

LG311*

Local Government Act 1995

Local Government (Elections) Amendment Regulations 2009

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Elections) Amendment Regulations 2009*.

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 (Elections) Regulations 1997*.

4. Regulation 30A amended

- (1) In regulation 30A(1) insert in alphabetical order:

address means a residential or street address;

donor means a person who makes a gift to a candidate, and, if the gift is made on behalf of another person, includes that other person;

Note: The heading to amended regulation 30A is to read:

Terms used

- (2) In regulation 30A(5):

- (a) delete paragraph (c) and “or” after it and insert:
 - (c) a gift that does not relate to the candidate’s candidature; or

- (b) after each of paragraphs (a) and (b) insert:

or

5. Regulation 30BA inserted

After regulation 30A insert:

30BA. Candidates not to receive gifts from unidentified donors

- (1) A candidate must not receive a gift during the period set out in regulation 30C unless the name and address of each donor are known to the candidate.

Penalty: \$5 000.

- (2) A candidate is taken not to have received a gift if as soon as the candidate became aware of the gift the candidate —

- (a) takes reasonable steps to —
 - (i) return the gift; or

- (ii) deliver the gift to the CEO for disposal;
and
- (b) discloses to the CEO the gift in the manner set out in regulation 30D(1).

6. Regulation 30B amended

Delete regulation 30B(3).

7. Regulation 30CA inserted

After regulation 30B insert:

30CA. Donors to disclose gifts — s. 4.59

- (1) A donor must disclose to the CEO a gift to a candidate promised or made during the period set out in regulation 30C.
Penalty: \$5 000.
- (2) A donor must make a disclosure to the CEO in the manner set out in regulation 30D(1), and within the time set out in regulation 30D(2).
Penalty: \$5 000.
- (3) A donor must provide the information set out in regulation 30F(1) relating to the gift, and the donor must ensure that the information provided is not false or misleading.
Penalty: \$5 000.

8. Regulation 30C amended

- (1) In regulation 30C(1) delete “30B(1),” and insert:

30B(1) and 30CA(1),
- (2) After regulation 30C(2) insert:
- (3) If the day the *Local Government (Elections) Amendment Regulations 2009* regulation 3 comes into operation (the **commencement day**) is less than 6 months before a relevant election day, the period set out in subregulation (1) commences on the commencement day.

9. Regulation 30D amended

- (1) In regulation 30D(1) delete “30B(2),” and insert:

30B(2) or 30CA(2),

- (2) In regulation 30D(2):

- (a) delete “30B(2),” and insert:

30B(2) or 30CA(2),

- (b) in paragraph (a) before “receipt” insert:

making,

- (c) in paragraph (b) before “received” insert:

made,

- (d) delete “candidate’s control.” and insert:

control of the person who is required to make the disclosure.

10. Regulation 30E deleted

Delete regulation 30E.

11. Regulation 30F amended

In regulation 30F(1):

- (a) delete “30B(4),” and insert:

30B(4) and 30CA(3),

- (b) in paragraph (b) after “was” insert:

made,

- (c) after paragraph (c) delete “gift; and” and insert:

gift;

- (d) delete paragraph (d) and insert:

(d) the name and address of each donor.

12. Regulation 30G amended

- (1) In regulation 30G(2):
 - (a) after “candidates” (first occurrence) insert:

and donors
 - (b) in paragraph (b) delete “the candidates.” and insert:

the forms relating to each candidate.
- (2) In regulation 30G(3) and (4) delete “completed by” and insert:

relating to

13. Schedule 1 amended

In Schedule 1 delete Form 9A and insert:

Local Government Act 1995

Local Government (Elections) Regulations 1997

[s. 4.59]

[r. 30D]

Form 9A

DISCLOSURE OF GIFTS

Details of person making disclosure

Candidate Donor [Tick one box]

Surname Other names

Details of candidate

Surname Other names

Details of person making the gift

Name

Address

.

Details of person on whose behalf the gift is made (if other than the person making the gift)

Name

Address

.

Details of the gift (value of which is \$200 or more, or which is one of 2 or more gifts with a total value of \$200 or more)

Date gift promised, received or made

Value of gift

Description of gift

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.....

Candidates only — *IF YOU ARE UNABLE TO PROVIDE THE INFORMATION REQUIRED BY THIS FORM, SET OUT THE REASONS FOR NOT PROVIDING IT IN THE SPACE BELOW.*

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.....

Person making disclosure to complete and sign the declaration below

I declare that all information and details provided are true and correct, and no known, relevant information is omitted.

Signature Date

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.