

Local Government Act 1995

**Local Government (Administration)
Amendment Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations (No. 2) 2005*.

2. Commencement

These regulations come into operation on 7 May 2005.

3. The regulations amended

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

[* Reprinted as at 30 August 2002.]

4. Regulation 4A inserted

After regulation 4 the following regulation is inserted —

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4A. Meeting, or part of meeting, may be closed to public — 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).

”

5. Regulations 18A to 18G inserted

After regulation 18 the following regulations are inserted —

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18A. Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3)

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position in a newspaper circulating generally throughout the State.

- (2) An advertisement referred to in subregulation (1) is to contain —
- (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (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.

18B. Matters to be included in contracts for CEO's and senior employees — 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 make provision to the effect that if the contract is terminated before the completion of the contract on the happening of an event specified in the contract then the person is entitled to the amount of money which 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 been completed.

18C. Selection and appointment process for CEO's

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.

18D. Local government to consider performance review on CEO

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.

18E. Offence to give false information in application for employment with local government

- (1) 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 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.

- (2) For the purposes of subregulation (1) a statement made, or information given, in connection with an application for employment with a local government as to academic, or other tertiary level, qualifications held by the applicant is to be taken to have been made, or given, by the applicant, in the absence of proof to the contrary.

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).

18G. Limits on delegations to CEO's — 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.

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6. Regulation 20 replaced

Regulation 20 is repealed and the following regulation is inserted instead —

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20. Closely associated persons — s. 5.62

- (1) In subregulation (2) —
“**client or adviser**” means a person who supplies, or receives, legal or financial professional services.
- (2) A 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.

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7. **Regulation 29A inserted**

After regulation 29 the following regulation is inserted —

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29A. Limits on right to inspect local government information — 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 —
 - (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;
 - (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.

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By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.
