

LG303\*

Local Government Act 1995

## **Local Government (Administration) Amendment Regulations 2007**

Made by the Governor in Executive Council.

### **1. Citation**

These regulations are the *Local Government (Administration) Amendment Regulations 2007*.

### **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 on which the *Local Government (Official Conduct) Amendment Act 2007* section 11 comes into operation.

### **3. The regulations amended**

The amendments in these regulations are to the *Local Government (Administration) Regulations 1996*.

### **4. Regulation 21 amended**

Regulation 21(f) is amended as follows:

- (a) by deleting subparagraphs (i) and (ii) and “or” after subparagraph (ii);
- (b) by inserting before the full stop at the end of subparagraph (iii) —

“

and the *Local Government (Rules of  
Conduct) Regulations 2007*

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### **5. Regulation 29 amended**

Regulation 29(1) is amended as follows:

- (a) by inserting after paragraph (ba) the following paragraph —

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- (baa) the information contained in a register maintained under regulation 12(5) of the *Local Government (Rules of Conduct) Regulations 2007*;

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- (b) in paragraph (bb) —
  - (i) by deleting “token” and inserting instead —  
“ notifiable ”;
  - (ii) by deleting “34B(3)” and inserting instead —  
“ 34B(5) ”.

**6. Regulation 34B replaced**

Regulation 34B is repealed and the following regulation is inserted instead —

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**34B. Codes of conduct (gifts) — 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.

- (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).

7. **Regulation 34C replaced**

Regulation 34C is repealed and the following regulation is inserted instead —

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**34C. Codes of conduct (disclosure of interests affecting impartiality) — 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.
- (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.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.

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