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PROCLAMATION

Local Government Amendment Act 2004

No. 49 of 2004

LOCAL GOVERNMENT ACT 1995

**Local Government (Administration) Amendment
Regulations 2005**

**Local Government (Administration) Amendment
Regulations (No. 2) 2005**

Local Government (Audit) Amendment Regulations 2005

**Local Government (Constitution) Amendment
Regulations 2005**

**Local Government (Financial Management) Amendment
Regulations (No. 2) 2005**

**Local Government (Functions and General) Amendment
Regulations 2005**

**Local Government (Functions and General) Amendment
Regulations (No. 2) 2005**

LOCAL GOVERNMENT AMENDMENT ACT 2004

No. 49 of 2004

PROCLAMATION

Western Australia

*By His Excellency
Lieutenant General John Murray Sanderson,
Companion of the Order of Australia,
Governor of the State of Western Australia*

[L.S.]

JOHN SANDERSON
Governor

I, the Governor, acting under the *Local Government Amendment Act 2004* section 2 and with the advice and consent of Executive Council —

- (a) fix 7 May 2005 as the day on which sections 4-9, 16, 19, 23-29, 43-45, 46(1), (2) and (4), 49-52, 54, 65, 66, 69 and 72 of that Act come into operation;
- (b) fix 1 July 2005 as the day on which sections 59 and 60 of that Act come into operation; and
- (c) fix the day after the day on which this proclamation is published in the *Government Gazette* as the day on which the balance of that Act, other than sections 20 and 38(3), comes into operation.

Given under my hand and the Public Seal of the State on 29 March 2005.

By Command of the Governor,

J. BOWLER, Minister for Local Government and
Regional Development.

GOD SAVE THE QUEEN !

Local Government Act 1995

**Local Government (Administration)
Amendment Regulations 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which section 42 of the *Local Government Amendment Act 2004* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Administration) Regulations 1996**.

[* Reprinted as at 30 August 2002.]

4. Regulation 10 amended

After regulation 10(1) the following subregulation is inserted —

“

- (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.

”.

5. Regulation 14 amended

Regulation 14(2) is amended by deleting the full stop and inserting instead —

“ under section 5.23(2). ”.

6. Regulations 14A and 14B inserted

After regulation 14 the following regulations are inserted —

“

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 regulation (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.*

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.

”.

7. Regulations 19A to 19D inserted

After regulation 19 the following regulations are inserted —

“

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.

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.

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.
- (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.

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.

”.

8. Regulation 30 amended

Each provision of regulation 30 referred to in column 1 of the Table to this regulation is amended by deleting the amount set out in column 2 of the Table and inserting instead the amount set out in column 3.

Table

Provision	Amount deleted	Amount inserted
r. 30(1)(a)	\$50	\$60
r. 30(1)(b)	\$120	\$140
r. 30(2)(a)	\$25	\$30
r. 30(2)(b)	\$60	\$70
r. 30(3)	\$6 000	\$7 000
r. 30(4)(a)	\$100	\$120
r. 30(4)(b)	\$240	\$280
r. 30(5)	\$12 000	\$14 000

9. Regulation 31 amended

Regulation 31(3) is amended by deleting “\$10.00” and inserting instead —

“ \$20.00 ”.

10. Regulation 33 amended

- (1) Regulation 33(1)(a) is amended by deleting “\$500” and inserting instead —

“ \$600 ”.

- (2) Regulation 33(1)(b)(i) is amended by deleting “\$10 000” and inserting instead —

“ \$12 000 ”.

11. Regulation 34 amended

Each provision of regulation 34 referred to in column 1 of the Table to this regulation is amended by deleting the amount set out in column 2 of the Table and inserting instead the amount set out in column 3.

Table

Provision	Amount deleted	Amount inserted
r. 34(1)(a)	\$2 000	\$2 400
r. 34(1)(b)	\$6 000	\$7 000
r. 34(2)(a)	\$5 000	\$6 000
r. 34(2)(b)	\$12 000	\$14 000

12. Regulation 34A amended

Regulation 34A is amended by deleting “\$2 000” and inserting instead —

“ \$2 400 ”.

13. Regulations 34AA and 34AB inserted

After regulation 34A the following regulations are inserted —

“

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.

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.

”.

14. Regulation 34B amended

Regulation 34B(1) is amended in the definition of “gift” by inserting after paragraph (b) the following paragraph —

“

- (c) an educational or professional benefit conferred on an employee to further or improve the knowledge or skill of the employee by —
 - (i) this State, another State, a Territory, the Commonwealth or a body established under a written law; or
 - (ii) an incorporated association under the *Associations Incorporation Act 1987*, or a corresponding law of another State or Territory, if the employee is eligible for membership of that body on the basis of tasks he or she performs for the local government;

”.

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.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

**Local Government (Administration)
Amendment Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations (No. 2) 2005*.

2. Commencement

These regulations come into operation on 7 May 2005.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Administration) Regulations 1996**.

[* Reprinted as at 30 August 2002.]

4. Regulation 4A inserted

After regulation 4 the following regulation is inserted —

“

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).

”

5. Regulations 18A to 18G inserted

After regulation 18 the following regulations are inserted —

“

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

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 make provision to the effect that if the contract is terminated before the completion of the contract on the happening of an event specified in the contract then the person is entitled to the amount of money which 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 been completed.

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.

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.

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

- (1) 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.

- (2) For the purposes of subregulation (1) a statement made, or information given, in connection with an application for employment with a local government as to academic, or other tertiary level, qualifications held by the applicant is to be taken to have been made, or given, by the applicant, in the absence of proof to the contrary.

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).

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.

”.

6. Regulation 20 replaced

Regulation 20 is repealed and the following regulation is inserted instead —

“

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 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.

”.

7. **Regulation 29A inserted**

After regulation 29 the following regulation is inserted —

“

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.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

**Local Government (Audit) Amendment
Regulations 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Audit) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 7 May 2005.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Audit) Regulations 1996**.

[* *Reprint 1 as at 10 October 2003.*

For amendments to 9 March 2005 see Gazette 1 June 2004.]

4. Regulation 3 amended

Regulation 3 is amended by inserting in the appropriate alphabetical position the following definition —

“

“**audit committee**” means an audit committee
established under section 7.1A;

”.

5. Regulation 6 amended

(1) Regulation 6(2)(d)(ii) is amended by deleting “nominal” in both places where it occurs.

(2) Regulation 6(3) is amended after the definition of “relevant person” by deleting the full stop and inserting —

“

;

“**value**” has the meaning given by section 5.62(2).

”.

6. Regulation 13 amended

Regulation 13 is amended in the Table as follows:

(a) under the heading “*Local Government Act 1995*” by deleting “s. 5.57” and “s. 5.58”;

- (b) under the heading “*Local Government (Financial Management) Regulations 1996*” by deleting “r. 35”.

7. Regulation 16 inserted

After regulation 15 the following regulation is inserted —

“

16. Functions of audit committee

An audit committee —

- (a) is to provide guidance and assistance to the local government —
- (i) as to the carrying out of its functions in relation to audits carried out under Part 7 of the Act; and
 - (ii) as to the development of a process to be used to select and appoint a person to be an auditor;

and

- (b) may provide guidance and assistance to the local government as to —
- (i) matters to be audited;
 - (ii) the scope of audits;
 - (iii) its functions under Part 6 of the Act; and
 - (iv) the carrying out of its functions relating to other audits and other matters related to financial management.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

**Local Government (Constitution) Amendment
Regulations 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Constitution) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on 7 May 2005.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Constitution) Regulations 1998**.

[* *Published in Gazette 26 June 1998, p. 3449-74.*]

4. Regulation 10A inserted

After regulation 10 the following regulation is inserted in Part 3 —

“

10A. Definition of “election”

In this Part —

“**election**” means an election under Schedule 2.3;

“**records of the election**” includes —

- (a) each marked ballot paper returned to the CEO under regulation 11D(2);
- (b) each ballot paper marked by the CEO on behalf of a councillor under regulation 11E; and
- (c) each ballot papers endorsed “spoilt” under regulation 11C.

”.

5. Regulations 11A to 11G inserted

After regulation 11 the following regulations are inserted —

“

11A. Election of mayor, president, deputy mayor or deputy president by council (Sch. 2.3)

- (1) The CEO is to cause sufficient numbers of ballot papers to be printed for the purposes of the election.

- (2) The CEO is to cause the ballot papers to be printed so that the names of the candidates appear on the ballot paper —
 - (a) in alphabetical order; or
 - (b) in such order as is determined using a method selected by the CEO which is fair to all of the candidates.
- (3) The ballot papers are to be in the form of Forms 10 and 11 of the *Local Government (Elections) Regulations 1997*, modified as is necessary for the purposes of the election.
- (4) A councillor is to cast his or her vote by marking the ballot paper by placing a tick in the box opposite the name of the candidate whom the councillor wishes to be elected.

11B. Ballot papers to be authentic (Sch. 2.3 cls. 4 and 8)

Before giving a person a ballot paper under this Part the CEO is to initial the back of it or make sure that it is authenticated in some other way.

11C. Spoilt ballot papers (Sch. 2.3 cls. 4 and 8)

If the CEO is satisfied that a ballot paper given to a councillor has been spoilt by accident or mistake, the CEO is to —

- (a) give the person a replacement ballot paper; and
- (b) endorse “spoilt” on the spoilt ballot paper.

11D. Marking and dealing with the ballot paper (Sch. 2.3 cls. 4 and 8)

- (1) Subject to regulation 11E, a councillor who receives a ballot paper under this Part is to mark the ballot paper in such a manner that it cannot be seen by anyone else.
- (2) The councillors are to return the marked ballot paper to the CEO.

11E. Assistance to be given to councillors who cannot otherwise vote (Sch. 2.3 cls. 4 and 8)

- (1) If a councillor who receives a ballot paper under this Part cannot vote without assistance because of impairment of sight or any other impairment or condition affecting the councillor’s ability to read or to write, the councillor may request the CEO to mark on the ballot paper the vote that the councillor wishes to cast.

- (2) If a request is made under subregulation (1) the CEO, or another local government employee authorised for that purpose by the CEO, is to mark the ballot paper to record the vote that the councillor wishes to cast.

**11F. Declaration and notice of result of election —
(Sch. 2.3 cls. 4 and 8)**

- (1) The person conducting the election is to declare the result of the election to the councillors at the meeting at which the election was held.
- (2) The declaration is to include —
 - (a) the names of the candidates; and
 - (b) the name and term of office of the candidate declared elected.
- (3) The declaration may include the number of votes received by each candidate.
- (4) The person conducting the election is also to give local public notice of the result of the election in the form of Form 19 of the *Local Government (Elections) Regulations 1997*, modified as is necessary for the purposes of this regulation.

11G. Records of election to be retained (Sch. 2.3 cls. 4 and 8)

- (1) As soon as practicable after the result of the election is declared the CEO is to —
 - (a) put the records of the election in one or more parcels;
 - (b) secure each parcel; and
 - (c) endorse each parcel by signing and dating it.
- (2) The CEO is to keep the parcels in safe custody and retain them for a period of at least 4 years after the declaration of the result of the election.
- (3) If, after the period mentioned in subregulation (2), the parcels are to be destroyed, the destruction is to be carried out by or under the supervision of the CEO in the presence of at least 2 employees.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

Local Government (Financial Management) Amendment Regulations (No. 2) 2005

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Financial Management) Amendment Regulations (No. 2) 2005*.

2. Commencement

These regulations come into operation on 1 July 2005.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Financial Management) Regulations 1996**.

[* Reprinted as at 24 March 2000.

For amendments to 18 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 220, and Gazette 30 December 2004 and 7 January 2005.*]

4. Regulation 3 amended

Regulation 3(1) is amended by inserting the following definitions in the appropriate alphabetical positions —

“

“**AAS 5**” means Australian Accounting Standard AAS 5 “Materiality” issued by the Australian Accounting Research Foundation as amended from time to time;

“**material**” has the meaning given to that term by AAS 5;

”.

5. Regulation 5 amended

Regulation 5(1)(g) is amended by inserting after “budgets,” —

“ budget reviews, ”.

6. Regulation 8 amended

Regulation 8(1) is amended as follows:

(a) after paragraph (b) by inserting —

“ and ”;

- (b) by deleting the semicolon after paragraph (c) and inserting instead a full stop;
- (c) by deleting paragraph (d) and “and” after it;
- (d) by deleting paragraph (e).

7. Regulation 11 amended

Regulation 11(2) is repealed and the following subregulation is inserted instead —

“

- (2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that the relevant debt was incurred by a person who was properly authorised to do so.

”.

8. Regulation 13 amended

Regulation 13(4) is repealed.

9. Regulation 22 amended

Regulation 22(1)(d)(i) is amended by deleting “operating and non-operating income and expenses” and inserting instead —

“ sources and applications of funds ”.

10. Regulation 27 amended

Regulation 27 is amended as follows:

- (a) after paragraph (m) by inserting —
“ and ”;
- (b) after paragraph (n) by deleting “; and” and inserting instead a full stop;
- (c) by deleting paragraph (o).

11. Regulation 33A inserted

After regulation 33 the following regulation is inserted in Part 3 —

“

33A. Review of budget

- (1) Between 1 January and 31 March in each year a local government is to carry out a review of its annual budget for that year.
- (2) Within 30 days after a review of the annual budget of a local government is carried out it is to be submitted to the council.

- (3) A council is to consider a review submitted to it and is to determine* whether or not to adopt the review, any parts of the review or any recommendations made in the review.

**Absolute majority required.*

- (4) Within 30 days after a council has made a determination, a copy of the review and determination is to be provided to the Department.

”.

12. **Regulation 34 replaced**

Regulation 34 is repealed and the following regulation is inserted instead —

“

34. **Financial activity statement report — s. 6.4**

- (1) A local government is to prepare each month a statement of financial activity reporting on the sources and applications of funds, as set out in the annual budget under regulation 22(1)(d), for that month in the following detail —
 - (a) annual budget estimates, taking into account any expenditure incurred for an additional purpose under section 6.8(1)(b) or (c);
 - (b) budget estimates to the end of the month to which the statement relates;
 - (c) actual amounts of expenditure, revenue and income to the end of the month to which the statement relates;
 - (d) material variances between the comparable amounts referred to in paragraphs (b) and (c); and
 - (e) the net current assets at the end of the month to which the statement relates.
- (2) Each statement of financial activity is to be accompanied by documents containing —
 - (a) an explanation of the composition of the net current assets of the month to which the statement relates, less committed assets and restricted assets;
 - (b) an explanation of each of the material variances referred to in subregulation (1)(d); and
 - (c) such other supporting information as is considered relevant by the local government.
- (3) The information in a statement of financial activity may be shown —
 - (a) according to nature and type classification;

- (b) by program; or
 - (c) by business unit.
- (4) A statement of financial activity, and the accompanying documents referred to in subregulation (2), are to be —
- (a) presented to the council —
 - (i) at the next ordinary meeting of the council following the end of the month to which the statement relates; or
 - (ii) if the statement is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;
 - and
 - (b) recorded in the minutes of the meeting at which it is presented.
- (5) Each financial year, a local government is to adopt a percentage or value, calculated in accordance with AAS 5, to be used in statements of financial activity for reporting material variances.
- (6) In this regulation —
- “**committed assets**” means revenue unspent but set aside under the annual budget for a specific purpose;
- “**restricted assets**” has the same meaning as in AAS 27.

”.

13. Regulation 35 repealed

Regulation 35 is repealed.

14. Regulation 36 amended

- (1) Regulation 36(1)(a) is amended by deleting “income, expenditure and”.
- (2) Regulation 36(2) is amended by deleting “include, adjacent to the end-of-year figures in the operating statement (required by AAS 27) and for the items referred to in the Table to this subregulation, the original budget estimates for those items for the financial year.” and inserting instead —
 - “
 - include —
 - (a) the statement included in the annual budget to which the report relates under regulation 22(1)(d); and

- (b) adjacent to the end-of-year figures in the operating statement (required by AAS 27) and for the items referred to in the Table to this subregulation, the original budget estimates for those items for the financial year.

”.

15. Regulation 48 amended

Regulation 48(f)(v) is amended by deleting “financed by income other than” and inserting instead —

“ funded other than by revenue from ”.

16. Regulation 50 amended

- (1) Regulation 50(1) is amended as follows:

- (a) after paragraph (d) by deleting “and”;
- (b) after paragraph (e) by deleting the full stop and inserting —
- “
- ;
- (f) the gross debt to revenue ratio;
- (g) the untied cash to trade creditors ratio; and
- (h) the gross debt to economically realisable assets ratio.

”.

- (2) After regulation 50(1) the following subregulation is inserted —

“

- (1a) The ratios referred to in subregulation (1) may also be expressed as percentages or factors of one.

”.

- (3) Regulation 50(2) is amended by inserting the following definitions in the appropriate alphabetical positions —

“

“economically realisable assets” means total assets other than infrastructure assets;

“gross debt” includes all borrowings under section 6.20 and all utilised overdrafts;

“gross debt to economically realisable assets ratio” means the ratio determined as follows —

$$\frac{\text{gross debt}}{\text{economically realisable assets}} ;$$

“gross debt to revenue ratio” means the ratio determined as follows —

$$\frac{\text{gross debt}}{\text{total revenue}} ;$$

“infrastructure assets” means all tangible assets of economic value that are not economically realisable, and includes roads, bridges, drains and recreational facilities;

“total revenue” means the total operating revenue excluding all specific purpose grants;

“untied cash to unpaid trade creditors ratio” means the ratio determined as follows —

$$\frac{\text{untied cash}}{\text{unpaid trade creditors .}}$$

”.

17. Regulation 56 amended

Regulation 56(4) is amended as follows:

- (a) after paragraph (h) by inserting —
“ and ”;
- (b) by deleting the semicolon at the end of paragraph (i) and “and” after it and inserting instead a full stop;
- (c) by deleting paragraph (j).

18. Regulation 66 amended

(1) Regulation 66(3)(b) is amended as follows:

- (a) after subparagraph(ii) by deleting “and”;
- (b) after subparagraph (iii) by deleting the full stop and inserting instead —
“
; and
(iv) any right to impose interest on the cost of proceedings to recover any unpaid rate.

”.

(2) Regulation 66(4) is repealed.

19. Regulation 71 amended

Regulation 71(1) is amended by deleting “that remain unpaid after the date determined in accordance with section 6.51(1)” and inserting instead —

“
, and the costs of any proceedings to recover such charges, that remain unpaid after the date of becoming due and payable

”.

20. Schedule 1 amended

Schedule 1 Part 2 is amended by deleting “/Income” in both places where it occurs.

21. “Income” changed to “revenue”

Each provision listed in the Table to this regulation is amended by deleting “income” in each place where it occurs and inserting instead “revenue”.

Table

r. 5(1)(d)(i)	r. 29(f)(v)
r. 7(b)	r. 45(b)
r. 27(j) and (k)(i)	

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

**Local Government (Functions and General)
Amendment Regulations 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Functions and General) Amendment Regulations 2005*.

2. Commencement

These regulations come into operation on the day on which section 10 of the *Local Government Amendment Act 2004* comes into operation.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Functions and General) Regulations 1996**.

[* Reprinted as at 8 September 2000.

For amendments to 17 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 220 and Gazette 30 December 2004.*]

4. Regulation 7 amended

Regulation 7 is amended by deleting “\$500 000” and inserting instead —

“ \$1 000 000 ”.

5. Regulation 9 amended

Regulation 9(1) is amended by deleting “\$250 000” and inserting instead —

“ \$500 000 ”.

6. Regulation 11 amended

Regulation 11(2) is amended as follows:

- (a) in paragraph (b) by deleting “WAMA” and inserting instead —

“ WALGA ”;

- (b) after paragraph (ea) by deleting “or”;
- (c) after paragraph (f) by deleting the full stop and inserting instead —
 - “
 - ; or
 - (g) the goods to be supplied under the contract are —
 - (i) petrol or oil; or
 - (ii) any other liquid, or any gas, used for internal combustion engines.
 - ”.

7. Regulation 16 amended

Regulation 16(3) is amended by deleting “, examined, or assessed”.

8. Regulation 24E amended

Regulation 24E(2)(c) is amended by inserting after “services” —

“ , or the different regions, ”.

9. Regulation 24F amended

Regulation 24F(2) is amended as follows:

- (a) after paragraph (b) by inserting —
 - “ and ”;
- (b) in paragraph (c)(iii) by inserting after “services” —
 - “ , or the different regions, ”;
- (c) after paragraph (c) by deleting “; and” and inserting a full stop instead;
- (d) by deleting paragraph (d).

10. Regulation 30 amended

Regulation 30(2a) is amended as follows:

- (a) after paragraph (a) by deleting “or”;
- (b) after paragraph (b) by deleting the full stop and inserting —
 - “
 - ; or
 - (c) the subject of Statewide public notice under section 3.59(4), and if the business plan referred to in that notice described the property concerned and gave details of the proposed disposition including —
 - (i) the names of all other parties concerned;

- (ii) the consideration to be received by the local government for the disposition;
and
- (iii) the market value of the disposition as ascertained by a valuation carried out not more than 12 months before the proposed disposition.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

Local Government Act 1995

**Local Government (Functions and General)
Amendment Regulations (No. 2) 2005**

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Functions and General) Amendment Regulations (No. 2) 2005*.

2. Commencement

These regulations come into operation on 7 May 2005.

3. The regulations amended

The amendments in these regulations are to the *Local Government (Functions and General) Regulations 1996**.

[* Reprinted as at 8 September 2000.

For amendments to 17 March 2005 see *Western Australian Legislation Information Tables for 2003, Table 4, p. 220 and Gazette 30 December 2004.*]

4. Regulation 3 inserted

After regulation 2A the following regulation is inserted in Part 1A —

“

3. Notice of purpose and effect of proposed local law — s. 3.12(2)

For the purpose of section 3.12, the person presiding at a council meeting is to give notice of the purpose and effect of a local law by ensuring that —

- (a) the purpose and effect of the proposed local law is included in the agenda for that meeting; and
- (b) the minutes of the meeting of the council include the purpose and effect of the proposed local law.

”

5. Regulation 29A inserted

After regulation 29 the following regulation is inserted —

“

29A. Abandoned vehicle wrecks — s. 3.40A

For the purposes of the definition of “abandoned vehicle wreck” in section 3.40A(5)(c) —

- (a) the prescribed value is “\$200”; and
- (b) the prescribed manner in which that value is to be calculated is that the value is to be based on the local private sale value of a vehicle of the same, or a similar, model, year and condition.

”.

By Command of the Governor,

G. M. PIKE, Clerk of the Executive Council.

