Western Australia

Local Government Act 1995

Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025

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Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025

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Local Government Act 1995

Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment (Local Government Amendment Act 2024) 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) Part 3 — immediately after the *Local Government Regulations Amendment Regulations (No. 4) 2025* Part 3 comes into operation;

(c) the rest of the regulations — on 1 January 2026.

Published 17 Dec 2025 on www.legislation.wa.gov.au

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

3. Regulations amended

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

4. Regulation 4A replaced

Delete regulation 4A and insert:

4A. Information that may be treated on confidential basis at meeting (Act s. 5.23(4)(g))

For the purposes of section 5.23(4)(g), the following information is prescribed —

(a) the price, or potential price, for the sale or purchase of property by the local government and any information relating to the price or potential price;

(b) a complaint that alleges a behavioural breach under the local government's adopted code of conduct (as defined in section 8A.2(1)) and any information relating to the complaint;

(c) information relating to a property that is used, or is potentially to be used, for any of the following —

(i) a shelter for homeless persons;

(ii) a shelter for persons who have experienced family or domestic violence;

(iii) a residence for employees or officers of a local government, the State or the Commonwealth.

5. Regulation 11 amended

In regulation 11(g):

(a) delete "the meeting or";

(b) delete "public." and insert:

public under section 5.23(2), (3) or (4).

6. Regulation 12 amended

(1) Delete regulation 12(2)(b) and insert:

(b) committee meetings.

(2) Delete regulation 12(4) and insert:

(4) If a special meeting of the council is to be held, the CEO must publish the meeting details for the meeting, and the purpose of the meeting, on the local government's official website as soon as practicable.

7. Regulation 13 amended

Delete regulation 13(1) and insert:

(1) The CEO must publish on the local government's official website the unconfirmed minutes of each council and committee meeting.

(1A) However, if any part of the council or committee meeting is closed to members of the public under

section 5.23(2), (3) or (4), the CEO must, in respect of that part of the meeting, only publish the following parts of the unconfirmed minutes —

(a) the part that is a record of the decisions made during the closed part of the meeting;

(b) the part that contains the information required under section 5.23(8) in relation to the decision to close the meeting.

8. Regulation 14 amended

In regulation 14(2):

(a) delete "the meeting or";

(b) delete "5.23(2)." and insert:

5.23(2), (3) or (4).

9. Regulation 14CA amended

(1) Delete regulation 14CA(4)(b) and insert:

(b) part of the meeting is to be closed to members of the public under section 5.23(2), (3) or (4).

(2) Delete regulation 14CA(5) and (6) and insert:

(5) The member must not attend the closed part of the meeting unless, before the part of the meeting is closed, the member declares that the member can maintain confidentiality during the closed part of the meeting.

(6) If the member makes the declaration under subregulation (5) and subsequently cannot maintain

confidentiality, the member must leave the closed part of the meeting.

10. Regulation 14D amended

(1) Delete regulation 14D(5)(b) and insert:

(b) part of the meeting is to be closed to members of the public under section 5.23(2), (3) or (4).

(2) Delete regulation 14D(6) and (7) and insert:

(6) A member of the council or committee must not attend the closed part of the meeting unless, before the part of the meeting is closed, the member declares that the member can maintain confidentiality during the closed part of the meeting.

(7) If a member makes the declaration under subregulation (6) and subsequently cannot maintain confidentiality, the member must leave the closed part of the meeting.

11. Regulation 14G amended

In regulation 14G(1) delete the definition of ***closed proceedings*** and insert:

closed proceedings, in relation to a council, means any part of a meeting of the council that is closed to members of the public under section 5.23(2), (3) or (4);

12. Regulation 14I amended

(1) In regulation 14I(1)(d) delete "Departmental CEO" (each occurrence) and insert:

Inspector

(2) In regulation 14I(10) in the note delete "Departmental CEO" and insert:

Inspector

(3) In regulation 14I(11):

(a) in paragraph (a) delete "Departmental CEO" and insert:

Inspector

(b) in paragraph (b) delete "Departmental CEO —" and insert:

Inspector —

13. Regulation 14K amended

In regulation 14K(1)(e) delete "Departmental CEO." and insert:

Inspector.

14. Regulation 18FB amended

In regulation 18FB(4) delete "Departmental CEO" and insert:

Inspector

15. Regulation 18FC amended

In regulation 18FC(4) delete "Departmental CEO" and insert:

Inspector

16. Regulation 19ADA inserted

After regulation 19AD insert:

19ADA. Outside employment

A code of conduct must contain requirements relating to a person employed by the local government under section 5.36(1) having employment outside the local government, including the disclosure by such a person of any employment that they have outside the local government.

17. Regulation 29A amended

(1) In regulation 29A(2)(c) delete "under section 5.23." and insert:

to members of the public under section 5.23(2), (3) or (4).

(2) After regulation 29A(3) insert:

(4) Subregulation (2)(c) does not apply to information that —

(a) is covered by section 5.95(4); or

(b) is required to be recorded in the minutes of a meeting under section 5.23(8); or

(c) is the subject of a direction under section 5.23AA(4)(a).

18. Regulation 29C amended

(1) In regulation 29C(1) delete the definition of ***oversight entity***.

(2) Delete regulation 29C(2)(a) and (b).

(3) Delete regulation 29C(3) and (4).

19. Regulation 29E inserted

At the end of Part 7 insert:

29E. Record of information about conduct (Act s. 5.96C)

(1) In this regulation —

oversight entity means any of the following —

(a) the Inspector;

(b) an Independent Inquiry;

(c) the State Administrative Tribunal;

(d) the Public Sector Commissioner;

(e) the Corruption and Crime Commission;

(f) a Royal Commission.

(2) For the purposes of section 5.96C(1)(f), the following information is prescribed to the extent that it is about the conduct of a person who is, or of a person when they were, a council member, the CEO or another employee —

(a) any adverse recommendation made by the Inspector in a report under section 8.4 that is provided to the local government;

(b) any adverse finding, recommendation or proposition made by an oversight entity that is made available to the public.

(3) For the purposes of section 5.96C(4)(c), information included in a record of information must be kept in the record of information for the period of 12 years beginning on the day on which the information is first included in the record of information.

(4) For the purposes of section 5.96C(4)(d), the period for which information included in a record of information must be kept on the local government's official website is the same as the period for which it must be kept in the record of information under subregulation (3).

20. Regulation 32B amended

In regulation 32B(2) in the description of the variable "R" delete "34AE(2)" and insert:

34AE(2), 34AF(3) or 36A(7) (as the case requires)

21. Regulation 34AF inserted

At the end of Part 8 insert:

34AF. Repayment and recovery of advance payments of fees and allowances where sanction ordered under Act s. 8A.25(1)(b)(v) (Act s. 8A.25(4)(b) and (5))

(1) Subregulations (2) and (3) apply, for the purposes of section 8A.25(4)(b), if the advance payment paid to the person (the ***sanctioned person***) relates to a period that —

(a) is the same as the period specified in the order under section 8A.25(1)(b)(v); or

(b) includes the whole or a part of that specified period.

(2) The CEO must determine the proportion of the advance payment (which could be nil or 100% or another proportion) that represents fees and allowances that the sanctioned person is not entitled to be paid under the sanction (taking into account any provision included in the order under section 8A.25(4)(a)).

(3) The sanctioned person must repay to the local government an amount equal to the proportion of the advance payment determined by the CEO under subregulation (2).

(4) For the purposes of section 8A.25(5), the local government must take action to recover the amount that must be repaid under subregulation (3) as a debt due from the sanctioned person to the local government.

22. Part 9A deleted

Delete Part 9A.

23. Regulations 36A and 36B inserted

After regulation 36 insert:

36A. Declaration relating to training (Act s. 5.126)

(1) A council member must, within the declaration period under subregulation (2) and in accordance with subregulation (3), declare either of the following —

(a) that the council member passed the course of training specified in regulation 35(2) on the date specified in the declaration;

(b) that the council member is not required to pass the course of training specified in regulation 35(2) within the period specified in regulation 35(3) because the council member is exempt under regulation 36.

(2) The ***declaration period*** is the following periods taken together —

(a) the period specified in regulation 35(3);

(b) the period of 1 month beginning on the day after the period specified in regulation 35(3).

(3) The declaration —

(a) must be in writing and signed by the council member; and

(b) if made under subregulation (1)(a) — must have attached to it a certificate or other written document issued by the provider of the course

of training that verifies the matters referred to in subregulation (1)(a); and

(c) if made under subregulation (1)(b) in the case of an exemption under regulation 36(1)(a) — must have attached to it a certificate or other written document issued by the provider of the relevant course referred to in regulation 36(1)(a) that verifies the matters referred to in regulation 36(1)(a); and

(d) be provided to the CEO.

(4) The CEO must notify the Inspector if —

(a) a council member contravenes subregulation (1); or

(b) the CEO has reason to believe that a declaration provided to the CEO is false or misleading or is likely to deceive.

(5) Despite Part 5 Division 8 of the Act, if a council member (the ***non-compliant member***) contravenes subregulation (1), the non-compliant member loses their entitlement to all fees, reimbursement of expenses and allowances under that Division in relation to the period (the ***non-compliance period***) that —

(a) begins on the day after the declaration period under subregulation (2); and

(b) ends on the day on which the non-compliant member provides the CEO with the required declaration.

(6) Subregulation (7) applies if the local government has paid the non-compliant member, in advance, an annual allowance or annual fee under Part 5 Division 8 of the

Act relating to a period (the ***advance payment period***) that —

(a) is the same as the non-compliance period; or

(b) includes the whole or a part of the non-compliance period.

(7) The non-compliant member must repay to the local government an amount calculated as follows —

$$R = \frac{A}{D} \times N$$

where —

R is the amount that the non-compliant member must repay;

A is the amount of the advance payment;

D is the number of days in the advance payment period;

N is the number of days in the non-compliance period that are also in the advance payment period.

(8) The local government must take action to recover the amount that must be repaid under subregulation (7) as a debt due from the non-compliant member to the local government.

36B. Offences relating to training (Act s. 5.126)

(1) A council member commits an offence if they contravene section 5.126(1).

Penalty for this subregulation: a fine of $10 000.

(2) A council member commits an offence if they contravene regulation 36A(1).

Penalty for this subregulation:

(a) a fine of $5 000;

(b) a daily penalty of a fine of $500 for each day or part of a day during which the offence continues.

(3) A council member commits an offence if —

(a) the council member provides the CEO with a declaration required under regulation 36A(1), including in a case where the declaration is provided after the declaration period under regulation 36A(2); and

(b) the declaration contains information that the council member knows —

(i) is false or misleading in a material particular; or

(ii) is likely to deceive in a material way.

Penalty for this subregulation: a fine of $10 000.

24. Regulation 37 amended

In regulation 37(3)(c) after "8" insert:

or 8A

25. Part 10A inserted

After regulation 37 insert:

Part 10A — Restricting communication about complaints

37A. CEO restrictions on communication about complaints (Act s. 5.130)

(1) For the purposes of section 5.130(5)(a), the notice under section 5.130(4) must include the following —

(a) if section 5.130(2)(a) applies — details of the local government's previous response to the complainant regarding the subject matter of the complaint;

(b) if section 5.130(2)(b) applies — the reasons why the CEO is satisfied that the complaint is vexatious, misconceived, frivolous or without substance;

(c) the reasons why the CEO is satisfied that to respond to the complaint would divert an unreasonable portion of the local government's resources away from its other operations;

(d) details of how the complainant can make a general complaint to the Inspector under section 8A.28(2) in relation to the CEO's decision under section 5.130(3).

(2) For the purposes of section 5.130(5)(b), the period must end no later than 12 months after the day on which the notice is given under section 5.130(4).

(3) For the purposes of section 5.130(6)(d), the following actions are prescribed —

(a) making an application (however described but not including a complaint under the Act) to the local government that is specifically required or authorised under a written law for a particular purpose;

(b) attending a meeting of a committee of the council or raising a question at a meeting of a committee of the council in accordance with the Act;

(c) attending a meeting of the electors of the district or participating in a meeting of the electors of the district in accordance with the Act;

(d) requesting a special meeting under section 5.28(1);

(e) making a submission under Schedule 2.2 clause 3 or 7 of the Act.

26. Regulations 39 and 40 inserted

At the end of Part 11 insert:

39. Further transitional provisions relating to *Local Government Amendment Act 2024*

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

(2) Section 5.87AA(1)(a) and (2)(a) as inserted by the *Local Government Amendment Act 2024* section 57 —

(a) do not apply in relation to a primary return if the period within which the primary return was

required to be lodged ended before 1 January 2026; and

(b) do not apply in relation to an annual return if the date by which the annual return was required to be lodged was before 1 January 2026.

(3) Section 5.87AA(1)(b) and (2)(b), as inserted by the *Local Government Amendment Act 2024* section 57, do not apply in relation to a primary return or annual return lodged before 1 January 2026.

(4) The CEO cannot make a decision under section 5.130(3), as inserted by the *Local Government Amendment Act 2024* section 74, if the current complaint was made before 1 January 2026.

40. Transitional provisions relating to *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* Pt. 2

(1) The amendments made by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* regulations 5, 7, 11 and 17 do not apply in relation to meetings held before 1 January 2026 and, on and after 1 January 2026, these regulations apply in relation to such meetings as if those amendments had not been made.

(2) The CEO must, as soon as practicable after the beginning of 2026, publish on the local government's official website under regulation 12(2) any further meeting details for meetings to be held in 2026 that are required to be published as a result of the amendment made by the *Local Government Regulations*

Amendment (Local Government Amendment Act 2024) Regulations 2025 regulation 6(1).

(3) On and after 1 January 2026, in relation to a copy of a recording of a meeting provided to the Departmental CEO before 1 January 2026, the reference in regulation 14K(1)(e) to the Inspector is to be read as a reference to the Departmental CEO.

(4) Subregulation (5) applies to information (the ***pre-amendment information***) referred to in regulation 29C(2)(a) or (b), as in force immediately before 1 January 2026, if the pre-amendment information was published on the local government's official website under section 5.96A(1) before 1 January 2026.

(5) On and after 1 January 2026 —

(a) the information prescribed under regulation 29E(2) does not include the pre-amendment information; and

(b) if the 5-year period specified under regulation 29D did not expire in relation to the pre-amendment information before 1 January 2026 — the pre-amendment information must be kept on the local government's official website under section 5.96A(1) for the rest of that 5-year period.

(6) In paragraph (b) of the definition of ***oversight entity*** in regulation 29E(1), the reference to an Independent Inquiry includes an Inquiry Panel established before 1 January 2026 under section 8.16 as in force before 1 January 2026.

(7) Regulation 29E(2)(a) covers any adverse recommendation made before 1 January 2026 that was

covered by regulation 29C(2)(a) as in force before 1 January 2026, subject to subregulation (5)(a).

(8) Regulations 36A and 36B apply only to council members elected on or after 1 July 2025.

(9) In relation to a council member elected in the period beginning on 1 July 2025 and ending on 31 December 2025, regulations 35 to 36B apply as if the period specified in regulation 35(3) were the period beginning on the day on which the council member is elected and ending on 31 December 2026.

Part 3 — *Local Government (Audit) Regulations 1996* amended

27. Regulations amended

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

28. Regulation 6 inserted

After regulation 5 insert:

6. Shared committees: modification of *Local Government (Local Government Inspector) Regulations 2025* (Act s. 7.1CB(6) and (7))

(1) In the definition of ***local law as to conduct*** in the *Local Government (Local Government Inspector) Regulations 2025* regulation 4(1), the reference to meetings of a committee of a council includes meetings of a shared committee.

(2) In the *Local Government (Local Government Inspector) Regulations 2025* regulation 16(1), the reference to a meeting of a committee of a council includes a meeting of a shared committee.

29. Regulation 13 amended

(1) In regulation 13 in the Table under the heading ***Local Government Act 1995*** delete:

s. 5.120

s. 5.121

(2) In regulation 13 in the Table under the heading ***Local Government Act 1995*** insert in numerical order:

s. 2.29	
s. 3.16	
s. 5.23	
s. 5.23AA(6)	
s. 5.39B	
s. 5.50	
s. 5.87AA	
s. 5.87A	
s. 5.87B	
s. 5.87C	
s. 5.90A	
s. 5.94	
s. 5.96	
s. 5.96A	
s. 5.96C	
s. 5.128	
s. 5.130	
s. 5.132	
s. 7.1C	
s. 7.1CB	

(3) In regulation 13 in the Table under the heading ***Local Government (Administration) Regulations 1996*** insert in numerical order:

r. 3A	
r. 3B(1)	
r. 14H	
r. 14I	
r. 18FB	
r. 18FC	
r. 19A	
r. 19AB	
r. 19AC	
r. 19AD	
r. 19ADA	
r. 19AE	
r. 19B	
r. 19BB	
r. 19BC	
r. 19BD	
r. 19BE	
r. 28A	
r. 29	
r. 29C	

r. 29D

r. 29E

r. 34AF

r. 35

r. 36

r. 36A

r. 37

r. 37A

(4) In regulation 13 in the Table under the heading ***Local Government (Audit) Regulations 1996*** insert in numerical order:

r. 17

(5) In regulation 13 in the Table before the heading ***Local Government (Elections) Regulations 1997*** insert:

Local Government (Constitution) Regulations 1998		
r. 11FA	r. 13	

(6) In regulation 13 in the Table before the heading ***Local Government (Functions and General) Regulations 1996*** insert:

Local Government (Financial Management) Regulations 1996		
r. 5	r. 6	r. 7

r. 8	r. 9	r. 11
r. 12	r. 13	r. 13A
r. 19	r. 19AA	r. 19C
r. 19D		

30. Regulation 14 amended

After regulation 14(1) insert:

(1A) Subregulation (1) is subject to regulation 15A.

31. Regulation 15A inserted

After regulation 15 insert:

15A. Inspector may limit prescribed statutory requirements to be covered by compliance audit

(1) In this regulation —

period means a period for which a compliance audit is required under regulation 14(1) that begins on or after 1 January 2026;

prescribed statutory requirement means a statutory requirement prescribed by regulation 13.

(2) The Inspector may, in respect of a period, determine that a compliance audit —

(a) is not to cover all of the prescribed statutory requirements; and

(b) is instead to cover only the prescribed statutory requirements specified in the determination.

(3) The determination must be reflected in the form approved under regulation 14(2)(a) for the period.

(4) Subregulation (5) applies if —

(a) the Inspector makes determinations under subregulation (2) in respect of 3 consecutive periods; and

(b) there is a prescribed statutory requirement that is specified under subregulation (2)(b) in none of those determinations.

(5) If the Inspector makes a determination under subregulation (2) in respect of the period immediately after the 3 consecutive periods, the prescribed statutory requirement referred to in subregulation (4)(b) must be specified under subregulation (2)(b) in that determination (without limiting the other prescribed statutory requirements that may be specified).

32. Regulation 20 amended

After regulation 20(3) insert:

(4) The amendments made to regulation 13 by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* regulation 29 apply in relation to the period beginning on 1 January 2026 and ending on 31 December 2026 and to subsequent periods beginning on 1 January and ending on 31 December.

(5) Regulations 14(1A) and 15A, as inserted by the *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025* regulations 30 and 31, apply in relation to the period beginning on 1 January 2026 and ending on

31 December 2026 and to subsequent periods beginning on 1 January and ending on 31 December.

Part 4 — *Local Government (Financial Management) Regulations 1996* amended

33. Regulations amended

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

34. Regulation 19AA amended

In regulation 19AA:

(a) delete "34AE" and insert:

32B, 34AE, 34AF or 36A(7)

(b) delete "Minister." and insert:

Inspector.

Note: The heading to amended regulation 19AA is to read:

Inspector's approval required to write off repayment of advance payment (Act s. 6.12(4))

35. Regulation 19D inserted

After regulation 19C insert:

19D. Prohibitions on certain payments connected with legal matters (Act s. 6.14A)

(1) If a term used in this regulation is given a meaning in section 6.14A(1), it has the same meaning in this regulation.

(2) For the purposes of section 6.14A(2)(a), a local government must not (directly or indirectly) pay (wholly or partly) any of the following liabilities —

(a) an amount that a council member is ordered to pay under section 8A.19(2) or the *Local Government (Local Government Inspector) Regulations 2025* regulation 7(6) or (7);

(b) a modified penalty under an infringement notice issued to a council member under Part 9 Division 2 Subdivision 2A of the Act;

(c) a fine imposed on a council member as a penalty for committing an offence under the Act;

(d) an amount that a council member is ordered to pay under the *State Administrative Tribunal Act 2004* Part 4 Division 5;

(e) any exemplary or punitive damages that are awarded against a council member in civil proceedings before a court.

(3) For the purposes of section 6.14A(2)(b), a local government must not (directly or indirectly) pay (wholly or partly) a premium in respect of an insurance policy that would or might indemnify (wholly or partly) a council member against a liability of the kind referred to in subregulation (2)(a) to (e).

(4) For the purposes of subregulations (2) and (3), references to paying a liability or premium include the following —

(a) reimbursing for the payment of the liability or premium;

(b) otherwise funding, or meeting the cost of, the payment of the liability or premium.

36. Regulation 83 inserted

At the end of Part 6 insert:

83. Transitional provision for *Local Government Regulations Amendment (Local Government Amendment Act 2024) Regulations 2025*

Regulation 19D(3) does not apply to the payment of a premium if the premium is for a period of insurance that ends before 1 July 2026.

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

37. Regulations amended

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

38. Regulation 35B replaced

Delete regulation 35B and insert:

35B. Delegable functions of Departmental CEO (Act s. 9.67)

The Departmental CEO's functions under section 5.23AA(2) of the Act are delegable functions.

39. Regulation 36 amended

In regulation 36 delete "or 8.8(1)".

Note: The heading to amended regulation 36 is to read:

Form of warrant to enter (Act s. 3.33(1))

40. Schedule 1 Form 6 amended

In Schedule 1 Form 6 delete "[(3)] 3.32 / 8.6(3)(b)" and insert:

3.32

Part 6 — *Local Government (Model Code of Conduct) Regulations 2021* amended

41. Regulations amended

This Part amends the *Local Government (Model Code of Conduct) Regulations 2021*.

42. Regulation 3A inserted

At the end of Part 2 insert:

3A. Referral of complaint to Inspector (Act s. 5.105(3))

For the purposes of section 5.105(3) of the Act, a complaint must be referred to the Inspector if the person who is the subject of the complaint has, on at least 2 previous occasions, been found under a local government's adopted code of conduct (as defined in section 8A.2(1) of the Act) to have committed, on or after 1 January 2026, a behavioural breach.

43. Schedule 1 clause 11 amended

After Schedule 1 clause 11(3) insert:

(4) A complaint must be dealt with under clauses 12 to 15 unless —

(a) the complaint is referred to the Inspector in accordance with subclause (5); and

(b) the Inspector refers the complaint to be dealt with under Part 8A Division 5 of the Act.

Note for this subclause:

See section 5.105(1) of the Act.

(5) If the *Local Government (Model Code of Conduct) Regulations 2021* regulation 3A applies to a complaint, a person authorised under subclause (3) must refer the complaint to the Inspector under section 5.105(3) of the Act.

(6) A complaint must also be dealt with under clauses 12 to 15 if the Inspector refers the complaint to the local government under the *Local Government (Local Government Inspector) Regulations 2025* regulation 6.

44. Schedule 1 clause 12 amended

At the end of Schedule 1 clause 12(1) insert:

Note for this subclause:

See also clause 14A in relation to the appointment of a monitor to assist the local government to deal with matters raised by a complaint.

45. Schedule 1 clauses 14A and 14B inserted

After Schedule 1 clause 14 insert:

14A. Appointment of monitor

(1) The Inspector may appoint a monitor for the local government to assist the local government to deal with matters raised by a complaint.

(2) If the Inspector appoints a monitor —

(a) the Inspector may direct the local government to defer further dealing with the complaint until the monitor reports to the Inspector on the outcome of the monitoring assignment; and

(b) the local government must comply with the direction.

14B. Performance of local government's functions under cl. 12 and 13

(1) The local government's functions under clauses 12 and 13 must be performed by the council.

(2) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a committee of the council comprising council members only to perform a function for and on behalf of the local government.

(3) Despite subclause (1), the council may, by resolution carried with an absolute majority of the council, authorise a person who is none of the following to perform a function for and on behalf of the local government —

(a) a member of the council of any local government;

(b) a member of the governing body of any regional subsidiary;

(c) an employee of any local government or regional subsidiary;

(d) an employee of WALGA or the Local Government Professionals Australia (WA);

(e) a member of the governing body of, or an employee of, a body corporate the activities of which are, wholly or partly, advocating or otherwise acting for, or on behalf of, 1 or more of the following —

(i) local governments;

(ii) members of councils;

(iii) employees of local governments.

(4) A resolution made under subclause (3) must include the following —

(a) a statement to the effect that the council is satisfied that the person being authorised is suitably qualified and experienced to perform the function;

(b) an explanation as to why the council is satisfied as referred to in paragraph (a);

(c) a statement to the effect that the council is satisfied that the person being authorised is impartial and has no close association with any member of the council or any employee of the local government.

(5) Nothing in this clause prevents an employee of the local government from providing, in relation to the performance of a function, any advice or other assistance to the council, a committee authorised under subclause (2) or a person authorised under subclause (3).

46. Schedule 1 clause 15 amended

(1) After Schedule 1 clause 15(2) insert:

(3) Clauses 14A and 14B do not apply in relation to a complaint made before 1 January 2026.

(2) At the end of Schedule 1 clause 15 insert:

Note for this clause:

See also section 5.105(4) and (5) of the Act for restrictions on the activities of a person who makes a complaint or who is alleged to have breached a requirement set out in this Division.

47. Notes for Schedule 1 Division 4 replaced

At the beginning of Schedule 1 Division 4 delete the notes and insert:

Notes for this Division:

1. Under section 8A.3(1) of the Act, a council member commits a conduct breach if the council member contravenes a rule of conduct. Section 8A.3(2) of the Act extends this to the contravention of a rule of conduct that occurred when the council member was a candidate.

2. A conduct breach is dealt with under Part 8A Division 5 of the Act.

48. Schedule 1 clause 21 amended

In Schedule 1 clause 21(1) delete the definition of ***closed meeting*** and insert:

closed meeting —

(a) means a part of a council or committee meeting that is closed to members of the public under section 5.23(2), (3) or (4) of the Act; and

(b) includes a council or committee meeting held before 1 January 2026, or a part of a council or committee meeting held before 1 January 2026, that was closed to members of the public under section 5.23(2) of the Act as in force before 1 January 2026;

Part 7 — *Local Government (Regional Subsidiaries) Regulations 2017* amended

49. Regulations amended

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

50. Regulation 24 amended

Delete regulation 24(3) to (8) and insert:

(3) Part 8 Division 1 of the Act is amended so that sections 8.4(3) and (4), 8.5(1)(b) and (c), 8.6(1)(b) and (2), 8.7(3), 8.8 to 8.11 and 8.13(2) are deleted.

(4) Section 8.2(5) is amended so that if the Inspector advises a regional subsidiary under that provision, the Inspector must also advise each of the participants.

(5) Without limiting section 8.4(2)(b), that provision is amended so that the Inspector may recommend under that provision that a regional subsidiary be wound up.

(6) Section 8.5(1) is amended so that if the Inspector gives a copy of the Inspector's report to a regional subsidiary under that provision, the Inspector must also give a copy of the Inspector's report to each of the participants.

(7) Section 8.6(1) is amended so that —

(a) if the Inspector's report recommends that the regional subsidiary be wound up, the regional subsidiary's written advice must include its comments on that recommendation; and

(b) in any case, the regional subsidiary must give a copy of its written advice to each of the participants.

(8) Without limiting section 8.7(1), that provision is amended so that the Minister may, by order, direct the regional subsidiary be wound up if —

(a) there is a recommendation in the Inspector's report that the regional subsidiary be wound up; or

(b) an earlier order by the Minister under that provision is not complied with according to its terms.

(8A) Section 8.13(1) is amended so that, if paragraph (a) or (b) of that provision applies —

(a) the Minister may order the regional subsidiary or the participants to pay to the State all or part of the costs of the inquiry; and

(b) the regional subsidiary or the participants, as the case requires, must comply with that order.

51. Regulations 24A and 24B inserted

After regulation 24 insert:

24A. Monitors (application of modified Part 8B Division 5 of Act)

(1) Part 8B Division 5 of the Act, and the *Local Government (Local Government Inspector) Regulations 2025* Part 3, apply in relation to a regional subsidiary as if amended by the general modifications, the amendments set out in this regulation and any other necessary modifications.

(2) Part 8B Division 5 of the Act is amended so that section 8B.37(1)(a) is deleted.

(3) Section 8B.37(1) is amended so that if the Inspector gives a written notice to a regional subsidiary under that provision, the Inspector must give a copy of the notice to each of the participants.

(4) Section 8B.38(1) is amended so that a person who makes a request to the Inspector under that provision must give a copy of the request to each of the participants.

24B. Powers of authorised officers (application of modified Part 8B Division 6 of Act)

Part 8B Division 6 of the Act applies in relation to a regional subsidiary as if amended by the general modifications and any other necessary modifications.

K. COLLERAN, Clerk of the Executive Council

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