

Deed of Variation

Constitution Agreement of the Mindarie Regional Council

Between

Town of Cambridge

City of Joondalup

City of Perth

City of Stirling

Town of Victoria Park

City of Vincent

City of Wanneroo

(the Participants)

THIS DEED dated

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 25 Cedric Street, Stirling, Western Australia
AND TOWN OF VICTORIA PARK of 99 Shepparton Road, Victoria Park, Western Australia
AND CITY OF VINCENT of 244 Vincent Street, Leederville, Western Australia
AND CITY OF WANNEROO of 23 Dundobar Road, Wanneroo, Western Australia
(together, the **Participants**)

Background

- A. By the Original Constitution Agreement and the Order of the Governor made on 22 December 1987, a regional district comprising the districts of the City of Perth, City of Stirling and City of Wanneroo was constituted pursuant to section 697 of the *Local Government Act 1960* (WA). The name of the regional district is the Mindarie Regional District and the name of its council is the Mindarie Regional Council.
- B. By the *Deed of Variation of Constitution* dated 1996 between the City of Perth, City of Stirling and City of Wanneroo, the Original Constitution Agreement was amended in the manner set out in that document.
- C. By the *Deed of Variation of Constitution Admitting New Municipalities* dated 25 November 1996 made between the Town of Cambridge, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document, admitting the Town of Cambridge, Town of Victoria Park and Town of Vincent as constituent municipalities of the Mindarie Regional Council.
- D. By the *Deed of Amendment of Constitution Agreement* dated 20 October 1999, made between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document.
- E. By the *Deed of Variation of Constitution Agreement of Mindarie Regional Council* dated 2004, made between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo, the Original Constitution Agreement was further amended in the manner set out in that document.

- F. By virtue of the transitional provisions of the Act, the Mindarie Regional Council continues as a regional local government as if it had been constituted as a regional local government under the Act.
- G. The Participants have resolved on the dates referred to in Schedule 1 to amend the Current Constitution Agreement in the manner set out in this Deed, and to submit this Deed to the Minister for Local Government for approval under section 3.61 of the Act.

Agreed terms

1. Definitions and interpretation

1.1 Definitions

In this Deed the following words have the following meanings, unless the contrary intention appears:

Act means the *Local Government Act 1995* (WA).

Commencement Date means the date upon which the Minister for Local Government approves this Deed under section 3.61 of the Act.

Current Constitution Agreement means the Original Constitution Agreement, as amended by:

- (i) *Deed of Variation of Constitution* dated 1996 between the City of Perth, City of Stirling and City of Wanneroo;
- (ii) *Deed of Variation of Constitution Admitting New Municipalities* dated 25 November 1996 between the Town of Cambridge, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo;
- (iii) *Deed of Amendment of Constitution Agreement* dated 20 October 1999 between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo; and
- (iv) *Deed of Variation of Constitution Agreement of Mindarie Regional Council* dated 2004 between the Town of Cambridge, City of Joondalup, City of Perth, City of Stirling, Town of Victoria Park, Town of Vincent and City of Wanneroo.

Original Constitution Agreement means the *Regional District and Regional Council Constitution Agreement* dated 1987 between the City of Perth, City of Stirling and the City of Wanneroo.

1.2 Interpretation

The rules of interpretation set out in the Current Constitution Agreement are repeated in this Deed with any necessary modifications.

2. Variations

As from the Commencement Date, the Participants agree to vary the Current Constitution Agreement as follows:

2.1 Clause 5.1(a)

At the end of clause 5.1(a), insert the words ‘or such other building or place as agreed from time to time between the regional council and all municipalities’.

2.2 Clause 5.1(b)

At the end of clause 5.1(b), insert the words ‘or such other building or place as agreed from time to time by the parties to the contract’.

3. Confirmation

Except as expressly provided otherwise in this Deed, the terms of the Current Constitution Agreement continue to apply.

4. General

4.1 Governing law and jurisdiction

- (a) The Deed is governed by the law applicable in the State of Western Australia.
- (b) Each Participant irrevocably and unconditionally submits to the non-exclusive jurisdiction of the courts of Western Australia.

4.2 Further action

Each Participant must use its best efforts to do all things necessary or desirable to give full effect to the Deed and the matters contemplated by it.

4.3 Counterparts

This Deed may be executed in any number of counterparts and all counterparts shall together constitute one instrument.

4.4 Costs

Each Participant is to bear its own costs of, and incidental to, the preparation and execution of this Deed.

SCHEDULE 1

Participant	Date of resolution of Participant to enter into this Deed of Variation
Town of Cambridge	
City of Joondalup	
City of Perth	
City of Stirling	
Town of Victoria Park	
City of Vincent	
City of Wanneroo	

EXECUTED as a Deed

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

Date of affixing seal: _____

Mayor (signature) ←

Chief Executive Officer (signature) ←

Mayor (print full name)

Chief Executive Officer (print full name)

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

Date of affixing seal: _____

Mayor (signature) ←

Chief Executive Officer (signature) ←

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF PERTH** was affixed hereto in the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

←

Chief Executive Officer (signature)

←

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF STIRLING** was affixed hereto in the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

←

Chief Executive Officer (signature)

←

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **TOWN OF VICTORIA PARK** was affixed hereto in the presence of:

)
)
)

Date of affixing seal: _____

Mayor (signature)

←

Chief Executive Officer (signature)

←

Mayor (print full name)

Chief Executive Officer (print full name)

THE COMMON SEAL of the **CITY OF**)
VINCENT was affixed hereto in the)
presence of:)

Date of affixing seal: _____

Mayor (signature)

←

Chief Executive Officer (signature)

←

Mayor (print full name)

Chief Executive Officer (print full name)

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

Date of affixing seal: _____

Mayor (signature)

←

Chief Executive Officer (signature)

←

Mayor (print full name)

Chief Executive Officer (print full name)