

LG301*

Local Government Act 1995

Local Government (Functions and General) Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Functions and General) Amendment Regulations 2011*.

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 (Functions and General) Regulations 1996*.

4. Regulation 7 replaced

Delete regulation 7 and insert:

7. Term used: major regional centre

(1) In this Part —

major regional centre means a local government the district of which —

- (a) is not in the metropolitan area; and
- (b) has more than 20 000 inhabitants.

- (2) Section 2.4(6) of the Act applies to determine the number of inhabitants of a district for the purposes of the definition of *major regional centre*.

8A. Major land transactions and exempt land transactions — s. 3.59

- (1) The amount prescribed for the purposes of the definition of *major land transaction* in section 3.59(1) of the Act is —
- (a) if the land transaction is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —
 - (i) \$10 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year;or
 - (b) if the land transaction is entered into by any other local government, the amount that is the lesser of —
 - (i) \$2 000 000; or
 - (ii) 10% of the operating expenditure incurred by the local government from its municipal fund in the last completed financial year.
- (2) A land transaction is an exempt land transaction for the purposes of section 3.59 of the Act if —
- (a) the total value of —
 - (i) the consideration under the transaction; and
 - (ii) anything done by the local government for achieving the purpose of the transaction,is more, or is worth more, than the amount prescribed under subregulation (1); and
 - (b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which the total value exceeds the amount prescribed under subregulation (1) is not significant taking into account —
 - (i) the total value of the transaction; or
 - (ii) variations throughout the State in the value of land.

5. Regulation 9 amended

(1) Delete regulation 9(1) and insert:

(1) The amount prescribed for the purposes of the definition of *major trading undertaking* in section 3.59(1) of the Act is —

(a) if the trading undertaking is entered into by a local government the district of which is in the metropolitan area or a major regional centre, the amount that is the lesser of —

(i) \$5 000 000; or

(ii) 10% of the lowest operating expenditure described in subregulation (2);

or

(b) if the trading undertaking is entered into by any other local government, the amount that is the lesser of —

(i) \$2 000 000; or

(ii) 10% of the lowest operating expenditure described in subregulation (2).

(2) After regulation 9(2) insert:

(3) A trading undertaking is an exempt trading undertaking for the purposes of section 3.59 of the Act if —

(a) the undertaking —

(i) in the last completed financial year, involved; or

(ii) in the current financial year or the financial year after the current financial year, is likely to involve,

expenditure by the local government of more than the amount prescribed under subregulation (1); and

(b) the Minister has, in writing, declared the transaction to be an exempt transaction because the Minister is satisfied that the amount by which expenditure is, or is likely to be, more than the amount prescribed under subregulation (1) is not significant taking into account —

(i) the total value of the undertaking; or

(ii) variations throughout the State in the value of land.

Note: The heading to amended regulation 9 is to read:

**Major trading undertakings and exempt trading undertakings —
s. 3.59**

6. Part 4B deleted

Delete Part 4B.

7. Regulation 30 amended

In regulation 30(2)(f) delete ““medical practitioner”(as defined in section 3 of the *Medical Act 1894*)” and insert:

person registered under the *Health Practitioner
Regulation National Law (Western Australia)*
in the medical profession

8. Regulation 34 inserted

After regulation 33 insert:

34. Use of common seal

A person who affixes the common seal, or a replica of the common seal, of a local government to any document except as authorised by the local government commits an offence.

Penalty: a fine of \$1 000.

9. Regulation 35A amended

In regulation 35A in the Table delete “s. 6.14(1)(b)”.

10. Various references to “section” amended

Amend the provisions listed in the Table as set out in the Table.

Table

Provision	Delete	Insert
r. 3	section 3.12	section 3.12 of the Act
r. 29A	section 3.40A(5)(c)	section 3.40A(5)(c) of the Act
r. 30(2a)(c)	section 3.59(4)	section 3.59(4) of the Act
r. 32A(1)	section 9.2	section 9.2 of the Act

Provision	Delete	Insert
r. 32A(2)	section 9.2	section 9.2 of the Act

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.