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LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT
(ADMINISTRATION) AMENDMENT
REGULATIONS 2016**

**LOCAL GOVERNMENT (RULES OF
CONDUCT) AMENDMENT
REGULATIONS 2016**

Local Government Act 1995

Local Government (Administration) Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Local Government (Administration) Regulations 1996*.

4. Regulation 14A amended

- (1) In regulation 14A(2) after “person” insert:

(other than a person with a disability)

- (2) In regulation 14A(4):

- (a) delete the definition of *suitable place*;

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- (b) insert in alphabetical order:

disability has the meaning given in the *Disability Services Act 1993* section 3;

suitable place —

- (a) in relation to a person with a disability — means a place that the council has approved* as a suitable place for the purpose of this paragraph; and
- (b) in relation to any other person — means a place that the council has approved* as a suitable place for the purpose of this paragraph and that is located —
- (i) in a townsite or other residential area; and
- (ii) 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;

5. Regulation 18E amended

In regulation 18E after “Penalty:” insert:

a fine of

6. Regulation 20 amended

In regulation 20(2) delete “relevant” (1st occurrence).

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7. Regulations 25 and 26 replaced

Delete regulations 25 and 26 and insert:

25. Amount of gift prescribed (Act s. 5.82(2)(a))

- (1) The amount of a gift prescribed for the purposes of section 5.82(2)(a) is as follows —
 - (a) \$500 for an annual return lodged under section 5.76 before 1 January 2000;
 - (b) \$200 for an annual return lodged under section 5.76 during the period beginning on 1 January 2000 and ending immediately before commencement day;
 - (c) \$200 for a disclosure made under section 5.82 on or after commencement day.
- (2) In subregulation (1) —

commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2016* regulation 7 comes into operation.

26. Amount of contribution to travel prescribed (Act s. 5.83(2)(d))

- (1) The amount of a contribution to travel prescribed for the purposes of section 5.83(2)(d) is as follows —
 - (a) \$500 for an annual return lodged under section 5.76 before 1 January 2000;
 - (b) \$200 for an annual return lodged under section 5.76 during the period beginning on 1 January 2000 and ending immediately before commencement day;
 - (c) \$200 for a disclosure made under section 5.83 on or after commencement day.

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- (2) In subregulation (1) —
commencement day means the day on which the *Local Government (Administration) Amendment Regulations 2016* regulation 7 comes into operation.

8. Regulation 28A inserted

At the end of Part 6 insert:

28A. Register of gifts and contributions to travel, form of (Act s. 5.89A(3))

The register of gifts and contributions to travel is to be in the form of Form 4.

9. Part 9 Division 1 heading inserted

At the beginning of Part 9 insert:

Division 1 — Codes of conduct: general

10. Part 9 Division 2 inserted

After regulation 34C insert:

Division 2 — Prescribed code of conduct: transitional period

34D. Terms used

In this Division —

address has the meaning given in section 5.74(1);

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assent day means the day on which the *City of Perth Act 2016* receives the Royal Assent;

designated employee has the meaning given in section 5.74(1);

gift has the meaning given in section 5.82(4);

political party has the meaning given in section 5.83(4);

relative has the meaning given in section 5.74(1);

transitional period means the period beginning on 1 July 2015 and ending at the close of assent day;

travel has the meaning given in section 5.83(4);

travel contribution, in relation to a person, means a financial or other contribution that has been made to any travel undertaken by the person.

34E. Code of conduct prescribed

Regulations 34F and 34G are prescribed as a code of conduct for the purposes of section 5.103(3).

34F. Disclosure of gifts

- (1) A person who is a designated employee must disclose each gift received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.
- (4) The disclosure is to include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;

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- (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the person who is a designated employee and the person who made the gift.
- (5) Nothing in this regulation requires a person to disclose a gift received by the person if —
- (a) the amount of the gift did not exceed \$200 unless —
 - (i) the gift was one of 2 or more gifts made by one person at any time during the year; and
 - (ii) the sum of those 2 or more gifts exceeded \$200;
 - or
 - (b) the donor was a relative of the person.
- (6) For the purposes of subregulation (5)(a), the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as being an amount equal to the value of the property or the financial benefit at the time the gift was made.
- (7) The CEO must maintain a register of gifts received during the transitional period in which details of disclosures made under this regulation are recorded.

34G. Disclosure of travel contributions

- (1) A person who is a designated employee must disclose each travel contribution received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.

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- (4) The disclosure is to include the following —
- (a) a description of the contribution;
 - (b) the name and address of the person who made the contribution;
 - (c) the date on which the contribution was received;
 - (d) the estimated value of the contribution at the time it was made;
 - (e) the nature of the relationship between the person who is a designated employee and the person who made the contribution;
 - (f) a description of the travel;
 - (g) the date of travel.
- (5) Nothing in this regulation requires a person to disclose a travel contribution if —
- (a) the contribution was made from Commonwealth, State or local government funds; or
 - (b) the contribution was made by a relative of the person; or
 - (c) the contribution was made in the ordinary course of an occupation of the person which is not related to the person's duties as a council member; or
 - (d) the amount of the contribution did not exceed \$200 unless —
 - (i) the contribution was one of 2 or more contributions made by one person at any time during the year; and
 - (ii) the sum of those 2 or more contributions exceeded \$200;

or

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- (e) the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.
- (6) For the purposes of subregulation (5)(d), the amount of a contribution (other than a financial contribution) is to be treated as being an amount equal to the value of the contribution at the time the contribution was made.
- (7) The CEO must maintain a register of travel contributions received during the transitional period in which details of disclosures made under this regulation are recorded.

11. Schedule 1 Form 3 amended

In Schedule 1 Form 3 delete:

4. Gifts

Section 5.82 of the Act

Description of gift	Value of gift	Name and address of giver

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r. 12**5. Contributions to travel**

Section 5.83 of the Act

Description of contribution	Value of contribution	Name and address of contributor

12. Schedule 1 Form 4 inserted

After Schedule 1 Form 3 insert:

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Form 4
Local Government Act 1995
Local Government (Administration) Regulation 1996
REGISTER OF GIFTS AND CONTRIBUTIONS TO TRAVEL

[r. 28A]

1. Gifts

Section 5.82 of the Act

Name of relevant person making disclosure	Description of gift	Name of person who made gift	Address of person who made gift	Date gift was received	Estimated value of gift at time it was made	Nature of relationship between relevant person and person who made gift

2. Contributions to travel

Section 5.83 of the Act

Name of relevant person making disclosure	Description of contribution	Name of person who made contribution	Address of person who made contribution	Date contribution was received	Estimated value of contribution at time it was made	Nature of relationship between relevant person and person who made contribution	Description of travel	Date of travel

N. HAGLEY, Clerk of the Executive Council.

Local Government Act 1995

Local Government (Rules of Conduct) Amendment Regulations 2016

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Rules of Conduct) Amendment Regulations 2016*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day after that day.

3. Regulations amended

These regulations amend the *Local Government (Rules of Conduct) Regulations 2007*.

4. Part 2 Division 1 heading inserted

At the beginning of Part 2 insert:

Division 1 — Preliminary

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5. Part 2 Division 2 heading inserted

After regulation 5 insert:

Division 2 — Rules of conduct: general

6. Part 2 Division 3 inserted

After regulation 12 insert:

Division 3 — Rules of conduct: transitional period

13. Terms used

In this Division —

address has the meaning given in section 5.74(1) of the Act;

assent day means the day on which the *City of Perth Act 2016* receives the Royal Assent;

designated employee has the meaning given in section 5.74(1) of the Act;

gift has the meaning given in section 5.82(4) of the Act;

political party has the meaning given in section 5.83(4) of the Act;

relative has the meaning given in section 5.74(1) of the Act;

transitional period means the period beginning on 1 July 2015 and ending at the close of assent day;

travel has the meaning given in section 5.83(4) of the Act;

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travel contribution, in relation to a person, means a financial or other contribution that has been made to any travel undertaken by the person.

14. Disclosure of gifts

- (1) A person who is a council member must disclose each gift received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.
- (4) The disclosure is to include the following —
 - (a) a description of the gift;
 - (b) the name and address of the person who made the gift;
 - (c) the date on which the gift was received;
 - (d) the estimated value of the gift at the time it was made;
 - (e) the nature of the relationship between the person who is a council member and the person who made the gift.
- (5) Nothing in this regulation requires a person to disclose a gift received by the person if —
 - (a) the amount of the gift did not exceed \$200 unless —
 - (i) the gift was one of 2 or more gifts made by one person at any time during the year; and

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- (ii) the sum of those 2 or more gifts exceeded \$200;
 - or
 - (b) the donor was a relative of the person.
- (6) For the purposes of subregulation (5)(a), the amount of a gift comprising property, other than money, or the conferral of a financial benefit is to be treated as being an amount equal to the value of the property or the financial benefit at the time the gift was made.
- (7) The CEO must maintain a register of gifts received during the transitional period in which details of disclosures made under this regulation are recorded.

15. Disclosure of travel contributions

- (1) A person who is a council member must disclose each travel contribution received by the person during the transitional period.
- (2) The disclosure is to be made in writing to the CEO.
- (3) The disclosure is to be made within 28 days after assent day.
- (4) The disclosure is to include the following —
 - (a) a description of the contribution;
 - (b) the name and address of the person who made the contribution;
 - (c) the date on which the contribution was received;
 - (d) the estimated value of the contribution at the time it was made;
 - (e) the nature of the relationship between the person who is a council member and the person who made the contribution;

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- (f) a description of the travel;
 - (g) the date of travel.
- (5) Nothing in this regulation requires a person to disclose a travel contribution if —
- (a) the contribution was made from Commonwealth, State or local government funds; or
 - (b) the contribution was made by a relative of the person; or
 - (c) the contribution was made in the ordinary course of an occupation of the person which is not related to the person's duties as a council member; or
 - (d) the amount of the contribution did not exceed \$200 unless —
 - (i) the contribution was one of 2 or more contributions made by one person at any time during the year; and
 - (ii) the sum of those 2 or more contributions exceeded \$200;
- or
- (e) the contribution was made by a political party of which the person was a member and the travel was undertaken for the purpose of political activity of the party, or to enable the person to represent the party.
- (6) For the purposes of subregulation (5)(d), the amount of a contribution (other than a financial contribution) is to be treated as being an amount equal to the value of the contribution at the time the contribution was made.

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- (7) The CEO must maintain a register of travel contributions received during the transitional period in which details of disclosures made under this regulation are recorded.

N. HAGLEY, Clerk of the Executive Council.
