

## **Part 2 — Constitution of local government**

### ***What this Part is about***

*This Part deals with the constitutional framework of the system of elected local government in this State maintained as required by Part IIIB of the Constitution Act 1889.*

*In particular it deals with —*

- (a) the division of the State into districts and wards for local government purposes; and*
- (b) the creation of local governments; and*
- (c) the creation and membership of elected councils; and*
- (d) the qualifications of members of councils; and*
- (e) the terms of office of members of councils and how their offices may become vacant; and*
- (f) commissioners of local governments.*

### **Division 1 — Districts and wards**

#### **2.1. State divided into districts**

- (1) The Governor, on the recommendation of the Minister, may make an order —
  - (a) declaring an area of the State to be a district; or
  - (b) changing the boundaries of a district; or
  - (c) abolishing a district; or
  - (d) as to a combination of any of those matters.
- (2) Schedule 2.1 (which deals with creating, changing the boundaries of, and abolishing districts) has effect.
- (3) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.1 that the order in question should be made.

**2.2. Districts may be divided into wards**

- (1) The Governor, on the recommendation of the Minister, may make an order —
  - (a) dividing a district into wards; or
  - (b) creating new wards in a district that is already divided into wards; or
  - (c) changing the boundaries of a ward; or
  - (d) abolishing any or all of the wards into which a district is divided; or
  - (e) as to a combination of any of those matters.
- (2) For the purposes of this Act —
  - (a) an order that divides a district into wards is to be regarded as establishing a ward system for the district; and
  - (b) an order that abolishes all of the wards into which a district is divided and does not create new wards, is to be regarded as discontinuing the ward system for the district.
- (3) Schedule 2.2 (which deals with wards and representation) has effect.
- (4) The Minister can only make a recommendation under subsection (1) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

**2.3. Names of districts and wards**

- (1) An order under section 2.1 designating an area of the State to be a district is to include an order naming the district.
- (2) An order under section 2.2 establishing a ward system for a district is to include an order naming the wards.
- (3) If a local government proposes under Schedule 2.2 that an order be made changing the name of the district or a ward, the

Minister may recommend to the Governor that the order be made, and the Governor may make the order accordingly.

- (4) The Minister can only make a recommendation under subsection (3) if the Advisory Board has recommended under Schedule 2.2 that the order in question should be made.

#### **2.4. District to be designated city, town or shire**

- (1) An order under section 2.1 declaring an area of the State to be a district is to include an order designating the district a city, town or shire.
- (2) The Governor may, by order, change the designation of a district.
- (3) A district can only be designated a city if —
  - (a) the district is in the metropolitan area and has more than 30 000 inhabitants more than half of whom live in an urban area; or
  - (b) the district, if it is not in the metropolitan area, has more than 20 000 inhabitants more than half of whom live in an urban area.
- (4) A district can only be designated a town if more than half of its inhabitants live in an urban area.
- (5) A district that is not designated a city or a town is to be designated a shire.
- (6) The number of inhabitants of a district at a particular time is to be taken as that established by the Government Statistician appointed under the *Statistics Act 1907* according to the information then available to that person.
- (7) Despite any change in the number or distribution of a district's inhabitants, the designation of the district continues to apply until it is changed under this section.