Western Australia

Local Government Act 1995

Local Government Regulations Amendment (Transitional Provisions) Regulations 2025

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Local Government Act 1995

Local Government Regulations Amendment (Transitional Provisions) Regulations 2025

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment (Transitional Provisions) Regulations 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 the day after that day.

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

3. Regulations amended

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

4. Part 11 inserted

After regulation 37 insert:

Part 11 — Transitional provisions

38. Transitional provisions relating to Local Government Inspector

(1) In this regulation —

Inspector means the person (if any) who, during the pre-commencement period, is appointed by the Governor, acting under the *Interpretation Act 1984* section 25(2), to the office of Local Government Inspector under section 8B.2(1) as to be inserted by the *Local Government Amendment Act 2024* section 125;

pre-commencement period means the period that —

(a) begins on the day on which the *Local Government Regulations Amendment (Transitional Provisions) Regulations 2025* regulation 4 comes into operation; and

(b) ends on —

(i) 30 June 2026; or

(ii) if earlier — the day before the day on which the *Local Government Amendment Act 2024* section 125 comes into operation;

remuneration has the meaning given in the *Salaries and Allowances Act 1975* section 4(1).

(2) This regulation is made for the purposes of Schedule 9.3 clause 81(2).

(3) In respect of the Inspector's acting in the office of Local Government Inspector during the pre-commencement period under the *Interpretation Act 1984* section 25(4) —

(a) the Inspector is entitled to be paid the remuneration determined by the Minister on the recommendation of the Public Sector Commissioner; and

(b) the Minister may, on the recommendation of the Public Sector Commissioner, determine —

(i) any leave of absence to which the Inspector is entitled; and

(ii) other terms and conditions of service that apply to the Inspector.

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

5. Regulations amended

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

6. Regulation 14C inserted

After regulation 14B insert:

14C. Transitional provision: Advisory Board

(1) In this regulation —

2024 amendment Act means the *Local Government Amendment Act 2024*;

existing deputy means a person who, immediately before reconstitution day, is a deputy under Schedule 2.5 clause 3 of the Act;

existing member means a person who, immediately before reconstitution day, is a member of the Advisory Board;

reconstitution day means the day on which sections 146 to 151 of the 2024 amendment Act come into operation.

(2) This regulation is made for the purposes of Schedule 9.3 clause 81(2) of the Act.

(3) Despite the amendment made by section 146 of the 2024 amendment Act, on and after reconstitution day, an existing member continues to hold office as a member of the Advisory Board —

(a) for the unfinished part of the existing member's term of office as specified in their instrument of

appointment, subject to their office becoming vacant before the end of their term under Schedule 2.5 clause 6 of the Act as amended by section 149 of the 2024 amendment Act; and

(b) otherwise in accordance with their instrument of appointment.

(4) The existing member who was appointed under Schedule 2.5 clause 2(a) of the Act, as in force before reconstitution day, is taken to be designated as the chairperson of the Advisory Board under Schedule 2.5 clause 2A of the Act as inserted by section 146 of the 2024 amendment Act.

(5) For the purposes of Schedule 2.5 clause 2A(3) of the Act, the term of the existing member's designation as chairperson is the unfinished part of the existing member's term of office referred to in subregulation (3)(a).

(6) Despite the amendments made by section 147(1) of the 2024 amendment Act, on and after reconstitution day, an existing deputy who is a deputy for an existing member immediately before reconstitution day —

(a) continues to be a deputy for the existing member in accordance with the existing deputy's instrument of appointment; and

(b) may act under Schedule 2.5 clause 3(4) of the Act, as amended by section 147(3) of the 2024 amendment Act, accordingly.

(7) An existing deputy to whom subregulation (6) does not apply goes out of office as a deputy at the beginning of reconstitution day.

K. COLLERAN, Clerk of the Executive Council

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