
LOCAL GOVERNMENT

LG301

Local Government Act 1995

**Local Government Regulations Amendment
(Gifts) Regulations 2019**

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Local Government Regulations Amendment (Gifts) Regulations 2019*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — 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 Legislation Amendment Act 2019* section 26 comes into operation.

Part 2 — *Local Government (Administration) Regulations 1996* amended**3. Regulations amended**

This Part amends the *Local Government (Administration) Regulations 1996*.

4. Part 6 heading amended

In the heading to Part 6 after “**interests**” insert:

and gifts

5. Regulations 20A and 20B inserted

After regulation 20 insert:

20A. Amounts relating to gifts prescribed (Act s. 5.62(1A), 5.68(1A), 5.71B(2) and (4), 5.87A(3) and 5.87B(3))

- (1) The amount prescribed for the purposes of sections 5.62(1A)(a)(i) and (ii), 5.87A(3)(a) and 5.87B(3)(a) is \$300.
- (2) The amount prescribed for the purposes of sections 5.68(1A)(b)(i) and (ii) and 5.71B(2)(a) and (4) is \$1 000.

20B. Excluded gifts prescribed (Act s. 5.62(1B)(b))

For the purposes of section 5.62(1B)(b) a gift is an excluded gift if the gift is made by any of the following entities —

- (a) WALGA;
- (b) Australian Local Government Association Limited (ABN 31 008 613 876);
- (c) Local Government Professionals Australia WA (ABN 91 208 607 072);
- (d) a department of the Public Service;
- (e) a government department of another State, a Territory or the Commonwealth;
- (f) a local government or regional local government.

6. Regulation 21 amended

In regulation 21:

- (a) in paragraph (e)(iii) delete “subparagraph (ii);” and insert:

subparagraph (ii).
- (b) delete paragraph (f).

7. Regulation 21A inserted

After regulation 21 insert:

**21A. Information to be recorded in minutes of meeting
(Act s. 5.68(2)(b))**

For the purposes of section 5.68(2)(b) the following information is prescribed —

- (a) a description of the gift;
- (b) the disclosing member's estimated value of the gift at the time it was made;
- (c) the name of the person who made the gift;
- (d) the town or suburb of the address of the person who made the gift;
- (e) the reasons for the decision.

8. Regulations 25 and 26 deleted

Delete regulations 25 and 26.

9. Regulation 28 amended

In regulation 28(a) delete "5.70 or 5.71 —" and insert:

5.70, 5.71 or 5.71A —

10. Regulation 28A replaced

Delete regulation 28A and insert:

28A. Register of gifts (Act s. 5.89A(3))

The register of gifts is to be in the form of Form 4.

Note for this regulation:

In the version of the register of gifts published under section 5.89A(5) information about individuals' addresses must be modified as required by section 5.89A(5A).

28B. Transitional provision for register of gifts

(1) In this regulation —

commencement day has the meaning given in Schedule 9.3 clause 56(1);

former Form 4 means Form 4 as it was immediately before commencement day;

former record of disclosures means the record of disclosures that is required to be contained in the register of gifts under Schedule 9.3 clause 56(2).

- (2) Despite regulation 28A, to the extent that the register of gifts contains the former record of disclosures, it is to be in the form of former Form 4.

11. Part 9 heading amended

In the heading to Part 9 after “**conduct**” insert:

for employees

12. Part 9 Division 1 heading deleted

Delete the heading to Part 9 Division 1.

13. Regulation 34B amended

- (1) In regulation 34B(1) in the definition of *gift*:

- (a) delete “section 5.82(4)” and insert:

section 5.57

- (b) in paragraph (d) delete “Local Government Managers Australia WA Division Incorporated (ABN 91 208 607 072);” and insert:

Local Government Professionals Australia WA
(ABN 91 208 607 072);

- (2) Delete regulation 34B(5) and insert:

- (5) A code of conduct is to require that the CEO —
- (a) keep a register of notifiable gifts; and
 - (b) record in the register details of notifications given to comply with a requirement made under subregulation (3); and
 - (c) publish an up-to-date version of the register on the local government’s official website.

14. Part 9 Division 2 deleted

Delete Part 9 Division 2.

15. Schedule 1 Form 4 replaced

Delete Schedule 1 Form 4 and insert:

Form 4

[r. 28A]

*Local Government Act 1995**Local Government (Administration) Regulations 1996***REGISTER OF GIFTS**

Name of person making disclosure	Description of gift	Name and address of person who made gift	Date gift was received	Estimated value of gift at time it was made	Nature of relationship between person who made gift and person who received gift	For a gift that is a travel contribution — description and date of travel	For an excluded gift under s. 5.62(1B)(a) — the date of the approval referred to in s. 5.62(1B)(a)(ii) and the reasons for the approval

Part 3 — *Local Government (Audit) Regulations 1996* amended**16. Regulations amended**This Part amends the *Local Government (Audit) Regulations 1996*.**17. Regulation 13 amended**In regulation 13 in the Table under the heading “*Local Government Act 1995*”:

(a) after the item for s. 5.68(2) insert:

s. 5.69(5)

(b) after the item for s. 5.70 insert:

s. 5.71B(5) and (7)

Part 4 — *Local Government (Rules of Conduct) Regulations 2007* amended**18. Regulations amended**This Part amends the *Local Government (Rules of Conduct) Regulations 2007*.

19. Regulation 12 deleted

Delete regulation 12.

20. Part 2 Division 3 deleted

Delete Part 2 Division 3.

M. INGLIS, Clerk of the Executive Council.
