



Western Australia

Local Government Act 1995

**Local Government Regulations Amendment
Regulations (No. 2) 2025**

Local Government Regulations Amendment Regulations (No. 2) 2025

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Local Government Regulations Amendment Regulations (No. 2) 2025

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations (No. 2) 2025*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website;
- (b) the rest of the regulations — on 1 February 2025.

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

3. Regulations amended

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

4. Regulation 21 amended

In regulation 21:

(a) in paragraph (e)(iii) delete “(ii).” and insert:

(ii);

(b) after paragraph (e) insert:

(f) an interest relating to the application of the
Taxation Administration Act 1953
(Commonwealth) Schedule 1
section 12-45(1)(e) in relation to the local
government.

5. Regulations 32A and 32B inserted

After regulation 32 insert:

**32A. Class 1 local governments and class 2 local
governments required to pay superannuation
contribution payments (Act s. 5.99B(4))**

(1) This regulation applies for the purposes of
section 5.99B(4) on and after 19 October 2025.

- (2) A local government, for which no decision under section 5.99B(2) is in effect, must pay superannuation contribution payments for its council members under section 5.99B if the local government is a class 1 local government or class 2 local government.

Notes for this regulation:

1. In subregulation (2), **class 1 local government** and **class 2 local government** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.
2. This regulation is subject to sections 5.99C and 5.99D — see sections 5.99B(9), 5.99C(1)(b) and 5.99D(1)(b).

32B. Recovery of amount for superannuation contribution payment referable to annual allowance or annual fee paid in advance (Act s. 5.99E(2))

- (1) This regulation applies for the purposes of section 5.99E(2) in respect of a case to which section 5.99E(1) applies.
- (2) The relevant person must pay the local government an amount determined as follows —

$$\frac{R}{A} \times S$$

where —

- R is the amount that the relevant person must repay under regulation 34AE(2) in respect of the advance payment;
- A is the amount of the advance payment;
- S is the amount of the superannuation contribution payment (subject to subregulation (3)).

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- (3) If the superannuation contribution payment was paid only partly by reference to, or otherwise in connection with, the advance payment, the reference in subregulation (2) in the definition of the variable “S” to the superannuation contribution payment is a reference to the part of that payment, as determined by the local government, that was paid by reference to, or otherwise in connection with, the advance payment.
- (4) The local government must take action to recover the amount that must be paid under subregulation (2) as a debt due from the relevant person to the local government.

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

6. Regulations amended

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

7. Regulation 11F amended

In regulation 11F(1), (4) and (6) delete “person conducting the election” and insert:

CEO

8. Regulation 11FA amended

In regulation 11FA(1) delete “person conducting the election” and insert:

CEO

9. Regulation 12 deleted

Delete regulation 12.

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

10. Regulations amended

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

11. Regulation 3 amended

In regulation 3 delete the definition of *officer* and insert:

officer, in relation to a body corporate, has the meaning given in section 4.31(1GA);

12. Regulation 11A amended

(1) After regulation 11A(2)(b) insert:

(ba) must state the following —

- (i) that the nominee is an officer or employee of the body corporate;
- (ii) the title of the nominee's position as officer or employee;
- (iii) if applicable — the date on which the nominee's position as officer or employee expires;

Example for this subparagraph:

The nominee's employment contract is for a fixed term.

and

(2) After regulation 11A(2) insert:

(2A) If the nominee is an officer of the body corporate, the nominee cannot sign the nomination under subregulation (2)(d) unless the nominee is the only officer of the body corporate.

13. Regulation 12A amended

Delete regulation 12A(2)(e).

14. Regulation 12C amended

(1) After regulation 12C(7) insert:

(7A) Subregulation (7B) applies for the purpose of determining whether the claimant has paid rent of at least the amount given by subregulation (3), (4) or (5) in respect of the right of occupation referred to in section 4.32(3)(a) if the claimant —

- (a) held the right of occupation jointly with 1 or more other persons; and
- (b) was jointly liable with the other person or persons to pay rent in respect of the right of occupation.

(7B) A payment of rent for which the claimant was jointly liable that was not made by the claimant but was made by the other person, or any of the other persons, is taken to have been made by the claimant.

(7C) If the claimant is a nominee of a body corporate under section 4.31(1G), references to the claimant in

subregulations (6), (7A) and (7B) are to be read as references to the body corporate.

Note for this subregulation:

See section 4.32(3AA).

- (2) In regulation 12C(8) after “corporate” insert:

under section 4.31(1G)

15. Regulation 13 amended

- (1) In regulation 13(1):

- (a) delete paragraph (d)(i);
- (b) delete paragraph (d)(iii) and insert:

(iii) the information referred to in subregulation (1AA);

- (2) After regulation 13(1) insert:

(1AA) For the purposes of subregulation (1)(d)(iii), the information is as follows —

- (a) whichever 1 or more of the following are applicable —
 - (i) the claim is based on ownership of rateable property;
 - (ii) the claim is based on occupation of rateable property;
 - (iii) the person is a nominee of joint owners under section 4.31(1E);

- (iv) the person is a nominee of joint occupiers under section 4.31(1F);
- (v) the person is a nominee of a body corporate under section 4.31(1G);

Example for this paragraph:

If the claim is based on ownership of rateable property and the person is both a nominee of joint owners under section 4.31(1E) and of a body corporate under section 4.31(1G), the information referred to in subparagraphs (i), (iii) and (v) is to be recorded.

- (b) if the claim is based on occupation of rateable property — the expiry date for the claim provided for by section 4.33(2A) to (3).

16. Regulation 20 amended

Delete regulation 20(3)(e) and insert:

- (e) whichever 1 or more of the following are applicable —
 - (i) the elector is eligible for enrolment on the basis of ownership of rateable property;
 - (ii) the elector is eligible for enrolment on the basis of occupation of rateable property;
 - (iii) the elector is a nominee of joint owners under section 4.31(1E);
 - (iv) the elector is a nominee of joint occupiers under section 4.31(1F);
 - (v) the elector is a nominee of a body corporate under section 4.31(1G).

Example for this paragraph:

If the elector is eligible for enrolment on the basis of ownership of rateable property and the elector is both a nominee of joint owners under section 4.31(1E) and of a body corporate under section 4.31(1G), the details referred to in subparagraphs (i), (iii) and (v) are to be contained in the owners and occupiers roll.

17. Regulation 87C amended

In regulation 87C(2)(b)(ix) delete “2.32(b)” and insert:

2.32(1)(b)

18. Part 16A heading replaced

Delete the heading to Part 16A and insert:

Part 16A — Transitional provisions

19. Part 16A Division 1 heading inserted

Before regulation 92A insert:

Division 1 — Provisions for *Local Government Amendment Act 2023, Local Government Regulations Amendment Regulations (No. 2) 2023 and Local Government Regulations Amendment Regulations (No. 3) 2023*

20. Regulation 92A amended

In regulation 92A delete “Part —” and insert:

Division —

21. Regulation 92F amended

In regulation 92F(1) in the definition of *eligible person* delete “Act,” and insert:

Act as it continues to apply under Schedule 9.3 clause 71(2) of the Act,

22. Part 16A Division 2 inserted

At the end of Part 16A insert:

Division 2 — Provisions for *Local Government Amendment Act 2024* and *Local Government Regulations Amendment Regulations (No. 2) 2025*

92G. Non-resident owners and occupiers

(1) In this regulation —

2025 amendment regulations (No. 2) means the *Local Government Regulations Amendment Regulations (No. 2) 2025*.

(2) The amendments made by regulation 15 of the 2025 amendment regulations (No. 2) do not apply in relation to an enrolment eligibility claim that is accepted before 1 February 2025 and, accordingly, regulation 13 continues to apply in relation to the

enrolment eligibility claim as if those amendments had not been made.

- (3) The amendment made by regulation 16 of the 2025 amendment regulations (No. 2) applies —
 - (a) only if election day is on or after 1 May 2025; and
 - (b) only in relation to an elector whose enrolment eligibility claim is accepted on or after 1 February 2025.
- (4) Accordingly, regulation 20 continues to apply if election day is before 1 May 2025, and in relation to an elector whose enrolment eligibility claim is accepted before 1 February 2025, as if the amendment made by regulation 16 of the 2025 amendment regulations (No. 2) had not been made.

92H. Provision relating to s. 4.51(1)(ba)

- (1) This regulation applies for the purposes of Schedule 9.3 clause 81(2) of the Act.
- (2) In relation to a candidate who, as at the close of enrolments, was not qualified under section 2.19(1)(b) due to Schedule 9.3 clause 71(3) of the Act, section 4.51(1)(ba) applies as if the reference to section 2.19(2) included a reference to Schedule 9.3 clause 71(3) of the Act.

23. Schedule 1 amended

- (1) In Schedule 1 Form 8 in the box titled “2 Who is an elector” delete “However it is not sufficient if you are only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district.” and insert:

However you cannot nominate to be a candidate if you would not be eligible to be included on the electoral roll but for being a nominee of a body corporate which owns or occupies property in the district.

- (2) In Schedule 1 Form 8 in the box titled “**3 Disqualification**” delete “are an insolvent under administration; or” and insert:

are a bankrupt or a person whose affairs are under insolvency laws; or

- (3) In Schedule 1 Form 9 in the box titled “**2 Who is an elector**” delete “However it is not sufficient if he or she is only eligible to be on the roll as the nominee of a body corporate which owns or occupies property in the district.” and insert:

However he or she cannot be nominated to be a candidate if he or she would not be eligible to be included on the electoral roll but for being a nominee of a body corporate which owns or occupies property in the district.

- (4) In Schedule 1 Form 9 in the box titled “**3 Disqualification**” delete “is an insolvent under administration; or” and insert:

is a bankrupt or a person whose affairs are under insolvency laws; or

- (5) In Schedule 1 Form 19 in the box titled “**FILLING OFFICE OF COUNCILLOR WHO IS ELECTED MAYOR / PRESIDENT**” delete “2.32(f)” and insert:

2.32(1)(f)

N. HAGLEY, Clerk of the Executive Council