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LOCAL GOVERNMENT AMENDMENT (LOCAL GOVERNMENT BOARD) BILL 2009

(Brought in by the Minister for Local Government, the Honourable James Glennister Cox)

A BILL FOR

An Act to amend the Local Government Act 1993

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. Short title

This Act may be cited as the Local Government Amendment (Local Government Board) Act 2009.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Principal Act

In this Act, the Local Government Act 1993* is referred to as the Principal Act.

*No. 95 of 1993
4. Section 210 amended (Local Government Board)

Section 210 of the Principal Act is amended as follows:

(a) by omitting paragraph (d) from subsection (2);

(b) by omitting from subsection (3) “subsection (2)(a), (b), (c) and (d)” and substituting “subsection (2)(a), (b) and (c)”;

(c) by inserting the following subsection after subsection (5):

(5A) The Minister may, by instrument of appointment, appoint one or 2 additional persons to be members of the Board for the purposes of a review under this Part that is specified in the instrument.

5. Section 213 amended (Delegation by Board)

Section 213 of the Principal Act is amended by omitting “under section 214” and substituting “under this Part”.

6. **Section 214 amended (Reviews of council)**

Section 214 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:

(1) The Minister may require the Board to carry out a general review of a council.

7. **Schedule 1 amended (Membership of Local Government Board)**

Schedule 1 to the Principal Act is amended as follows:

(a) by omitting clauses 1 and 2 and substituting the following clauses:

1. **Interpretation**

In this Schedule –

“appointed member” means a general member or a review member;

“general member” means a member of the Board referred to in section 210(2)(a), (b) or (c) who is appointed by the Minister under section 210(3);
“review member” means a member of the Board appointed under section 210(5A).

2. Term and scope of office

(1) A general member is to be appointed for the period of not more than 3 years that is specified in the member’s instrument of appointment.

(2) A review member is a member of the Board only in respect of the review specified in the member’s instrument of appointment.

(b) by omitting paragraph (a) from clause 5(3) and substituting the following paragraphs:

(a) being a general member, is absent from 2 consecutive meetings of the Board without the permission of the Board; or

(ab) being a review member, is absent, without the permission of the Board, from 2 consecutive meetings of the Board that relate to the review for the purposes of which the member was appointed; or
(c) by omitting from clause 6(1) “an appointed member” and substituting “a general member”;  

(d) by inserting the following subclause after subclause (1) in clause 6:  

(1A) If a review member vacates office, the Minister may appoint a person to the vacant office for the remainder of the review for the purposes of which the member was appointed.  

(e) by omitting from clause 6(2) “an appointed member” and substituting “a general member”.  

8. Schedule 2 amended (Meetings of Local Government Board)  

Clause 2 of Schedule 2 to the Principal Act is amended by omitting subclause (1) and substituting the following subclause:  

(1) The quorum at any meeting of the Board is 3 of the members of the Board referred to in section 210(2).