

## **210 Division of areas into wards**

- (1) The council may divide its area into divisions, called “wards”.
- (2) The council may abolish all wards.
- (3) The council may alter ward boundaries.
- (4) The council may name or rename a ward.
- (5) A council must not divide an area into wards or abolish all wards unless it has obtained approval to do so at a constitutional referendum.
- (6) A by-election held after an alteration of ward boundaries and before the next ordinary election is to be held as if the boundaries had not been altered.
- (7) The division of a council’s area into wards, or a change to the boundaries of a ward, must not result in a variation of more than 10 per cent between the number of electors in each ward in the area.

### **210A Consultation, public notice and exhibition of proposals regarding ward boundaries**

- (1) Before dividing a council’s area into wards or altering a council’s ward boundaries, the council must—
  - (a) consult the Electoral Commissioner and the Australian Statistician to ensure that, as far as practicable, the proposed boundaries of its wards correspond to the boundaries of appropriate districts (within the meaning of the *Electoral Act 2017*) and census districts, and to ensure that the proposed boundaries comply with section 210(7), and
  - (b) prepare and publicly exhibit a plan detailing the proposed division or alteration (the *ward boundary plan*).
- (2) The council must give public notice of the following—
  - (a) the place at which the ward boundary plan may be inspected,
  - (b) the period for which the plan will be exhibited (being a period of not less than 28 days),
  - (c) the period during which submissions regarding the ward boundary plan may be made to the council (being a period of not less than 42 days after the date on which the ward boundary plan is placed on public exhibition).
- (3) The council must, in accordance with its notice, publicly exhibit the ward boundary plan together with any other matter that it considers appropriate or necessary to better enable the plan and its implications to be understood.
- (4) Any person may make a submission to the council regarding the ward boundary plan within the period referred to in subsection (2)(c).
- (5) The council must consider submissions made in accordance with this section.

### **210B Approval to abolish all wards in council’s area**

- (1) A council may resolve to make an application to the Minister to approve the abolition of all wards of the council’s area.
- (2) The council must give not less than 42 days’ public notice of its proposed resolution.
- (3) After passing the resolution, the council must forward to the Minister a copy of the resolution, a summary of any submissions received by it and its comments concerning those submissions.
- (4) The Minister may approve the application or may decline to approve it.
- (5) If the Minister approves the application, all the wards in the council’s area are abolished with effect on and from the day appointed for the next ordinary election of councillors after the application is approved.
- (6) Section 16 does not apply to a resolution of a council to make an application to the Minister under this section.

- (7) An application may be made under this section only within the period of 5 months from the commencement of this section.
- (8) Nothing in this section prevents a council from making more than one application under this section or from taking action under section 210 to abolish all wards of the council's area.

### **211 Ward boundaries**

- (1) The council of an area divided into wards must keep the ward boundaries under review.
- (2) If—
  - (a) during a council's term of office, the council becomes aware that the number of electors in one ward in its area differs by more than 10 per cent from the number of electors in any other ward in its area, and
  - (b) that difference remains at the end of the first year of the following term of office of the council,the council must, as soon as practicable, alter the ward boundaries in a manner that will result in each ward containing a number of electors that does not differ by more than 10 per cent from the number of electors in each other ward in the area.
- (3) Nothing in subsection (2) prevents a council that has become aware of the discrepancy referred to in subsection (2)(a) from altering its ward boundaries before the end of the first year of the following term of office of the council.

### **212 Dissolution of areas**

- (1) The Governor may, by proclamation, dissolve the whole or part of an area.
- (2) The Minister may not recommend the making of a proclamation to dissolve the whole or part of an area until after a public inquiry has been held and the Minister has considered the report made as a consequence of the inquiry.

### **213 Facilitating provisions of proclamations**

- (1) A proclamation of the Governor for the purposes of this Division may include such provisions as are necessary or convenient for giving effect to the proclamation, including provisions for or with respect to—
  - the transfer or apportionment of assets, rights and liabilities
  - the transfer of staff
  - the application of regulations
  - the alteration of ward boundaries
  - the holding of elections
  - the delivery or retention of records
  - the termination, cessation, dissolution or abolition of anything existing before the proclamation takes effect
  - the preservation or continuance of anything existing before the proclamation takes effect
  - the making of appointments
  - the inclusion or exclusion, as a constituent council of any related county council or related joint organisation, of the council of any area constituted or dissolved by the proclamation.

#### **Note—**

If a proclamation for the purposes of this Division transfers staff members (other than senior staff) from the employment of one council to another council, the provisions of Part 6 of Chapter 11 apply in relation to the transferred staff members.

- (2) Such a proclamation may—
  - (a) apply generally or be limited in its application by reference to specified exceptions or factors, or
  - (b) apply differently according to different factors of a specified kind, or

(c) authorise any matter or thing to be from time to time determined, applied or regulated by any specified person or body,

or may do any combination of those things.

(3) In this section—

***related county council***, in relation to an area constituted or dissolved by a proclamation of the Governor, means a county council that has an area of operations that includes the whole or part of the area so constituted or dissolved.

***related joint organisation***, in relation to an area constituted or dissolved by a proclamation of the Governor, means a joint organisation for a joint organisation area that includes the whole or part of the area so constituted or dissolved.