

LG301

Caravan Parks and Camping Grounds Act 1995
Control of Vehicles (Off-road Areas) Act 1978
Dog Act 1976
Local Government Act 1995

Local Government Regulations Amendment Regulations (No. 2) 2020

SL 2020/213

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations (No. 2) 2020*.

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* sections 5, 13, 14, 16, 17, 20, 24, 57, 64, 65, 66, 68 and 74(1) and (2) and Part 4 come into operation.

Part 2 — *Caravan Parks and Camping Grounds Regulations 1997* amended

3. Regulations amended

This Part amends the *Caravan Parks and Camping Grounds Regulations 1997*.

4. Regulation 6 replaced

Delete regulation 6 and insert:

6. Performance of local government functions by authorised persons

A function conferred on a local government by these regulations may be performed by an authorised person appointed under the *Local Government Act 1995* section 9.10(2) for the purposes of the Act or these regulations.

5. Schedule 1 amended

- (1) In Schedule 1 delete the List of Forms.
- (2) Delete the reference before the heading to Schedule 1 Form 1 and insert:

[r. 43, 46, 63, 64 and 68]

- (3) In Schedule 1 Form 5:
 - (a) delete the passage that begins with “Department” and ends with “government].” and insert:

Department of Local Government, Sport and Cultural Industries.

- (b) delete “* Delete whichever is not applicable.”.

Part 3 — *Control of Vehicles (Off-road Areas) Regulations 1979* amended**6. Regulations amended**

This Part amends the *Control of Vehicles (Off-road Areas) Regulations 1979*.

7. Regulation 14 amended

In regulation 14:

- (a) delete “officer” and insert:

person

- (b) delete “he” and insert:

the authorised person

Note: The heading to amended regulation 14 is to read:

Authorised person may seize and take possession of number plates

8. Regulation 36 amended

In regulation 36:

- (a) delete “he is an authorised officer” and insert:

the person is an authorised person

- (b) delete “his” and insert:

the person’s

9. Regulation 37 amended

In regulation 37(a) delete “officer” and insert:

person

Note: The heading to amended regulation 37 is to read:

Certificates of appointment and notices prohibiting use of vehicles

10. First Schedule amended

In the First Schedule:

(a) in Form 3 delete “officer” (each occurrence) and insert:

person

(b) in Form 4 delete “authorised officer” and insert:

person authorised by the local government

(c) delete Form 5 and insert:

Form 5

<p>WESTERN AUSTRALIA</p> <p><i>Control of Vehicles (Off-road Areas) Act 1978</i></p> <p>CERTIFICATE OF APPOINTMENT OF AUTHORISED PERSON</p>	
<div style="border: 1px solid black; height: 100px; width: 100%; display: flex; align-items: center; justify-content: center;"> <p>[Photograph of authorised person]</p> </div>	<p>This is to certify that</p> <p style="text-align: right;"><i>[name of authorised person]</i></p> <p>whose signature appears below has been appointed by the Minister for Local Government as an authorised person under the <i>Control of Vehicles (Off-road Areas) Act 1978</i>, and that the area of jurisdiction entrusted to the person under that Act is</p> <p>.....</p> <p style="text-align: center;">.....</p> <p style="text-align: center;">Signature (authorised person)</p>
<p>.....</p> <p>Signature (Minister for Local Government)</p>	<p>.....</p> <p>Date</p>

- (d) in Form 7 delete “officer” (each occurrence) and insert:
 person

Part 4 — *Dog Regulations 2013* amended

11. Regulations amended

This Part amends the *Dog Regulations 2013*.

12. Regulation 35 amended

Delete regulation 35(6) and insert:

- (6) An authorised person who serves an infringement notice under subregulation (1) cannot withdraw the infringement notice on behalf of the local government under subregulation (5).

13. Schedule 1 Form 1 replaced

Delete Schedule 1 Form 1 and insert:

Form 1

[r. 14]

Dog Act 1976 s. 11(3)

Certificate of authorisation

(1)

[Photograph of authorised person]	This is to certify that ⁽²⁾ has been appointed by the ⁽¹⁾ to exercise the powers of a registration officer in accordance with the provisions of the <i>Dog Act 1976</i> .
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Signed
 CEO of the ⁽¹⁾

.....
 Signature of authorised person

.....
 Date

Insert:

- (1) name of local government;
 (2) name of authorised person.

Note: The heading to regulation 14 is to read:

Certificates of authorisation

**Part 5 — *Local Government (Administration)*
Regulations 1996 amended**

14. Regulations amended

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

15. Part 1A inserted

After regulation 3 insert:

Part 1A — Public notices

3A. Requirements for local public notice (Act s. 1.7)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
 - (a) the period specified in or under the Act in relation to the notice; or
 - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
 - (a) publication in a newspaper circulating generally in the State;
 - (b) publication in a newspaper circulating generally in the district;
 - (c) publication in 1 or more newsletters circulating generally in the district;
 - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
 - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;

- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
 - (i) the period specified in or under the Act in relation to the notice; or
 - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

**3B. Requirements for Statewide public notice
(Act s. 1.8)**

- (1) For the purposes of section 1.8, one of the ways in which Statewide public notice of a matter must be given is the way prescribed in regulation 3A(2)(a) or (d).
- (2) If Statewide public notice of a matter is required to be given by the Electoral Commissioner —
 - (a) regulation 3A(2)(e) applies in relation to the Electoral Commissioner as if the reference to circulation by the local government by email, text message or similar electronic means were a reference to circulation by the Electoral Commissioner by email, text message or similar electronic means; and
 - (b) regulation 3A(2)(g) applies in relation to the Electoral Commissioner as if the reference to posting on a social media account administered by the local government were a reference to posting on a social media account administered by the Electoral Commissioner.

16. Regulation 10 amended

Delete regulation 10(2) and insert:

- (2) If a decision is made at a council or committee meeting, any decision to revoke or change the decision must be made by an absolute majority.

17. Regulation 11 amended

In regulation 11:

- (a) in paragraph (f) delete “interest.” and insert:

interest; and

- (b) after paragraph (f) insert:

- (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public.

18. Regulations 12 and 13 replaced

Delete regulations 12 and 13 and insert:

12. Publication of meeting details (Act s. 5.25(1)(g))

- (1) In this regulation —
meeting details, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
- (a) ordinary council meetings;
- (b) committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.

**13. Publication of unconfirmed minutes of meetings
(Act s. 5.25(1)(i))**

- (1) The CEO must publish on the local government's official website —
 - (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
 - (b) if a council or committee meeting is closed to members of the public — that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.
- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held.

19. Regulation 14 amended

- (1) In regulation 14(1) after “public” insert:

and published on the local government's official website

- (2) In regulation 14(2) delete “Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation” and insert:

Subregulation (1) does not apply

20. Regulations 19B and 19CA replaced

Delete regulations 19B and 19CA and insert:

**19B. Information to be included in annual report
(Act s. 5.53(2)(g) and (i))**

- (1) In this regulation —

remuneration has the meaning given in the *Salaries and Allowances Act 1975* section 4(1).
- (2) For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following —
 - (a) the number of employees of the local government entitled to an annual salary of \$130 000 or more;
 - (b) the number of employees of the local government entitled to an annual salary that

- falls within each band of \$10 000 over \$130 000;
- (c) any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;
 - (d) any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;
 - (e) the remuneration paid or provided to the CEO during the financial year;
 - (f) the number of council and committee meetings attended by each council member during the financial year;
 - (g) if available, the gender, linguistic background and country of birth of council members;
 - (h) if available, the number of council members who are aged —
 - (i) between 18 years and 24 years; and
 - (ii) between 25 years and 34 years; and
 - (iii) between 35 years and 44 years; and
 - (iv) between 45 years and 54 years; and
 - (v) between 55 years and 64 years; and
 - (vi) over the age of 64 years;
 - (i) if available, the number of council members who identify as Aboriginal or Torres Strait Islander;
 - (j) details of any modification made to a local government's strategic community plan during the financial year;
 - (k) details of any significant modification made to a local government's corporate business plan during the financial year.

21. Regulation 19D replaced

Delete regulation 19D and insert:

19D. Public notice of adoption of strategic community plan

- (1) If a strategic community plan is adopted, the CEO must —
 - (a) give local public notice that the plan has been adopted; and

- (b) publish the plan on the local government's official website.
- (2) If modifications to a strategic community plan are adopted, the CEO must —
 - (a) give local public notice that modifications to the plan have been adopted; and
 - (b) publish the modified plan on the local government's official website.

22. Regulation 29 amended

- (1) Delete regulation 29(1)(baa) and (c).
- (2) Delete regulation 29(1)(d) and insert:
 - (d) all superseded versions of each policy of the local government;
- (3) Delete regulation 29(2) and (3).

23. Regulation 29A amended

Delete regulation 29A(1).

24. Regulations 29C and 29D inserted

At the end of Part 7 insert:

**29C. Information to be published on official website
(Act s. 5.96A(1)(i))**

- (1) In this regulation —
 - annual return* means a return required by section 5.76;
 - oversight entity* means any of the following —
 - (a) the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;
 - (b) an Inquiry Panel;
 - (c) the Public Sector Commissioner;
 - (d) a Royal Commission;
 - (e) the State Administrative Tribunal;
 - primary return* means a return required by section 5.75.
- (2) For the purposes of section 5.96A(1)(i), the following information is prescribed —
 - (a) any adverse recommendation made by an authorised person under section 8.13(2) and provided to the local government in respect of

- the local government, its council, a council member or the CEO;
- (b) any adverse finding, recommendation or proposition made by an oversight entity and made available to the public in respect of the local government, its council, a council member or the CEO;
 - (c) an up-to-date version of each policy of the local government;
 - (d) the name of each council member who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020;
 - (e) the position of each employee who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020;
 - (f) the type, and the amount or value, of any fees, expenses or allowances paid to each council member during a financial year beginning on or after 1 July 2020.
- (3) An adverse recommendation referred to in subregulation (2)(a) must be published on the local government's official website within 14 days after the adverse recommendation is provided to the local government.
- (4) An adverse finding, recommendation or proposition referred to in subregulation (2)(b) must be published on the local government's official website within 14 days after the finding, recommendation or proposition is made available to the public.
- (5) The information referred to in subregulation (2)(d) and (e) must be published on the local government's official website —
- (a) if the return is lodged with the local government on or before 31 August immediately following the financial year to which the return relates — on or before 14 September immediately following the end of that financial year; or
 - (b) if the return is lodged with the local government after 31 August immediately following the financial year to which the return relates — within 14 days after the return is lodged with the local government.
- (6) The information referred to in subregulation (2)(f) must be published on the local government's official website on or before 14 July immediately following the end of the financial year to which the information relates.

29D. Period for which information to be kept on official website (Act s. 5.96A(5))

For the purposes of section 5.96A(5), a period of not less than 5 years, beginning on the day on which the information is first published on the local government's official website, is prescribed for the following information —

- (a) the annual report;
- (b) the annual budget;
- (c) confirmed minutes of council and committee meetings;
- (d) minutes of electors' meetings;
- (e) information referred to in section 5.96A(1)(h);
- (f) information referred to in regulation 29C(2).

25. Regulation 34B amended

- (1) In regulation 34B(1) insert in alphabetical order:

employee does not include the CEO;

- (2) In regulation 34B(4)(d) delete "is an employee" and insert:

accepted the gift

**Part 6 — Local Government (Elections)
Regulations 1997 amended**

26. Regulations amended

This Part amends the *Local Government (Elections) Regulations 1997*.

27. Regulation 30G amended

After regulation 30G(4) insert:

- (5) The CEO must publish an up-to-date version of the electoral gift register on the local government's official website.
- (6) The version of the electoral gift register published under subregulation (5) must not include the address of an individual included in a 'disclosure of gifts' form and must instead include the town or suburb mentioned in the address.

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

Electoral gift register

28. Regulation 30I amended

In regulation 30I(2) delete the definition of *publish* and insert:

publish has the meaning that the term has in the law of tort (as modified by the *Defamation Act 2005*) relating to defamation.

29. Regulation 43 amended

In regulation 43(1)(ba) delete “gifts” and insert:

gift

30. Regulation 73 amended

Delete regulation 73(5) and insert:

(4) The notice under subregulation (1) or (3) must be published on the local government’s official website for a period of not less than 3 days.

(5) If the notice under subregulation (1) or (3) is given in a way prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2)(d), (f) or (g), the period specified in relation to the notice is not less than 3 days.

**Part 7 — Local Government (Financial Management)
Regulations 1996 amended****31. Regulations amended**

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

32. Regulation 27 amended

In regulation 27(1) delete “president —” and insert:

president, for each person —

33. Regulation 44 amended

In regulation 44 delete “include —” and insert:

include, for each person —

**Part 8 — *Local Government (Functions and General)*
*Regulations 1996 amended***

34. Regulations amended

This Part amends the *Local Government (Functions and General) Regulations 1996*.

35. Regulation 15 amended

In regulation 15(1) delete the passage that begins with “notice is” and continues to the end of the subregulation and insert:

notice is —

- (a) published on the local government’s official website; and
- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

36. Regulation 17 amended

After regulation 17(1) insert:

- (1A) The CEO must publish the tenders register on the local government’s official website.

37. Regulation 22 amended

In regulation 22 delete the passage that begins with “is first published” and continues to the end of the regulation and insert:

is —

- (a) published on the local government’s official website; and
- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

38. Regulation 24AE amended

In regulation 24AE delete the passage that begins with “is first published” and continues to the end of the regulation and insert:

is —

- (a) published on the local government’s official website; and

- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

39. Regulation 24E amended

In regulation 24E(1):

- (a) in paragraph (c) delete “notice.” and insert:

notice; and

- (b) after paragraph (c) insert:

- (d) publish the proposed regional price preference policy on the local government’s official website.

40. Regulation 24F amended

Delete regulation 24F(4)(b) and insert:

- (b) published on the local government’s official website.

41. Regulation 30 amended

Delete regulation 30(2b) and insert:

- (2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —
 - (a) be made available for public inspection; and
 - (b) be published on the local government’s official website.

**Part 9 — *Local Government (Regional Subsidiaries)*
Regulations 2017 amended**

42. Regulations amended

This Part amends the *Local Government (Regional Subsidiaries) Regulations 2017*.

43. Regulation 18 amended

Delete regulation 18(7) and (8) and insert:

- (7) The *Local Government (Administration) Regulations 1996* regulation 19B(2)(a), (b) and (e) apply in relation to a regional subsidiary as if amended by the general modifications.

M. INGLIS, Clerk of the Executive Council.
