

Local Government Act 1995

**Local Government (Administration)
Amendment Regulations 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which section 42 of the *Local Government Amendment Act 2004* comes into operation.

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 10 amended

After regulation 10(1) the following subregulation is inserted —

“

- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.

”.

5. Regulation 14 amended

Regulation 14(2) is amended by deleting the full stop and inserting instead —

“ under section 5.23(2). ”.

6. Regulations 14A and 14B inserted

After regulation 14 the following regulations are inserted —

“

14A. Attendance at meetings by means of instantaneous communication — s. 5.25(1)(ba)

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under regulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.
- (4) In this regulation —

“suitable place” means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

 - (a) in a townsite or other residential area; and
 - (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

“townsite” has the same meaning given to that term in the *Land Administration Act 1997* section 3(1).

** Absolute majority required.*

14B. Attendance at meetings by means of instantaneous communication after natural emergency — s. 5.25(1)(ba)

- (1) If a council member is prevented from being physically present at a meeting of the council because of fire, flood, lightning, movement of land, storm, or any other natural disaster the member is to be taken to be present at the meeting if —
 - (a) the member is simultaneously in audio contact, by telephone or other means of instantaneous

communication, with each other person present at the meeting; and

- (b) the member is authorised to be present by —
 - (i) the Mayor;
 - (ii) the President; or
 - (iii) the council.

- (2) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

”.

7. Regulations 19A to 19D inserted

After regulation 19 the following regulations are inserted —

“

19A. Payments to employee in addition to contract or award — s. 5.50(3)

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) if the person accepts voluntary severance by resigning as an employee, the value of the person’s final annual remuneration; or
 - (b) in all other cases, \$5 000.

- (2) In this regulation —

“**final annual remuneration**” in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person’s employment with the local government finished.

19B. Annual report to contain information on payments to employees — s. 5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.

19C. Planning for the future — s. 5.56

- (1) In this regulation and regulation 19D —
“**plan for the future**” means a plan made under section 5.56.
- (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
- (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
- (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- (5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.

**Absolute majority required.*
- (6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.
- (7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
- (8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
- (9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

19D. Notice of plan to be given

- (1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).
- (2) The local public notice is to contain —
 - (a) notification that —
 - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and

- (ii) details of where and when the plan may be inspected;
- or
- (b) where a plan for the future of the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and
 - (ii) details of where and when the modified plan may be inspected.

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8. Regulation 30 amended

Each provision of regulation 30 referred to in column 1 of the Table to this regulation is amended by deleting the amount set out in column 2 of the Table and inserting instead the amount set out in column 3.

Table

Provision	Amount deleted	Amount inserted
r. 30(1)(a)	\$50	\$60
r. 30(1)(b)	\$120	\$140
r. 30(2)(a)	\$25	\$30
r. 30(2)(b)	\$60	\$70
r. 30(3)	\$6 000	\$7 000
r. 30(4)(a)	\$100	\$120
r. 30(4)(b)	\$240	\$280
r. 30(5)	\$12 000	\$14 000

9. Regulation 31 amended

Regulation 31(3) is amended by deleting “\$10.00” and inserting instead —

“ \$20.00 ”.

10. Regulation 33 amended

- (1) Regulation 33(1)(a) is amended by deleting “\$500” and inserting instead —

“ \$600 ”.

- (2) Regulation 33(1)(b)(i) is amended by deleting “\$10 000” and inserting instead —

“ \$12 000 ”.

11. Regulation 34 amended

Each provision of regulation 34 referred to in column 1 of the Table to this regulation is amended by deleting the amount set out in column 2 of the Table and inserting instead the amount set out in column 3.

Table		
Provision	Amount deleted	Amount inserted
r. 34(1)(a)	\$2 000	\$2 400
r. 34(1)(b)	\$6 000	\$7 000
r. 34(2)(a)	\$5 000	\$6 000
r. 34(2)(b)	\$12 000	\$14 000

12. Regulation 34A amended

Regulation 34A is amended by deleting “\$2 000” and inserting instead —

“ \$2 400 ”.

13. Regulations 34AA and 34AB inserted

After regulation 34A the following regulations are inserted —

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34AA. Allowances in lieu of reimbursement of information technology expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1 000.

34AB. Allowances in lieu of reimbursement of travelling and accommodation expenses — s. 5.99A

(1) For the purposes of section 5.99A(b), the maximum annual allowance for travelling and accommodation expenses —

- (a) prescribed as being a kind of expense to be reimbursed by all local governments under regulation 31; or
- (b) that have been approved for reimbursement under regulation 32,

is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award.

(2) In this regulation —

“**Public Service Award**” means the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as amended from time to time.

”.

14. Regulation 34B amended

Regulation 34B(1) is amended in the definition of “gift” by inserting after paragraph (b) the following paragraph —

“

- (c) an educational or professional benefit conferred on an employee to further or improve the knowledge or skill of the employee by —
 - (i) this State, another State, a Territory, the Commonwealth or a body established under a written law; or
 - (ii) an incorporated association under the *Associations Incorporation Act 1987*, or a corresponding law of another State or Territory, if the employee is eligible for membership of that body on the basis of tasks he or she performs for the local government;

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15. Increased minimum fees and allowances not mandatory until 1 July 2005

- (1) Where these regulations increase the amount of a minimum fee or allowance prescribed under section 5.98 or 5.99 a person is entitled to the increased amount only on and after 1 July 2005.
- (2) Until 1 July 2005, a local government may choose to pay to a person entitled to a minimum fee or allowance prescribed under section 5.98 or 5.99 the amount of the fee or allowance to which the person —
 - (a) was entitled immediately before these regulations came into operation; or
 - (b) would be entitled on and after 1 July 2005.
- (3) If, under subregulation (2), a local government makes a choice to pay a person a fee or allowance to which the person would be entitled on and after 1 July 2005, then that local government must make the same choice when paying all other persons entitled to be paid that same fee or allowance.

By Command of the Governor,

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