

LEGISLATIVE COUNCIL

Local Government Amendment (Early Intervention) Bill 2013

Second print

Proposed amendments

- No. 1 Page 13, Schedule 1 [41], lines 9–11. Omit “the appointment of an interim administrator is necessary to improve or restore the proper or effective functioning of the council”. Insert instead “the council is unable to perform its functions and that the council’s performance is disadvantaging the residents of the council area concerned”.
- No. 2 Page 13, Schedule 1 [41]. Insert after line 13:
- (3) The Minister may make a suspension order only if:
 - (a) the Minister has issued a performance improvement order in respect of the council, and
 - (b) the Minister is not satisfied with the compliance report provided by the council under Part 6 in relation to the performance improvement order or the council has failed to provide a compliance report.
- No. 3 Page 15, Schedule 1 [41], lines 26–27. Omit “to improve or restore the proper or effective functioning of the council”. Insert instead “because the council is unable to perform its functions and the council’s performance is disadvantaging the residents of the council area concerned”.
- No. 4 Page 16, Schedule 1 [41]. Insert after line 15:
- 438P Council not to be suspended in 3 month period before election**
- (1) The Minister cannot make a suspension order in respect of a council if the suspension would commence in the period of 3 months before an ordinary election of the councillors of the council is to be held.
 - (2) This section does not prevent the extension of a suspension during that 3-month period.
- No. 5 Page 17, Schedule 1 [41]. Insert after line 7:
- 438S Review of decision to suspend council**
- (1) A councillor of a council may apply to the Administrative Decisions Tribunal for a review of a decision of the Minister to make a suspension order in respect of the council.

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- (2) The Tribunal is to hear the application only if satisfied that the application is supported by a majority of the councillors of the council.
 - (3) In determining an application, the Tribunal is not to vary or set aside the decision to make a suspension order unless satisfied that:
 - (a) the Minister has substantially failed to comply with the requirements of this Act relevant to the making of a suspension order, or
 - (b) the decision to make the suspension order was plainly wrong.