

Western Australia

Local Government Amendment (Regional Subsidiaries) Bill 2010

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Western Australia

LEGISLATIVE COUNCIL

(Introduced by Hon Max Trenorden, MLC)

**Local Government Amendment (Regional
Subsidiaries) Bill 2010**

A Bill for

An Act to amend the *Local Government Act 1995*.

The Parliament of Western Australia enacts as follows:

s. 1

1 **1. Short title**

2 This is the *Local Government Amendment (Regional*
3 *Subsidiaries) Act 2010*.

4 **2. Commencement**

5 This Act comes into operation as follows —

- 6 (a) sections 1 and 2 — on the day on which this Act
7 receives the Royal Assent;
8 (b) the rest of the Act — on a day fixed by proclamation,
9 and different days may be fixed for different provisions.

10 **3. Act amended**

11 This Act amends the *Local Government Act 1995*.

12 **4. Section 1.4 amended**

13 In section 1.4 insert in alphabetical order:
14

15 *regional local government* means a regional local
16 government established under section 3.61;

17 *regional subsidiary* has the meaning given in
18 section 3.69(1);
19

20 **5. Section 3.60 amended**

21 In section 3.60 before “unless” insert:
22

23 or regional subsidiary
24

6. **Part 3 Division 4 heading amended**

In the heading to Part 3 Division 4 after “**governments**” insert:

and regional subsidiaries

7. **Section 3.68 amended**

In section 3.68 delete “this Division” and insert:

sections 3.61 to 3.67

8. **Section 3.69 inserted**

At the end of Part 3 Division 4 insert:

3.69. Regional subsidiaries

(1) Two or more local governments making arrangements under which they are to perform a function jointly may, with the Minister’s approval, form a subsidiary body (a *regional subsidiary*) to perform that function.

(2) Regulations may —

(a) regulate the procedure for applying to the Minister for approval for the formation of a regional subsidiary; and

(b) require the local governments proposing to form a regional subsidiary to prepare a charter addressing the matters required by the regulations to be dealt with in a charter, and to forward the charter to the Minister when applying for approval; and

s. 8

- 1 (c) provide for the establishment, corporate status
2 and powers and duties of a regional subsidiary;
3 and
- 4 (d) regulate the governance and management of a
5 regional subsidiary; and
- 6 (e) regulate the operational and financial planning,
7 auditing and reporting to be undertaken by a
8 regional subsidiary; and
- 9 (f) provide for the winding up of a regional
10 subsidiary; and
- 11 (g) provide that a specified provision of this Act
12 applies in relation to a regional subsidiary
13 subject to any prescribed or necessary
14 modifications; and
- 15 (h) provide for or regulate any other matter that is
16 necessary or convenient to be provided for or
17 regulated in respect of a regional subsidiary.
- 18 (3) This section has effect in addition to the provisions of
19 this Division relating to regional local governments,
20 and does not derogate from those provisions.
- 21 (4) Nothing in this section prevents local governments
22 from making arrangements under which —
- 23 (a) a local government performs a function for
24 another local government; or
- 25 (b) local governments perform a function jointly
26 without forming a regional subsidiary.
27

28
