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**LOCAL GOVERNMENT**

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LG301

Local Government Act 1995

**Local Government Regulations Amendment  
Regulations (No. 2) 2023**

SL 2023/102

Made by the Governor in Executive Council.

**Part 1 — Preliminary****1. Citation**

These regulations are the *Local Government Regulations Amendment Regulations (No. 2) 2023*.

**2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette* (*gazettal day*);
- (b) regulation 7 — on 1 January 2024;
- (c) Part 5 — on 1 July 2024;
- (d) the rest of the regulations — on the day after gazettal day.

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

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

**4. Regulation 14E amended**

- (1) In regulation 14E(1) delete the definitions of:  
*Band 3 or 4 council or committee*  
*Band 3 or 4 local government*

- (2) In regulation 14E(1) insert in alphabetical order:

***class 3 or 4 council or committee*** means the council of, or a committee established by, a class 3 local government or a class 4 local government;

Note for this definition:

***Class 3 local government*** and ***class 4 local government*** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.

- (3) In regulation 14E(3A)(a) delete “Band” and insert:

class

**5. Regulation 20A amended**

In regulation 20A(2) delete “5.68(1A)(b)(i) and (ii)” and insert:

5.68(1C)(a) and (b)

Note: The heading to amended regulation 20A is to read:

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

**6. Regulation 29C amended**

In regulation 29C(2) —

- (a) in paragraph (f) delete “2020.” and insert:

2020;

- (b) after paragraph (f) insert:

- (g) a copy of any local public notice given under the *Local Government (Elections) Regulations 1997* regulation 80(8), 80AA(4), 80AB(4), 86(a), 86A or 87A(4) in respect of the local government.

## 7. Regulation 34ACA inserted

After regulation 34AC insert:

### **34ACA. Fees paid and expenses reimbursed to committee members (Act s. 5.100)**

- (1) A meeting of a committee of the council of which the committee member is not a member is a meeting of a prescribed type for the purposes of section 5.100(3).
- (2) For the purposes of section 5.100(4)(a), the kinds of expenses that are to be reimbursed by all local governments are child care and travel costs incurred by a committee member because of their attendance at a meeting of the committee of which they are a member.
- (3) For the purposes of section 5.100(4)(b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —
  - (a) an expense incurred by a committee member in performing a function under the express authority of the local government; and
  - (b) an expense incurred by a committee member in performing a function in their capacity as a committee member.
- (4) For the purposes of Schedule 9.3 clause 62(2) —
  - (a) section 5.98(7), as in force immediately before the transitional period, continues to apply in relation to meetings of committees held before or during that period as if the *Local Government Amendment Act 2023* section 79(2) had not come into operation; and
  - (b) section 5.100(1), as in force immediately before the transitional period, continues to apply in relation to committee meetings held before or during that period as if the *Local Government Amendment Act 2023* section 80 had not come into operation; and
  - (c) section 5.100(2), as in force immediately before the transitional period, continues to apply in relation to expenses incurred before or during that period as if the *Local Government Amendment Act 2023* section 80 had not come into operation.
- (5) In subregulation (4) —

***transitional period*** means the period that —

  - (a) begins when the *Local Government Amendment Act 2023* section 80 comes into operation; and

- (b) ends immediately before the first determination of the Salaries and Allowances Tribunal under the *Salaries and Allowances Act 1975* section 7BAA comes into operation or is deemed to have come into operation.

**8. Schedule 1 Form 1 amended**

In Schedule 1 Form 1 delete “100” and insert:

300

**Part 3 — *Local Government (Constitution) Regulations 1998* amended**

**9. Regulations amended**

This Part amends the *Local Government (Constitution) Regulations 1998*.

**10. Part 1A inserted**

After regulation 2 insert:

**Part 1A — Classes of local governments**

**2A. Local governments divided into 4 classes**

For the purposes of these regulations and any other regulations made under the Act —

- (a) a ***class 1 local government*** is a local government listed in Schedule 2 Division 1; and
- (b) a ***class 2 local government*** is a local government listed in Schedule 2 Division 2; and
- (c) a ***class 3 local government*** is a local government listed in Schedule 2 Division 3; and
- (d) a ***class 4 local government*** is a local government listed in Schedule 2 Division 4.

**2B. Regional local governments**

- (1) This regulation applies for the purposes of any provision of regulations made under the Act —
  - (a) that applies to regional local governments under section 3.66; and
  - (b) in which any of the following terms is used —

- (i) class 1 local government;
  - (ii) class 2 local government;
  - (iii) class 3 local government;
  - (iv) class 4 local government.
- (2) No regional local government is a class 1 local government.
- (3) Each of the following is a class 2 local government —
- (a) Eastern Metropolitan Regional Council;
  - (b) Southern Metropolitan Regional Council;
  - (c) Tamala Park Regional Council.
- (4) Each of the following is a class 3 local government —
- (a) Mindarie Regional Council;
  - (b) Rivers Regional Council.
- (5) Each of the following is a class 4 local government —
- (a) Bunbury-Harvey Regional Council;
  - (b) Murchison Regional Vermin Council;
  - (c) Pilbara Regional Council;
  - (d) Western Metropolitan Regional Council.

**11. Part 2 Division 3 inserted**

At the end of Part 2 insert:

**Division 3 — Districts that cannot be divided into wards**

**10AA. Term used: class 3 or 4 district**

In this Division —

*class 3 or 4 district* means a district that is —

- (a) the district of a class 3 local government; or
- (b) the district of a class 4 local government.

**10AB. Class 3 or 4 district cannot be divided into wards  
(s. 2.2A(1)(a))**

- (1) For the purposes of section 2.2A(1)(a), a class 3 or 4 district cannot be divided into wards.
- (2) Subregulation (1) is subject to regulation 10AC(3).

**10AC. Abolition of wards in class 3 or 4 district  
(s. 2.2A(1)(b) and (2)(b) and (c))**

- (1) In this regulation —  
*amendment day* means the day on which the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulation 11 comes into operation;  
*next election*, in relation to a class 3 or 4 district, means the first ordinary election after amendment day for the local government of which it is the district;  
*next election day*, in relation to a class 3 or 4 district, means the day fixed under the Act for the holding of any poll needed for the next election (whether or not any poll is actually held).
- (2) This regulation applies to a class 3 or 4 district which, immediately before amendment day, is divided into wards.
- (3) Regulation 10AB(1) does not apply to the class 3 or 4 district before next election day.
- (4) For the purposes of section 2.2A(1)(b), all of the wards are abolished on next election day.
- (5) For the purposes of section 2.2A(2)(b), Part 4 of the Act applies for the purpose of preparing for, and conducting, the next election as if the abolition of all of the wards takes effect on amendment day.

Note for this subregulation:

The operation of Part 4 of the Act is modified to the extent necessary to give effect to this subregulation — see section 2.2A(2)(c).

- (6) Subregulations (4) and (5) do not apply if all of the wards are to be abolished on next election day by an order made under the Act that is published in the *Gazette* before amendment day.

**12. Part 3 Division 1 inserted**

At the beginning of Part 3 insert:

**Division 1 — Method of filling office of mayor or president**

**10AD. Proposals to change method of filling office of mayor or president (s. 2.12)**

A proposal by electors under section 2.12 to change the method of filling the office of mayor or president of a local government to the other method mentioned in section 2.11(1)(a) or (b) must be in the form of Form 4.

**10AE. Class 1 or 2 local government must use election by electors method (s. 2.12B(1)(a))**

- (1) For the purposes of section 2.12B(1)(a), the method of filling the office of mayor or president used by a local government that is a class 1 local government or a class 2 local government —
  - (a) must be the election by the electors method; and
  - (b) cannot be changed to the election by the council method.
- (2) Subregulation (1) does not apply to the City of Perth.

Note for this subregulation:

The *City of Perth Act 2016* section 20 provides for the City of Perth to use the election by the electors method.

**10AF. Change of method of filling office of mayor or president (s. 2.12B(1)(b) and (2)(a), 2.13(4)(a))**

- (1) In this regulation —

***amendment day*** means the day on which the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulation 12 comes into operation;

***relevant local government*** means —

  - (a) a class 1 local government if, immediately before amendment day, the method of filling the office of mayor or president used by the class 1 local government is the election by the council method; or
  - (b) a class 2 local government if, immediately before amendment day, the method of filling the office of mayor or president used by the class 2 local government is the election by the council method.
- (2) For the purposes of section 2.12B(1)(b), the method of filling the office of mayor or president used by a relevant local government is changed to the election by the electors method.
- (3) For the purposes of section 2.13(4)(a), the change has effect in relation to the filling of the office of mayor or president at the next ordinary elections for the relevant local government that are held after amendment day.

Note for this subregulation:

This subregulation makes the provision required by section 2.12B(2)(a) because of the provision made by subregulation (2).

- (4) Subregulations (2) and (3) do not apply to a relevant local government if —
- (a) before amendment day, the relevant local government made a decision under section 2.11(2) to change the method of filling the office of mayor or president used by it to the election by the electors method; and
  - (b) in accordance with section 2.13(1), the change has effect in relation to the filling of the office of mayor or president at the next ordinary elections for the relevant local government that are held after amendment day.

**13. Part 3 Division 2 heading inserted**

Before regulation 10A insert:

**Division 2 — Matters under Schedule 2.3 of Act**

**14. Regulation 10A amended**

- (1) In regulation 10A delete “Part —” and insert:

Division —

- (2) In regulation 10A insert in alphabetical order:

*first-preference vote* has the meaning given in Schedule 4.1 clause 1 of the Act;

- (3) In regulation 10A in the definition of *records of the election* delete paragraph (d) and insert:

- (d) a paper record that shows the number of first-preference votes that each candidate had; and
- (e) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act (as applied under Schedule 2.3 of the Act) — a paper record that shows —
  - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
  - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and



- (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act.

Note: The heading to amended regulation 10A is to read:

**Terms used**

**15. Regulation 11 deleted**

Delete regulation 11.

**16. Regulation 11A amended**

Delete regulation 11A(4) and insert:

- (4) Section 4.69(2) to (4) apply in relation to the casting of votes, modified as is necessary for the purposes of the election.

**17. Regulation 11EA replaced**

Delete regulation 11EA and insert:

**11EA. Drawing of lots (Sch. 2.3 cl. 4, 5, 8 and 9)**

If a provision of Schedule 4.1 of the Act (as applied under Schedule 2.3 of the Act) requires the drawing of lots, the applicable regulation of the *Local Government (Elections) Regulations 1997* Part 12C Division 4 applies, modified as is necessary for the purposes of the election.

Note for this regulation:

A requirement to draw lots under Schedule 4.1 clause 2(2) or 5(6)(b) of the Act is subject to Schedule 2.3 clause 5(1) or 9(1) of the Act (as the case requires).

**18. Regulation 11F amended**

Delete regulation 11F(3) and (4) and insert:

- (3) The declaration may include the following information —
  - (a) the number of first-preference votes that each candidate had;

- (b) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act (as applied under Schedule 2.3 of the Act) —
  - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
  - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and
  - (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act.
- (4) The person conducting the election must also give local public notice of the result of the election.
- (5) The local public notice must include the information referred to in subregulations (2) and (3).
- (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

**19. Part 3 Division 3 heading inserted**

Before regulation 12 insert:

**Division 3 — Other provisions**

**20. Regulations 14A and 14B inserted**

After regulation 14 insert:

**14A. Transitional provision: reviews under Sch. 2.2 cl. 6 of Act**

- (1) In this regulation —  
*amendment day* means the day on which the *Local Government Amendment Act 2023* section 90 comes into operation.
- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act —
  - (a) the amendments made by the *Local Government Amendment Act 2023* section 90 do not affect a requirement imposed by the Advisory Board on a local government under Schedule 2.2 clause 6(3) of the Act before amendment day; and

- (b) the Act continues to apply in relation to the requirement as if those amendments had not been made and the local government must comply with the requirement accordingly.

**14B. Transitional provision: elections under Sch. 2.3 of Act**

The amendments made by the *Local Government Regulations Amendment Regulations (No. 2) 2023* regulations 14(2) and (3) and 16 to 18 do not apply in relation to an election which is conducted at a meeting held before 21 October 2023 and, accordingly, these regulations apply in relation to the election as if those amendments had not been made.

**21. Schedule 1 Form 4 amended**

In Schedule 1 Form 4 delete “[r. 11]” and insert:

[r. 10AD]

**22. Schedule 2 inserted**

After Schedule 1 insert:

**Schedule 2 — Classes of local governments**

[r. 2A]

**Division 1 — Class 1 local governments**

City of Albany  
City of Armadale  
City of Bayswater  
City of Belmont  
City of Bunbury  
City of Busselton  
City of Canning  
City of Cockburn  
City of Fremantle  
City of Gosnells  
City of Greater Geraldton  
City of Joondalup  
City of Kalgoorlie-Boulder

City of Karratha  
City of Kwinana  
City of Mandurah  
City of Melville  
City of Perth  
Town of Port Hedland  
City of Rockingham  
City of Stirling  
City of Swan  
City of Wanneroo

**Division 2 — Class 2 local governments**

Shire of Ashburton  
Shire of Augusta-Margaret River  
Shire of Broome  
Town of Cambridge  
Shire of Carnarvon  
Shire of Derby-West Kimberley  
Shire of East Pilbara  
Shire of Esperance  
Shire of Harvey  
City of Kalamunda  
Shire of Manjimup  
Shire of Mundaring  
Shire of Murray  
City of Nedlands  
Shire of Northam  
Shire of Serpentine-Jarrahdale  
City of South Perth  
City of Subiaco  
Town of Victoria Park  
City of Vincent  
Shire of Wyndham-East Kimberley

**Division 3 — Class 3 local governments**

Town of Bassendean

Shire of Bridgetown-Greenbushes

Shire of Capel

Shire of Chittering

Town of Claremont

Shire of Collie

Shire of Coolgardie

Town of Cottesloe

Shire of Dalwallinu

Shire of Dandaragan

Shire of Dardanup

Shire of Denmark

Shire of Donnybrook-Balingup

Town of East Fremantle

Shire of Exmouth

Shire of Gingin

Shire of Halls Creek

Shire of Irwin

Shire of Katanning

Shire of Kojonup

Shire of Laverton

Shire of Leonora

Shire of Meekatharra

Shire of Merredin

Shire of Moora

Town of Mosman Park

Shire of Narrogin

Shire of Northampton

Shire of Plantagenet

Shire of Ravensthorpe

Shire of Toodyay

Shire of Waroona

Shire of Yilgarn

Shire of York

**Division 4 — Class 4 local governments**

Shire of Beverley  
Shire of Boddington  
Shire of Boyup Brook  
Shire of Brookton  
Shire of Broomehill-Tambellup  
Shire of Bruce Rock  
Shire of Carnamah  
Shire of Chapman Valley  
Shire of Coorow  
Shire of Corrigin  
Shire of Cranbrook  
Shire of Cuballing  
Shire of Cue  
Shire of Cunderdin  
Shire of Dowerin  
Shire of Dumbleyung  
Shire of Dundas  
Shire of Gnowangerup  
Shire of Goomalling  
Shire of Jerramungup  
Shire of Kellerberrin  
Shire of Kent  
Shire of Kondinin  
Shire of Koorda  
Shire of Kulin  
Shire of Lake Grace  
Shire of Menzies  
Shire of Mingenew  
Shire of Morawa  
Shire of Mount Magnet  
Shire of Mount Marshall  
Shire of Mukinbudin  
Shire of Murchison  
Shire of Nannup  
Shire of Narembeen

Shire of Ngaanyatjarraku  
Shire of Nungarin  
Shire of Peppermint Grove  
Shire of Perenjori  
Shire of Pingelly  
Shire of Quairading  
Shire of Sandstone  
Shire of Shark Bay  
Shire of Tammin  
Shire of Three Springs  
Shire of Trayning  
Shire of Upper Gascoyne  
Shire of Victoria Plains  
Shire of Wagin  
Shire of Wandering  
Shire of West Arthur  
Shire of Westonia  
Shire of Wickepin  
Shire of Williams  
Shire of Wiluna  
Shire of Wongan-Ballidu  
Shire of Woodanilling  
Shire of Wyalkatchem  
Shire of Yalgoo

**Part 4 — *Local Government (Elections)*  
*Regulations 1997* amended**

**23. Regulations amended**

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

**24. Regulation 3 amended**

- (1) In regulation 3 delete the definition of *electronic counting system*.

- (2) In regulation 3 insert in alphabetical order:

***electronic counting place*** has the meaning given in regulation 75C(1A);

***electronic counting system*** means an electronic system to be used in counting votes, which may include either or both of the following —

- (a) a process for recording votes indicated on ballot papers;
- (b) a counting system for ascertaining any of the following —
  - (i) the number of first-preference votes that each candidate has;
  - (ii) the number of votes that a candidate has on a count under Schedule 4.1 clause 5(2)(d) of the Act;
  - (iii) the result of any transfer of surplus votes under Schedule 4.1 clause 9 or 10 of the Act;
  - (iv) the result of any transfer of first-preference votes or preference votes under Schedule 4.1 clause 11 of the Act;

***first-preference vote*** has the meaning given in Schedule 4.1 clause 1 of the Act;

***preference vote*** has the meaning given in Schedule 4.1 clause 1 of the Act;

***votes***, when used in the context of an election the result of which is ascertained under Schedule 4.1 Division 3 of the Act, has the meaning given in Schedule 4.1 clause 7 of the Act;

- (3) In regulation 3 in the definition of ***election papers*** delete paragraph (ba) and insert:

- (ba) a paper record that shows the number of first-preference votes that each candidate in the election had; and
- (bb) if the result of the election is ascertained under Schedule 4.1 clause 5 of the Act — a paper record that shows —
  - (i) each candidate who was excluded under Schedule 4.1 clause 5(2)(a) of the Act; and
  - (ii) details of the setting aside or transfer of ballot papers under Schedule 4.1 clause 5(2)(b) or (c) of the Act; and



- (iii) the number of votes that each candidate who was not excluded had on the last count under Schedule 4.1 clause 5(2)(d) of the Act;
- and
- (bc) if the result of the election is ascertained under Schedule 4.1 Division 3 of the Act — a paper record that shows —
    - (i) for each candidate who was elected — the number of votes that the candidate had when they were elected; and
    - (ii) details of any transfers of surplus votes under Schedule 4.1 clause 9 or 10 of the Act; and
    - (iii) each candidate who was excluded under Schedule 4.1 clause 11 of the Act and details of the transfer of the candidate's first-preference votes and preference votes under that clause; and
    - (iv) for each candidate who was neither elected nor excluded — the number of votes that the candidate had when the last office to be filled at the election was filled; and
    - (v) details of the setting aside of any ballot papers under Schedule 4.1 clause 17 of the Act;
- and
- (bd) a paper record that shows details of any matter required to be declared under Schedule 4.1A clause 19 of the Act or Schedule 4.1B clause 1(5) of the Act;

**25. Regulation 22AA inserted**

After regulation 22 insert:

**22AA. Destruction and deletion of copies of rolls —  
s. 4.42(3)**

- (1) In this regulation —
  - authorised person* means —
    - (a) the CEO; or
    - (b) the Electoral Commissioner;
  - recipient* means a member of the council or a candidate to whom a copy of a roll is supplied under section 4.42(2);

**relevant period** — see subregulations (8) and (9);

**supplied copy**, in relation to a recipient —

- (a) means any of the following —
  - (i) the copy of a roll supplied to the recipient under section 4.42(2);
  - (ii) a copy of the roll derived (directly or indirectly and wholly or partly) from the copy supplied under section 4.42(2);
  - (iii) any other document or information derived (directly or indirectly and wholly or partly) from the copy supplied under section 4.42(2);
  - (iv) a document or information containing details supplied to the recipient under section 4.43(3b) relating to the roll;

but

- (b) does not include any envelope, package or correspondence sent to an elector by, or on behalf of, the recipient just because the envelope, package or correspondence shows the elector's name and address as included in the roll;

**working day** means a day other than —

- (a) a Saturday or Sunday; or
- (b) a public holiday throughout the State; or
- (c) a public holiday in an area that is or includes the district or any part of the district.

- (2) This regulation applies for the purposes of section 4.42(3).
- (3) A recipient must ensure that every supplied copy is, before the end of the relevant period —
  - (a) destroyed; or
  - (b) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy is held, retained or stored.
- (4) If a recipient fails to comply with subregulation (3), the recipient commits an offence, which continues from the end of the relevant period until every supplied copy is —
  - (a) destroyed; or

- (b) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy is held, retained or stored.

Penalty for this subregulation:

- (a) a fine of \$5 000;
  - (b) a daily penalty of a fine of \$50 for each day or part of a day during which the offence continues.
- (5) A recipient must, before the end of the relevant period, provide an authorised person with a statutory declaration made by the recipient —
- (a) that confirms, in effect, that every supplied copy has been —
    - (i) destroyed; or
    - (ii) in the case of a supplied copy that is in electronic form — deleted from any computer, device, medium or other storage system on or in which the supplied copy was held, retained or stored;
- and
- (b) that complies with subregulation (6).
- (6) For the purposes of subregulation (5)(b), the statutory declaration must —
- (a) identify the election; and
  - (b) include a description of every supplied copy, including whether the supplied copy was in electronic form; and
  - (c) in relation to every supplied copy, describe the steps taken to destroy or delete it.
- (7) If a recipient fails to comply with subregulation (5), the recipient commits an offence, which continues from the end of the relevant period until the required statutory declaration is provided to an authorised person.

Penalty for this subregulation:

- (a) a fine of \$5 000;
- (b) a daily penalty of a fine of \$50 for each day or part of a day during which the offence continues.

- (8) For the purposes of subregulations (3) to (7) but subject to subregulation (9), the *relevant period* is —
- (a) if the recipient is a candidate in the election who is not elected at the election — the period of 5 working days after the day on which the result of the election is declared under section 4.77; or
  - (b) if the recipient is a candidate in the election who is elected at the election — the period of 5 working days after the day on which, as the case requires —
    - (i) the term of the office to which the recipient is elected ends; or
    - (ii) if that office becomes vacant before the end of that term — the day on which that office becomes vacant;
- or
- (c) if the recipient is a member of the council who is not a candidate in the election — the period of 5 working days after the day on which, as the case requires —
    - (i) the term of the recipient's current office ends; or
    - (ii) if that office becomes vacant before the end of that term — the day on which that office becomes vacant.
- (9) If the election becomes void under section 4.58, the *relevant period* is the period of 5 working days after the day on which the candidate dies.

**26. Regulation 22B replaced**

Delete regulation 22B and insert:

**22B. Course of induction — s. 4.48(1) and (2)**

- (1) For the purposes of section 4.48(1) and (2), the course of induction is the course titled *Local Government Candidate Induction* that is available on the Department's official website after 30 June 2023.
- (2) The course of induction prescribed under subregulation (1) must be completed by the person referred to in section 4.48(1)(d) or (2)(b) even if the person has completed a previously prescribed course of induction.

**27. Regulation 24 amended**

In regulation 24(a) delete “800” and insert:

1 000

**28. Regulation 26 amended**

In regulation 26(1) delete “\$80.” and insert:

\$100.

**29. Regulation 27 amended**

- (1) In regulation 27(2) before “votes” (each occurrence) insert:

first-preference

- (2) Delete regulation 27(5) and insert:

- (5) A candidate’s deposit must be refunded if the candidate’s nomination is withdrawn under section 4.53 before the close of nominations.

**30. Regulation 29A inserted**

After regulation 29 insert:

**29A. Publication of information about candidates — s. 4.52**

- (1) The following are prescribed for the purposes of paragraph (d) of the definition of *relevant information* in section 4.52(1) —
- (a) the written statement that the RO is required to prepare under subregulation (2), (3) or (4) (as the case requires);
  - (b) the written statement (if any) provided by the candidate in accordance with subregulations (5) and (6), unless the RO considers that the statement contains something that is false, misleading or defamatory.

- (2) If the candidate is eligible to be a candidate because they are an elector under section 4.29 of the district, or of any ward in the district, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

*[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as a resident of [INSERT NAME OF DISTRICT].*

- (3) If the candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or of any ward in the district, on the basis of ownership of rateable property, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

*[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as the owner of rateable property in [INSERT NAME OF DISTRICT].*

- (4) If the candidate is eligible to be a candidate because they are an elector under section 4.30 of the district, or of any ward in the district, on the basis of occupation of rateable property, for the purposes of subregulation (1)(a), the RO must prepare the following written statement —

*[INSERT NAME OF CANDIDATE TO APPEAR ON BALLOT PAPER] is eligible to stand for election as the occupier of rateable property in [INSERT NAME OF DISTRICT].*

- (5) For the purposes of subregulation (1)(b), a candidate may provide, for publication on the local government's official website, a written statement that contains information that the candidate considers to be relevant to their candidature in addition to any information included in their profile under section 4.49(b) or provided by them under section 4.49(ba).

- (6) The written statement must —
- (a) accompany the nomination paper for the candidate; and
  - (b) be in the English language; and
  - (c) contain no more than 2 000 characters and spaces.

- (7) Section 4.87(1) does not apply to the written statement when it is —
- (a) being provided with the nomination paper; or
  - (b) being published by the RO or the local government on the local government’s official website; or
  - (c) being printed (as defined in section 4.87(3)), supplied or distributed by the RO or the local government for the purpose of publishing it on the local government’s official website or for any other purpose related to the election.

**31. Regulation 30A amended**

- (1) In regulation 30A(2) delete “\$200” and insert:

\$300

- (2) In regulation 30A(4) —

- (a) in paragraph (a) delete “\$200” and insert:

\$300

- (b) in paragraph (b) delete “\$200,” and insert:

\$300,

- (c) in paragraph (b) delete “\$200 or” and insert:

\$300 or

**32. Regulation 30G amended**

Delete regulation 30G(3) and (4) and insert:

- (3) Any ‘disclosure of gifts’ forms relating to a candidate must be kept on the electoral gift register until the end of the period of 4 years after the relevant election day.
- (4) The CEO must —
- (a) remove those forms from the electoral gift register at the end of that 4-year period; and
  - (b) retain them separately for a period of at least 2 years.

**33. Regulation 31 amended**

Delete regulation 31(1)(i)(iii) and insert:

(iii) any electronic counting place or places.

**34. Part 7 heading amended**

In the heading to Part 7 delete “**and how to mark them**”.

**35. Regulations 34 and 35 deleted**

Delete regulations 34 and 35.

**36. Regulation 37 amended**

In regulation 37(5) delete “36th” and insert:

43<sup>rd</sup>

**37. Regulation 75B amended**

In regulation 75B delete “to ascertain the number of votes given to each candidate.” and insert:

in counting votes.

**38. Regulation 75C amended**

Delete regulation 75C(2) and insert:

(1A) In this regulation —

*electronic counting place* means any place at which the electronic counting system is accessible for data input and output for the purposes of the election.

(1B) An electronic counting place must be in the State.

(2) If the RO believes that the counting of votes would be unduly delayed by the need to deliver a ballot box after the close of poll to an electronic counting place, the RO may do the things set out in subregulation (3) or (4).

Note: The heading to amended regulation 75C is to read:

**Electronic counting places**



**39. Parts 12B and 12C inserted**

After regulation 75C insert:

**Part 12B — Acceptance of ballot papers****75D. Circumstances in which RO must accept ballot paper in election with more than 2 candidates — s. 4.75**

- (1) This regulation applies for the purposes of section 4.75(3)(a) if the election has more than 2 candidates.
- (2) Subregulation (3) applies if —
  - (a) in accordance with section 4.69(2), a ballot paper indicates the candidate for whom the elector votes as the elector's first preference; and
  - (b) in casting preference votes under section 4.69(3), the elector has done either or both of the following —
    - (i) repeated 1 or more numerals;
    - (ii) missed 1 or more numerals;and
  - (c) the RO has no reason for rejecting the ballot paper other than that referred to in paragraph (b).
- (3) The RO must —
  - (a) accept the ballot paper; and
  - (b) when counting the votes —
    - (i) if there are 1 or more repeated numerals — disregard those numerals and any other numeral that is higher than a repeated numeral; and
    - (ii) if there are 1 or more missing numerals — disregard any numeral that is higher than a missing numeral.

**Part 12C — Drawing of lots****Division 1 — Preliminary****75E. Steps for drawing lots**

- (1) For the purposes of this Part, the *steps for drawing lots* are the 4 steps set out in subregulations (2) to (5).

- (2) First, as soon as possible after the occurrence of the circumstance under which the RO is required to draw lots, the RO must make out, in respect of each relevant candidate, a slip bearing the relevant candidate's name.

Note for this subregulation:

For the meaning of *relevant candidate* — see regulation 75G(2), 75H(2), 75I(2), 75J(2), 75K(2), 75L(2), 75M(2), 75N(2), 75O(2), 75P(2), 75Q(2), 75R(2), 75S(2) or 75T(2) (as the case requires).

- (3) Second, the RO must —
- (a) place each of the slips in separate hollow opaque spheres of exact similarity; and
  - (b) securely close the spheres; and
  - (c) deposit the spheres in an empty container.
- (4) Third, the RO must —
- (a) securely fasten the container; and
  - (b) shake and rotate the container; and
  - (c) permit anyone else present to shake and rotate the container if they so wish.
- (5) Fourth, the RO must —
- (a) open the container; and
  - (b) take out and open 1 of the spheres to obtain the slip enclosed in it.
- (6) The RO must carry out each of the 4 steps in front of all the people present.

#### **75F. References to Schedules**

In this Part, references to Schedules are to Schedules of the Act.

#### **Division 2 — Provisions for Schedule 4.1A**

#### **75G. Drawing lots under Sch. 4.1A cl. 5(3)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 5(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the candidates who had the same number of first-preference votes.
- (3) If there are only 2 relevant candidates and no other candidate had a higher number of first-preference votes —
- (a) the RO must take the steps for drawing lots; and

- (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
  - (c) the other relevant candidate is the third placed candidate.
- (4) If there are 3 or more relevant candidates and no other candidate had a higher number of first-preference votes —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
  - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
  - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the third placed candidate.
- (5) If there are 2 or more relevant candidates and 1 other candidate had a higher number of first-preference votes —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the third placed candidate.

**75H. Drawing lots under Sch. 4.1A cl. 8(3)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 8(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the continuing candidates who had the same number of votes on the last count.
- (3) If there are only 2 relevant candidates and no other continuing candidate had a higher number of votes on the last count —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
  - (c) the other relevant candidate is the third placed candidate.

- (4) If there are 3 or more relevant candidates and no other continuing candidate had a higher number of votes on the last count —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate; and
  - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
  - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the third placed candidate.
- (5) If there are 2 or more relevant candidates and 1 other continuing candidate had a higher number of votes on the last count —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the third placed candidate.

**75I. Drawing lots under Sch. 4.1A cl. 11(4)(b)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1A clause 11(4)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the unelected candidates referred to in Schedule 4.1A clause 11(3) who had the same number of votes when the last office to be filled at the election was filled.
- (3) If there are only 2 relevant candidates and no other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate; and
  - (c) the other relevant candidate is the second unelected candidate.
- (4) If there are 3 or more relevant candidates and no other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
  - (a) the RO must take the steps for drawing lots; and

- (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate; and
  - (c) the RO must repeat the third and fourth steps (but without the slip referred to in paragraph (b)); and
  - (d) the relevant candidate whose name appears on the slip obtained by the RO on the repeat of the fourth step is the second unelected candidate.
- (5) If there are 2 or more relevant candidates and 1 other unelected candidate had a higher number of votes when the last office to be filled at the election was filled —
- (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second unelected candidate.

### **Division 3 — Provisions for Schedule 4.1B**

#### **75J. Drawing lots under Sch. 4.1B cl. 3(3)(b)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 3(3)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the candidates who received the same number of first-preference votes.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the candidate who finishes second in the concurrent election.

#### **75K. Drawing lots under Sch. 4.1B cl. 4(4)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 4(4).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the continuing candidates who had the same number of votes on the last count.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the second placed candidate.

#### **75L. Drawing lots under Sch. 4.1B cl. 5(5)(b)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1B clause 5(5)(b).

- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the unelected candidates who have the same number of votes when the last office to be filled at the concurrent election is filled.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is the first unelected candidate.

#### **Division 4 — Provisions for Schedule 4.1**

##### **75M. Drawing lots under Sch. 4.1 cl. 2(2)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 2(2).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the 2 candidates in the election.
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

##### **75N. Drawing lots under Sch. 4.1 cl. 5(6): determining candidate to be excluded**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 5(6) to determine the candidate to be excluded.
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the 2 or more candidates referred to in Schedule 4.1 clause 5(4)(a) or (b) (as the case requires).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is excluded.

##### **75O. Drawing lots under Sch. 4.1 cl. 5(6): determining candidate to be elected**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 5(6) to determine the continuing candidate to be elected.
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the 2 continuing candidates referred to in Schedule 4.1 clause 5(5).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

**75P. Drawing lots under Sch. 4.1 cl. 13(3)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 13(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the 2 continuing candidates referred to in Schedule 4.1 clause 13(1).
- (3) The RO must take the steps for drawing lots.
- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is elected.

**75Q. Drawing lots under Sch. 4.1 cl. 15(2)(b)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 15(2)(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the candidates with equal surpluses.
- (3) If there are only 2 relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is taken to have had the larger surplus.
- (4) If there are 3 or more relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is taken to have had the largest surplus; and
  - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and
  - (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step is taken to have had the second largest surplus, and so on.

**75R. Drawing lots under Sch. 4.1 cl. 16(3)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.1 clause 16(3).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are the tied candidates.
- (3) The RO must take the steps for drawing lots.

- (4) The relevant candidate whose name appears on the slip obtained by the RO on the fourth step is excluded.

### **Division 5 — Provisions for Schedule 4.2**

#### **75S. Drawing lots under Sch. 4.2 cl. 6, 7, 7A(a)(ii) or (d)(ii) or 7B(b)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.2 clause 6, 7, 7A(a)(ii) or (d)(ii) or 7B(b).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are as follows —
  - (a) if lots are required to be drawn under Schedule 4.2 clause 6 or 7 — the councillors who were elected unopposed;
  - (b) if lots are required to be drawn under Schedule 4.2 clause 7A(a)(ii) or (d)(ii) — the councillors who had the same number of first-preference votes;
  - (c) if lots are required to be drawn under Schedule 4.2 clause 7B(b) by virtue of clause 7A(b)(ii) — the councillors who had the same number of votes on the completion of the transfer;
  - (d) if lots are required to be drawn under Schedule 4.2 clause 7B(b) by virtue of clause 7A(c)(ii) — the councillors who had the same number of votes when they were elected.
- (3) If there are only 2 relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is regarded as having been elected first as between the relevant candidates.
- (4) If there are 3 or more relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step is regarded as having been elected first as between the relevant candidates; and
  - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and



- (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step is regarded as having been elected second as between the relevant candidates, and so on.

**75T. Drawing lots under Sch. 4.2 cl. 8(b) or 9(a)**

- (1) This regulation applies if lots are required to be drawn under Schedule 4.2 clause 8(b) or 9(a).
- (2) For the purposes of regulation 75E(2), the *relevant candidates* are as follows —
  - (a) if lots are required to be drawn under Schedule 4.2 clause 8(b) — the councillors who have an equality of the percentage of first-preference votes cast;
  - (b) if lots are required to be drawn under Schedule 4.2 clause 9(a) — the councillors appointed on the same day.
- (3) If there are only 2 relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step retires first as between the relevant candidates.
- (4) If there are 3 or more relevant candidates —
  - (a) the RO must take the steps for drawing lots; and
  - (b) the relevant candidate whose name appears on the slip obtained by the RO on the fourth step retires first as between the relevant candidates; and
  - (c) the RO must repeat the third and fourth steps as many times as is necessary (but without the slip referred to in paragraph (b) or any other slip previously obtained by the RO on a repeat of the fourth step); and
  - (d) the relevant candidate whose name appears on the slip obtained by the RO on the first repeat of the fourth step retires second as between the relevant candidates, and so on.

**40. Regulation 77A deleted**

Delete regulation 77A.

**41. Regulation 80 replaced**

Delete regulation 80 and insert:

**80. Declaration and notice of result — s. 4.77**

- (1) This regulation applies for the purposes of section 4.77.

Note for this subregulation:

See also regulations 80AA and 80AB which apply for the purposes of section 4.77 in relation to declarations and notices required under Schedule 4.1A clause 19 of the Act and Schedule 4.1B clause 1(5) of the Act.

- (2) The RO must publicly declare the result of the election.
- (3) If the election is decided under section 4.55 or 4.57, the declaration must include the following —
- (a) the name of each candidate and a statement that they are elected unopposed;
  - (b) the name of any person appointed by the council under section 4.57(3) and a statement that they are so appointed;
  - (c) the term of office for each person elected.
- (4) If voting by electors took place, the declaration must include the information required under subregulation (5), (6) or (7) (as the case requires).
- (5) If the result of the election was ascertained under Schedule 4.1 clause 2 or 4 of the Act, the information required for the purposes of subregulation (4) is as follows —
- (a) the name of each candidate;
  - (b) the number of first-preference votes that each candidate had;
  - (c) the name and term of office of the candidate elected.
- (6) If the result of the election was ascertained under Schedule 4.1 clause 5 of the Act, the information required for the purposes of subregulation (4) is as follows —
- (a) the name of each candidate;
  - (b) the number of first-preference votes that each candidate had;
  - (c) for each candidate, whichever of the following is relevant —
    - (i) the number of votes that the candidate had on the last count under Schedule 4.1 clause 5(2)(d) of the Act;

- (ii) that the candidate was excluded under Schedule 4.1 clause 5(2)(a) of the Act;
  - (d) the name and term of office of the candidate elected.
- (7) If the result of the election was ascertained under Schedule 4.1 Division 3 of the Act, the information required for the purposes of subregulation (4) is as follows —
  - (a) the name of each candidate;
  - (b) the quota (as determined under Schedule 4.1 clause 8 of the Act);
  - (c) the number of first-preference votes that each candidate had;
  - (d) the names of the candidates elected and the order in which they were elected;
  - (e) the term of office of each candidate elected.
- (8) The RO must also give local public notice of the result of the election.
- (9) The local public notice must —
  - (a) set out the contents of the declaration; and
  - (b) if relevant — include a document detailing the distribution of preference votes.
- (10) The Departmental CEO may approve forms to be used for the purposes of this regulation.

**80AA. Declaration and notice required under Sch. 4.1A cl. 19**

- (1) This regulation applies for the purposes of section 4.77 if a declaration and notice are required under Schedule 4.1A clause 19 of the Act.
- (2) The RO must publicly declare any matter required to be declared under Schedule 4.1A clause 19 of the Act.
- (3) The declaration must include the following —
  - (a) if Schedule 4.1A clause 19(1) of the Act applies —
    - (i) a statement that Schedule 4.1A clause 19(1) of the Act applies; and
    - (ii) the name of the second placed candidate; and
    - (iii) the name of the third placed candidate or a statement that there is no third placed candidate;

- (b) if Schedule 4.1A clause 19(2) of the Act applies —
    - (i) a statement that Schedule 4.1A clause 19(2) of the Act applies; and
    - (ii) the name of the second placed candidate; and
    - (iii) the name of the third placed candidate or a statement that there is no third placed candidate;
  - (c) if Schedule 4.1A clause 19(3) of the Act applies —
    - (i) a statement that Schedule 4.1A clause 19(3) of the Act applies; and
    - (ii) the name of the first unelected candidate or a statement that there is no first unelected candidate; and
    - (iii) the name of the second unelected candidate or a statement that there is no second unelected candidate.
- (4) The RO must also give local public notice setting out the contents of the declaration.
  - (5) The local public notice may be included in the local public notice required under regulation 80(8).
  - (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

**80AB. Declaration and notice required under Sch. 4.1B cl. 1(5)**

- (1) This regulation applies for the purposes of section 4.77 if a declaration and notice are required under Schedule 4.1B clause 1(5) of the Act.
- (2) The RO must publicly declare any matter required to be declared under Schedule 4.1B clause 1(5) of the Act.
- (3) The declaration must include the following —
  - (a) a statement that Schedule 4.1B clause 1(5) of the Act applies;
  - (b) details of the vacancy that is filled;
  - (c) the name and term of office of the candidate who is declared elected to fill the vacancy.
- (4) The RO must also give local public notice setting out the contents of the declaration.

- (5) The local public notice may be included in the local public notice required under regulation 80(8).
- (6) The Departmental CEO may approve forms to be used for the purposes of this regulation.

**42. Regulation 80A deleted**

Delete regulation 80A.

**43. Regulation 81 amended**

- (1) In regulation 81 delete “The report” and insert:
  - (1) The report
- (2) At the end of regulation 81 insert:
  - (2) If relevant, the report must be accompanied by a document detailing the distribution of preference votes.

**44. Regulation 85 amended**

- (1) After regulation 85(1)(c) insert:
  - (ca) a declaration that a declaration under Schedule 4.1A clause 19 of the Act or Schedule 4.1B clause 1(5) of the Act should be changed;
- (2) Delete regulation 85(2) and insert:
  - (2) If the investigation of the invalidity complaint leads to a situation that requires the drawing of lots as set out in Part 12C, the Court may order the RO —
    - (a) to draw lots in accordance with the applicable provisions of Part 12C; and
    - (b) to inform the Court of the result to enable the Court to make a determination under subregulation (1).

**45. Regulation 86 amended**

In regulation 86 delete “(b) or (c),” and insert:

(b), (c) or (ca),

**46. Regulation 86A inserted**

After regulation 86 insert:

**86A. Publication of Court's declaration under s. 4.81(5)(a) — s. 4.81(5)(b)(ii)**

For the purposes of section 4.81(5)(b)(ii), the RO must give local public notice setting out the contents of the Court's declaration under section 4.81(5)(a).

**47. Part 15A inserted**

After regulation 87 insert:

**Part 15A — Provisions for Schedule 4.1A of Act**

Note for this Part:

See Part 12C Division 2 for provisions relating to the drawing of lots under Schedule 4.1A of the Act.

**Division 1 — Provisions for Schedule 4.1A clause 2(4) of Act****87A. Declaration and notice of election**

- (1) This regulation applies for the purposes of Schedule 4.1A clause 2(4) of the Act.
- (2) The CEO must publicly declare that the vacancy has been filled by election under Schedule 4.1A of the Act.
- (3) The declaration must include the following —
  - (a) the name of the former member and their office;
  - (b) the name and term of office of the person elected to fill the vacancy.
- (4) The CEO must also give local public notice of the contents of the declaration.

**Division 2 — Provisions for Schedule 4.1A clause 18 of Act****Subdivision 1 — Preliminary****87B. Terms used**

- (1) In this Division, references to clauses are to clauses of Schedule 4.1A of the Act.
- (2) In this Division —  
*vacancy day* has the meaning given in clause 1;

*working day* has the meaning given in clause 1.

- (3) Clause 2(6) applies for the purposes of this Division.

### **Subdivision 2 — Notifications**

#### **87C. Notification from CEO to candidate**

- (1) This regulation applies to a notification that the CEO is required to give to a candidate under clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2).
- (2) The notification must —
- (a) be in writing; and
  - (b) include the following —
    - (i) the name of the local government;
    - (ii) the clause under which the notification is given;
    - (iii) the candidate's name;
    - (iv) the CEO's name;
    - (v) the address of the CEO's office;
    - (vi) the CEO's email address;
    - (vii) the former member's name;
    - (viii) details of the vacant office;
    - (ix) the date on which the office became vacant or, in the case of a vacancy under section 2.32(b) where the resignation has not yet taken effect, the date on which the resignation will take effect;
    - (x) details of the period within which the candidate must notify the CEO that the candidate wants to fill the vacancy;
    - (xi) details of the requirements of regulation 87D(2);
    - (xii) details of how the candidate's notification to the CEO may be given under regulation 87D(3).
- (3) The notification may be given in any of the following ways —
- (a) giving it personally to the candidate;
  - (b) sending it by prepaid post addressed to the candidate —
    - (i) in accordance with the *Interpretation Act 1984* section 75(1); or

- (ii) at another address that has been provided to the CEO by the candidate for the purpose of receiving a notification under Schedule 4.1A of the Act;
  - (c) emailing it to an email address that has been provided to the CEO by the candidate for the purpose of receiving a notification under Schedule 4.1A of the Act;
  - (d) in another way agreed between the CEO and the candidate.
- (4) If the CEO is satisfied that it is not reasonably practicable to give the notification in accordance with subregulation (3), the CEO may give the notification by local public notice.
- (5) For the purposes of the *Local Government (Administration) Regulations 1996* regulation 3A(1)(a) and (2)(d)(i), (f)(i) and (g)(i), the period specified in relation to a local public notice given under subregulation (4) is 5 working days.
- (6) If the notification is sent by prepaid post, the candidate is taken to be notified as follows —
  - (a) if the notification is sent to an address in the State — on the 2<sup>nd</sup> working day after the day on which the notification is posted;
  - (b) if the notification is sent to an address in another State or in a Territory — on the 4<sup>th</sup> working day after the day on which the notification is posted;
  - (c) otherwise — on the 8<sup>th</sup> working day after the day on which the notification is posted.
- (7) If the notification is sent by email, the candidate is taken to be notified on the 1<sup>st</sup> working day after the day on which the email is sent.
- (8) If the notification is given by local public notice, the candidate is taken to be notified on the 5<sup>th</sup> working day after the day on which the notice is first published on the local government's official website.
- (9) Subregulations (6) to (8) apply even if the candidate is not actually notified.
- (10) Regulation 5 does not apply to the notification.

#### **87D. Notification from candidate to CEO**

- (1) This regulation applies to a notification that a candidate may give to the CEO under clause 4(2), 6(2), 7(3), 9(2), 10(3), 12(2) or 13(3).



- (2) The notification must —
  - (a) be in writing; and
  - (b) be in the form of a statutory declaration made by the candidate that states —
    - (i) that the candidate wants to fill the vacancy; and
    - (ii) that the candidate considers that they are qualified to be elected to the council under section 2.19.
- (3) The notification may be given in any of the following ways —
  - (a) giving it personally to the CEO;
  - (b) giving it personally to another employee of the local government at the address of the CEO's office notified under regulation 87C(2)(b)(v);
  - (c) emailing it to the CEO's email address notified under regulation 87C(2)(b)(vi);
  - (d) in another way agreed between the CEO and the candidate.
- (4) If the notification is given to an employee under subregulation (3)(b), the CEO is taken to be notified on the day on which the notification is given to the employee.
- (5) If the notification is emailed —
  - (a) the CEO is taken to be notified on the 1<sup>st</sup> working day after the day on which the email is sent; and
  - (b) the CEO must confirm receipt by a return email as soon as possible.
- (6) Subregulations (4) and (5)(a) apply even if the CEO is not actually notified.
- (7) Regulation 5 does not apply to the notification.

**87E. Copies of notifications to be provided to Minister**

The CEO must provide a copy of the following to the Minister —

- (a) any notification given by the CEO to which regulation 87C applies;
- (b) any notification given to the CEO to which regulation 87D applies.

**Subdivision 3 — Extension of time periods****87F. Extension to take account of delay in CEO becoming aware of vacancy**

- (1) This regulation applies to a period of 5 or 15 working days provided for in clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2) (including, if relevant, as modified under clause 15(2), 16(2) or 17(2)).
- (2) If the CEO does not become aware of the vacancy until after the vacancy day, the period is extended so that it ends, as the case requires, on the 5<sup>th</sup> or 15<sup>th</sup> working day after the day on which the CEO becomes aware of the vacancy.

**87G. Extension to take account of method of notification used by CEO**

- (1) In this regulation —  
*relevant period* —
  - (a) means a period of 5 or 15 working days provided for in clause 4(1), 6(1), 7(2), 9(1), 10(2), 12(1) or 13(2) (including, if relevant, as modified under clause 15(2), 16(2) or 17(2)); and
  - (b) includes such a period as extended under regulation 87F or 87I or both.
- (2) Subregulation (3) applies if —
  - (a) the notification required to be given by the CEO within a relevant period is sent by prepaid post within the relevant period; and
  - (b) the working day on which the candidate is taken to be notified under regulation 87C(6) falls after the relevant period.
- (3) The relevant period is extended so that it ends on the working day referred to in subregulation (2)(b).
- (4) Subregulation (5) applies if —
  - (a) the notification required to be given by the CEO within a relevant period is sent by email within the relevant period; and
  - (b) the working day on which the candidate is taken to be notified under regulation 87C(7) falls after the relevant period.
- (5) The relevant period is extended so that it ends on the working day referred to in subregulation (4)(b).

- (6) Subregulation (7) applies if —
- (a) the notification required to be given by the CEO within a relevant period is given by local public notice that is first published on the local government's official website within the relevant period; and
  - (b) the working day on which the candidate is taken to be notified under regulation 87C(8) falls after the relevant period.
- (7) The relevant period is extended so that it ends on the working day referred to in subregulation (6)(b).

**87H. Extension to take account of method of notification used by candidate**

- (1) In this regulation —  
*relevant period* means a period of 5 working days provided for in clause 4(2), 6(2), 7(3), 9(2), 10(3), 12(2) or 13(3).
- (2) Subregulation (3) applies if —
- (a) the notification required to be given by the candidate within a relevant period is sent by email within the relevant period; and
  - (b) the working day on which the CEO is taken to be notified under regulation 87D(5)(a) falls after the relevant period.
- (3) The relevant period is extended so that it ends on the working day referred to in subregulation (2)(b).

**87I. Consequential extensions**

- (1) In this regulation —  
*relevant period* —
- (a) means a period of 15 working days provided for in clause 7(2), 10(2) or 13(2); and
  - (b) includes such a period as extended under regulation 87F or previously extended under this regulation or both.
- (2) This regulation applies if, in consequence of an extension to a period under regulation 87G or 87H (the *original extension*), the CEO considers that a relevant period should be extended so as to allow the CEO further time in which to determine whether the requirement of clause 7(1), 10(1) or 13(1) (as the case requires) is met.

- (3) The CEO may, with the agreement of the Electoral Commissioner, extend the relevant period, having regard to the number of working days of the original extension.
- (4) The CEO may extend the relevant period even if it has already expired.

**48. Part 16A inserted**

After regulation 92 insert:

**Part 16A — Transitional provisions for *Local Government Amendment Act 2023* and *Local Government Regulations Amendment Regulations (No. 2) 2023***

**92A. Terms used**

In this Part —

*2023 amendment Act* means the *Local Government Amendment Act 2023*;

*2023 amendment regulations* means the *Local Government Regulations Amendment Regulations (No. 2) 2023*.

**92B. Pre-21 October 2023 elections**

- (1) In this regulation —
  - election* has the meaning given in section 4.1;
  - election day* has the meaning given in section 4.1;
  - pre-21 October election* means an election for which election day is before 21 October 2023.
- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act, the amendments made by sections 31(3), 33 to 39, 40(1) and (2), 42 to 54 and 92 to 98 of the 2023 amendment Act do not apply in relation to a pre-21 October 2023 election and, accordingly, the Act applies in relation to the pre-21 October 2023 election as if those amendments had not been made.
- (3) For the purposes of Schedule 9.3 clause 62(2) of the Act, the amendment made by section 31(2) of the 2023 amendment Act does not apply in relation to an enrolment eligibility claim made before the day on which section 31(2) of the 2023 amendment Act comes into operation and, if relevant, section 4.33(2B) continues to apply in relation to the enrolment eligibility claim as if that amendment had not been made.

- (4) For the purposes of Schedule 4.1A clauses 4(4)(b), 6(4)(b), 7(5)(b), 9(4)(b), 10(5)(b), 12(4)(b) and 13(5)(b) of the Act, the vacancy cannot be filled if the election at which the former member was elected is a pre-21 October 2023 election and, accordingly, no declaration or notice is required to be given under Schedule 4.1A clause 19 of the Act in relation to a pre-21 October 2023 election.
- (5) For the purposes of Schedule 4.1B clause 1(4) of the Act, the vacancy cannot be filled if the concurrent election is a pre-21 October 2023 election.
- (6) The amendments made by regulations 24 to 46 and 49 to 58 of the 2023 amendment regulations do not apply in relation to a pre-21 October 2023 election and, accordingly, these regulations apply in relation to the pre-21 October 2023 election as if those amendments had not been made.

**92C. Pre-21 October 2023 Schedule 2.3 elections**

- (1) For the purposes of Schedule 9.3 clause 62(2) of the Act, no amendment referred to in regulation 92B(2) applies in relation to an election under Schedule 2.3 of the Act which is conducted at a meeting held before 21 October 2023 and, accordingly, the Act applies in relation to the election as if none of those amendments had been made.
- (2) No amendment referred to in regulation 92B(6) applies in relation to an election under Schedule 2.3 of the Act which is conducted at a meeting held before 21 October 2023 and, accordingly, these regulations apply in relation to the election as if none of those amendments had been made.

**92D. Pre-existing councillor vacancies**

- (1) In this regulation —  
*amendment day* means the day on which section 28(2) of the 2023 amendment Act comes into operation;  
*pre-existing vacancy* means a vacancy in the office of a councillor —
  - (a) which, before amendment day, the council, with the approval of the Electoral Commissioner, allowed to remain unfilled under section 4.17(3); and
  - (b) which, immediately before amendment day, remains unfilled.

- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act, section 4.17(3) to (4), as in force immediately before amendment day, continue to apply to a pre-existing vacancy as if section 28(2) of the 2023 amendment Act had not come into operation.

**49. Schedule 1 amended**

In Schedule 1 in the List of Forms delete the item relating to Form 19.

**50. Schedule 1 Form 8 amended**

In Schedule 1 Form 8:

- (a) delete the box titled “**5 Course of induction**” and insert:

<b>5 Course of induction</b>	<p>The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the Department's official website after 30 June 2023.</p> <p>The reference number is the number that is emailed to you on completion of the course.</p>
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- (b) in the box titled “**Closing date for nominations**” delete “37<sup>th</sup>” and insert:

44<sup>th</sup>

- (c) in the box titled “**Candidate’s profile**” delete “800” and insert:

1 000

- (d) after the box titled “**Candidate’s profile**” insert:

<b>Additional information</b>	<p>Your nomination may, in addition to the candidate’s profile, be accompanied by a written statement containing information that you consider to be relevant to your candidature.</p> <p>The written statement must contain no more than 2 000 characters and spaces.</p> <p>The written statement is for publication on the local government’s official website.</p>
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- (e) in the box titled “**Deposit**” delete “\$80.” and insert:

\$100.

**51. Schedule 1 Form 9 amended**

In Schedule 1 Form 9:

- (a) delete the box titled “5 Course of induction” and insert:

<b>5 Course of induction</b>	The course of induction is the course titled <i>Local Government Candidate Induction</i> that is available on the Department's official website after 30 June 2023.  The reference number is the number that is emailed to the nominee on completion of the course.
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- (b) in the box titled “Closing date for nominations” delete “37<sup>th</sup>” and insert:

44<sup>th</sup>

- (c) in the box titled “Candidate’s profile” delete “800” and insert:

1 000

- (d) after the box titled “Candidate’s profile” insert:

<b>Additional information</b>	Your nomination may, in addition to the candidate’s profile, be accompanied by a written statement containing information that the candidate considers to be relevant to their candidature.  The written statement must contain no more than 2 000 characters and spaces.  The written statement is for publication on the local government’s official website.
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- (e) in the box titled “Deposit” delete “\$80.” and insert:

\$100.

**52. Schedule 1 Form 9A amended**

In Schedule 1 Form 9A delete “\$200” (each occurrence) and insert:

\$300

**53. Schedule 1 Form 10 amended**

- (1) In Schedule 1 Form 10 delete the first box titled “How to vote” and insert:

<b>How to vote <sup>5</sup></b>
Write the number 1 in the square next to the name of the candidate who you want to vote for.

- (2) In Schedule 1 Form 10 delete note 5 and insert:

**5 How to vote**

*This 'How to Vote' note is for an election with only 2 candidates. If there are 3 or more candidates, replace it with the following note:*

<b>How to vote</b>
Write the number 1 in the square next to the name of the candidate who is your first choice.
If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to [INSERT NUMBER OF CANDIDATES].
You do not need to write a number in all the squares.

**54. Schedule 1 Form 11 amended**

In Schedule 1 Form 11 delete the box titled "Cast your vote" and insert:

<b>Cast your vote</b>	<p><u>Election that has only 2 candidates</u></p> <p>Write the number 1 in the square next to the name of the candidate who you want to vote for.</p> <p><u>Election that has 3 or more candidates</u></p> <p>Write the number 1 in the square next to the name of the candidate who is your first choice.</p> <p>If you want to, you may show more choices by writing consecutive numbers in the squares next to the names of other candidates in the order of your choice, starting with the number 2 up to the number equal to the total number of candidates.</p> <p>You do not need to write a number in all the squares.</p>
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**55. Schedule 1 Form 12 amended**

- (1) In Schedule 1 Form 12 in the box titled "Where to send your form" delete "36" and insert:

43

- (2) In Schedule 1 Form 12 in the box titled "Postal votes at future elections" delete "36" and insert:

43



**56. Schedule 1 Form 13 amended**

- (1) In Schedule 1 Form 13(a) in the box titled “**How to vote**” delete item 1 and insert:
- ❶ If only 2 candidates are named on the ballot paper, decide which candidate you want to vote for and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this.  
  
If 3 or more candidates are named on the ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the ballot paper. The instructions on the ballot paper tell you how to do this.
- (2) In Schedule 1 Form 13(b) in the box titled “**How to vote**” delete items 1 and 2 and insert:
- ❶ Mayoral<sup>4</sup> election  
If only 2 candidates are named on the mayoral<sup>4</sup> ballot paper, decide which candidate you want to vote for and mark your choice on the mayoral<sup>4</sup> ballot paper. The instructions on the mayoral<sup>4</sup> ballot paper tell you how to do this.  
  
If 3 or more candidates are named on the mayoral<sup>4</sup> ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the mayoral<sup>4</sup> ballot paper. The instructions on the mayoral<sup>4</sup> ballot paper tell you how to do this.
  - ❷ Councillors election  
If only 2 candidates are named on the councillors ballot paper, decide which candidate you want to vote for and mark your choice on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.  
  
If 3 or more candidates are named on the councillors ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.
- (3) In Schedule 1 Form 13 in note 1b in the box titled “**How to vote**” delete item 1 and insert:
- ❶ If only 2 candidates are named on the ballot paper, decide which candidate you want to vote for and mark your choice on the ballot paper. The instructions on the ballot paper tell you how to do this.  
  
If 3 or more candidates are named on the ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the ballot paper. The instructions on the ballot paper tell you how to do this.
- (4) In Schedule 1 Form 13 in note 3a in the box titled “**How to vote**” delete items 1 and 2 and insert:
- ❶ Mayoral<sup>4</sup> election  
If only 2 candidates are named on the mayoral<sup>4</sup> ballot paper, decide which candidate you want to vote for and mark your choice on the mayoral<sup>4</sup> ballot paper. The instructions on the mayoral<sup>4</sup> ballot paper tell you how to do this.  
  
If 3 or more candidates are named on the mayoral<sup>4</sup> ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the mayoral<sup>4</sup> ballot paper. The instructions on the mayoral<sup>4</sup> ballot paper tell you how to do this.

② Councillors election

If only 2 candidates are named on the councillors ballot paper, decide which candidate you want to vote for and mark your choice on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

If 3 or more candidates are named on the councillors ballot paper, decide which candidate is your first choice and whether you want to show more choices. Then mark your choice or choices on the councillors ballot paper. The instructions on the councillors ballot paper tell you how to do this.

**57. Schedule 1 Form 19 deleted**

Delete Schedule 1 Form 19.

**58. Schedule 1 Form 20 replaced**

Delete Schedule 1 Form 20 and insert:

**Form 20. Report to Minister**

**REPORT TO MINISTER**

*Local Government Act 1995, s. 4.79(2)*

*Local Government (Elections) Regulations 1997, r. 81*

**Part 1 — General information**

*Use one form for each election.*

**District and date**

District (and ward, if applicable) where election held:	
Election date:	

**Vacancies**

Number of vacancies:	
Vacancies unfilled: (i.e., vacancies for which no nominations were received at the close of nominations):	

**Type of election**

Voting in person:	<input type="checkbox"/>
Postal:	<input type="checkbox"/>
	<i>[Tick one box]</i>

**Position/s**

Mayor / president / councillor*
* Delete whichever is inapplicable.

**Number of persons on rolls**

Number of persons on owners and occupiers roll	
Number of persons on residents roll	

Total number of names of persons on rolls (roll, if consolidated)	
--	--

**Part 2 — Voter turnout**

<i>Voter categories</i>	<i>Number of voters</i>
Absent voters whose voting papers were rejected <sup>1</sup>	
Postal voters whose voting papers were rejected <sup>1</sup>	
Absent voters whose voting papers were accepted <sup>2</sup>	
Postal voters whose voting papers were accepted <sup>3</sup>	
Early voters recorded on roll	
Voters who voted in person on election day recorded on roll	
Provisional voters whose voting papers were accepted <sup>4</sup>	
<b>Total voter turnout <sup>5</sup></b>	

<sup>1</sup> Assume the voting papers include a ballot paper for this election.

<sup>2</sup> Work out using number of accepted absent voter declarations retained.

<sup>3</sup> Work out using number of accepted elector certificates retained.

<sup>4</sup> Work out using number of Form 16s accepted by an electoral officer.

<sup>5</sup> Total number of eligible electors who attempted to vote by the close of poll.

**Part 3 — Number of late arriving postal packages**

Number of late arriving postal packages <sup>6</sup>	
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<sup>6</sup> Include voting packages arriving up to 1 week after the close of poll.  
Assume the voting papers include a ballot paper for this election.

**Part 4 — Details of candidates and votes**

<i>Surname</i>	<i>Other names</i>	<i>Gender</i>	<i>Previous member (yes / no)</i>	<i>First-preference votes received<sup>7</sup></i>

<sup>7</sup> Insert the total number of first-preference votes received by each candidate.

Insert "unopposed" if the candidate was elected unopposed under section 4.55 of the *Local Government Act 1995*.

Insert "appointed" if the candidate was appointed under section 4.57(3) of the *Local Government Act 1995*.

**Distribution of preferences**

A distribution of preferences was not required	<input type="checkbox"/>
A distribution of preferences was required and is attached	<input type="checkbox"/>
<i>[Tick one box]</i>	

**Part 5 — Ballot papers counted**

<i>Ballot papers</i>	<i>Number</i>
Number of valid ballot papers counted	
Number of informal ballot papers counted	

**Part 6 — Candidate/s elected**

<i>Surname</i>	<i>Other names</i>	<i>Year term expires</i>	<i>Type of vacancy (Ordinary / extraordinary / other)</i>

<b>Returning officer</b>	Full name:	
	Signature:	Date:

**Part 5 — *Local Government (Functions and General) Regulations 1996* amended**

**59. Regulations amended**

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

**60. Part 1B inserted**

After regulation 3 insert:

**Part 1B — Caretaker period**

**3A. Significant acts**

- (1) In this regulation, references to paragraphs are to paragraphs of the definition of *significant act* in section 3.73(1) of the Act (unless otherwise indicated).

- (2) For the purposes of paragraph (f), entering into a contract is a significant act if either or both of the following apply —
- (a) under the contract, the local government is to, or is expected to, provide or receive consideration that is, or is expected to be —
    - (i) more than \$250 000 (in total); or
    - (ii) worth more than \$250 000 (in total);
  - (b) under the contract, the local government is to, or is expected to, acquire or dispose of property the market value of which is, or is expected to be, more than \$250 000 (in total).
- (3) If a local government intends to enter into 2 or more contracts in circumstances such that the desire to avoid the requirements of subregulation (2) is a significant reason for not dealing with the matter in a single contract, for the purposes of paragraph (f), entering into any of the contracts is a significant act.
- (4) In subregulations (2) and (3) —  
**acquire** includes lease or license from another person;  
**contract** means a contract or other agreement or arrangement;  
**dispose** includes lease or license to another person;  
**property** includes any interest, or any share of an interest, in any property.
- (5) For the purposes of paragraph (g), inviting a tender is a significant act if the tender —
- (a) is required to be publicly invited under regulation 11(1) or 12(2); or
  - (b) would be required to be publicly invited under regulation 11(1) or 12(2) but for regulation 11(2).
- (6) For the purposes of paragraph (i), each of the following is a significant act —
- (a) each of the following under Part 3 Division 4 of the Act —
    - (i) establishing a regional local government;
    - (ii) amending the establishment agreement for a regional local government;
    - (iii) winding up a regional local government, otherwise than at the direction of the Minister;
    - (iv) withdrawing from a regional local government;

- (v) forming a regional subsidiary;
- (vi) amending the charter for a regional subsidiary;
- (vii) winding up, or withdrawing from, a regional subsidiary;
- (b) commencing the preparation of any of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Part 3 —
  - (i) a local planning strategy;
  - (ii) an amendment to a local planning strategy;
  - (iii) a notice of revocation in respect of a local planning strategy;
- (c) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 19(1);
- (d) passing a resolution of the kind referred to in the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 35(1) in relation to a complex amendment (as defined in regulation 34 of those regulations);
- (e) commencing a review of a local planning scheme under the *Planning and Development (Local Planning Schemes) Regulations 2015* regulation 65;
- (f) commencing the preparation of an instrument of repeal in respect of a local planning scheme under the *Planning and Development Act 2005* section 74(b);
- (g) doing either of the following under the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 Part 2 Division 2 as that Division has effect as part of a local planning scheme of the local government —
  - (i) resolving to prepare or amend a local planning policy;
  - (ii) commencing the preparation of a notice of revocation in respect of a local planning policy;
- (h) publicly inviting persons to apply to join a panel of pre-qualified suppliers under Part 4 Division 3;
- (i) deciding to do anything referred to in paragraphs (a) to (h) of this subregulation.

- (7) Subregulation (6)(b) to (g) do not apply to anything done, and subregulation (6)(i) does not apply to a decision to do anything, for the purpose of complying with an order or notice given under the *Planning and Development Act 2005* section 76, 77A, 211 or 212.

**3B. Decisions taken before caretaker period**

For the purposes of section 3.73(4)(b) of the Act, the local government must do the following before doing the significant act —

- (a) give local public notice of the local government's intention to do the significant act, including —
  - (i) details of the significant act and the date on which the local government intends to do the significant act; and
  - (ii) details of the decision to do the significant act referred to in section 3.73(4)(a) of the Act and the date on which the decision was made;
- (b) provide a copy of the notice given under paragraph (a) to the Departmental CEO.

**3C. Transitional provision**

For the purposes of Schedule 9.3 clause 62(2) of the Act, section 3.73 of the Act does not apply in relation to a caretaker period that begins before 1 July 2024.

K. COLLERAN, Clerk of the Executive Council.

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