

TASMANIA

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**LOCAL GOVERNMENT AMENDMENT (LOCAL  
GOVERNMENT BOARD) BILL 2009**

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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.

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\*No. 95 of 1993

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**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”.

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**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);

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**“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

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- (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).