



Western Australia

Local Government Act 1995

Local Government (Administration) Regulations 1996

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Local Government (Administration) Regulations 1996

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Western Australia

Local Government Act 1995

Local Government (Administration) Regulations 1996

Part 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

1. Citation

These regulations may be cited as the *Local Government (Administration) Regulations 1996*¹.

2. Commencement

These regulations come into operation on 1 July 1996.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
code of conduct means a code of conduct prepared or adopted under section 5.103(1);
committee means a committee of a council;
relevant person has the meaning that it has in section 5.59;
Schedule means Schedule to the Act;
section means section of the Act.
- (2) A reference in these regulations to a form followed by a designation is a reference to the form so designated set out in Schedule 1 to these regulations.

Local Government (Administration) Regulations 1996

Part 1 Preliminary

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*[Regulation 3 amended in Gazette 23 Apr 1999 p. 1717;
28 Jun 2002 p. 3079.]*

Part 2 — Council and committee meetings

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

4. Committee members, resignation of

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

4A. Matter prescribed for when meeting may be closed to public (Act s. 5.23(2)(h))

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

[Regulation 4A inserted in Gazette 31 Mar 2005 p. 1037.]

5. Question time for public, meetings that require prescribed (Act s. 5.24)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6. Question time for public, minimum time for (Act s. 5.24(2))

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Question time for public, procedure for (Act s. 5.24(2))

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government; or
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.
- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]

8. No quorum, procedure if (Act s. 5.25(1)(c))

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned —

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president; or
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member; or
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present; or
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

9. Voting to be open (Act s. 5.25(1)(d))

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

10. Revoking or changing decisions (Act s. 5.25(1)(e))

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
 - (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,

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inclusive of the mover.

- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
 - (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

11. Minutes, content of (Act s. 5.25(1)(f))

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting; and
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as

defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration); and

- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

[Regulation 11 amended in Gazette 23 Apr 1999 p. 1717.]

12. Meetings, public notice of (Act s. 5.25(1)(g))

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and
 - (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,are to be held in the next 12 months.
- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special

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meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

13. Unconfirmed minutes, public inspection of (Act s. 5.25(1)(i))

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

14. Notice papers, agenda etc., public inspection of (Act s. 5.25(1)(j))

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —

- (a) are to be tabled at the meeting; or
- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

[Regulation 14 amended in Gazette 31 Mar 2005 p. 1030.]

14A. Attendance by telephone etc. (Act s. 5.25(1)(ba))

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation —

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

 - (a) in a townsite or other residential area; and
 - (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the *Land Administration Act 1997* section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

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**14B. Attendance by telephone etc. after natural disaster
(Act s. 5.25(1)(ba))**

- (1) If a council member is prevented from being physically present at a meeting of the council because of fire, flood, lightning, movement of land, storm, or any other natural disaster the member is to be taken to be present at the meeting if —
 - (a) the member is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the member is authorised to be present by —
 - (i) the Mayor; or
 - (ii) the President; or
 - (iii) the council.
- (2) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (3) A place where a person referred to in this regulation is physically present during a meeting is not a place that is open to members of the public under section 5.23(1).
- (4) In this regulation —

person referred to in this regulation, in respect of a meeting, means a council member who is prevented from being physically present at that meeting.

*[Regulation 14B inserted in Gazette 31 Mar 2005 p. 1031-2;
amended in Gazette 19 Aug 2005 p. 3872.]*

Part 3 — Electors' meetings

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

15. Matters to be discussed at general meeting (Act s. 5.27(3))

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

16. Request for special meeting, form of (Act s. 5.28(2))

A request for a special meeting of the electors of a district is to be in the form of Form 1.

17. Voting at meeting (Act s. 5.31)

- (1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.
- (2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.
- (3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

18. Procedure at meeting (Act s. 5.31)

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

Part 4 — Local government employees

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State unless it is proposed that the position be filled by —
 - (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
 - (b) a person who will be acting in the position for a term not exceeding one year.
- (2) An advertisement referred to in subregulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered; and
 - (b) details of the place where applications for the position are to be submitted; and
 - (c) the date and time for the closing of applications for the position; and
 - (d) the duration of the proposed contract; and
 - (e) contact details for a person who can provide further information about the position; and
 - (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594.]

18B. Contracts of CEOs and senior employees, content of (Act s. 5.39(3)(c))

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEOs

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18D. Performance review of CEO, local government's duties as to

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

18E. False information in application for CEO position, offence

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by

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the applicant that the person knows is false in a material particular; or

- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: \$5 000.

[Regulation 18E inserted in Gazette 31 Mar 2005 p. 1038-9; amended in Gazette 19 Aug 2005 p. 3872.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

18G. Delegations to CEOs, limits on (Act s. 5.43)

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

[Regulation 18G inserted in Gazette 31 Mar 2005 p. 1039.]

19. Delegates to keep certain records (Act s. 5.46(3))

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty; and
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

19A. Payments in addition to contract or award, limits of (Act s. 5.50(3))

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) the value of the person's final annual remuneration, if the person —
 - (i) accepts voluntary severance by resigning as an employee; and
 - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;or
 - (b) in all other cases, \$5 000.

- (2) In this regulation —

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

[Regulation 19A inserted in Gazette 31 Mar 2005 p. 1032; amended in Gazette 13 Jul 2012 p. 3218.]

Part 5 — Annual reports and planning

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

Division 1 — Preliminary

[Heading inserted in Gazette 26 Aug 2011 p. 3482.]

19BA. Terms used

In this Part —

corporate business plan means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

strategic community plan means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted in Gazette 26 Aug 2011 p. 3482-3.]

Division 2 — Annual reports

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19B. Information about numbers of certain employees to be included (Act s. 5.53(2)(g))

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.

[Regulation 19B inserted in Gazette 31 Mar 2005 p. 1032.]

19CA. Information about modifications to certain plans to be included (Act s. 5.53(2)(i))

- (1) This regulation has effect for the purposes of section 5.53(2)(i).
- (2) If a modification is made during a financial year to a local government's strategic community plan, the annual report of the local government for the financial year is to contain information about that modification.
- (3) If a significant modification is made during a financial year to a local government's corporate business plan, the annual report of the local government for the financial year is to contain information about that significant modification.

[Regulation 19CA inserted in Gazette 26 Aug 2011 p. 3483.]

Division 3 — Planning for the future

[Heading inserted in Gazette 26 Aug 2011 p. 3483.]

19C. Strategic community plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
 - (a) the capacity of its current resources and the anticipated capacity of its future resources; and

- (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
 - (c) demographic trends.
 - (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.
 - (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
 - (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
 - (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

[Regulation 19C inserted in Gazette 26 Aug 2011 p. 3483-4.]

19DA. Corporate business plans, requirements for (Act s. 5.56)

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.

- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and
 - (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
 - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine* whether or not to adopt the plan or the modifications.
- *Absolute majority required.
- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

[Regulation 19DA inserted in Gazette 26 Aug 2011 p. 3484-5.]

19DB. Transitional provisions for plans for the future until 30 June 2013

- (1) In this regulation —
former regulation 19C means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);
former regulation 19D means regulation 19D as in force immediately before 26 August 2011;
plan for the future means a plan for the future of its district made by a local government in accordance with former regulation 19C.
- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
 - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and

- (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.

- (7) This regulation expires at the end of 30 June 2013.

[Regulation 19DB inserted in Gazette 26 Aug 2011 p. 3485-6.]

19D. Adoption of plan, public notice of to be given

- (1) After the adoption of a strategic community plan, or modifications of a strategic community plan, under regulation 19C, the local government is to give local public notice in accordance with subregulation (2).

- (2) The local public notice is to contain —

- (a) notification that —

- (i) a strategic community plan for the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
- (ii) details of where and when the plan may be inspected;

or

- (b) where a strategic community plan for the district has been modified —

- (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for the period specified in the plan; and
- (ii) details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4; amended in Gazette 26 Aug 2011 p. 3486.]

Part 6 — Disclosure of financial interests

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

20. Closely associated persons, matters prescribed for (Act s. 5.62)

- (1) In subregulation (2) —
client or adviser means a person who supplies, or receives, legal or financial professional services.
- (2) A relevant person who, within the previous 12 months, was a client or adviser of a relevant person is a person of a class of persons prescribed for the purposes of section 5.62(1)(ca).
- (3) The amount prescribed for the purposes of section 5.62(1)(d)(ii)(I) is \$10 000.
- (4) The percentage prescribed for the purposes of section 5.62(1)(d)(ii)(II) is 1%.
- (5) The prescribed manner of calculating the value of shares for the purposes of the definition of *value* in section 5.62(2) is —
 - (a) the closing share price of the shares on the Australian Stock Exchange Limited on the last trading day of the financial year; or
 - (b) the nominal value of the share, if the share was not listed on the Australian Stock Exchange Limited on the last trading day of the financial year.

[Regulation 20 inserted in Gazette 31 Mar 2005 p. 1039-40; amended in Gazette 19 Aug 2005 p. 3873.]

21. Interests that need not be disclosed (Act s. 5.63(1)(h))

The interests prescribed for the purposes of section 5.63(1)(h) are as follows —

- (a) an interest relating to an allowance to which section 5.98A or 5.99A refers;

- (b) an interest (not being an interest referred to in section 5.63(1)) relating to the payment by the local government of money that the local government is legally obliged to pay;
- (c) an interest that a relevant person has in a matter that is the subject of a question directed to him or her during the time allocated for questions to be raised by members of the public and responded to at a meeting to which section 5.24(1)(a) or (b) applies;
- (d) an interest relating to the provision by a local government of refreshments, meals or accommodation to persons —
 - (i) attending a meeting or function of the local government; or
 - (ii) attending a conference relevant to local government business; or
 - (iii) on other local government business;
- (e) an interest relating to —
 - (i) the provision by the local government of office equipment to a relevant person for both local government purposes and occasional personal use; or
 - (ii) a relevant person becoming the owner of office equipment —
 - (I) that is provided under subparagraph (i) to the relevant person; and
 - (II) that has only minor residual value after use by the relevant person;or
 - (iii) setting an amount of a minor residual value for the purposes of subparagraph (ii);
- (f) an interest relating to —
 - [(i), (ii) deleted]*

- (iii) a gift that can be accepted by a relevant person in accordance with a code of conduct to be observed by the relevant person and the *Local Government (Rules of Conduct) Regulations 2007*.

[Regulation 21 inserted in Gazette 28 Jun 2002 p. 3080-1; amended in Gazette 21 Aug 2007 p. 4189.]

22. Primary returns, form of (Act s. 5.75(1) and (2))

For the purposes of section 5.75(1) and (2), the form of a primary return is set out in Form 2.

23. Annual returns, form of (Act s. 5.76(1) and (2))

For the purposes of section 5.76(1) and (2), the form of an annual return is set out in Form 3.

24. Amount of income prescribed (Act s. 5.80(3))

The amount of income prescribed for the purposes of section 5.80(3) is \$500.

25. Amount of gift prescribed (Act s. 5.82(2)(a))

The amount of a gift prescribed for the purposes of section 5.82(2)(a) is \$500 for an annual return (s. 5.76) lodged before 1 January 2000 and \$200 for an annual return lodged on or after that time.

[Regulation 25 amended in Gazette 23 Apr 1999 p. 1718.]

26. Amount of contribution to travel prescribed (Act s. 5.83(2)(d))

The amount of a contribution to travel prescribed for the purposes of section 5.83(2)(d) is \$500 for an annual return (s. 5.76) lodged before 1 January 2000 and \$200 for an annual return lodged on or after that time.

[Regulation 26 amended in Gazette 23 Apr 1999 p. 1718.]

27. Amount of debt prescribed (Act s. 5.85(2)(a))

The amount of debt to be paid prescribed for the purposes of section 5.85(2)(a) is \$500.

28. Register of financial interests, form of (Act s. 5.88(2))

The register of financial interests is to be in a form that sets out —

- (a) in relation to each disclosure made under section 5.65, 5.70 or 5.71 —
 - (i) the date of the disclosure; and
 - (ii) the nature of the interest disclosed;and
- (b) in relation to each disclosure made under section 5.65 or 5.70 where the extent of the interest has also been disclosed, the extent of the interest; and
- (c) in relation to each disclosure made under section 5.65 or 5.70 —
 - (i) the date of the meeting at which the matter will be or was discussed; and
 - (ii) the number and details of the matter's agenda item at the meeting.

Part 7 — Access to information

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

29. Information to be available for public inspection (Act s. 5.94)

- (1) Subject to subregulation (2), the information prescribed for the purposes of section 5.94(u)(ii) is —
 - (a) the information contained in a register to which section 5.18 applies;
 - (b) the information contained in a register to which section 5.46(1) applies;
 - (ba) the information contained in an electoral gift register established and maintained under regulation 30G(1) of the *Local Government (Elections) Regulations 1997*;
 - (baa) the information contained in a register maintained under regulation 12(5) of the *Local Government (Rules of Conduct) Regulations 2007*;
 - (bb) the information contained in a register of notifiable gifts referred to in regulation 34B(5);
 - (bc) details of a regional price preference policy adopted in accordance with Part 4A of the *Local Government (Functions and General) Regulations 1996*;
 - (c) unconfirmed minutes of council or committee meetings;
 - (d) notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (i) are to be tabled at the meeting; or
 - (ii) have been produced by the local government or a committee for presentation at the meeting,and which have been made available to members of the council or committee for the meeting;

- (e) the information contained in a tenders register kept under the *Local Government (Functions and General) Regulations 1996*.
- (2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(c) if the meeting or that part of the meeting to which the information refers —
 - (a) was closed to members of the public; or
 - (b) in the CEO's opinion, could have been closed to members of the public but was not closed,unless the information to be inspected is a record of a decision made at the meeting.
- (3) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(d) if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.
[Regulation 29 amended in Gazette 23 Apr 1999 p. 1718; 25 Feb 2000 p. 969; 21 Aug 2007 p. 4189-90.]

29A. Limits on right to inspect local government information (Act s. 5.95)

- (1) For the purposes of section 5.95(5)(b), the following information is prescribed as being of a private nature —
 - (a) the name, address and other personal details of the employee; and
 - (b) details regarding a bank, or other financial institution, where the employee's remuneration and other benefits are to be credited.
- (2) For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves —

r. 29B

- (a) information referred to in section 5.94 that would reveal the determination by the local government of a price for the sale or purchase of property by the local government; and
 - (b) information referred to in section 5.94 about the discussion of such a matter; and
 - (c) information referred to in section 5.94 which deals with anything in respect of which a meeting has been closed under section 5.23.
- (3) The information referred to in subregulation (2)(a) and (b) is confidential until the sale or purchase takes place, or a decision is made that the sale or purchase will not take place.

[Regulation 29A inserted in Gazette 31 Mar 2005 p. 1040-1.]

29B. Copies of certain information not to be provided (Act s. 5.96)

A local government must not make available to a person copies of information referred to in section 5.94(m) or (s) unless —

- (a) the request for the information is made in the manner and form approved by the CEO of the local government; and
- (b) the CEO of the local government is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

[Regulation 29B inserted in Gazette 28 Feb 2014 p. 519.]

Part 8 — Local government payments and gifts to members

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

30. Meeting attendance fees (Act s. 5.98(1) and (2A))

[(1), (2) deleted]

(3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —

- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
- (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

[(3B) deleted]

(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —

- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or

r. 31

- (b) the council member is paid an annual fee in accordance with section 5.99; or
- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

[(3)-(5) deleted]

[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]

31. Expenses to be reimbursed (Act s. 5.98(2)(a) and (3))

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

[(2)-(5) deleted]

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]

32. Expenses that may be approved for reimbursement (Act s. 5.98(2)(b) and (3))

- (1) For the purposes of section 5.98(2)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
 - (a) an expense incurred by a council member in performing a function under the express authority of the local government; and

- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

[(2) deleted]

[Regulation 32 amended in Gazette 13 Jul 2012 p. 3219.]

[33-34AB. *Deleted in Gazette 13 Jul 2012 p. 3219]*

34AC. Gifts to council members, when permitted etc.
(Act s. 5.100A)

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).

[Regulation 34AC inserted in Gazette 3 May 2011 p. 1596.]

34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)

- (1) The provision of a vehicle owned by a local government —
 - (a) to a council member who is a mayor or president of the local government; or
 - (b) to a council member who is not a mayor or president of the local government if —

r. 34AD

- (i) no reasonable alternative method of travel is available to the council member; and
- (ii) the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,

is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.

- (2) Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.

[Regulation 34AD inserted in Gazette 3 May 2011 p. 1596-7.]

Part 9 — Codes of conduct

[Heading inserted in Gazette 26 Aug 2011 p. 3487.]

34B. Codes of conduct about gifts, content of (Act s. 5.103(3))

(1) In this regulation —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

gift has the meaning given to that term in section 5.82(4) except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1); or
- (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

notifiable gift, in relation to a person who is an employee, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

prohibited gift, in relation to a person who is an employee, means —

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

r. 34B

- (2) A code of conduct is to contain a requirement that a person who is an employee refrain from accepting a prohibited gift from a person who —
- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from a person who —
- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion,
- notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.
- (4) A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —
- (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition of *notifiable gift* in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
 - (i) a description; and
 - (ii) the estimated value; and

- (iii) the date of acceptance,
of each other gift accepted within the 6 month period.
- (5) A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

[Regulation 34B inserted in Gazette 21 Aug 2007 p. 4190-1.]

34C. Codes of conduct about disclosing interests affecting impartiality, content of (Act s. 5.103(3))

- (1) In this regulation —
interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A code of conduct is to contain a requirement that a person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person disclose the nature of the interest —
 - (a) in a written notice given to the CEO before the meeting;
or
 - (b) at the meeting immediately before the matter is discussed.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person disclose the nature of any interest the person has in the matter —
 - (a) in a written notice given to the CEO before the meeting;
or
 - (b) at the time the advice is given.

r. 34C

- (4) A code of conduct is to exclude from a requirement made under subregulation (2) or (3) an interest referred to in section 5.60.
- (5) A code of conduct is to excuse a person from a requirement made under subregulation (2) or (3) to disclose the nature of an interest if —
 - (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (b) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (6) A code of conduct is to require that if, to comply with a requirement made under subregulation (2) or (3), a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then —
 - (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (7) If —
 - (a) to comply with a requirement made under subregulation (2), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subregulation (5)(b) at a meeting; or
 - (c) to comply with a requirement made under subregulation (6)(b), a notice disclosing the nature of a

person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

[Regulation 34C inserted in Gazette 21 Aug 2007 p. 4192-3.]

[35-39. *Omitted under the Reprints Act 1984 s. 7(4)(e).]*

Form 1 continued: form of each page of listed signatories

We, the undersigned, request that a special meeting of the electors of the district be held.

Full name of elector*	Address which entitles you to vote in the elections of the local government affected by this request	Signature of elector	Date

- * An elector may be one of the following —
- a resident owner or occupier enrolled to vote at State elections;
 - an owner of rateable property (e.g. an absentee land owner or an owner of business premises, vacant land or other non-residential property);
 - an occupier of rateable property (e.g. a tenant of business premises or other non-residential property).

Form 2

[reg. 22]

Local Government Act 1995
Local Government (Administration) Regulations 1996

PRIMARY RETURN

Surname Other names

Office held

Start day

1. Real property

Section 5.79 of the Act

Addresses	Nature of Interest

2. Income sources

Section 5.80 of the Act

(a) income from an occupation

Description of the occupation	Name and address of employer	Description of office held	Name of the partnership

(b) income from a trust

Name of trust	Name and address of settlor	Name and address of trustee

(c) sources of other income

Identity of persons
Describe circumstances

3. Trusts

Section 5.81 of the Act

Trusts in which the relevant person holds a beneficial interest

Name of trust	Name and address of settlor	Name and address of trustee

Discretionary trusts of which the relevant person is a trustee or an object

Name of trust	Name and address of settlor	Name and address of trustee

4. Interests and positions in corporations

Section 5.84 of the Act

Name & address of corporation	Nature of interest/ position held	Principal business (if required)

5. Debts

Section 5.85 of the Act

Name of lender/creditor	Address of lender/creditor

6. Discretionary disclosures

Section 5.87 of the Act

.....
.....
.....

Signature Date

Form 3

[reg. 23]

Local Government Act 1995
Local Government (Administration) Regulations 1996

ANNUAL RETURN

Surname Other names

Office held

Disclosure of interests for the return period from to 30 June

1. Real property

Section 5.79 of the Act

Address	Nature of interest

2. Income sources

Section 5.80 of the Act

(a) income from an occupation

Description of the occupation	Name and address of employer	Description of office held	Name of the partnership

(b) income from a trust

Name of trust	Name and address of settlor	Name and address of trustee

(c) sources of other income

Identity of persons
Describe circumstances

3. Trusts

Section 5.81 of the Act

Trusts in which the relevant person holds a beneficial interest

Name of trust	Name and address of settlor	Name and address of trustee

Discretionary trusts of which the relevant person is a trustee or an object

Name of trust	Name and address of settlor	Name and address of trustee

4. Gifts

Section 5.82 of the Act

Description of gift	Value of gift	Name and address of giver

5. Contributions to travel

Section 5.83 of the Act

Description of contribution	Value of contribution	Name and address of contributor

6. Interests and positions in corporations

Section 5.84 of the Act

Name and address of corporation	Nature of interest/ position held	Principal business (if required)

7. Debts

Section 5.85 of the Act

Name of lender/creditor	Address of lender/creditor

8. Disposition of property

Section 5.86 of the Act

(a) section 5.86(1)

Address of property	Manner of disposition	Date of disposition	Nature of interest retained

(b) section 5.86(2)

Address of property	Person by whom property disposed	Person to whom property disposed	Manner of disposition	Date of disposition	Nature of interest obtained

9. Discretionary disclosures

Section 5.87 of the Act

.....

Signature Date

[Form 3 amended in Gazette 20 Nov 2009 p. 4661.]

Notes

- ¹ This is a compilation of the *Local Government (Administration) Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government (Administration) Regulations 1996</i>	24 Jun 1996 p. 2799-826	1 Jul 1996 (see r. 2)
<i>Local Government (Administration) Amendment Regulations 1996</i>	28 Jun 1996 p. 3171	1 Jul 1996 ²
<i>Local Government (Administration) Amendment Regulations 1999</i>	23 Apr 1999 p. 1717-21	23 Apr 1999
<i>Local Government (Administration) Amendment Regulations 2000</i>	25 Feb 2000 p. 969	25 Feb 2000 (see r. 2 and <i>Gazette</i> 25 Feb 2000 p. 970)
<i>Local Government (Administration) Amendment Regulations 2002</i>	28 Jun 2002 p. 3079-81	28 Jun 2002
Reprint of the <i>Local Government (Administration) Regulations 1996</i> as at 30 Aug 2002 (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2005</i> ³	31 Mar 2005 p. 1030-6	1 Apr 2005 (see r. 2 and <i>Gazette</i> 31 Mar 2005 p. 1029)
<i>Local Government (Administration) Amendment Regulations (No. 2) 2005</i>	31 Mar 2005 p. 1037-41	7 May 2005 (see r. 2)
<i>Local Government (Administration) Amendment Regulations (No. 3) 2005</i>	13 May 2005 p. 2086	13 May 2005
<i>Local Government (Administration) Amendment Regulations (No. 4) 2005</i>	19 Aug 2005 p. 3871-3	19 Aug 2005
Reprint 2: The <i>Local Government (Administration) Regulations 1996</i> as at 17 Nov 2006 (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2007</i>	21 Aug 2007 p. 4189-93	r. 1 and 2: 21 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Oct 2007 (see r. 2(b) and <i>Gazette</i> 21 Aug 2007 p. 4173)
<i>Local Government (Administration) Amendment Regulations 2009</i>	20 Nov 2009 p. 4660-1	r. 1 and 2: 20 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Nov 2009 (see r. 2(b) and <i>Gazette</i> 20 Nov 2009 p. 4649)
<i>Local Government (Administration)</i>	3 May 2011	r. 1 and 2: 3 May 2011

Local Government (Administration) Regulations 1996

Citation	Gazettal	Commencement
<i>Amendment Regulations 2011</i>	p. 1593-7	(see r. 2(a)); r. 7: 4 May 2011 (see r. 2(b) and <i>Gazette</i> 3 May 2011 p. 1577); Regulations other than r. 1, 2 and 7: 4 May 2011 (see r. 2(c))
<i>Local Government (Administration) Amendment Regulations (No. 2) 2011</i>	26 Aug 2011 p. 3481-7	r. 1 and 2: 26 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Aug 2011 (see r. 2(b))
Reprint 3: The Local Government (Administration) Regulations 1996 as at 3 Feb 2012 (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2012</i>	13 Jul 2012 p. 3218-19	r. 1 and 2: 13 Jul 2012 (see r. 2(a)); r. 3 and 4: 14 Jul 2012 (see r. 2(c)); r. 5-8: 1 Jul 2013 (see r. 2(b) and <i>Gazette</i> 8 Feb 2013 p. 863)
<i>Local Government (Administration) Amendment Regulations 2014</i>	28 Feb 2014 p. 519	r. 1 and 2: 28 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2014 (see r. 2(b))

² The commencement date of 1 Jul 1996 is the commencement date of the principal regulations.

³ The *Local Government (Administration) Amendment Regulations 2005* r. 15 is a transitional provision that is of no further effect.

Defined terms

[This is a list of terms defined and the provisions where they are defined.

The list is not part of the law.]

Defined term	Provision(s)
activity involving a local government discretion	34B(1)
client or adviser.....	20(1)
code of conduct.....	3(1)
committee	3(1)
corporate business plan	19BA
final annual remuneration	19A(2)
former regulation 19C.....	19DB(1)
former regulation 19D	19DB(1)
gift.....	34B(1)
interest.....	34C(1)
notifiable gift	34B(1)
person referred to in this regulation	14B(4)
plan for the future	19DB(1)
prohibited gift	34B(1)
relevant person.....	3(1)
Schedule.....	3(1)
section.....	3(1)
strategic community plan.....	19BA
suitable place	14A(4)
townsite.....	14A(4)