
LOCAL GOVERNMENT

LG301*

Local Government Act 1995

**Local Government (Administration)
Amendment Regulations 1999**

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations may be cited as the *Local Government (Administration) Amendment Regulations 1999*.

2. The regulations amended

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

[* *Published in Gazette 24 June 1996, pp. 2799-826.*

For amendments to 1 April 1999 see 1997 Index to Legislation of Western Australia, Table 4, p. 169.]

3. Regulation 3 amended

Regulation 3(1) is amended by inserting in alphabetical order the following definition —

“

“**code of conduct**” means a code of conduct prepared or adopted under section 5.103(1);

”.

4. Regulation 11 amended

After regulation 11(d) the following paragraph is inserted —

“

(da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);

”.

5. Regulation 20 amended

Regulation 20(1) is amended by deleting “\$2 000” and inserting instead —

“ \$10 000 ”.

6. Regulation 21 amended

After regulation 21(2) the following subregulations are inserted —

“

- (3) An interest of a relevant person that arises during the time allocated for the public's questions (s. 5.24) is an interest for the purposes of section 5.63(1)(h).
- (4) If, during the time allocated for the public's questions, a question relating to a matter in which a relevant person has an interest is directed to that person then that person is to —
 - (a) declare that he or she has an interest in the matter; and
 - (b) allow another council member or employee to respond to the question on behalf of the local government.

”.

7. Regulation 25 amended

Regulation 25 is amended by inserting after “\$500” —

“

for an annual return (s. 5.76) lodged before
1 January 2000 and \$200 for an annual return lodged
on or after that time

”.

8. Regulation 26 amended

Regulation 26 is amended by inserting after “\$500” —

“

for an annual return (s. 5.76) lodged before
1 January 2000 and \$200 for an annual return lodged
on or after that time

”.

9. Regulation 29 amended

After regulation 29(1)(b) the following paragraphs are inserted —

“

- (ba) the information contained in an electoral gift register established and maintained under regulation 30G(1) of the *Local Government (Elections) Regulations 1997*;
- (bb) the information contained in a register of token gifts referred to in regulation 34B(3);

”.

10. Regulation 30 amended

- (1) Regulation 30(1)(b) is amended by deleting “\$100” and inserting instead —
“ \$120 ”.
- (2) Regulation 30(2)(b) is amended by deleting “\$50” and inserting instead —
“ \$60 ”.
- (3) Regulation 30(3) is amended by deleting “\$5 000” and inserting instead —
“ \$6 000 ”.
- (4) Regulation 30(4)(b) is amended by deleting “\$200” and inserting instead —
“ \$240 ”.
- (5) Regulation 30(5) is amended by deleting “\$10 000” and inserting instead —
“ \$12 000 ”.

11. Regulation 33 amended

Regulation 33(1) is amended as follows:

- (a) in paragraph (a) by deleting “entertainment” and inserting instead —
“ local government ”;
- (b) in paragraph (b) by deleting “entertainment” and inserting instead —
“ local government ”;
- (c) in paragraph (b) by inserting after “amount” —
“ , but in any case no more than \$60 000 ”.

12. Regulation 33A inserted

After regulation 33 the following regulation is inserted —

“

**33A. Annual local government allowance for deputies —
s. 5.98A**

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

”.

13. Regulation 34 amended

- (1) Regulation 34(1)(b) is amended by deleting “\$5 000” and inserting instead —
“ \$6 000 ”.

- (2) Regulation 34(2)(b) is amended by deleting “\$10 000” and inserting instead —

“ \$12 000 ”.

14. Regulations 34A, 34B and 34C inserted

After regulation 34 the following regulations are inserted —

“

34A. Allowances in lieu of reimbursement of telecommunications expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 000.

34B. Codes of conduct (token gifts) — s. 5.103(3)

- (1) In this regulation —

“**gift**” does not include —

- (a) a gift from a relative as defined in section 5.74(1);
- (b) a gift as defined in regulation 30A of the *Local Government (Elections) Regulations 1997*;

“**token gift**” means a gift of, or below, a value specified by the particular local government.

- (2) A code of conduct is to contain a requirement that a council member or an employee cannot accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business —
 - (a) that requires the person to obtain any authorization from the local government;
 - (b) by way of contract between the person and the local government; or
 - (c) by way of providing any service to the local government.
- (3) A code of conduct is to contain a requirement that the CEO is to keep a register of token gifts that are recorded under subregulation (4).
- (4) A code of conduct is to contain a requirement that a council member or an employee who accepts a token gift from a person referred to in subregulation (2) is, subject to subregulation (5), to record —
 - (a) the names of the persons who gave, and received, the token gift;

- (b) the date of receipt of the token gift; and
 - (c) a description, and the estimated value, of the token gift.
- (5) If the particular local government decides that —
- (a) a specified thing given by way of hospitality; or
 - (b) a thing given by way of hospitality that belongs to a specified class of things,

does not need to be recorded under subregulation (4), the specified thing, and things belonging to the specified class, do not need to be so recorded.

34C. Codes of conduct (disclosure of interests affecting impartiality) — s. 5.103(3)

- (1) In this regulation —
- “employee”** has the meaning given by section 5.70;
- “interest”** means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.
- (2) A code of conduct is to contain a requirement that a council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a council or committee meeting that will be attended by the member or employee.
- (3) A code of conduct is to contain a requirement that a council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a council or committee meeting in respect of which the member or employee has given, or will give, advice.
- (4) A code of conduct is to contain a requirement that disclosure of an interest under subregulation (2) or (3) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.

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By Command of the Lieutenant-Governor and Administrator,

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