

Dated 2003

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TOWN OF CAMBRIDGE  
and  
CITY OF JOONDALUP  
and  
CITY OF PERTH  
and  
CITY OF STIRLING  
and  
TOWN OF VICTORIA PARK  
and  
TOWN OF VINCENT  
and  
CITY OF WANNEROO

DEED OF VARIATION  
OF  
CONSTITUTION AGREEMENT  
OF  
MINDARIE REGIONAL COUNCIL

Watts & Woodhouse  
Solicitors & Legal Consultants  
323 Rokeby Road  
Subiaco WA 6008  
Telephone (08) 9382 3000  
Fax (08) 9382 3011  
JMW:20030541

## DEED OF VARIATION

THIS DEED dated

2003

BETWEEN **TOWN OF CAMBRIDGE** of 1 Bold Park Drive, Floreat,  
Western Australia

AND **CITY OF JOONDALUP** of Boas Avenue, Joondalup, Western  
Australia

AND **CITY OF PERTH** of Council House, 27 St George's Terrace,  
Perth, Western Australia

AND **CITY OF STIRLING** of Civic Place, Stirling, Western  
Australia

AND **TOWN OF VICTORIA PARK** of 99 Shepperton Road,  
Victoria Park, Western Australia

AND **TOWN OF VINCENT** of 244 Vincent Street, Leederville,  
Western Australia

AND **CITY OF WANNEROO** of 23 Dundobar Road, Wanneroo,  
Western Australia

("the Participants")

### RECITALS

- A. The districts of the Participants were constituted as a regional district by virtue of an Order of the Governor made under the Former Act on 22 December 1987 and published in the Government Gazette on 31 December 1987.
- B. Pursuant to the Former Act and by virtue of the Order of the Governor, a regional council was then constituted.
- C. Under a Constitution Agreement undated but stamped 21 December 1988 made between City of Perth, City of Stirling and City of Wanneroo, the Regional Council so constituted was named the Mindarie Regional Council.
- D. By an undated Deed of Variation made between, City of Perth, City of Stirling and City of Wanneroo, the Constitution Agreement was amended in the manner set out in the Deed of Variation.
- E. By a Deed of Variation dated 25 November 1996 made between City of Wanneroo, City of Perth, Town of Vincent, Town of Cambridge and Town of Victoria Park, the Constitution Agreement was amended in the manner

set out in that Deed. The amendments included the admission of the Town of Cambridge, Town of Victoria Park and Town of Vincent as constituent municipalities of the Regional Council. The Deed was approved by the Minister on 25 November 1996.

- F. By a Deed of Amendment dated 20 October 1999, made between the City of Perth, City of Stirling, Town of Cambridge, Town of Vincent, Town of Victoria Park, City of Joondalup and City of Wanneroo, the Constitution Agreement was amended to include the City of Joondalup and City of Wanneroo as constituent municipalities.
- G. By virtue of transitional provisions of the Act, the regional council continues as a regional local government as if it had been constituted as a regional local government under the Act.
- H. The Participants have agreed to amend the Constitution Agreement in the manner appearing in this Deed.
- I. The Participants have resolved on the dates referred to in Schedule 1 to enter into this Deed of Variation and to submit it to the Minister for approval.

## **1. DEFINITIONS**

In this Deed, unless the context requires otherwise:

“**Act**” means the Local Government Act 1995;

“**Constitution Agreement**” means the constitution agreement undated but stamped 21 December 1988 as amended by the subsequent deeds referred to in Recitals D, E and F;

“**Minister**” means the Minister of the Crown to whom the administration of the Act is for the time being committed by the Governor and includes a Minister of the Crown for the time being acting for or on behalf of the Minister;

“**Operative Date**” means the date upon which the Minister approves this Deed.

## **2. INTERPRETATION**

The rules of interpretation set out in the Constitution Agreement apply to the interpretation of this Deed.

## **3. VARIATION OF CONSTITUTION AGREEMENT**

The Participants agree to vary the terms and conditions of the Constitution Agreement, with effect from and including the Operative Date, as follows:

- (1) Clause 6.7 is deleted and substituted with the following new clause:

***“6.7 BORROWINGS***

Part 6, Division 5, Subdivision 3 of the Act is to apply.

**Footnote:**

1. Section 3.66(4) of the Act provides that Part 6, Division 5, Subdivision 3 does not apply in relation to a regional local government unless the Establishment Agreement provides that it does.
2. Part 6, Division 5, Subdivision 3 of the Act deals with borrowings and includes the power to borrow and restrictions on borrowings.”

## SCHEDULE 1

Participant	Date of resolution to enter into this establishment agreement
Town of Cambridge	2004
City of Joondalup	2004
City of Perth	2004
City of Stirling	2004
Town of Victoria Park	2004
Town of Vincent	2004
City of Wanneroo	2004

EXECUTED as a deed.

THE COMMON SEAL of TOWN OF )  
CAMBRIDGE was hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of CITY OF JOONDALUP )  
was hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of CITY OF PERTH was )  
hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Lord Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of CITY OF STIRLING was )  
hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of TOWN OF VICTORIA )  
PARK was hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of TOWN OF VINCENT )  
was hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer

THE COMMON SEAL of CITY OF WANNEROO )  
was hereunto affixed in the presence of: )  
)

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Chief Executive Officer