

Western Australia

**Local Government (Administration)
Regulations 1996**

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Local Government (Administration) Regulations 1996

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Western Australia

Local Government Act 1995

Local Government (Administration) Regulations 1996

1. Citation

These regulations may be cited as the *Local Government (Administration) Regulations 1996*¹.

2. Commencement

These regulations come into operation on 1 July 1996.

3. Interpretation

- (1) In these regulations, unless the contrary intention appears —
- code of conduct* means a code of conduct prepared or adopted under section 5.103(1);
 - committee* means a committee of a council;
 - relevant person* has the meaning that it has in section 5.59;
 - Schedule* means Schedule to the Act;
 - section* means section of the Act.
- (2) A reference in these regulations to a form followed by a designation is a reference to the form so designated set out in Schedule 1 to these regulations.

*[Regulation 3 amended in Gazette 23 Apr 1999 p. 1717;
28 Jun 2002 p. 3079.]*

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4. Resignation of committee members

A committee member may resign from membership of the committee by giving the CEO or the committee's presiding member written notice of the resignation.

4A. Meeting, or part of meeting, may be closed to public — s. 5.23(2)(h)

The determination by the local government of a price for the sale or purchase of property by the local government, and the discussion of such a matter, are matters prescribed for the purposes of section 5.23(2)(h).

[Regulation 4A inserted in Gazette 31 Mar 2005 p. 1037.]

5. Question time for the public at certain meetings — s. 5.24(1)(b)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

6. Minimum question time for the public — s. 5.24(2)

- (1) The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.

- (2) Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

7. Procedures for question time for the public — s. 5.24(2)

- (1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).
- (2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- (3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- (4) Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government;
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.

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- (5) If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

[Regulation 7 amended in Gazette 28 Jun 2002 p. 3079.]

8. Procedure where no quorum at council or committee meetings — s. 5.25(1)(c)

If a quorum has not been established within the 30 minutes after a council or committee meeting is due to begin then the meeting can be adjourned —

- (a) in the case of a council, by the mayor or president or if the mayor or president is not present at the meeting, by the deputy mayor or deputy president;
- (b) in the case of a committee, by the presiding member of the committee or if the presiding member is not present at the meeting, by the deputy presiding member;
- (c) if no person referred to in paragraph (a) or (b), as the case requires, is present at the meeting, by a majority of members present;
- (d) if only one member is present, by that member; or
- (e) if no member is present or if no member other than the CEO is present, by the CEO or a person authorised by the CEO.

9. Voting at council or committee meetings — s. 5.25(1)(d)

Voting at a council or committee meeting is to be conducted so that no voter's vote is secret.

10. Revoking or changing decisions made at council or committee meetings — s. 5.25(1)(e)

- (1) If a decision has been made at a council or a committee meeting then any motion to revoke or change the decision must be supported —
- (a) in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority; or
 - (b) in any other case, by at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee,
- inclusive of the mover.
- (1a) Notice of a motion to revoke or change a decision referred to in subregulation (1) is to be signed by members of the council or committee numbering at least $\frac{1}{3}$ of the number of offices (whether vacant or not) of members of the council or committee, inclusive of the mover.
- (2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —
- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
 - (b) in any other case, by an absolute majority.
- (3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

[Regulation 10 amended in Gazette 31 Mar 2005 p. 1030.]

**11. Content of minutes of council or committee meetings —
s. 5.25(1)(f)**

The content of minutes of a meeting of a council or a committee is to include —

- (a) the names of the members present at the meeting;
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
- (d) details of each decision made at the meeting;
- (da) written reasons for each decision made at the meeting that is significantly different from the relevant written recommendation of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration);
- (e) a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and
- (f) in relation to each disclosure made under section 5.65 or 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.

[Regulation 11 amended in Gazette 23 Apr 1999 p. 1717.]

**12. Public notice of council or committee meetings —
s. 5.25(1)(g)**

- (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —
 - (a) the ordinary council meetings; and

- (b) the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public,

are to be held in the next 12 months.

- (2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).
- (3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.
- (4) If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable.

13. Public inspection of unconfirmed minutes of council or committee meetings — s. 5.25(1)(i)

A local government is to ensure that unconfirmed minutes of each council and committee meeting are available for inspection by members of the public —

- (a) in the case of a council meeting, within 10 business days after the meeting; and
- (b) in the case of a committee meeting, within 5 business days after the meeting.

14. Public inspection of certain documents relating to council or committee meetings — s. 5.25(1)(j)

- (1) A local government is to ensure that notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (a) are to be tabled at the meeting; or

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- (b) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting are available for inspection by members of the public from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public under section 5.23(2).

[Regulation 14 amended in Gazette 31 Mar 2005 p. 1030.]

14A. Attendance at meetings by means of instantaneous communication — s. 5.25(1)(ba)

- (1) A person who is not physically present at a meeting of a council or committee is to be taken to be present at the meeting if —
 - (a) the person is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting;
 - (b) the person is in a suitable place; and
 - (c) the council has approved* of the arrangement.
- (2) A council cannot give approval under subregulation (1)(c) if to do so would mean that at more than half of the meetings of the council, or committee, as the case may be, in that financial year, a person who was not physically present was taken to be present in accordance with this regulation.
- (3) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

(4) In this regulation —

suitable place means a place that the council has approved* as a suitable place for the purpose of this regulation and that is located —

- (a) in a townsite or other residential area; and
- (b) 150 km or further from the place at which the meeting is to be held under regulation 12, measured along the shortest road route ordinarily used for travelling;

townsite has the same meaning given to that term in the *Land Administration Act 1997* section 3(1).

* Absolute majority required.

[Regulation 14A inserted in Gazette 31 Mar 2005 p. 1031.]

14B. Attendance at meetings by means of instantaneous communication after natural emergency — s. 5.25(1)(ba)

- (1) If a council member is prevented from being physically present at a meeting of the council because of fire, flood, lightning, movement of land, storm, or any other natural disaster the member is to be taken to be present at the meeting if —
 - (a) the member is simultaneously in audio contact, by telephone or other means of instantaneous communication, with each other person present at the meeting; and
 - (b) the member is authorised to be present by —
 - (i) the Mayor;
 - (ii) the President; or
 - (iii) the council.
- (2) A person referred to in this regulation is no longer to be taken to be present at a meeting if the person ceases to be in instantaneous communication with each other person present at the meeting.

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(3) A place where a person referred to in this regulation is physically present during a meeting is not a place that is open to members of the public under section 5.23(1).

(4) In this regulation —
person referred to in this regulation, in respect of a meeting, means a council member who is prevented from being physically present at that meeting.

[Regulation 14B inserted in Gazette 31 Mar 2005 p. 1031-2; amended in Gazette 19 Aug 2005 p. 3872.]

15. Matters for discussion at general electors' meetings — s. 5.27(3)

For the purposes of section 5.27(3), the matters to be discussed at a general electors' meeting are, firstly, the contents of the annual report for the previous financial year and then any other general business.

16. Requests for electors' special meetings — s. 5.28(2)

A request for a special meeting of the electors of a district is to be in the form of Form 1.

17. Voting at electors' meetings — s. 5.31

(1) Each elector who is present at a general or special meeting of electors is entitled to one vote on each matter to be decided at the meeting but does not have to vote.

(2) All decisions at a general or special meeting of electors are to be made by a simple majority of votes.

(3) Voting at a general or special meeting of electors is to be conducted so that no voter's vote is secret.

18. Procedures at electors' meetings — s. 5.31

Subject to regulations 15 and 17, the procedure to be followed at a general or special meeting of electors is to be determined by the person presiding at the meeting.

18A. Advertisement for position of CEO or senior employee — s. 5.36(4) and 5.37(3)

- (1) If a position of CEO, or of senior employee, of a local government becomes vacant, the local government is to advertise the position —
 - (a) on a notice board exhibited to the public at the local government's offices, if the position is —
 - (i) to be filled on a part time basis by a person who is also employed by another local government; or
 - (ii) an acting position for a term not exceeding one year;
 - or
 - (b) otherwise, in a newspaper circulating generally throughout the State.
- (2) An advertisement referred to in subregulation (1) is to contain —
 - (a) the details of the remuneration and benefits offered;
 - (b) details of the place where applications for the position are to be submitted;
 - (c) the date and time for the closing of applications for the position;
 - (d) the duration of the proposed contract;
 - (e) contact details for a person who can provide further information about the position; and

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- (f) any other information that the local government considers is relevant.

[Regulation 18A inserted in Gazette 31 Mar 2005 p. 1037-8; amended in Gazette 19 Aug 2005 p. 3872.]

18B. Matters to be included in contracts for CEO's and senior employees — s. 5.39(3)(c)

For the purposes of section 5.39(3)(c), a contract governing the employment of a person who is a CEO, or a senior employee, of a local government is to provide for a maximum amount of money (or a method of calculating such an amount) to which the person is to be entitled if the contract is terminated before the expiry date, which amount is not to exceed whichever is the lesser of —

- (a) the value of one year's remuneration under the contract; or
- (b) the value of the remuneration that the person would have been entitled to had the contract not been terminated.

[Regulation 18B inserted in Gazette 13 May 2005 p. 2086.]

18C. Selection and appointment process for CEO's

The local government is to approve a process to be used for the selection and appointment of a CEO for the local government before the position of CEO of the local government is advertised.

[Regulation 18C inserted in Gazette 31 Mar 2005 p. 1038.]

18D. Local government to consider performance review on CEO

A local government is to consider each review on the performance of the CEO carried out under section 5.38 and is to accept the review, with or without modification, or to reject the review.

[Regulation 18D inserted in Gazette 31 Mar 2005 p. 1038.]

18E. Offence to give false information in application for employment with local government

A person must not, in connection with an application for the position of CEO of a local government —

- (a) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant that the person knows is false in a material particular; or
- (b) make a statement, or give any information, as to academic, or other tertiary level, qualifications held by the applicant which is false or misleading in a material particular, with reckless disregard as to whether or not the statement or information is false or misleading in a material particular.

Penalty: \$5 000.

[Regulation 18E inserted in Gazette 31 Mar 2005 p. 1038-9; amended in Gazette 19 Aug 2005 p. 3872.]

18F. Remuneration and benefits of CEO to be as advertised

The remuneration and other benefits paid to a CEO on the appointment of the CEO are not to differ from the remuneration and benefits advertised for the position under section 5.36(4).

[Regulation 18F inserted in Gazette 31 Mar 2005 p. 1039.]

18G. Limits on delegations to CEO's — s. 5.43

Powers and duties of a local government exercised under the following provisions are prescribed under section 5.43(i) as powers and duties that a local government cannot delegate to a CEO —

- (a) section 7.12A(2), (3)(a) or (4); and
- (b) regulations 18C and 18D.

[Regulation 18G inserted in Gazette 31 Mar 2005 p. 1039.]

19. Records to be kept by delegates — s. 5.46(3)

Where a power or duty has been delegated under the Act to the CEO or to any other local government employee, the person to whom the power or duty has been delegated is to keep a written record of —

- (a) how the person exercised the power or discharged the duty;
- (b) when the person exercised the power or discharged the duty; and
- (c) the persons or classes of persons, other than council or committee members or employees of the local government, directly affected by the exercise of the power or the discharge of the duty.

19A. Payments to employee in addition to contract or award — s. 5.50(3)

- (1) The value of a payment or payments made under section 5.50(1) and (2) to an employee whose employment with a local government finishes after 1 January 2010 is not to exceed in total —
 - (a) if the person accepts voluntary severance by resigning as an employee, the value of the person's final annual remuneration; or
 - (b) in all other cases, \$5 000.

- (2) In this regulation —

final annual remuneration in respect of a person, means the value of the annual remuneration paid, or payable, to the person by the local government which employed that person immediately before the person's employment with the local government finished.

[Regulation 19A inserted in Gazette 31 Mar 2005 p. 1032.]

19B. Annual report to contain information on payments to employees — s. 5.53(2)(g)

For the purposes of section 5.53(2)(g) the annual report of a local government for a financial year is to contain the following information —

- (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
- (b) the number of those employees with an annual salary entitlement that falls within each band of \$10 000 over \$100 000.

[Regulation 19B inserted in Gazette 31 Mar 2005 p. 1032.]

19C. Planning for the future — s. 5.56

- (1) In this regulation and regulation 19D —
plan for the future means a plan made under section 5.56.
- (2) A local government is to make a plan for the future of its district in respect of the period specified in the plan (being at least 2 financial years).
- (3) A plan for the future of a district is to set out the broad objectives of the local government for the period specified in the plan.
- (4) A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- (5) A council is to consider a plan, or modifications, submitted to it and is to determine* whether or not to adopt the plan, or the modifications, as is relevant.

*Absolute majority required.
- (6) If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.

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- (7) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a plan for the future of the district, and when preparing any modifications of a plan.
- (8) A plan for the future of a district is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
- (9) A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year after the financial year ending 30 June 2006.

[Regulation 19C inserted in Gazette 31 Mar 2005 p. 1033.]

19D. Notice of plan to be given

- (1) After a plan for the future, or modifications to a plan, are adopted under regulation 19C the local government is to give local public notice in accordance with subsection (2).
- (2) The local public notice is to contain —
 - (a) notification that —
 - (i) a plan for the future of the district has been adopted by the council and is to apply to the district for the period specified in the plan; and
 - (ii) details of where and when the plan may be inspected;
 - or
 - (b) where a plan for the future of the district has been modified —
 - (i) notification that the modifications to the plan have been adopted by the council and the plan as modified is to apply to the district for a the period specified in the plan; and

- (ii) details of where and when the modified plan may be inspected.

[Regulation 19D inserted in Gazette 31 Mar 2005 p. 1033-4.]

20. Closely associated persons — s. 5.62

- (1) In subregulation (2) —
client or adviser means a person who supplies, or receives, legal or financial professional services.
- (2) A relevant person who, within the previous 12 months, was a client or adviser of a relevant person is a person of a class of persons prescribed for the purposes of section 5.62(1)(ca).
- (3) The amount prescribed for the purposes of section 5.62(1)(d)(ii)(I) is \$10 000.
- (4) The percentage prescribed for the purposes of section 5.62(1)(d)(ii)(II) is 1%.
- (5) The prescribed manner of calculating the value of shares for the purposes of the definition of “value” in section 5.62(2) is —
 - (a) the closing share price of the shares on the Australian Stock Exchange Limited on the last trading day of the financial year; or
 - (b) the nominal value of the share, if the share was not listed on the Australian Stock Exchange Limited on the last trading day of the financial year.

[Regulation 20 inserted in Gazette 31 Mar 2005 p. 1039-40; amended in Gazette 19 Aug 2005 p. 3873.]

21. Interests that need not be disclosed — s. 5.63(1)(h)

The interests prescribed for the purposes of section 5.63(1)(h) are as follows —

- (a) an interest relating to an allowance to which section 5.98A or 5.99A refers;

- (b) an interest (not being an interest referred to in section 5.63(1)) relating to the payment by the local government of money that the local government is legally obliged to pay;
- (c) an interest that a relevant person has in a matter that is the subject of a question directed to him or her during the time allocated for questions to be raised by members of the public and responded to at a meeting to which section 5.24(1)(a) or (b) applies;
- (d) an interest relating to the provision by a local government of refreshments, meals or accommodation to persons —
 - (i) attending a meeting or function of the local government;
 - (ii) attending a conference relevant to local government business; or
 - (iii) on other local government business;
- (e) an interest relating to —
 - (i) the provision by the local government of office equipment to a relevant person for both local government purposes and occasional personal use;
 - (ii) a relevant person becoming the owner of office equipment —
 - (I) that is provided under subparagraph (i) to the relevant person; and
 - (II) that has only minor residual value after use by the relevant person;or
 - (iii) setting an amount of a minor residual value for the purposes of subparagraph (ii);
- (f) an interest relating to —
 - [(i), (ii) deleted]*
 - (iii) a gift that can be accepted by a relevant person in accordance with a code of conduct to be

observed by the relevant person and the *Local Government (Rules of Conduct) Regulations 2007*.

[Regulation 21 inserted in Gazette 28 Jun 2002 p. 3080-1; amended in Gazette 21 Aug 2007 p. 4189.]

22. Form for primary returns — s. 5.75(1) and (2)

For the purposes of section 5.75(1) and (2), the form of a primary return is set out in Form 2.

23. Form for annual returns — s. 5.76(1) and (2)

For the purposes of section 5.76(1) and (2), the form of an annual return is set out in Form 3.

24. Amount of income up to which disclosure of the income's source is not required — s. 5.80(3)

The amount of income prescribed for the purposes of section 5.80(3) is \$500.

25. Amount of gift up to which disclosure of the gift is not required — s. 5.82(2)(a)

The amount of a gift prescribed for the purposes of section 5.82(2)(a) is \$500 for an annual return (s. 5.76) lodged before 1 January 2000 and \$200 for an annual return lodged on or after that time.

[Regulation 25 amended in Gazette 23 Apr 1999 p. 1718.]

26. Amount of contribution to travel up to which disclosure of the contribution is not required — s. 5.83(2)(d)

The amount of a contribution to travel prescribed for the purposes of section 5.83(2)(d) is \$500 for an annual return (s. 5.76) lodged before 1 January 2000 and \$200 for an annual return lodged on or after that time.

[Regulation 26 amended in Gazette 23 Apr 1999 p. 1718.]

27. Amount of debt up to which disclosure of the liability to pay the debt is not required — s. 5.85(2)(a)

The amount of debt to be paid prescribed for the purposes of section 5.85(2)(a) is \$500.

28. Register of financial interests — s. 5.88(2)

The register of financial interests is to be in a form that sets out —

- (a) in relation to each disclosure made under section 5.65, 5.70 or 5.71 —
 - (i) the date of the disclosure; and
 - (ii) the nature of the interest disclosed;
- (b) in relation to each disclosure made under section 5.65 or 5.70 where the extent of the interest has also been disclosed, the extent of the interest; and
- (c) in relation to each disclosure made under section 5.65 or 5.70 —
 - (i) the date of the meeting at which the matter will be or was discussed; and
 - (ii) the number and details of the matter's agenda item at the meeting.

29. Information to be available for public inspection — s. 5.94

- (1) Subject to subregulation (2), the information prescribed for the purposes of section 5.94(u)(ii) is —
 - (a) the information contained in a register to which section 5.18 applies;
 - (b) the information contained in a register to which section 5.46(1) applies;
 - (ba) the information contained in an electoral gift register established and maintained under regulation 30G(1) of the *Local Government (Elections) Regulations 1997*;

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- (baa) the information contained in a register maintained under regulation 12(5) of the *Local Government (Rules of Conduct) Regulations 2007*;
 - (bb) the information contained in a register of notifiable gifts referred to in regulation 34B(5);
 - (bc) details of a regional price preference policy adopted in accordance with Part 4A of the *Local Government (Functions and General) Regulations 1996*;
 - (c) unconfirmed minutes of council or committee meetings;
 - (d) notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (i) are to be tabled at the meeting; or
 - (ii) have been produced by the local government or a committee for presentation at the meeting,and which have been made available to members of the council or committee for the meeting;
 - (e) the information contained in a tenders register kept under the *Local Government (Functions and General) Regulations 1996*.
- (2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(c) if the meeting or that part of the meeting to which the information refers —
- (a) was closed to members of the public; or
 - (b) in the CEO's opinion, could have been closed to members of the public but was not closed,
- unless the information to be inspected is a record of a decision made at the meeting.
- (3) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1)(d) if, in the CEO's opinion, the

r. 29A

meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.

[Regulation 29 amended in Gazette 23 Apr 1999 p. 1718; 25 Feb 2000 p. 969; 21 Aug 2007 p. 4189-90.]

29A. Limits on right to inspect local government information — s. 5.95

- (1) For the purposes of section 5.95(5)(b), the following information is prescribed as being of a private nature —
 - (a) the name, address and other personal details of the employee; and
 - (b) details regarding a bank, or other financial institution, where the employee's remuneration and other benefits are to be credited.
- (2) For the purposes of section 5.95(6), the following information is prescribed as information that is confidential but that, under section 5.95(7), may be available for inspection if a local government so resolves —
 - (a) information referred to in section 5.94 that would reveal the determination by the local government of a price for the sale or purchase of property by the local government;
 - (b) information referred to in section 5.94 about the discussion of such a matter; and
 - (c) information referred to in section 5.94 which deals with anything in respect of which a meeting has been closed under section 5.23.
- (3) The information referred to in subregulation (2)(a) and (b) is confidential until the sale or purchase takes place, or a decision is made that the sale or purchase will not take place.

[Regulation 29A inserted in Gazette 31 Mar 2005 p. 1040-1.]

30. Meeting attendance fees — s. 5.98(1)

- (1) For the purposes of section 5.98(1), subject to subregulation (3) —
 - (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,attending a council meeting is \$60 for each meeting; and
 - (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,attending a council meeting is \$140 for each meeting.
- (2) For the purposes of section 5.98(1), subject to subregulation (3) or (5), as the case requires —
 - (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$70 for each meeting.
- (3) The total of fees paid to a council member other than —
 - (a) the mayor or president; or
 - (b) in the case of a regional local government, the chairman,for attending meetings (whether of the council or of any committee) in each year is not to exceed \$7 000.
- (4) For the purposes of section 5.98(1), subject to subregulation (5) —
 - (a) the minimum fee —
 - (i) for the mayor or president; or

- (ii) in the case of a regional local government, for the chairman,
attending a council meeting is \$120 for each meeting;
and
 - (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman,
attending a council meeting is \$280 for each meeting.
- (5) The total of fees paid —
 - (a) to the mayor or president; or
 - (b) in the case of a regional local government, to the chairman,

for attending meetings (whether of the council or of any committee) in each year is not to exceed \$14 000.

*[Regulation 30 amended in Gazette 23 Apr 1999 p. 1719;
31 Mar 2005 p. 1034.]*

31. Expenses that are to be reimbursed — s. 5.98(2)(a) and (3)

- (1) For the purposes of section 5.98(2)(a), the kinds of expenses that are to be reimbursed by all local governments are —
 - (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
 - (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.
- (2) The extent to which an expense referred to in subregulation (1)(a) can be reimbursed is the actual amount.

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- (3) The extent to which child care costs referred to in subregulation (1)(b) can be reimbursed is the actual cost per hour or \$20.00 per hour, whichever is the lesser amount.
- (4) The extent to which travel costs referred to in subregulation (1)(b) can be reimbursed —
- (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
 - (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.
- (5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

[Regulation 31 amended in Gazette 31 Mar 2005 p. 1034.]

32. Expenses that may be approved for reimbursement — s. 5.98(2)(b) and (3)

- (1) For the purposes of section 5.98(2)(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 council member in performing a function under the express authority of the local government;

- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
 - (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.
- (2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

33. Annual local government allowance for mayors or presidents — s. 5.98(5)

- (1) For the purposes of section 5.98(5) —
- (a) the minimum annual local government allowance for a mayor or president is \$600; and
 - (b) the maximum annual local government allowance for a mayor or president is —
 - (i) \$12 000; or
 - (ii) 0.002 of the local government's operating revenue, whichever is the greater amount, but in any case no more than \$60 000.
- (2) In this regulation —
- operating revenue*** has the meaning that it has in the *Local Government (Financial Management) Regulations 1996*.
- [Regulation 33 amended in Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034.]*

33A. Annual local government allowance for deputies — s. 5.98A

For the purposes of section 5.98A(1) the prescribed percentage is 25%.

[Regulation 33A inserted in Gazette 23 Apr 1999 p. 1719.]

34. Annual attendance fees — s. 5.99

- (1) For the purposes of section 5.99 —
 - (a) the minimum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,
attending meetings (whether of the council or of any committee) is \$2 400; and
 - (b) the maximum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,
attending meetings (whether of the council or of any committee) is \$7 000.

- (2) For the purposes of section 5.99 —
 - (a) the minimum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman,
attending meetings (whether of the council or of any committee) is \$6 000; and
 - (b) the maximum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman,
attending meetings (whether of the council or of any committee) is \$14 000.

r. 34A

*[Regulation 34 amended in Gazette 23 Apr 1999 p. 1719-20;
31 Mar 2005 p. 1035.]*

34A. Allowances in lieu of reimbursement of telecommunications expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for telephone and facsimile machine rental charges referred to in regulation 31(1)(a) and any other telecommunications expenses that might otherwise have been approved for reimbursement under regulation 32 is \$2 400.

*[Regulation 34A inserted in Gazette 23 Apr 1999 p. 1720;
amended in Gazette 31 Mar 2005 p. 1035.]*

34AA. Allowances in lieu of reimbursement of information technology expenses — s. 5.99A

For the purposes of section 5.99A(b), the maximum total annual allowance for information technology expenses that have been approved for reimbursement under regulation 32 is \$1 000.

[Regulation 34AA inserted in Gazette 31 Mar 2005 p. 1035.]

34AB. Allowances in lieu of reimbursement of travelling and accommodation expenses — s. 5.99A

- (1) For the purposes of section 5.99A(b), the maximum annual allowance for travelling and accommodation expenses —
 - (a) prescribed as being a kind of expense to be reimbursed by all local governments under regulation 31; or
 - (b) that have been approved for reimbursement under regulation 32,

is the same amount as the amount to which a person would be entitled for those expenses in the same circumstances under the Public Service Award.

- (2) In this regulation —

Public Service Award means the *Public Service Award 1992* issued by the Western Australian Industrial Relations Commission as amended from time to time.

[Regulation 34AB inserted in Gazette 31 Mar 2005 p. 1035.]

34B. Codes of conduct (gifts) — s. 5.103(3)

(1) In this regulation —

activity involving a local government discretion means an activity —

- (a) that cannot be undertaken without an authorisation from the local government; or
- (b) by way of a commercial dealing with the local government;

gift has the meaning given to that term in section 5.82(4) except that it does not include —

- (a) a gift from a relative as defined in section 5.74(1); or
- (b) a gift that must be disclosed under regulation 30B of the *Local Government (Elections) Regulations 1997*; or
- (c) a gift from a statutory authority, government instrumentality or non-profit association for professional training;

notifiable gift, in relation to a person who is an employee, means —

- (a) a gift worth between \$50 and \$300; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth between \$50 and \$300;

prohibited gift, in relation to a person who is an employee, means —

- (a) a gift worth \$300 or more; or
- (b) a gift that is one of 2 or more gifts given to the employee by the same person within a period of 6 months that are in total worth \$300 or more.

r. 34B

- (2) A code of conduct is to contain a requirement that a person who is an employee refrain from accepting a prohibited gift from a person who —
- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who accepts a notifiable gift from a person who —
- (a) is undertaking or seeking to undertake an activity involving a local government discretion; or
 - (b) it is reasonable to believe is intending to undertake an activity involving a local government discretion,
- notify the CEO, in accordance with subregulation (4) and within 10 days of accepting the gift, of the acceptance.
- (4) A code of conduct is to require that the notification of the acceptance of a notifiable gift be in writing and include —
- (a) the name of the person who gave the gift; and
 - (b) the date on which the gift was accepted; and
 - (c) a description, and the estimated value, of the gift; and
 - (d) the nature of the relationship between the person who is an employee and the person who gave the gift; and
 - (e) if the gift is a notifiable gift under paragraph (b) of the definition of “notifiable gift” in subregulation (1) (whether or not it is also a notifiable gift under paragraph (a) of that definition) —
 - (i) a description; and
 - (ii) the estimated value; and
 - (iii) the date of acceptance,of each other gift accepted within the 6 month period.

- (5) A code of conduct is to require that the CEO maintain a register of notifiable gifts and record in it details of notifications given to comply with a requirement made under subregulation (3).

[Regulation 34B inserted in Gazette 21 Aug 2007 p. 4190-1.]

34C. Codes of conduct (disclosure of interests affecting impartiality) — s. 5.103(3)

- (1) In this regulation —
interest means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest and includes an interest arising from kinship, friendship or membership of an association.
- (2) A code of conduct is to contain a requirement that a person who is an employee and who has an interest in any matter to be discussed at a council or committee meeting attended by the person disclose the nature of the interest —
- (a) in a written notice given to the CEO before the meeting;
or
 - (b) at the meeting immediately before the matter is discussed.
- (3) A code of conduct is to contain a requirement that a person who is an employee and who has given, or will give, advice in respect of any matter to be discussed at a council or committee meeting not attended by the person disclose the nature of any interest the person has in the matter —
- (a) in a written notice given to the CEO before the meeting;
or
 - (b) at the time the advice is given.
- (4) A code of conduct is to exclude from a requirement made under subregulation (2) or (3) an interest referred to in section 5.60.
- (5) A code of conduct is to excuse a person from a requirement made under subregulation (2) or (3) to disclose the nature of an interest if —

r. 34C

- (a) the person's failure to disclose occurs because the person did not know he or she had an interest in the matter; or
 - (b) the person's failure to disclose occurs because the person did not know the matter in which he or she had an interest would be discussed at the meeting and the person discloses the nature of the interest as soon as possible after becoming aware of the discussion of a matter of that kind.
- (6) A code of conduct is to require that if, to comply with a requirement made under subregulation (2) or (3), a person who is an employee makes a disclosure in a written notice given to the CEO before a meeting then —
- (a) before the meeting the CEO is to cause the notice to be given to the person who is to preside at the meeting; and
 - (b) immediately before a matter to which the disclosure relates is discussed at the meeting the person presiding is to bring the notice and its contents to the attention of the persons present.
- (7) If —
- (a) to comply with a requirement made under subregulation (2), the nature of a person's interest in a matter is disclosed at a meeting; or
 - (b) a disclosure is made as described in subregulation (5)(b) at a meeting; or
 - (c) to comply with a requirement made under subregulation (6)(b), a notice disclosing the nature of a person's interest in a matter is brought to the attention of the persons present at a meeting,

the nature of the interest is to be recorded in the minutes of the meeting.

[Regulation 34C inserted in Gazette 21 Aug 2007 p. 4192-3.]

[35-39. Omitted under the Reprints Act 1984 s. 7(4)(e).]

Schedule 1 — Forms
Form 1

[reg. 16]

Local Government Act 1995

Local Government (Administration) Regulations 1996

REQUEST FOR A SPECIAL MEETING OF ELECTORS

TO: The ⁽¹⁾ Mayor/President of ⁽²⁾

1. Under section 5.28 of the *Local Government Act 1995*, the electors of ⁽³⁾ whose names, addresses and signatures are set out in the attached list and who comprise ⁽¹⁾ 100 electors/5% of the number of electors request that a special meeting of the electors of the district be held.

2. The details of the matter to be discussed at the special meeting are —
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

3. This request is served on behalf of the listed signatories by —
 Name
 Signature
 Contact details
 Date

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert name of district

Form 1 continued: form of each page of listed signatories

We, the undersigned, request that a special meeting of the electors of the district be held.

Full name of elector*	Address which entitles you to vote in the elections of the local government affected by this request	Signature of elector	Date

- * An elector may be one of the following —
- a resident owner or occupier enrolled to vote at State elections;
 - an owner of rateable property (e.g. an absentee land owner or an owner of business premises, vacant land or other non-residential property);
 - an occupier of rateable property (e.g. a tenant of business premises or other non-residential property).

Form 2

[reg. 22]

Local Government Act 1995
Local Government (Administration) Regulations 1996

PRIMARY RETURN

Surname Other names

Office held

Start day

1. Real property

Section 5.79 of the Act

Addresses	Nature of Interest

2. Income sources

Section 5.80 of the Act

(a) income from an occupation

Description of the occupation	Name and address of employer	Description of office held	Name of the partnership

(b) income from a trust

Name of trust	Name and address of settlor	Name and address of trustee

(c) sources of other income

Identity of persons
Describe circumstances

3. Trusts

Section 5.81 of the Act

Trusts in which the relevant person holds a beneficial interest

Name of trust	Name and address of settlor	Name and address of trustee

Discretionary trusts of which the relevant person is a trustee or an object

Name of trust	Name and address of settlor	Name and address of trustee

4. Interests and positions in corporations

Section 5.84 of the Act

Name & address of corporation	Nature of interest/ position held	Principal business (if required)

5. Debts

Section 5.85 of the Act

Name of lender/creditor	Address of lender/creditor

6. Discretionary disclosures

Section 5.87 of the Act

.....
.....
.....

Signature Date

Form 3

[reg. 23]

Local Government Act 1995
Local Government (Administration) Regulations 1996

ANNUAL RETURN

Surname Other names

Office held

Disclosure of interests for the return period from to 30 June

1. Real property

Section 5.79 of the Act

Address	Nature of interest

2. Income sources

Section 5.80 of the Act

(a) income from an occupation

Description of the occupation	Name and address of employer	Description of office held	Name of the partnership

(b) income from a trust

Name of trust	Name and address of settlor	Name and address of trustee

(c) sources of other income

Identity of persons
Describe circumstances

3. Trusts

Section 5.81 of the Act

Trusts in which the relevant person holds a beneficial interest

Name of trust	Name and address of settlor	Name and address of trustee

Discretionary trusts of which the relevant person is a trustee or an object

Name of trust	Name and address of settlor	Name and address of trustee

4. Gifts

Section 5.82 of the Act

Description of gift	Name and address of giver

5. Contributions to travel

Section 5.83 of the Act

Name of contributor	Address of contributor

6. Interests and positions in corporations

Section 5.84 of the Act

Name and address of corporation	Nature of interest/position held	Principal business (if required)

7. Debts

Section 5.85 of the Act

Name of lender/creditor	Address of lender/creditor

8. Disposition of property

Section 5.86 of the Act

(a) section 5.86(1)

Address of property	Manner of disposition	Date of disposition	Nature of interest retained

Notes

¹ This is a compilation of the *Local Government (Administration) Regulations 1996* and includes the amendments made by the other written laws referred to in the following table. The table also contains information about any reprint.

Compilation table

Citation	Gazettal	Commencement
<i>Local Government (Administration) Regulations 1996</i>	24 Jun 1996 p. 2799-826	1 Jul 1996 (see r. 2)
<i>Local Government (Administration) Amendment Regulations 1996</i>	28 Jun 1996 p. 3171	1 Jul 1996
<i>Local Government (Administration) Amendment Regulations 1999</i>	23 Apr 1999 p. 1717-21	23 Apr 1999
<i>Local Government (Administration) Amendment Regulations 2000</i>	25 Feb 2000 p. 969	25 Feb 2000 (see r. 2 and <i>Gazette</i> 25 Feb 2000 p. 970)
<i>Local Government (Administration) Amendment Regulations 2002</i>	28 Jun 2002 p. 3079-81	28 Jun 2002
Reprint of the <i>Local Government (Administration) Regulations 1996</i> as at 30 Aug 2002 (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2005²</i>	31 Mar 2005 p. 1030-6	1 Apr 2005 (see r. 2 and <i>Gazette</i> 31 Mar 2005 p. 1029)
<i>Local Government (Administration) Amendment Regulations (No. 2) 2005</i>	31 Mar 2005 p. 1037-41	7 May 2005 (see r. 2)
<i>Local Government (Administration) Amendment Regulations (No. 3) 2005</i>	13 May 2005 p. 2086	13 May 2005
<i>Local Government (Administration) Amendment Regulations (No. 4) 2005</i>	19 Aug 2005 p. 3871-3	19 Aug 2005
Reprint 2: The <i>Local Government (Administration) Regulations 1996</i> as at 17 Nov 2006 (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2007</i>	21 Aug 2007 p. 4189-93	r. 1 and 2: 21 Aug 2007 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Oct 2007 (see r. 2(b) and <i>Gazette</i> 21 Aug 2007 p. 4173)

² The *Local Government (Administration) Amendment Regulations 2005* r. 15 reads as follows:

“

15. Increased minimum fees and allowances not mandatory until 1 July 2005

- (1) Where these regulations increase the amount of a minimum fee or allowance prescribed under section 5.98 or 5.99 a person is entitled to the increased amount only on and after 1 July 2005.
- (2) Until 1 July 2005, a local government may choose to pay to a person entitled to a minimum fee or allowance prescribed under section 5.98 or 5.99 the amount of the fee or allowance to which the person —
 - (a) was entitled immediately before these regulations came into operation; or
 - (b) would be entitled on and after 1 July 2005.
- (3) If, under subregulation (2), a local government makes a choice to pay a person a fee or allowance to which the person would be entitled on and after 1 July 2005, then that local government must make the same choice when paying all other persons entitled to be paid that same fee or allowance.

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