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Crown Law Department,  
Perth, 7th March, 1968.

THE undermentioned Regulations made under the provisions of the Local Government Act, 1960, and amended from time to time up to and including the 2nd October, 1967, are reprinted as so amended pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice.

W. J. ROBINSON,  
Under Secretary for Law.

LOCAL GOVERNMENT ACT, 1960.

### LOCAL GOVERNMENT (QUALIFICATION OF MUNICIPAL OFFICERS) REGULATIONS, 1961

Published in the *Government Gazette* on the 15th May, 1961, and incorporating the amendments thereto published in the *Government Gazette* on the 30th January, 1962, the 31st August, 1962, the 15th October, 1964, and the 15th December, 1966, and the amendments that, pursuant to the provisions of section 8 of the Decimal Currency Act, 1965, are deemed for the purposes of this reprint to be amendments to the regulations; and reprinted pursuant to the Reprinting of Regulations Act, 1954.

Reprinted pursuant to the Reprinting of Regulations Act, 1954, by authority of the Minister for Justice, dated 6th March, 1968.

LOCAL GOVERNMENT ACT, 1960.

**Local Government (Qualification of Municipal Officers)  
Regulations, 1961**

1. These regulations may be cited as the Local Government (Qualification of Municipal Officers) Regulations, 1961.
2. In these regulations unless the context requires otherwise—
  - “Department” means the government department of the State established and known as the Department of Local Government;
  - “Minister” means the Minister for Local Government, and includes any Minister of the Crown for the time being discharging the duties of the office of that Minister;
  - “the Act” means the Local Government Act, 1960;
 words and expressions defined in section 6 of the Act and used in these regulations have the same respective meanings as in the Act.
3. (1) There shall be constituted under and in accordance with the provisions of the Act and these regulations the bodies referred to in subregulation (2) of this regulation, having the duties imposed and the powers conferred on each of them respectively by these regulations.
  - (2) The respective names of the bodies so to be constituted shall be—
    - (a) the Municipal Clerks and Treasurers Examination Committee;
    - (b) the Municipal Engineers Examination Committee;
    - (c) the Municipal Building Surveyors Examination Committee.
4. (1) The Municipal Clerks and Treasurers Examination Committee shall consist of five members who shall be appointed by the Governor from time to time and shall be—
  - (a) the Secretary for Local Government, or an officer of the Department nominated by him, and the Secretary, or as the case may be, the officer, shall be the Chairman;
  - (b) a person who is a member of a council, nominated by the body known as “The Local Government Association of W.A.”;
  - (c) a person who is a clerk of a council, nominated by the body known as “The Western Australian Branch of the Institute of Municipal Administration”;
  - (d) a person who is an officer of the Technical Education Division of the government department of the State established and known as the Education Department, nominated by the Superintendent of Technical Education of that department;
  - (e) a person nominated by the Minister.
  - (2) The Municipal Clerks and Treasurers Examination Committee shall conduct examinations and issue certificates of qualification in respect to clerks and treasurers in accordance with the provisions of these regulations, and shall at all times as and when required carry out and exercise all such other duties and powers imposed or conferred on the Committee by these regulations.

5. (1) The Municipal Engineers Examination Committee shall consist of six members who shall be appointed by the Governor from time to time and shall be—

Reg. 5.  
Amended by  
G.G. 30/1/62,  
p. 321.

- (a) the Secretary for Local Government, or an officer of the Department nominated by him, and the Secretary, or as the case may be, the officer, shall be the Chairman;
- (b) a person who is a member of a council, nominated by the body known as "The Local Government Association of W.A.";
- (c) the Commissioner of Main Roads appointed under the Main Roads Act, 1930 (as amended), or an engineer who is an officer of the Commissioner nominated by the Commissioner;
- (d) a person who holds the position of engineer of a council and who—
  - (i) is a graduate of the Faculty of Engineering at the University of this State, or some other recognised university; or
  - (ii) is a corporate member of the Perth Division of the Institution of Engineers, Australia, or of the Institution of Civil Engineers, London; or
  - (iii) holds a certificate issued in a State of the Commonwealth of Australia that he is qualified to be a municipal or local government engineer,
 nominated by the Minister;
- (e) a person who is on the staff of the University of this State and employed in the Faculty of Engineering, nominated by the Minister;
- (f) a person who is an officer of the Technical Education Division referred to in regulation 4 of these regulations, nominated by the Minister.

(2) The Municipal Engineers Examination Committee shall conduct examinations and issue certificates of qualification in respect to engineers in accordance with the provisions of these regulations, and shall at all times as and when required carry out and exercise all such other duties and powers imposed or conferred on the Committee by these regulations.

6. (1) The Municipal Building Surveyors Examination Committee shall consist of five members who shall be appointed by the Governor from time to time and shall be—

- (a) the Secretary for Local Government, or an officer of the Department nominated by him, and the Secretary or, as the case may be, the officer, shall be the Chairman;
- (b) a person who is a member of a council, nominated by the body known as "The Local Government Association of W.A.";
- (c) the person holding the position of Principal Architect in the Architectural Division of the government department established and known as the Public Works Department, or an architect who is an officer of that department nominated by the Principal Architect;
- (d) a person who is an officer of the Technical Education Division referred to in regulation 4 of these regulations, nominated by the Superintendent of Technical Education;
- (e) a person nominated by the Minister.

(2) The Municipal Building Surveyors Examination Committee shall conduct examinations and issue certificates of qualification in respect to building surveyors in accordance with the provisions of these regulations, and shall at all times as and when required carry out and exercise all such other duties and powers imposed or conferred on the Committee by these regulations.

7. (1) Persons nominated in accordance with the provisions of regulation 4, 5 or 6, as the case may require, of these regulations may be appointed by the Governor as deputies to act in the respective offices of members of a Committee in the absence of the occupants of the offices.

(2) Any person so appointed is entitled, when the member of the Committee for whom he is the deputy is absent from a meeting of that Committee, to attend that meeting and, when so attending, shall be deemed to be a member of that Committee and may exercise any function which the member for whom he is the deputy could exercise if present.

8. (1) Except where the member holds office *ex officio*, every member of a Committee shall hold office at the Governor's pleasure.

(2) If a member of a Committee—

- (a) becomes permanently incapable of performing his duties;
- (b) becomes a person who would not be qualified to be appointed a member;
- (c) dies;
- (d) resigns his office by writing under his hand addressed to the Minister and the resignation is accepted; or
- (e) has his appointment terminated by the Governor;

the office of the member of that Committee becomes vacant.

(3) Where the office of a member becomes vacant pursuant to subregulation (2) of this regulation, a person nominated in accordance with the provisions of regulation 4, 5 or 6, as the case may require, of these regulations shall be appointed by the Governor to fill the vacancy.

9. Each member of a Committee, and each deputy appointed under these regulations, shall be paid such fees as the Governor determines from time to time.

10. The Minister may grant leave of absence to a member of a Committee, or a deputy for a member, for such period and upon such terms and conditions as the Minister determines.

11. Each Committee shall have a secretary who shall be an officer of the Department and shall be appointed by the Minister from time to time.

12. (1) The first meeting of a committee shall be convened by the chairman and be held at a time and place appointed by him, and the Committee shall meet accordingly and shall hold such further meetings as it considers necessary for conducting its affairs.

(2) At a meeting of a Committee—

- (a) three members form a quorum;
- (b) the chairman, or in his absence the person appointed his deputy, shall preside, or if both be absent or there is no deputy so appointed, the members present at the meeting shall elect one of their number to act as chairman at that meeting;
- (c) all questions shall be decided by a majority of votes of the members present and voting; and
- (d) the chairman, or other person presiding as chairman, at the meeting has a deliberative vote but no casting vote, and in the event of an equality of votes, the motion shall be declared "not carried".

13. (1) The provisions of this regulation shall apply to appointments made by a council on and after the 1st day of January, 1964.

(2) In and for the purposes of this regulation—

"preceding year" means the financial year of the council which ended on the thirtieth day of June next preceding an appointment referred to in this regulation made by a council;

“revenue” has the same meaning as it has in an Award numbered 15 of 1957 made under the provisions of the Industrial Arbitration Act, 1912 (as amended), and known as the Local Government Officers’ Award, 1957, published in the *Government Gazette* on the 9th January, 1959.

(3) The council of a municipality which had for the preceding year a revenue in excess of \$40,000 shall not appoint a person to the office of clerk of the council unless—

- (a) that person holds a certificate of qualification as clerk issued pursuant to these regulations; or
- (b) not being the holder of such a certificate, the appointment of that person is approved by the Minister.

(4) The council of a municipality which had for the preceding year a revenue in excess of \$100,000 shall not appoint a person to the office of engineer to the municipality unless—

- (a) that person holds a certificate of qualification as engineer issued pursuant to these regulations; or
- (b) not being the holder of such a certificate, the appointment of that person is approved by the Minister.

(5) The council of a municipality which had during the preceding year a population in excess of 15,000 persons shall not appoint a person to the office of building surveyor to the municipality unless—

- (a) that person holds a certificate of qualification as building surveyor issued pursuant to these regulations; or
- (b) not being the holder of such a certificate, the appointment of that person is approved by the Minister.

(6) The council of a municipality which had during the preceding year a revenue in excess of \$200,000 shall not appoint a person to the office of treasurer to the municipality unless—

- (a) that person holds a certificate of qualification as treasurer issued pursuant to these regulations; or
- (b) not being the holder of such a certificate, the appointment of that person is approved by the Minister.

14. Where the holder of an office referred to in regulation 13 of these regulations is absent on annual leave or on sick leave, the council may, notwithstanding the provisions of that regulation, appoint to that office, to act while the officer is so absent, a person on the staff of the council who does not hold the certificate of qualification required in respect of that office.

15. A Committee may issue a certificate of qualification to a person—

- (a) who passes the examinations, and complies with the other requirements, prescribed by these regulations; or
- (b) who satisfies the Committee that, pursuant to the provisions of these regulations, he is entitled to the issue of a certificate of qualification without examination.

16. The examination for a certificate of qualification as clerk of a council shall be divided into four parts, and shall comprise the following subjects:—

Reg. 16.  
Amended  
by G.G.  
15/12/66,  
p. 3314.

Part I.

- (i) Introductory Accountancy—
  - (a) General Bookkeeping.
  - (b) Accountancy I.
- (ii) English Expression I.
- (iii) Commercial Law A.

## Part II.

- (i) Economics I.
- (ii) Office Administration.
- (iii) Miscellaneous Law (Local Government).

## Part III.

- (i) Local Government Accounts.
- (ii) Local Government Law I.
- (iii) Public Relations.

## Part IV.

- (i) Local Government Law II.
- (ii) Comparative Government.
- (iii) Municipal Administration.

17. The examination for a certificate of qualification as treasurer to a municipality shall be divided into four parts, and shall comprise the following subjects:—

## Part I.

- (i) General Bookkeeping—  
Accountancy I.
- (ii) English Expression I.
- (iii) Commercial Law A.

## Part II.

- (i) Accountancy II.
- (ii) Miscellaneous Law (Local Government).
- (iii) Economics I.

## Part III.

- (i) Local Government Law I.
- (ii) Local Government Accounts I.
- (iii) Economics IIG.

## Part IV.

- (i) Local Government Law II.
- (ii) Accountancy IIIB.
- (iii) Municipal Administration.

18. The examination for a certificate of qualification as engineer to a municipality shall be divided into two parts, and shall comprise the following subjects:—

## Part I.

- (i) Mathematics.
- (ii) Mechanics and Strength of Materials.
- (iii) Hydraulics.
- (iv) Heat, Light and Sound.
- (v) Electricity and Magnetism.
- (vi) Drawing.

## Part II.

- (i) Structures.
- (ii) Surveying.
- (iii) Town Planning.
- (iv) Sanitary Engineering.
- (v) Road and Street Engineering (2 papers).
- (vi) Powers and Duties of a Municipal Engineer.

19. The examination for a certificate of qualification as building surveyor to a municipality shall comprise the following subjects:—

- (a) Building Construction—Three papers.
- (b) Mechanics and Strength of Materials—Two papers.
- (c) Powers and Duties of a Municipal Building Surveyor—One paper.

20. Where an examination is divided into parts, a candidate shall complete the whole of the subjects for a part before presenting himself for examination in any subject of the next part, unless the Committee orders otherwise.

21. (1) A person may be granted exemption from examination for a certificate of qualification as clerk of a council if he satisfies the Committee that—

- (a) he has, for at least five years during the period of ten years immediately preceding the 1st day of July, 1961, held the position of town clerk to a municipal council or secretary to a road board, within this State, and has acquired knowledge of and experience in local government practice and affairs sufficient to render him competent to hold the office of clerk of a council; or
- (b) he has, for at least five years during the period of ten years immediately preceding the 1st day of July, 1961, held the position of assistant town clerk to a municipal council or assistant secretary to a road board, within this State, which had throughout that period of five years an annual revenue in excess of \$100,000, and has acquired knowledge of and experience in local government practice and affairs sufficient to render him competent to hold the office of clerk of a council; or
- (c) he has passed an examination in another State of the Commonwealth of Australia which in the opinion of the Committee, is of a standard comparable with the examination prescribed by these regulations, and has, by practice and experience, gained a sufficient knowledge of local government in this State; or
- (d) he has passed an examination conducted by the Technical Education Division referred to in regulation 4 of these regulations which is, in the opinion of the Committee, equivalent to the examination prescribed by these regulations.

(2) In and for the purposes of this regulation, "revenue" has the same meaning as in regulation 13 of these regulations.

22. A person may be granted exemption from examination in any subject prescribed for the examination for a certificate of qualification if he satisfies the Committee that he had passed another examination in that subject which in the opinion of the Committee is of a standard equivalent to the examination in that subject prescribed by these regulations.

23. (1) A person may be granted exemption from examination for a certificate of qualification as treasurer to a municipality if he satisfies the Committee that he has, for at least five years out of the period of ten years, immediately preceding the 1st day of July, 1961, held the position of treasurer or accountant to a municipal council or to a road board within this State which had throughout that period of five years an annual revenue in excess of \$200,000.

(2) In and for the purposes of this regulation, "revenue" has the same meaning as in regulation 13 of these regulations.

23A. Notwithstanding the provisions of regulations 21 and 23 of these regulations, the committee, or a majority of the committee comprising at least four-fifths of its membership, may grant a

Reg. 23A.  
added  
by G.G.  
15/10/64,  
pp. 3541.

special exemption from examination for a certificate of qualification as clerk of a council or treasurer to a municipality, to any person who satisfies the committee that—

- (a) he was, on the 1st day of July, 1961, employed by a municipal council in a position of which the duties were such as to make him familiar with the powers, duties and functions of the clerk of a council or the treasurer to a municipality; and
- (b) his experience for a period of five years, immediately before, after, or partly before and partly after, the 1st day of July, 1961, or his examination qualifications, or both his experience and examination qualifications, are such as to render him competent to hold the office of clerk of a council or treasurer to a municipality,

but a special exemption under this regulation shall not be granted after the 1st day of July, 1967.

Reg. 24.  
Amended  
by G.G.  
31/8/62,  
p. 2411;  
G.G.  
15/10/64,  
p. 3542.

24. (1) A person who—

- (a) has graduated in engineering at the University of this State, or at another recognised University; or
- (b) is a corporate member of the Institution of Engineers, Australia, or the Institution of Civil Engineers, London; or
- (c) has passed the examination for municipal or local government engineer prescribed in another State of the Commonwealth of Australia or any other examination deemed by the Committee to be the equivalent thereof; and

who has for a period of not less than two years been engaged as engineer to the Main Roads Department, or to a former municipal council or former road board, or a municipal council under the Act, or has been engaged as assistant engineer or engineering assistant for a like period to the Main Roads Department, or to a former municipal council or former road board or a municipal council under the Act which expended on engineering works during that period not less than \$200,000 per annum, or who in the opinion of the committee, has had other experience equivalent to that required under the foregoing provisions of this subregulation may be granted exemption from the whole of the examination prescribed by these regulations for a certificate of qualification as engineer to a municipality, with the exception of subject (vi) of Part II—Powers and Duties of a Municipal Engineer as set forth in regulation 18 of these regulations.

(2) Without limiting the generality of subregulation (1) of this regulation, a person otherwise qualified in accordance therewith may be granted exemption from examination in the subject "Powers and Duties of a Municipal Engineer", if, in the opinion of the Committee, he has, by practice and experience, gained a sufficient knowledge of that subject.

25. A person who has, for at least five years during the period of ten years immediately preceding the 1st day of July, 1961, been employed as building surveyor to a municipal council or to a road board, within this State, having a population of not less than 15,000 persons, and who has adequate technical knowledge may, if the Committee thinks fit, be exempted from the examination prescribed by these regulations for a certificate of qualification as building surveyor to a municipality.

Reg. 26.  
Amended  
by G.G.  
30/1/62,  
p. 321.

26. A person who—

- (a) has passed the examination for a certificate of building surveyor in any other State of the Commonwealth of Australia; or
- (b) is a member of the Royal Australian Institute of Architects; or



(c) is a registered A class builder under the Builders' Registration Act, 1939 (as amended);

may be granted exemption from examination for a certificate of qualification as building surveyor to a municipality in such subjects as the Committee thinks fit.

27. Examinations pursuant to these regulations will be held annually, in the month of November, at such times and places as the Committee appoints, and for the purpose of such examinations the Committee may appoint examiners or may appoint examiners jointly with other public bodies, institutions, or examining authorities.

28. A person wishing to sit for examination shall make application in the Form No. 1 in the schedule to these regulations not later than the first day of September in any year and shall pay the appropriate fees prescribed by regulation 41 of these regulations.

29. A person seeking the issue of a certificate of qualification without examination shall make application in the Form No. 1 in the schedule to these regulations and shall pay the appropriate fees prescribed by regulation 41 of these regulations.

30. The Committee shall notify the candidate, not later than the first day of October, of the time and place appointed for the holding of the examination in respect of which he is a candidate.

31. Where an isolated examination place is appointed for one candidate only, he shall be required to pay an additional fee to cover the cost of supervision.

32. The procedure relating to holding and conducting examinations shall be such as the Committee from time to time determines.

33. If a candidate passes the examination in full, and otherwise conforms to these regulations, the Committee shall, on his paying the fee for the certificate of qualification prepare and issue a certificate of qualification to him.

34. If a candidate passes in one or more subjects, but fails to pass in other subjects, he may, with the consent of the Committee, present himself for re-examination in those subjects which he failed to pass and not in those subjects which he passed.

35. (1) A person shall not be a candidate for examination unless—

- (a) in the case of examination for a certificate of qualification as clerk, treasurer, or engineer, he has passed the University Junior Examination, or one which the Committee considers equivalent (including passes in English and Mathematics or Commercial Arithmetic);
- (b) in the case of examination for a certificate of qualification as building surveyor, he has passed the University Junior Examination, or one which the Committee considers equivalent;
- (c) in any case, he is a natural born or naturalised British subject, and satisfies the Committee that he is of good character;

but, in the case of a person more than twenty-five years of age the requirements specified in paragraphs (a) and (b) of this sub-regulation may be dispensed with at the option of the Committee.

(2) No certificate of qualification shall be issued to a person who has not attained the age of twenty-one years.

36. The Committee may at any time cancel the certificate of qualification issued to a person—

- (a) who has obtained such certificate by fraud or misrepresentation; or

- (b) who becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his creditors or makes an assignment for their benefit; or
- (c) who is proved to the Committee to be no longer capable of exercising, because of mental defect, the duties to which the certificate of qualification relates; or
- (d) who has been convicted in this State of any crime or misdemeanour or who has been convicted in any place outside this State of any offence which, if committed in this State, would be a crime or misdemeanour; or
- (e) who is proved to the Committee to have been guilty of fraudulent or dishonest conduct in the course of his employment by a council.

37. (1) The Committee, by notice in writing given to a person whose certificate of qualification has been cancelled pursuant to these regulations, may require that person to surrender the certificate to the Committee within a time to be specified in the notice.

(2) The cancellation of a certificate of qualification shall have effect notwithstanding any failure to surrender the certificate.

38. The Committee may at any time, either of its own motion or upon application by a person whose certificate of qualification has been cancelled pursuant to regulation 36 of these regulations, issue to that person a fresh certificate of qualification in lieu of the certificate so cancelled.

39. Where a Committee cancels a certificate of qualification, or having cancelled such a certificate issues a fresh certificate in lieu thereof, in accordance with these regulations, the reasons of the Committee for so doing shall be reduced into writing and signed by the chairman, and upon request by the person concerned a copy of those reasons so written and signed shall be supplied to that person.

40. (1) There shall be an appeal to a stipendiary magistrate sitting in a court of petty sessions, whose order shall be final, in any case where a Committee cancels a certificate of qualification, or having cancelled such a certificate refuses to issue a fresh certificate in lieu thereof upon application made therefor.

(2) On the hearing of the appeal the court may order that the cancellation shall have no effect, or that the fresh certificate shall be issued to the applicant therefor, or may dismiss the appeal, and may order either party to pay such costs as the court in its discretion may think fit.

(3) A notice of appeal under this regulation shall state specifically every ground of appeal upon which the appellant intends to rely at the hearing, and a copy thereof shall be served by the applicant on the secretary of the Committee at least fourteen days before the date fixed by the court for the hearing of the appeal.

41. The fees payable on examination or on the issue of a certificate of qualification shall be:—

		Full Examination.	Single Subject.	Issue of Certificate.
		\$	\$	\$
Clerk or Treasurer	Part I	4.20	2.10	—
	Part II	4.20	2.10	—
Treasurer	Part III	6.30	2.10	—
	Part IV	6.30	2.10	6.30
Engineer	Part I	8.40	2.10	—
	Part II	8.40	2.10	6.30
Building Surveyor		6.30	2.10	6.30
Certificate without examination		—	—	6.30

The Schedule.

Form No. 1.

Local Government Act, 1960.

Local Government (Qualification of Municipal Officers) Regulations, 1961.

APPLICATION FOR EXAMINATION OR EXEMPTION.

I (full name).....  
of (Address)..... occupation.....  
hereby apply for—

- (a) the issue of a certificate of qualification, without examination, as (clerk, etc.);
- (b) exemption from examination in the subjects of (here specify) of the examination for a certificate of qualification as (clerk, etc.) or;
- (c) examination in the subjects of (here specify) of the examination for a certificate of qualification as (clerk, etc.).

I declare that I was born at (place) on the.....  
of.....19....., and that I am a natural born  
(naturalised) British Subject.

I attach—

- (a) Two certificates as to good character.
- (b) Copies of certificates showing examinations passed.
- (c) Statement of experience.
- (d) Copy of Junior Certificate (as the case may require) or other appropriate certificate.
- (e) Cheque for \$.....to cover fees prescribed.

Witness..... Signature.....  
Date..... Date.....

Form No. 2.

Local Government Act, 1960.

MUNICIPAL CLERKS (OR OTHER) CERTIFICATE OF QUALIFICATION.

This is to certify that.....  
of.....has satisfied the  
Municipal Clerks and Treasurers (or other) Examination Committee that he  
is competent to exercise the office of Town or Shire Clerk (City, Town, or  
Shire Treasurer) (City, Town, or Shire Engineer) (City, Town, or Shire Building  
Surveyor), under the Local Government Act, 1960, and the Local Govern-  
ment (Qualification of Municipal Officers) Regulations, 1961.

Dated at Perth this..... day of.....19.....

.....  
Chairman of Committee.

.....  
Secretary.