

Local Government Act 1995

## **Local Government (Rules of Conduct) Amendment Regulations 2016**

Made by the Governor in Executive Council.

**1. Citation**

These regulations are the *Local Government (Rules of Conduct) Amendment Regulations 2016*.

**2. Commencement**

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

**3. Regulations amended**

These regulations amend the *Local Government (Rules of Conduct) Regulations 2007*.

**4. Part 2 Division 1 heading inserted**

At the beginning of Part 2 insert:

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**5. Part 2 Division 2 heading inserted**

After regulation 5 insert:

**Division 2 — Rules of conduct: general**

**6. Part 2 Division 3 inserted**

After regulation 12 insert:

**Division 3 — Rules of conduct: transitional period**

**13. Terms used**

In this Division —

*address* has the meaning given in section 5.74(1) of the Act;

*assent day* means the day on which the *City of Perth Act 2016* receives the Royal Assent;

*designated employee* has the meaning given in section 5.74(1) of the Act;

*gift* has the meaning given in section 5.82(4) of the Act;

*political party* has the meaning given in section 5.83(4) of the Act;

*relative* has the meaning given in section 5.74(1) of the Act;

*transitional period* means the period beginning on 1 July 2015 and ending at the close of assent day;

*travel* has the meaning given in section 5.83(4) of the Act;

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*travel contribution*, in relation to a person, means a financial or other contribution that has been made to any travel undertaken by the person.

**14. Disclosure of gifts**

- (1) A person who is a council member must disclose each gift received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.
- (4) The disclosure is to include the following —
  - (a) a description of the gift;
  - (b) the name and address of the person who made the gift;
  - (c) the date on which the gift was received;
  - (d) the estimated value of the gift at the time it was made;
  - (e) the nature of the relationship between the person who is a council member and the person who made the gift.
- (5) Nothing in this regulation requires a person to disclose a gift received by the person if —
  - (a) the amount of the gift did not exceed \$200 unless —
    - (i) the gift was one of 2 or more gifts made by one person at any time during the year; and

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- (ii) the sum of those 2 or more gifts exceeded \$200;
  - or
  - (b) the donor was a relative of the person.
- (6) For the purposes of subregulation (5)(a), the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as being an amount equal to the value of the property or the financial benefit at the time the gift was made.
- (7) The CEO must maintain a register of gifts received during the transitional period in which details of disclosures made under this regulation are recorded.

**15. Disclosure of travel contributions**

- (1) A person who is a council member must disclose each travel contribution received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.
- (4) The disclosure is to include the following —
  - (a) a description of the contribution;
  - (b) the name and address of the person who made the contribution;
  - (c) the date on which the contribution was received;
  - (d) the estimated value of the contribution at the time it was made;
  - (e) the nature of the relationship between the person who is a council member and the person who made the contribution;

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- (f) a description of the travel;
  - (g) the date of travel.
- (5) Nothing in this regulation requires a person to disclose a travel contribution if —
- (a) the contribution was made from Commonwealth, State or local government funds; or
  - (b) the contribution was made by a relative of the person; or
  - (c) the contribution was made in the ordinary course of an occupation of the person which is not related to the person's duties as a council member; or
  - (d) the amount of the contribution did not exceed \$200 unless —
    - (i) the contribution was one of 2 or more contributions made by one person at any time during the year; and
    - (ii) the sum of those 2 or more contributions exceeded \$200;
- or
- (e) the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.
- (6) For the purposes of subregulation (5)(d), the amount of a contribution (other than a financial contribution) is to be treated as being an amount equal to the value of the contribution at the time the contribution was made.

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- (7) The CEO must maintain a register of travel contributions received during the transitional period in which details of disclosures made under this regulation are recorded.

N. HAGLEY, Clerk of the Executive Council.

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