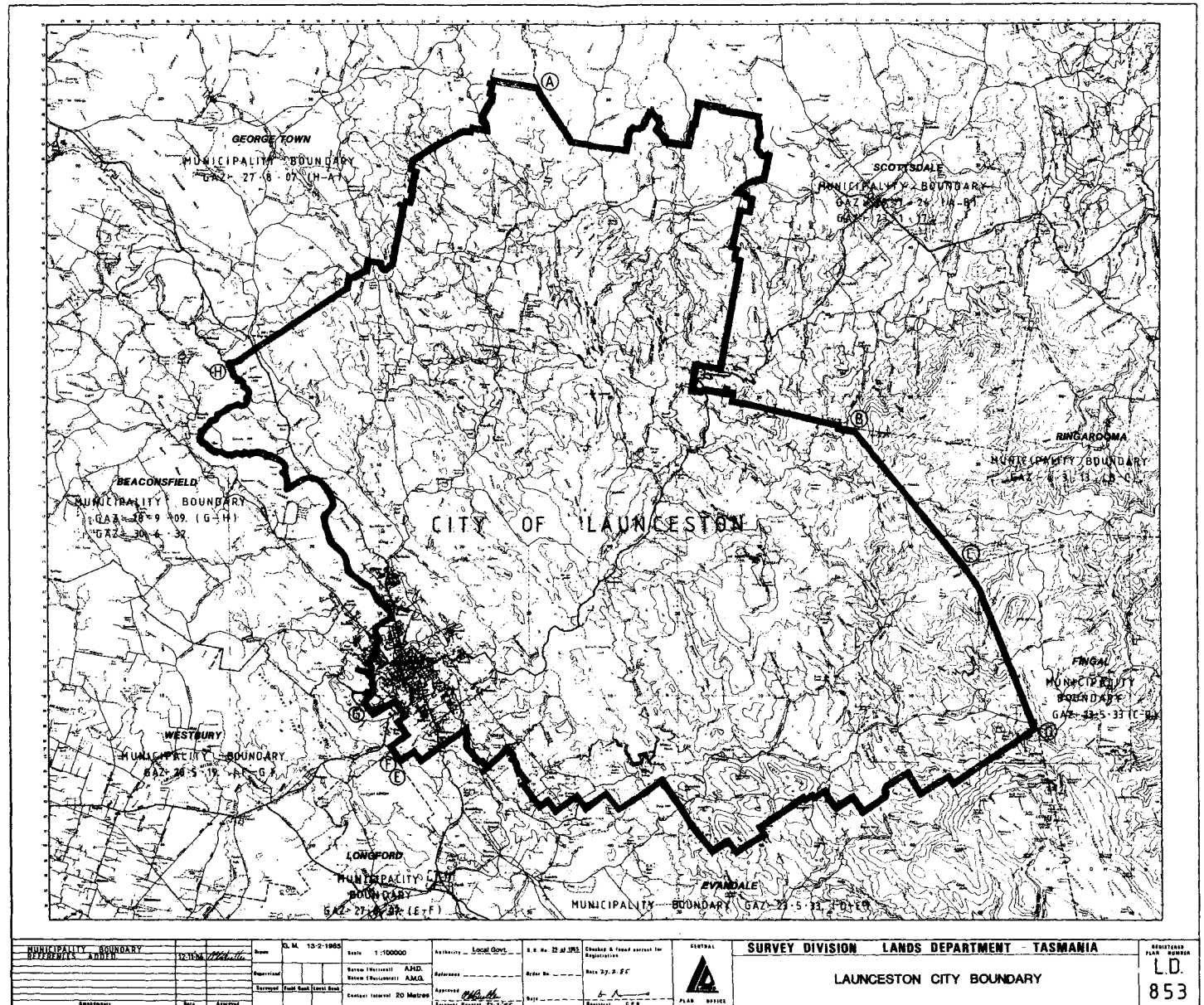
continues in force on and after that day and may be amended as provided in section 43v of that Act, as inserted by this Act.


Expiry of Act.

13—This Act shall expire on 31st December 1991.

SCHEDULE 1

Section 10 (3)



MUNICIPALITY BOUNDARY		Date	D. M. 13-9-1985	Scale	1:100000	Accuracy	Local Govts	S. S. No.	22 of 1985	Checked & found correct for Registration	 SURVEY DIVISION LANDS DEPARTMENT TASMANIA LAUNCESTON CITY BOUNDARY	ALIENATION PLAN NUMBER L.D. 853
Author	12/1/85	Drawn		Revised		Approved		Revised		Checked & found correct for Registration		
Author		Drawn		Revised		Approved		Revised		Checked & found correct for Registration		
Author		Drawn		Revised		Approved		Revised		Checked & found correct for Registration		
Author		Drawn		Revised		Approved		Revised		Checked & found correct for Registration		

SCHEDULE 2

Section 11 (1)

CONSEQUENTIAL AMENDMENTS OF PRINCIPAL ACT

Provision of Principal Act amended	How amended
Section 4 (1) Section 4 (1)	Omit the definitions of " county " and " shire ". Insert the following definitions after the definition of " movable dwelling unit " :— " municipal corporation " means the body corporate exercising jurisdiction over a municipal district; " municipal district " means the land comprised within the boundaries of a city or other municipality;
Section 4 (1), definition of " municipality ", paragraph (a)	Omit subparagraph (ii), substitute the following subparagraph :— (ii) continued under section 6, created by proclamation under section 7 as a municipality before the day fixed by proclamation under section 2 (2) of the <i>Local Government Amendment (Local Government Advisory Board) Act 1987</i> , or established by proclamation under Part IIA after that day; or
Section 6 Part II, Division 1 Section 10	Omit " counties,". Omit sections 7, 8, and 9. Omit the passage beginning with " boundary;" and ending with " situate.," substitute " boundary."
Section 12 (1)	(a) Omit " , or in the case of a county, the Minister or the county council, if established,;" and (b) Omit " he or ".
Section 12 (3) Part II Section 22	Omit " and the Minister and the county council ". Omit Divisions 2, 3, 4 (except section 22), and 6. Add the following subsection after subsection (2) :— (3) The electors of a city declared by proclamation under section 43T shall be a body corporate by the name of " The Mayor, Aldermen, and Citizens of the City of [] ", naming it, with perpetual succession and a common seal.
Section 31 (1)	(a) Omit " under section 7 ", substitute " by proclamation under section 30 (1) "; and (b) Omit " limits ", substitute " boundaries ".
Section 31 (2)	Omit " limits of the proposed town.," substitute " boundaries of the proposed town, and shall file with the Director-General of Lands for registration by him a plan showing those boundaries."
Section 32 (1)	Omit " Except where the Municipal Commission recommends to the contrary there ", substitute " There ".

Provision of Principal Act amended	How amended
Section 32 (2) Section 33	Omit " section 7 ", substitute " section 30 (1) ". Omit subsection (1), substitute the following subsection:—
	(1) The boundaries of a town, or the name given to a town, may be altered by a proclamation under section 30 (1) only on the petition of the corporation forwarded through the Minister.
Section 33 (4)	Omit ", under section 7;", substitute ", by proclamation under section 30 (1),".
Section 43 (5)	Omit " a new charter of incorporation shall be granted to the inhabitants within 12 months with such differences from the former charter as to Her Majesty seems proper,"; substitute " the electors of the municipality shall be incorporated, by proclamation under this subsection, with such differences from that charter as the Governor considers appropriate and as are specified in the proclamation,".
Section 45 (1)	Insert " before the day fixed by proclamation under section 2 (2) of the <i>Local Government Amendment (Local Government Advisory Board) Act 1987</i> or declared by proclamation under section 43r (1) after that day " after "Act".
Section 45 (2)	Omit paragraph (c), substitute the following paragraph:— (c) shall have a deputy mayor elected in the same way as the mayor.
Section 45 (3)	Insert " or proclamation " after " charter ", where twice occurring.
Section 45 (4)	Insert " or proclamation " after " charter ".
Section 46 (3) (c) (i)	Omit " section 7 ", substitute " section 43y ".
Section 46 (3) (c) (ii)	Omit " petition ", substitute " application ".
Section 178 (1)	Omit " counties and ".
Section 178 (2)	Omit " county or ".
Section 178 (3)	Omit " counties and ".
Section 178 (4)	Omit " county or ".
Section 871	(a) Insert " or deficiency " after " error "; and (b) Insert " or supplied " after " rectified ".
Section 872 (1)	Insert ", application, or request " after " petition ", wherever occurring.
Section 872 (2)	Omit " 37 ", substitute " 43zc ".