



Western Australia

# **Local Government (Administration) Regulations 1996**

Compare between:

[07 Nov 2020, 03-10-00] and [03 Feb 2021, 03-m0-00]



## **Local Government (Administration) Regulations 1996**

### **Part 1 — Preliminary**

*[Heading inserted: Gazette 26 Aug 2011 p. 3482.]*

**1. Citation**

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

**2. Commencement**

These regulations come into operation on 1 July 1996.

**3. Terms used**

- (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;
- public health emergency*** means a public health state of emergency declared under the *Public Health Act 2016* section 167;
- relevant person*** has the meaning that it has in section 5.59;
- Schedule*** means Schedule to the Act;
- section*** means section of the Act;
- state of emergency*** means a state of emergency declared under the *Emergency Management Act 2005* section 56.

- (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: Gazette 23 Apr 1999 p. 1717;  
28 Jun 2002 p. 3079; SL 2020/20 r. 4.]*

## Part 1A — Public notices

*[Heading inserted: SL 2020/213 r. 15.]*

### 3A. Requirements for local public notice (Act s. 1.7)

- (1) For the purposes of section 1.7(a), notice of a matter must be published on the local government's official website for —
  - (a) the period specified in or under the Act in relation to the notice; or
  - (b) if no period is specified in relation to the notice — a period of not less than 7 days.
- (2) For the purposes of section 1.7(b), each of the following ways of giving notice of a matter is prescribed —
  - (a) publication in a newspaper circulating generally in the State;
  - (b) publication in a newspaper circulating generally in the district;
  - (c) publication in 1 or more newsletters circulating generally in the district;
  - (d) publication on the official website of the Department or another State agency, as appropriate having regard to the nature of the matter and the persons likely to be affected by it, for —
    - (i) the period specified in or under the Act in relation to the notice; or
    - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
  - (e) circulation by the local government by email, text message or similar electronic means, as appropriate having regard to the nature of the matter and the persons likely to be affected by it;

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- (f) exhibition on a notice board at the local government offices and each local government library in the district for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days;
- (g) posting on a social media account administered by the local government for —
  - (i) the period specified in or under the Act in relation to the notice; or
  - (ii) if no period is specified in relation to the notice — a period of not less than 7 days.

*[Regulation 3A inserted: SL 2020/213 r. 15.]*

**3B. Requirements for Statewide public notice (Act s. 1.8)**

- (1) For the purposes of section 1.8, one of the ways in which Statewide public notice of a matter must be given is the way prescribed in regulation 3A(2)(a) or (d).
- (2) If Statewide public notice of a matter is required to be given by the Electoral Commissioner —
  - (a) regulation 3A(2)(e) applies in relation to the Electoral Commissioner as if the reference to circulation by the local government by email, text message or similar electronic means were a reference to circulation by the Electoral Commissioner by email, text message or similar electronic means; and
  - (b) regulation 3A(2)(g) applies in relation to the Electoral Commissioner as if the reference to posting on a social media account administered by the local government were a reference to posting on a social media account administered by the Electoral Commissioner.

*[Regulation 3B inserted: SL 2020/213 r. 15.]*

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## Part 2 — Council and committee meetings

*[Heading inserted: Gazette 26 Aug 2011 p. 3482.]*

### 4. Committee members, resignation of

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. Matter prescribed for when meeting may be closed to public (Act 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: Gazette 31 Mar 2005 p. 1037.]*

### 5. Question time for public, meetings that require prescribed (Act s. 5.24)

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. Question time for public, minimum time for (Act 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.

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).

*[Regulation 6 amended: SL 2020/20 r. 5.]*

**7. Question time for public, procedure for (Act 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; or
  - (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.
- (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.

Note for this regulation:

For the requirements for an electronic meeting held under regulation 14D, see regulation 14E(4).

*[Regulation 7 amended: Gazette 28 Jun 2002 p. 3079; SL 2020/20 r. 6.]*

**8. No quorum, procedure if (Act 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; or
- (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; or
- (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; or
- (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 to be open (Act 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 (Act 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 is made at a council or committee meeting, any decision to revoke or change the decision must be made 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: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 16.]*

**11. Minutes, content of (Act 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; and
- (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; and
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion; and
- (d) details of each decision made at the meeting; and
- (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); and
- (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; and
- (g) each document attached to an agenda relating to a council or committee meeting unless the meeting or that part of the meeting to which the document refers is closed to members of the public.

*[Regulation 11 amended: Gazette 23 Apr 1999 p. 1717;  
SL 2020/213 r. 17.]*

**12. Publication of meeting details (Act s. 5.25(1)(g))**

- (1) In this regulation —  
*meeting details*, for a meeting, means the date and time when, and the place where, the meeting is to be held.
- (2) The CEO must publish on the local government’s official website the meeting details for the following meetings before the beginning of the year in which the meetings are to be held —
  - (a) ordinary council meetings;
  - (b) 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.
- (3) Any change to the meeting details for a meeting referred to in subregulation (2) must be published on the local government’s official website as soon as practicable after the change is made.
- (4) If a local government decides that a special meeting of the council is to be open to members of the public, the CEO must publish the meeting details for the meeting and the purpose of the meeting on the local government’s official website as soon as practicable after the decision is made.

*[Regulation 12 inserted: SL 2020/213 r. 18.]*

**13. Publication of unconfirmed minutes of meetings (Act s. 5.25(1)(i))**

- (1) The CEO must publish on the local government’s official website —
  - (a) the unconfirmed minutes of each council and committee meeting that is open to members of the public; and
  - (b) if a council or committee meeting is closed to members of the public — that part of the unconfirmed minutes of the meeting that is a record of decisions made at the meeting.

- (2) The unconfirmed minutes of a council meeting must be published within 14 days after the meeting is held.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting is held.

*[Regulation 13 inserted: SL 2020/213 r. 18.]*

**14. Notice papers, agenda etc., public inspection of (Act 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
  - (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 and published on the local government's official website from the time the notice papers, agenda or documents were made available to the members of the council or committee.

- (2) Subregulation (1) does not apply 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: Gazette 31 Mar 2005 p. 1030; SL 2020/213 r. 19.]*

**14A. Attendance by telephone etc. (Act 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

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- communication, with each other person present at the meeting; and
- (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 (other than a person with a disability) 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 —
- 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;

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

\* Absolute majority required.

[Regulation 14A inserted: Gazette 31 Mar 2005 p. 1031;  
amended: Gazette 4 Mar 2016 p. 649-50.]

**14B. Attendance by telephone etc. after natural disaster  
(Act 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; or
    - (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.
- (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).

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- (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: Gazette 31 Mar 2005 p. 1031-2;  
amended: Gazette 19 Aug 2005 p. 3872.]*

**14C. Attendance by electronic means in public health emergency  
or state of emergency (Act s. 5.25(1)(ba))**

- (1) In this regulation —  
*meeting* means —
- (a) an ordinary meeting of the council; or
  - (b) a special meeting of the council; or
  - (c) a meeting of a committee of the council; or
  - (d) a meeting of an audit committee of a local government.
- (2) A member of a council or committee may attend a meeting by  
electronic means if —
- (a) a public health emergency or a state of emergency exists  
in the whole or a part of the area of the district of a local  
government; and
  - (b) because of the public health emergency or state of  
emergency, the member is unable, or considers it  
inappropriate, to be present in person at a meeting; and
  - (c) the member is authorised to attend the meeting by  
electronic means by —
    - (i) the mayor; or
    - (ii) the president; or
    - (iii) the council.
- (3) A person who attends a meeting by electronic means is taken to  
be present at the meeting.

*[Regulation 14C inserted: SL 2020/20 r. 7.]*



**14D. Meetings held by electronic means in public health emergency or state of emergency (Act s. 5.25(1)(ba))**

- (1) In this regulation —  
*meeting* means —
- (a) an ordinary meeting of the council; or
  - (b) a special meeting of the council; or
  - (c) a meeting of a committee of the council; or
  - (d) a meeting of an audit committee of a local government.
- (2) A meeting may be held by electronic means —
- (a) if —
    - (i) a public health emergency or a state of emergency exists in the whole or a part of the area of the district of a local government; and
    - (ii) because of the public health emergency or state of emergency, the mayor, president or council considers it appropriate for the meeting to be held by electronic means;
  - or
  - (b) if —
    - (i) a direction is issued under the *Public Health Act 2016* or the *Emergency Management Act 2005* that prevents the meeting from being held in person; and
    - (ii) the mayor, president or council authorises the meeting to be held by electronic means.
- (3) The electronic means by which the meeting is to be held include by telephone, video conference or other instantaneous communication, as determined by —
- (a) the mayor; or
  - (b) the president; or
  - (c) the council.

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- (4) The CEO must be consulted before a determination is made under subregulation (3).

*[Regulation 14D inserted: SL 2020/20 r. 7.]*

**14E. Modification of Act if meeting held by electronic means (Act s. 5.25(2))**

- (1) In this regulation —  
*electronic meeting* means a meeting held by electronic means under regulation 14D.
- (2) If a council or a committee is to hold an electronic meeting, the council or committee is taken to have complied with the requirement to give notice of the place of the meeting under section 5.5 and regulation 12 if the local government gives notice that the meeting will be conducted by electronic means.
- (3) If a council or a committee holds an electronic meeting —
- (a) a person who attends the meeting by the electronic means determined under regulation 14D(3) is taken to attend the meeting for the purposes of the Act and these regulations; and
  - (b) the meeting is open to the members of the public under section 5.23(1) if —
    - (i) the council or committee complies with the requirement to make the unconfirmed minutes of the meeting available for public inspection under regulation 13; or
    - (ii) the council or committee publicly broadcasts the meeting on a website; or
    - (iii) the meeting or a broadcast of the meeting is otherwise accessible to the public.
- (4) If a council or a committee holds an electronic meeting, section 5.24 is modified so that the council or committee allocates time for raising questions by members of the public, and the asking of and responding to those questions, if —

- (a) the council or committee provides a means to submit a question prior to the meeting; and
  - (b) the council or committee determines at the meeting —
    - (i) to respond to the question submitted by the member of the public at the meeting in accordance with the procedure determined by the council or committee; or
    - (ii) that, given the public health emergency, state of emergency or direction issued under the *Public Health Act 2016* or the *Emergency Management Act 2005*, it is not appropriate to respond to the question at the meeting.
- (5) If a council or a committee holds an electronic meeting, for the purposes of regulation 14, a notice paper, agenda, report or other document may be —
- (a) tabled at the meeting, or produced by the local government or a committee for presentation at the meeting, in any manner determined by the council or committee, including by electronic means; and
  - (b) made available to members of the council or committee, or for inspection by members of the public, in any manner determined by the council or committee, including by electronic means.

*[Regulation 14E inserted: SL 2020/20 r. 7.]*

### **Part 3 — Electors' meetings**

*[Heading inserted: Gazette 26 Aug 2011 p. 3482.]*

**15. Matters to be discussed at general meeting (Act 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. Request for special meeting, form of (Act 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 meeting (Act 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. Procedure at meeting (Act 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.

## Part 4 — Local government employees

[Heading inserted: Gazette 26 Aug 2011 p. 3482.]

### 18A. Vacancy in position of CEO or senior employee to be advertised (Act s. 5.36(4) and 5.37(3))

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government ~~is to advertise~~ must give Statewide public notice of the position ~~in a newspaper circulating generally throughout the State~~ unless it is proposed that the position be filled by —
- (a) a person who is, and will continue to be, employed by another local government and who will fill the position on a contract or contracts for a total period not exceeding 5 years; or
  - (b) a person who will be acting in the position for a term not exceeding one year.

~~(2) An advertisement referred to in subregulation (1) is to~~ (2)

The Statewide public notice must contain —

- (a) the details of the remuneration and benefits offered; and
- (b) details of the place where applications for the position are to be submitted; and
- (c) the date and time for the closing of applications for the position; and
- (d) the duration of the proposed contract; and
- (da) a website address where the job description form for the position can be accessed; and
- (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.

[Regulation 18A inserted: Gazette 31 Mar 2005 p. 1037-8;  
amended: Gazette 19 Aug 2005 p. 3872; 3 May 2011 p. 1594;  
SL 2021/14 r. 4.]

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**18B. Contracts of CEOs and senior employees, content of (Act 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: Gazette 13 May 2005 p. 2086.]*

~~**18C. Selection and appointment process for CEOs**~~

~~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: Gazette 31 Mar 2005 p. 1038.]*~~

~~**18D. Performance review of CEO, local government's duties as to**~~

~~A local government is to consider each review on the performance of the CEO carried out under section [Deleted: SL 2021/14 r. 5.38](#) and is to accept the review, with or without modification, or to reject the review.~~

~~*[Regulation 18D inserted: Gazette 31 Mar 2005 p. 1038.]*~~

**18E. False information in application for CEO position, offence**

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: a fine of \$5 000.

*[Regulation 18E inserted: Gazette 31 Mar 2005 p. 1038-9; amended: Gazette 19 Aug 2005 p. 3872; 4 Mar 2016 p. 650.]*

**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: Gazette 31 Mar 2005 p. 1039.]*

**18FA. Model standards for CEO recruitment, performance and termination (Act s. 5.39A(1))**

Schedule 2 sets out model standards for local governments in relation to the following —

- (a) the recruitment of CEOs;
- (b) the review of the performance of CEOs;
- (c) the termination of the employment of CEOs.

*[Regulation 18FA inserted: SL 2021/14 r. 6.]*

**18FB. Certification of compliance with adopted standards for CEO recruitment (Act s. 5.39B(7))**

- (1) In this regulation —  
adopted standards means —

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- (a) the standards adopted by a local government under section 5.39B; or
- (b) if the local government has not adopted standards under that section, the standards taken under section 5.39B(5) to be the local government's adopted standards.
- (2) This regulation applies if —

  - (a) a local government employs a person in the position of CEO of the local government; and
  - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the employment.
- (3) As soon as practicable after the person is employed in the position of CEO, the local government must, by resolution\*, certify that the person was employed in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

\* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FB inserted: SL 2021/14 r. 6.]

**18FC. Certification of compliance with adopted standards for CEO termination (Act s. 5.39B(7))**

- (1) In this regulation —  
*adopted standards* has the meaning given in regulation 18FB(1).
- (2) This regulation applies if a local government terminates the employment of the CEO of the local government.
- (3) As soon as practicable after the CEO's employment is terminated, the local government must, by resolution\*, certify that the CEO's employment was terminated in accordance with



the local government's adopted standards in relation to the termination of the employment of CEOs.

\* Absolute majority required.

- (4) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

[Regulation 18FC inserted: SL 2021/14 r. 6.]

**18G. Delegations to CEOs, limits on (Act 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: Gazette 31 Mar 2005 p. 1039.]*

**19. Delegates to keep certain records (Act 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; and
- (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.

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**19A. Payments in addition to contract or award, limits of  
(Act 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) the value of the person's final annual remuneration, if the person —
    - (i) accepts voluntary severance by resigning as an employee; and
    - (ii) is not a CEO or a senior employee whose employment is governed by a written contract in accordance with section 5.39;
  - 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: Gazette 31 Mar 2005 p. 1032;  
amended: Gazette 13 Jul 2012 p. 3218.]*

**Part 4A — Codes of conduct for local government employees (Act s. 5.51A(4))**

*[Heading inserted: SL 2021/16 r. 4.]*

**Division 1 — Terms used**

*[Heading inserted: SL 2021/16 r. 4.]*

**19AA. Terms used**

In this Part —

**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;

**associated person** means 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;

**code of conduct** means a code of conduct under section 5.51A;

**gift** —

- (a) has the meaning given in section 5.57; but
- (b) does not include —
  - (i) a gift from a relative as defined in section 5.74(1); or
  - (ii) a gift that must be disclosed under the *Local Government (Elections) Regulations 1997* regulation 30B; or

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(Act s. 5.51A(4))

**Division 1** Terms used

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(iii) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or

(iv) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876), the Local Government Professionals Australia WA (ABN 91 208 607 072) or the LG Professionals Australia (ABN 85 004 221 818);

*interest* —

(a) means an interest that could, or could reasonably be perceived to, adversely affect the impartiality of the person having the interest; and

(b) includes an interest arising from kinship, friendship or membership of an association;

*local government employee* means a person —

(a) employed by a local government under section 5.36(1);  
or

(b) engaged by a local government under a contract for services;

*prohibited gift*, in relation to a local government employee, means —

(a) a gift worth the threshold amount or more; or

(b) a gift that is 1 of 2 or more gifts given to the local government employee by the same person within a period of 1 year that are in total worth the threshold amount or more;

*threshold amount*, for a prohibited gift, means \$300 or a lesser amount determined under regulation 19AF.

[Regulation 19AA inserted: SL 2021/16 r. 4.]

**Division 2 — Content of codes of conduct**

*[Heading inserted: SL 2021/16 r. 4.]*

**19AB. Prohibited gifts**

(1) In this regulation —

*local government employee* does not include the CEO.

(2) A code of conduct must contain a requirement that a local government employee not accept a prohibited gift from an associated person.

*[Regulation 19AB inserted: SL 2021/16 r. 4.]*

**19AC. Recording, storing, disclosure and use of information relating to gifts**

(1) In this regulation —

*local government employee* does not include the CEO.

(2) A code of conduct must contain requirements relating to the recording, storing, disclosure and use of information relating to gifts that, under a code of conduct, may be accepted by local government employees from associated persons.

*[Regulation 19AC inserted: SL 2021/16 r. 4.]*

**19AD. Conflicts of interest**

(1) A code of conduct must contain a requirement that a local government employee who has an interest in any matter to be discussed at a council or committee meeting attended by the local government employee 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.

(2) A code of conduct must contain a requirement that a local government employee who has given, or will give, advice in

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respect of any matter to be discussed at a council or committee meeting not attended by the local government employee disclose the nature of any interest the local government employee 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.

(3) A code of conduct must exclude from a requirement under subregulation (1) or (2) an interest referred to in section 5.60.

(4) A code of conduct must excuse a local government employee from a requirement under subregulation (1) or (2) if the local government employee fails to disclose the nature of an interest because they did not know and could not reasonably be expected to know —

(a) that they had an interest in the matter; or

(b) that the matter in which they had an interest would be discussed at the meeting and they disclosed the nature of the interest as soon as possible after the discussion began.

(5) A code of conduct must require that if, to comply with a requirement under subregulation (1) or (2), a local government employee discloses an interest in a written notice given to the CEO before a meeting, then —

(a) before the meeting the CEO must cause the notice to be given to the person who is to preside at the meeting; and

(b) at the meeting the person presiding must bring the notice and its contents to the attention of the persons present immediately before any matter to which the disclosure relates is discussed.

(6) Subregulation (7) applies if —

(a) to comply with a requirement under subregulation (1), the nature of an interest in a matter is disclosed at a meeting; or

(b) a disclosure is made as described in subregulation (4)(b) at a meeting; or

(c) to comply with a requirement under subregulation (5)(b), notice of the interest is brought to the attention of the persons present at a meeting.

(7) The nature of the interest must be recorded in the minutes of the meeting.

[Regulation 19AD inserted: SL 2021/16 r. 4.]

**19AE. Other matters codes of conduct must deal with**

(1) In this regulation —

*resources of the local government* includes —

(a) local government property; and

(b) services provided, or paid for, by the local government.

(2) A code of conduct must contain requirements relating to —

(a) the behaviour expected of a local government employee in relation to each of the following —

(i) the performance of the local government employee's duties;

(ii) dealings with other local government employees and the broader community;

(iii) the use and disclosure of information acquired by the local government employee in the performance of their duties;

(iv) the use of the resources of the local government;

(v) the use of the local government's finances;

and

(b) how the records of the local government are to be kept; and

(c) the reporting by local government employees of suspected breaches of codes of conduct and suspected

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unethical, fraudulent, dishonest, illegal or corrupt behaviour; and

- (d) the way in which suspected breaches of the code of conduct and suspected unethical, fraudulent, dishonest, illegal or corrupt behaviour of a local government employee are to be managed.

*[Regulation 19AE inserted: SL 2021/16 r. 4.]*

**Division 3 — Other matter in relation to codes of conduct**

*[Heading inserted: SL 2021/16 r. 4.]*

**19AF. Determination of threshold amount**

- (1) The CEO may determine an amount (which may be nil) for the purposes of the definition of *threshold amount* in regulation 19AA.
- (2) A determination under subregulation (1) must be published on the local government's official website.

*[Regulation 19AF inserted: SL 2021/16 r. 4.]*



## Part 5 — Annual reports and planning

[Heading inserted: Gazette 26 Aug 2011 p. 3482.]

### Division 1 — Preliminary

[Heading inserted: Gazette 26 Aug 2011 p. 3482.]

#### 19BA. Terms used

In this Part —

*corporate business plan* means a plan made under regulation 19DA that, together with a strategic community plan, forms a plan for the future of a district made in accordance with section 5.56;

*strategic community plan* means a plan made under regulation 19C that, together with a corporate business plan, forms a plan for the future of a district made in accordance with section 5.56.

[Regulation 19BA inserted: Gazette 26 Aug 2011 p. 3482-3.]

### Division 2 — Annual reports

[Heading inserted: Gazette 26 Aug 2011 p. 3483.]

#### 19B. Information to be included in annual report (Act s. 5.53(2)(g) and (i))

(1) In this regulation —

*remuneration* has the meaning given in the *Salaries and Allowances Act 1975* section 4(1).

(2) For the purposes of section 5.53(2)(g) and (i), the annual report for a financial year beginning on or after 1 July 2020 must contain the following —

- (a) the number of employees of the local government entitled to an annual salary of \$130 000 or more;

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- (b) the number of employees of the local government entitled to an annual salary that falls within each band of \$10 000 over \$130 000;
- (c) any remuneration and allowances paid by the local government under Schedule 5.1 clause 9 during the financial year;
- (d) any amount ordered under section 5.110(6)(b)(iv) to be paid by a person against whom a complaint was made under section 5.107(1), 5.109(1) or 5.114(1) to the local government during the financial year;
- (e) the remuneration paid or provided to the CEO during the financial year;
- (f) the number of council and committee meetings attended by each council member during the financial year;
- (g) if available, the gender, linguistic background and country of birth of council members;
- (h) if available, the number of council members who are aged —
  - (i) between 18 years and 24 years; and
  - (ii) between 25 years and 34 years; and
  - (iii) between 35 years and 44 years; and
  - (iv) between 45 years and 54 years; and
  - (v) between 55 years and 64 years; and
  - (vi) over the age of 64 years;
- (i) if available, the number of council members who identify as Aboriginal or Torres Strait Islander;
- (j) details of any modification made to a local government's strategic community plan during the financial year;

- (k) details of any significant modification made to a local government's corporate business plan during the financial year.

*[Regulation 19B inserted: SL 2020/213 r. 20.]*

*[19CA. Deleted: SL 2020/213 r. 20.]*

### **Division 3 — Planning for the future**

*[Heading inserted: Gazette 26 Aug 2011 p. 3483.]*

#### **19C. Strategic community plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a strategic community plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A strategic community plan for a district is to cover the period specified in the plan, which is to be at least 10 financial years.
- (3) A strategic community plan for a district is to set out the vision, aspirations and objectives of the community in the district.
- (4) A local government is to review the current strategic community plan for its district at least once every 4 years.
- (5) In making or reviewing a strategic community plan, a local government is to have regard to —
  - (a) the capacity of its current resources and the anticipated capacity of its future resources; and
  - (b) strategic performance indicators and the ways of measuring its strategic performance by the application of those indicators; and
  - (c) demographic trends.
- (6) Subject to subregulation (9), a local government may modify its strategic community plan, including extending the period the plan is made in respect of.

- (7) A council is to consider a strategic community plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

- (8) If a strategic community plan is, or modifications of a strategic community plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.
- (9) A local government is to ensure that the electors and ratepayers of its district are consulted during the development of a strategic community plan and when preparing modifications of a strategic community plan.
- (10) A strategic community plan for a district is to contain a description of the involvement of the electors and ratepayers of the district in the development of the plan or the preparation of modifications of the plan.

*[Regulation 19C inserted: Gazette 26 Aug 2011 p. 3483-4.]*

**19DA. Corporate business plans, requirements for (Act s. 5.56)**

- (1) A local government is to ensure that a corporate business plan is made for its district in accordance with this regulation in respect of each financial year after the financial year ending 30 June 2013.
- (2) A corporate business plan for a district is to cover the period specified in the plan, which is to be at least 4 financial years.
- (3) A corporate business plan for a district is to —
- (a) set out, consistently with any relevant priorities set out in the strategic community plan for the district, a local government's priorities for dealing with the objectives and aspirations of the community in the district; and

- (b) govern a local government's internal business planning by expressing a local government's priorities by reference to operations that are within the capacity of the local government's resources; and
  - (c) develop and integrate matters relating to resources, including asset management, workforce planning and long-term financial planning.
- (4) A local government is to review the current corporate business plan for its district every year.
- (5) A local government may modify a corporate business plan, including extending the period the plan is made in respect of and modifying the plan if required because of modification of the local government's strategic community plan.
- (6) A council is to consider a corporate business plan, or modifications of such a plan, submitted to it and is to determine\* whether or not to adopt the plan or the modifications.

\*Absolute majority required.

- (7) If a corporate business plan is, or modifications of a corporate business plan are, adopted by the council, the plan or modified plan applies to the district for the period specified in the plan.

*[Regulation 19DA inserted: Gazette 26 Aug 2011 p. 3484-5.]*

**19DB. Transitional provisions for plans for the future until 30 June 2013**

- (1) In this regulation —
- former regulation 19C*** means regulation 19C as in force immediately before 26 August 2011 and continued under subregulation (2);
- former regulation 19D*** means regulation 19D as in force immediately before 26 August 2011;

*plan for the future* means a plan for the future of its district made by a local government in accordance with former regulation 19C.

- (2) Except as stated in this regulation, former regulation 19C continues to have effect on and after 26 August 2011 until this regulation expires under subregulation (7).
- (3) A local government is to ensure that a plan for the future applies in respect of each financial year before the financial year ending 30 June 2014.
- (4) A local government is not required to review a plan for the future under former regulation 19C(4) on or after 26 August 2011.
- (5) If, for the purposes of complying with subregulation (3), a local government makes a new plan for the future, local public notice of the adoption of the plan is to be given in accordance with former regulation 19D.
- (6) If a local government modifies a plan for the future under former regulation 19C(4), whether for the purposes of complying with subregulation (3) or otherwise —
  - (a) the local government is not required to comply with former regulation 19C(7) or (8) in relation to the modifications of the plan; and
  - (b) local public notice of the adoption of the modifications of the plan is to be given in accordance with former regulation 19D.
- (7) This regulation expires at the end of 30 June 2013.

*[Regulation 19DB inserted: Gazette 26 Aug 2011 p. 3485-6.]*

**19D. Public notice of adoption of strategic community plan**

- (1) If a strategic community plan is adopted, the CEO must —
  - (a) give local public notice that the plan has been adopted; and

- (b) publish the plan on the local government's official website.
- (2) If modifications to a strategic community plan are adopted, the CEO must —
- (a) give local public notice that modifications to the plan have been adopted; and
  - (b) publish the modified plan on the local government's official website.

*[Regulation 19D inserted: SL 2020/213 r. 21.]*

## Part 6 — Disclosure of financial interests and gifts

[Heading inserted: Gazette 26 Aug 2011 p. 3487; amended: Gazette 18 Oct 2019 p. 3679.]

### 20. Closely associated persons, matters prescribed for (Act 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.

[Regulation 20 inserted: Gazette 31 Mar 2005 p. 1039-40; amended: Gazette 19 Aug 2005 p. 3873; 4 Mar 2016 p. 650.]

### 20A. Amounts relating to gifts prescribed (Act s. 5.62(1A), 5.68(1A), 5.71B(2) and (4), 5.87A(3) and 5.87B(3))

- (1) The amount prescribed for the purposes of sections 5.62(1A)(a)(i) and (ii), 5.87A(3)(a) and 5.87B(3)(a) is \$300.



- (2) The amount prescribed for the purposes of sections 5.68(1A)(b)(i) and (ii) and 5.71B(2)(a) and (4) is \$1 000.

*[Regulation 20A inserted: Gazette 18 Oct 2019 p. 3680.]*

**20B. Excluded gifts prescribed (Act s. 5.62(1B)(b))**

For the purposes of section 5.62(1B)(b) a gift is an excluded gift if the gift is made by any of the following entities —

- (a) WALGA;
- (b) Australian Local Government Association Limited (ABN 31 008 613 876);
- (c) Local Government Professionals Australia WA (ABN 91 208 607 072);
- (ca) [LG Professionals Australia \(ABN 85 004 221 818\)](#);
- (d) a department of the Public Service;
- (e) a government department of another State, a Territory or the Commonwealth;
- (f) a local government or regional local government.

*[Regulation 20B inserted: Gazette 18 Oct 2019 p. 3680; amended: [SL 2021/16 r. 5.](#)]*

**21. Interests that need not be disclosed (Act 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

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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; or
    - (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; or
    - (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) deleted]*

*[Regulation 21 inserted: Gazette 28 Jun 2002 p. 3080-1; amended: Gazette 21 Aug 2007 p. 4189; 18 Oct 2019 p. 3680.]*

**21A. Information to be recorded in minutes of meeting (Act s. 5.68(2)(b))**

For the purposes of section 5.68(2)(b) the following information is prescribed —

- (a) a description of the gift;

- (b) the disclosing member's estimated value of the gift at the time it was made;
- (c) the name of the person who made the gift;
- (d) the town or suburb of the address of the person who made the gift;
- (e) the reasons for the decision.

*[Regulation 21A inserted: Gazette 18 Oct 2019 p. 3681.]*

**22. Primary returns, form of (Act 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. Annual returns, form of (Act 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 prescribed (Act s. 5.80(3))**

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

*[25, 26. Deleted: Gazette 18 Oct 2019 p. 3681.]*

**27. Amount of debt prescribed (Act 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, form of (Act 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, 5.71 or 5.71A —
  - (i) the date of the disclosure; and
  - (ii) the nature of the interest disclosed;

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and

- (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.

*[Regulation 28 amended: Gazette 18 Oct 2019 p. 3681.]*

**28A. Register of gifts (Act s. 5.89A(3))**

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

Note for this regulation:

In the version of the register of gifts published under section 5.89A(5) information about individuals' addresses must be modified as required by section 5.89A(5A).

*[Regulation 28A inserted: Gazette 18 Oct 2019 p. 3681.]*

**28B. Transitional provision for register of gifts**

- (1) In this regulation —
  - commencement day** has the meaning given in Schedule 9.3 clause 56(1);
  - former Form 4** means Form 4 as it was immediately before commencement day;
  - former record of disclosures** means the record of disclosures that is required to be contained in the register of gifts under Schedule 9.3 clause 56(2).
- (2) Despite regulation 28A, to the extent that the register of gifts contains the former record of disclosures, it is to be in the form of former Form 4.

*[Regulation 28B inserted: Gazette 18 Oct 2019 p. 3681-2.]*

## Part 7 — Access to information

[Heading inserted: Gazette 26 Aug 2011 p. 3487.]

### 29. Information to be available for public inspection (Act 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*;
- [(baa) deleted]
- (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) deleted]
- (d) all superseded versions of each policy of the local government;
- (e) the information contained in a tenders register kept under the *Local Government (Functions and General) Regulations 1996*.

[(2), (3) deleted]

[Regulation 29 amended: Gazette 23 Apr 1999 p. 1718;  
25 Feb 2000 p. 969; 21 Aug 2007 p. 4189-90; SL 2020/213  
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**29A. Limits on right to inspect local government information  
(Act s. 5.95)**

*[(1) deleted]*

- (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; and
  - (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: Gazette 31 Mar 2005 p. 1040-1;  
amended: SL 2020/213 r. 23.]*

**29B. Copies of certain information not to be provided (Act s. 5.96)**

A local government must not make available to a person copies of information referred to in section 5.94(m) or (s) unless —

- (a) the request for the information is made in the manner and form approved by the CEO of the local government; and
- (b) the CEO of the local government is satisfied, by statutory declaration or otherwise, that the information will not be used for commercial purposes.

*[Regulation 29B inserted: Gazette 28 Feb 2014 p. 519.]*

**29C. Information to be published on official website  
(Act s. 5.96A(1)(i))**

(1) In this regulation —

*annual return* means a return required by section 5.76;

*oversight entity* means any of the following —

- (a) the Corruption and Crime Commission established under the *Corruption, Crime and Misconduct Act 2003*;
- (b) an Inquiry Panel;
- (c) the Public Sector Commissioner;
- (d) a Royal Commission;
- (e) the State Administrative Tribunal;

*primary return* means a return required by section 5.75.

(2) For the purposes of section 5.96A(1)(i), the following information is prescribed —

- (a) any adverse recommendation made by an authorised person under section 8.13(2) and provided to the local government in respect of the local government, its council, a council member or the CEO;
- (b) any adverse finding, recommendation or proposition made by an oversight entity and made available to the public in respect of the local government, its council, a council member or the CEO;
- (c) an up-to-date version of each policy of the local government;
- (d) the name of each council member who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020;
- (e) the position of each employee who lodged a primary return or annual return for a financial year beginning on or after 1 July 2020;

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- (f) the type, and the amount or value, of any fees, expenses or allowances paid to each council member during a financial year beginning on or after 1 July 2020.
- (3) An adverse recommendation referred to in subregulation (2)(a) must be published on the local government's official website within 14 days after the adverse recommendation is provided to the local government.
- (4) An adverse finding, recommendation or proposition referred to in subregulation (2)(b) must be published on the local government's official website within 14 days after the finding, recommendation or proposition is made available to the public.
- (5) The information referred to in subregulation (2)(d) and (e) must be published on the local government's official website —
  - (a) if the return is lodged with the local government on or before 31 August immediately following the financial year to which the return relates — on or before 14 September immediately following the end of that financial year; or
  - (b) if the return is lodged with the local government after 31 August immediately following the financial year to which the return relates — within 14 days after the return is lodged with the local government.
- (6) The information referred to in subregulation (2)(f) must be published on the local government's official website on or before 14 July immediately following the end of the financial year to which the information relates.

*[Regulation 29C inserted: SL 2020/213 r. 24.]*

**29D. Period for which information to be kept on official website (Act s. 5.96A(5))**

For the purposes of section 5.96A(5), a period of not less than 5 years, beginning on the day on which the information is first



published on the local government's official website, is prescribed for the following information —

- (a) the annual report;
- (b) the annual budget;
- (c) confirmed minutes of council and committee meetings;
- (d) minutes of electors' meetings;
- (e) information referred to in section 5.96A(1)(h);
- (f) information referred to in regulation 29C(2).

*[Regulation 29D inserted: SL 2020/213 r. 24.]*

## **Part 8 — Local government payments and gifts to members**

*[Heading inserted: Gazette 26 Aug 2011 p. 3487.]*

### **30. Meeting attendance fees (Act s. 5.98(1) and (2A))**

*[(1), (2) deleted]*

(3A) Each of the following meetings is a meeting of a prescribed type for the purposes of section 5.98(2A) —

- (a) meeting of a WALGA Zone, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (b) meeting of a Regional Road Group established by Main Roads Western Australia, where the council member is representing a local government as a delegate elected or appointed by the local government;
- (c) council meeting of a regional local government where the council member is the deputy of a member of the regional local government and is attending in the place of the member of the regional local government;
- (d) meeting other than a council or committee meeting where the council member is attending at the request of a Minister of the Crown who is attending the meeting;
- (e) meeting other than a council meeting or committee meeting where the council member is representing a local government as a delegate elected or appointed by the local government.

*[(3B) deleted]*

(3C) A council member is not entitled to be paid a fee for attending a meeting of a type referred to in subregulation (3A) if —

- (a) the person who organises the meeting pays the council member a fee for attending the meeting; or

- (b) the council member is paid an annual fee in accordance with section 5.99; or
- (c) if the meeting is a meeting referred to in subregulation (3A)(c), the member of the regional local government is paid an annual fee in accordance with section 5.99.

*[(3)-(5) deleted]*

*[Regulation 30 amended: Gazette 23 Apr 1999 p. 1719; 31 Mar 2005 p. 1034; 3 May 2011 p. 1595-6; 13 Jul 2012 p. 3219.]*

**31. Expenses to be reimbursed (Act 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)-(5) deleted]*

*[Regulation 31 amended: Gazette 31 Mar 2005 p. 1034; 13 Jul 2012 p. 3219.]*

**32. Expenses that may be approved for reimbursement (Act 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; and

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- (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) deleted]*

*[Regulation 32 amended: Gazette 13 Jul 2012 p. 3219.]*

*[33-34AB. Deleted: Gazette 13 Jul 2012 p. 3219]*

**34AC. Gifts to council members, when permitted etc.  
(Act s. 5.100A)**

- (1) The retirement of a council member who has served at least one full 4 year term of office is prescribed under section 5.100A(a) as circumstances in which a gift can be given to the council member.
- (2) The amount of \$100 for each year served as a council member to a maximum of \$1 000 is prescribed under section 5.100A(b) in respect of a gift given to a council member in the circumstances set out in subregulation (1).

*[Regulation 34AC inserted: Gazette 3 May 2011 p. 1596.]*

**34AD. Method of payment of expenses for which person can be reimbursed (Act s. 5.101A)**

- (1) The provision of a vehicle owned by a local government —
  - (a) to a council member who is a mayor or president of the local government; or

- (b) to a council member who is not a mayor or president of the local government if —
  - (i) no reasonable alternative method of travel is available to the council member; and
  - (ii) the CEO, mayor or president of the local government has given prior written approval for the provision of the vehicle,

is prescribed under section 5.101A as a method of payment of expenses for which a council member can be reimbursed.

- (2) Before a vehicle owned by a local government is provided to a council member the local government and the council member must sign an agreement setting out the responsibilities of the council member in relation to the use of the vehicle.

*[Regulation 34AD inserted: Gazette 3 May 2011 p. 1596-7.]*

**34AE. Repayment and recovery of advance payments of fees and allowances (Act s. 5.102AB)**

- (1) This regulation applies if —
  - (a) a local government pays an annual allowance or annual fee under Part 5 Division 8 of the Act to a person in advance (either wholly or in part); and
  - (b) before the end of the period (the *relevant period*) to which the advance payment relates —
    - (i) the person ceases to hold the office to which the advance payment relates (otherwise than because of the death of the person); or
    - (ii) the person is suspended from the office to which the advance payment relates.

**r. 34AE**

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- (2) The person must repay to the local government an amount calculated as follows —

$$R = \frac{A}{D} \times (D - N)$$

where —

R is the amount the person must repay;

A is the total amount of the advance payment;

D is the total number of days in the relevant period;

N is the number of whole days in the relevant period that the person holds, and is not suspended from, the office to which the advance payment relates.

- (3) The local government must take action to recover the amount that must be repaid under subregulation (2) as a debt due from the person to the local government.

*[Regulation 34AE inserted: Gazette 14 Dec 2018 p. 4805-6.]*

**~~Part 9~~ — Codes of conduct for employees**

*[Part 9: Div. 1 heading, Div. 2 (r. 34E-34G) deleted: Gazette  
18 Oct 2019 p. 3682;  
balance (r. 34B, 34C) deleted: SL 2021/16 r. 6.]*

## Part 9A — Minor breaches by council members

[Heading inserted: *Gazette 26 Aug 2011 p. 3487; amended: Gazette 18 Oct 2019 p. 3682* [SL 2021/15 r. 5.](#)]

~~[Division 1 heading deleted: Gazette 18 Oct 2019 p. 3682.]~~

### ~~34B.~~ ~~Codes~~ **34D. Contravention of local law as to conduct about gifts, content of** (Act s. 5.103(~~3~~[105\(1\)\(b\)](#)))

(1) In this regulation —

~~*activity involving*~~ local law as to conduct means a local ~~*government discretion*~~ means an activity —

~~(a) that cannot be undertaken without an authorisation from~~ law relating to the local government; or

~~(b) by way~~ conduct of a commercial dealing with people at council or committee meetings.

(2) The contravention of a local law as to conduct is a minor breach for the local government;

~~*employee*~~ does not include the CEO;

~~*gift*~~ has the meaning given to that term in purposes of section 5.57 except that it does not include —

~~(a) a gift from a relative as defined in section 5.74(1); or~~

~~(105(1)(b))~~ a gift that must be disclosed under regulation 30B of the Local Government (Elections) Regulations 1997; or Act.

~~(c) a gift from a statutory authority, government instrumentality or non-profit association for professional training; or~~

~~(d) a gift from WALGA, the Australian Local Government Association Limited (ABN 31 008 613 876) or the Local Government Professionals Australia WA (ABN 91 208 607 072);~~

~~*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.~~
- ~~(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~~

**r. 34C**

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- ~~———— (d) — the nature of the relationship between the person who accepted the gift 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 —~~
  - ~~———— (a) — keep a register of notifiable gifts; and~~
  - ~~———— (b) — record in the register details of notifications given to comply with a requirement made under subregulation (3); and~~
  - ~~———— (c) — publish an up to date version of the register on the local government’s official website.~~

*[Regulation 34B 34D inserted: Gazette 21 Aug 2007 p. 4190-1; amended: Gazette 20 Jan 2017 p. 649; 18 Oct 2019 p. 3682; SL 2020/213 r. 25.]*

**34C. — Codes of conduct about disclosing interests affecting impartiality, content of (Act 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 —~~
- ~~(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~~

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~~\_\_\_\_\_ (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: Gazette 21 Aug 2007 p. 4192-3.]~~

~~\_\_\_\_\_ [Division 2 deleted: Gazette 18 Oct 2019 p. 3682 [SL 2021/15 r. 5.](#)]~~

## Part 10 — Training

[Heading inserted: Gazette 9 Aug 2019 p. 3022.]

### 35. Training for council members (Act s. 5.126(1))

- (1) A council member completes training for the purposes of section 5.126(1) if the council member passes the course of training specified in subregulation (2) within the period specified in subregulation (3).
- (2) The course of training is the course titled *Council Member Essentials* that —
  - (a) consists of the following modules —
    - (i) Understanding Local Government;
    - (ii) Serving on Council;
    - (iii) Meeting Procedures;
    - (iv) Conflicts of Interest;
    - (v) Understanding Financial Reports and Budgets;and
  - (b) is provided by any of the following bodies —
    - (i) North Metropolitan TAFE;
    - (ii) South Metropolitan TAFE;
    - (iii) WALGA.
- (3) The period within which the course of training must be passed is the period of 12 months beginning on the day on which the council member is elected.

[Regulation 35 inserted: Gazette 9 Aug 2019 p. 3022-3.]

### 36. Exemption from Act s. 5.126(1) requirement

- (1) A council member is exempt from the requirement in section 5.126(1) if —
  - (a) the council member passed either of the following courses within the period of 5 years ending immediately

before the day on which the council member is elected —

- (i) the course of training specified in regulation 35(2);
- (ii) the course titled 52756WA — *Diploma of Local Government (Elected Member)*;

or

- (b) the council member passed the course titled *LGASS00002 Elected Member Skill Set* before 1 July 2019 and within the period of 5 years ending immediately before the day on which the council member is elected.

- (2) A person who is a council member on the day on which the *Local Government Regulations Amendment (Induction and Training) Regulations 2019* regulation 8 comes into operation is exempt from the requirement in section 5.126(1) until the end of their term of office.

*[Regulation 36 inserted: Gazette 9 Aug 2019 p. 3023.]*

*[37-39. Deleted: Gazette 9 Aug 2019 p. 3022.]*

**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 <sup>(1)</sup> Mayor/President of <sup>(2)</sup> .....

1. Under section 5.28 of the *Local Government Act 1995*, the electors of <sup>(3)</sup> ..... whose names, addresses and signatures are set out in the attached list and who comprise <sup>(1)</sup> 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, 5. Deleted: Gazette 4 Mar 2016 p. 656.]

**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

(b) section 5.86(2)

Address of property	Person by whom property disposed	Person to whom property disposed	Manner of disposition	Date of disposition	Nature of interest obtained

**9. Discretionary disclosures**

Section 5.87 of the Act

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

Signature ..... Date .....

*[Form 3 amended: Gazette 20 Nov 2009 p. 4661; 4 Mar 2016 p 656-7.]*



**Form 4**

[r. 28A]

*Local Government Act 1995*

*Local Government (Administration) Regulations 1996*

**REGISTER OF GIFTS**

Name of person making disclosure	Description of gift	Name and address of person who made gift	Date gift was received	Estimated value of gift at time it was made	Nature of relationship between person who made gift and person who received gift	For a gift that is a travel contribution — description and date of travel	For an excluded gift under s. 5.62(1B)(a) — the date of the approval referred to in s. 5.62(1B)(a)(ii) and the reasons for the approval

*[Form 4 inserted: Gazette 18 Oct 2019 p. 3683.]*

**Schedule 2 — Model standards for CEO recruitment, performance and termination**

[r. 18FA]

[Heading inserted: SL 2021/14 r. 7.]

**Division 1 — Preliminary provisions**

[Heading inserted: SL 2021/14 r. 7.]

**1. Citation**

These are the [insert name of local government] *Standards for CEO Recruitment, Performance and Termination*.

[Clause 1 inserted: SL 2021/14 r. 7.]

**2. Terms used**

(1) In these standards —

*Act* means the *Local Government Act 1995*;

*additional performance criteria* means performance criteria agreed by the local government and the CEO under clause 16(1)(b);

*applicant* means a person who submits an application to the local government for the position of CEO;

*contract of employment* means the written contract, as referred to in section 5.39 of the Act, that governs the employment of the CEO;

*contractual performance criteria* means the performance criteria specified in the CEO's contract of employment as referred to in section 5.39(3)(b) of the Act;

*job description form* means the job description form for the position of CEO approved by the local government under clause 5(2);

*local government* means the [insert name of local government];

*selection criteria* means the selection criteria for the position of CEO determined by the local government under clause 5(1) and set out in the job description form;

*selection panel* means the selection panel established by the local government under clause 8 for the employment of a person in the position of CEO.

- (2) Other terms used in these standards that are also used in the Act have the same meaning as they have in the Act, unless the contrary intention appears.

[Clause 2 inserted: SL 2021/14 r. 7.]

## Division 2 — Standards for recruitment of CEOs

[Heading inserted: SL 2021/14 r. 7.]

### 3. Overview of Division

This Division sets out standards to be observed by the local government in relation to the recruitment of CEOs.

[Clause 3 inserted: SL 2021/14 r. 7.]

### 4. Application of Division

- (1) Except as provided in subclause (2), this Division applies to any recruitment and selection process carried out by the local government for the employment of a person in the position of CEO.

- (2) This Division does not apply —

- (a) if it is proposed that the position of CEO be filled by a person in a class prescribed for the purposes of section 5.36(5A) of the Act; or
- (b) in relation to a renewal of the CEO's contract of employment, except in the circumstances referred to in clause 13(2).

[Clause 4 inserted: SL 2021/14 r. 7.]

### 5. Determination of selection criteria and approval of job description form

- (1) The local government must determine the selection criteria for the position of CEO, based on the local government's consideration of the knowledge, experience, qualifications and skills necessary to effectively perform the duties and responsibilities of the position of CEO of the local government.

**Local Government (Administration) Regulations 1996**

**Schedule 2** Model standards for CEO recruitment, performance and termination

**Division 2** Standards for recruitment of CEOs

**cl. 6**

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(2) The local government must, by resolution of an absolute majority of the council, approve a job description form for the position of CEO which sets out —

(a) the duties and responsibilities of the position; and

(b) the selection criteria for the position determined in accordance with subclause (1).

[Clause 5 inserted: SL 2021/14 r. 7.]

**6. Advertising requirements**

(1) If the position of CEO is vacant, the local government must ensure it complies with section 5.36(4) of the Act and the *Local Government (Administration) Regulations 1996* regulation 18A.

(2) If clause 13 applies, the local government must advertise the position of CEO in the manner referred to in the *Local Government (Administration) Regulations 1996* regulation 18A as if the position was vacant.

[Clause 6 inserted: SL 2021/14 r. 7.]

**7. Job description form to be made available by local government**

If a person requests the local government to provide to the person a copy of the job description form, the local government must —

(a) inform the person of the website address referred to in the *Local Government (Administration) Regulations 1996* regulation 18A(2)(da); or

(b) if the person advises the local government that the person is unable to access that website address —

(i) email a copy of the job description form to an email address provided by the person; or

(ii) mail a copy of the job description form to a postal address provided by the person.

[Clause 7 inserted: SL 2021/14 r. 7.]

**8. Establishment of selection panel for employment of CEO**

(1) In this clause —

*independent person* means a person other than any of the following —

- (a) a council member;
- (b) an employee of the local government;
- (c) a human resources consultant engaged by the local government.

(2) The local government must establish a selection panel to conduct the recruitment and selection process for the employment of a person in the position of CEO.

(3) The selection panel must comprise —

- (a) council members (the number of which must be determined by the local government); and
- (b) at least 1 independent person.

[Clause 8 inserted: SL 2021/14 r. 7.]

**9. Recommendation by selection panel**

(1) Each applicant's knowledge, experience, qualifications and skills must be assessed against the selection criteria by or on behalf of the selection panel.

(2) Following the assessment referred to in subclause (1), the selection panel must provide to the local government —

- (a) a summary of the selection panel's assessment of each applicant; and
- (b) unless subclause (3) applies, the selection panel's recommendation as to which applicant or applicants are suitable to be employed in the position of CEO.

(3) If the selection panel considers that none of the applicants are suitable to be employed in the position of CEO, the selection panel must recommend to the local government —

- (a) that a new recruitment and selection process for the position be carried out in accordance with these standards; and

**Local Government (Administration) Regulations 1996**

**Schedule 2** Model standards for CEO recruitment, performance and termination

**Division 2** Standards for recruitment of CEOs

**cl. 10**

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(b) the changes (if any) that the selection panel considers should be made to the duties and responsibilities of the position or the selection criteria.

(4) The selection panel must act under subclauses (1), (2) and (3) —

(a) in an impartial and transparent manner; and

(b) in accordance with the principles set out in section 5.40 of the Act.

(5) The selection panel must not recommend an applicant to the local government under subclause (2)(b) unless the selection panel has —

(a) assessed the applicant as having demonstrated that the applicant's knowledge, experience, qualifications and skills meet the selection criteria; and

(b) verified any academic, or other tertiary level, qualifications the applicant claims to hold; and

(c) whether by contacting referees provided by the applicant or making any other inquiries the selection panel considers appropriate, verified the applicant's character, work history, skills, performance and any other claims made by the applicant.

(6) The local government must have regard to, but is not bound to accept, a recommendation made by the selection panel under this clause.

*[Clause 9 inserted: SL 2021/14 r. 7.]*

**10. Application of cl. 5 where new process carried out**

(1) This clause applies if the local government accepts a recommendation by the selection panel under clause 9(3)(a) that a new recruitment and selection process for the position of CEO be carried out in accordance with these standards.

(2) Unless the local government considers that changes should be made to the duties and responsibilities of the position or the selection criteria —

(a) clause 5 does not apply to the new recruitment and selection process; and

- (b) the job description form previously approved by the local government under clause 5(2) is the job description form for the purposes of the new recruitment and selection process.

[Clause 10 inserted: SL 2021/14 r. 7.]

#### **11. Offer of employment in position of CEO**

Before making an applicant an offer of employment in the position of CEO, the local government must, by resolution of an absolute majority of the council, approve —

- (a) the making of the offer of employment to the applicant; and  
(b) the proposed terms of the contract of employment to be entered into by the local government and the applicant.

[Clause 11 inserted: SL 2021/14 r. 7.]

#### **12. Variations to proposed terms of contract of employment**

- (1) This clause applies if an applicant who is made an offer of employment in the position of CEO under clause 11 negotiates with the local government a contract of employment (the *negotiated contract*) containing terms different to the proposed terms approved by the local government under clause 11(b).

- (2) Before entering into the negotiated contract with the applicant, the local government must, by resolution of an absolute majority of the council, approve the terms of the negotiated contract.

[Clause 12 inserted: SL 2021/14 r. 7.]

#### **13. Recruitment to be undertaken on expiry of certain CEO contracts**

- (1) In this clause —

*commencement day* means the day on which the *Local Government (Administration) Amendment Regulations 2021* regulation 6 comes into operation.

- (2) This clause applies if —

- (a) upon the expiry of the contract of employment of the person (the *incumbent CEO*) who holds the position of CEO —  
(i) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that

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period commenced before, on or after commencement day; and

(ii) a period of 10 or more consecutive years has elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day;

and

(b) the incumbent CEO has notified the local government that they wish to have their contract of employment renewed upon its expiry.

(3) Before the expiry of the incumbent CEO's contract of employment, the local government must carry out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the incumbent CEO's contract of employment.

(4) This clause does not prevent the incumbent CEO's contract of employment from being renewed upon its expiry if the incumbent CEO is selected in the recruitment and selection process referred to in subclause (3) to be employed in the position of CEO.

*[Clause 13 inserted: SL 2021/14 r. 7.]*

**14. Confidentiality of information**

The local government must ensure that information provided to, or obtained by, the local government in the course of a recruitment and selection process for the position of CEO is not disclosed, or made use of, except for the purpose of, or in connection with, that recruitment and selection process.

*[Clause 14 inserted: SL 2021/14 r. 7.]*

**Division 3 — Standards for review of performance of CEOs**

*[Heading inserted: SL 2021/14 r. 7.]*

**15. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the review of the performance of CEOs.



*[Clause 15 inserted: SL 2021/14 r. 7.]*

**16. Performance review process to be agreed between local government and CEO**

- (1) The local government and the CEO must agree on —
- (a) the process by which the CEO's performance will be reviewed; and
  - (b) any performance criteria to be met by the CEO that are in addition to the contractual performance criteria.
- (2) Without limiting subclause (1), the process agreed under subclause (1)(a) must be consistent with clauses 17, 18 and 19.
- (3) The matters referred to in subclause (1) must be set out in a written document.

*[Clause 16 inserted: SL 2021/14 r. 7.]*

**17. Carrying out a performance review**

- (1) A review of the performance of the CEO by the local government must be carried out in an impartial and transparent manner.
- (2) The local government must —
- (a) collect evidence regarding the CEO's performance in respect of the contractual performance criteria and any additional performance criteria in a thorough and comprehensive manner; and
  - (b) review the CEO's performance against the contractual performance criteria and any additional performance criteria, based on that evidence.

*[Clause 17 inserted: SL 2021/14 r. 7.]*

**18. Endorsement of performance review by local government**

Following a review of the performance of the CEO, the local government must, by resolution of an absolute majority of the council, endorse the review.

*[Clause 18 inserted: SL 2021/14 r. 7.]*

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**19. CEO to be notified of results of performance review**

After the local government has endorsed a review of the performance of the CEO under clause 18, the local government must inform the CEO in writing of —

- (a) the results of the review; and
- (b) if the review identifies any issues about the performance of the CEO — how the local government proposes to address and manage those issues.

[Clause 19 inserted: SL 2021/14 r. 7.]

**Division 4 — Standards for termination of employment of CEOs**

[Heading inserted: SL 2021/14 r. 7.]

**20. Overview of Division**

This Division sets out standards to be observed by the local government in relation to the termination of the employment of CEOs.

[Clause 20 inserted: SL 2021/14 r. 7.]

**21. General principles applying to any termination**

- (1) The local government must make decisions relating to the termination of the employment of a CEO in an impartial and transparent manner.
- (2) The local government must accord a CEO procedural fairness in relation to the process for the termination of the CEO's employment, including —
  - (a) informing the CEO of the CEO's rights, entitlements and responsibilities in relation to the termination process; and
  - (b) notifying the CEO of any allegations against the CEO; and
  - (c) giving the CEO a reasonable opportunity to respond to the allegations; and
  - (d) genuinely considering any response given by the CEO in response to the allegations.

[Clause 21 inserted: SL 2021/14 r. 7.]

**22. Additional principles applying to termination for performance-related reasons**

(1) This clause applies if the local government proposes to terminate the employment of a CEO for reasons related to the CEO's performance.

(2) The local government must not terminate the CEO's employment unless the local government has —

(a) in the course of carrying out the review of the CEO's performance referred to in subclause (3) or any other review of the CEO's performance, identified any issues (the *performance issues*) related to the performance of the CEO; and

(b) informed the CEO of the performance issues; and

(c) given the CEO a reasonable opportunity to address, and implement a plan to remedy, the performance issues; and

(d) determined that the CEO has not remedied the performance issues to the satisfaction of the local government.

(3) The local government must not terminate the CEO's employment unless the local government has, within the preceding 12-month period, reviewed the performance of the CEO under section 5.38(1) of the Act.

*[Clause 22 inserted: SL 2021/14 r. 7.]*

**23. Decision to terminate**

Any decision by the local government to terminate the employment of a CEO must be made by resolution of an absolute majority of the council.

*[Clause 23 inserted: SL 2021/14 r. 7.]*

**24. Notice of termination of employment**

(1) If the local government terminates the employment of a CEO, the local government must give the CEO notice in writing of the termination.

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(2) The notice must set out the local government's reasons for terminating the employment of the CEO.

[Clause 24 inserted: SL 2021/14 r. 7.]

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## Notes

This is a compilation of the *Local Government (Administration) Regulations 1996* and includes amendments made by other written laws. For provisions that have come into operation, and for information about any reprints, see the compilation table.

### Compilation table

Citation	Published	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 <sup>1</sup>
<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 Gazette 25 Feb 2000 p. 970)
<i>Local Government (Administration) Amendment Regulations 2002</i>	28 Jun 2002 p. 3079-81	28 Jun 2002
<b>Reprint of the <i>Local Government (Administration) Regulations 1996</i> as at 30 Aug 2002</b> (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2005<sup>2</sup></i>	31 Mar 2005 p. 1030-6	1 Apr 2005 (see r. 2 and Gazette 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
<b>Reprint 2: The <i>Local Government (Administration) Regulations 1996</i> as at 17 Nov 2006</b> (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 Gazette 21 Aug 2007 p. 4173)
<i>Local Government (Administration) Amendment Regulations 2009</i>	20 Nov 2009 p. 4660-1	r. 1 and 2: 20 Nov 2009 (see r. 2(a)); Regulations other than r. 1 and 2: 21 Nov 2009 (see r. 2(b) and Gazette 20 Nov 2009 p. 4649)

**Local Government (Administration) Regulations 1996**  
**Notes**                      Compilation table

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Local Government (Administration) Amendment Regulations 2011</i>	3 May 2011 p. 1593-7	r. 1 and 2: 3 May 2011 (see r. 2(a)); r. 7: 4 May 2011 (see r. 2(b) and <i>Gazette</i> 3 May 2011 p. 1577); Regulations other than r. 1, 2 and 7: 4 May 2011 (see r. 2(c))
<i>Local Government (Administration) Amendment Regulations (No. 2) 2011</i>	26 Aug 2011 p. 3481-7	r. 1 and 2: 26 Aug 2011 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Aug 2011 (see r. 2(b))
<b>Reprint 3: The Local Government (Administration) Regulations 1996 as at 3 Feb 2012</b> (includes amendments listed above)		
<i>Local Government (Administration) Amendment Regulations 2012</i>	13 Jul 2012 p. 3218-19	r. 1 and 2: 13 Jul 2012 (see r. 2(a)); r. 3 and 4: 14 Jul 2012 (see r. 2(c)); r. 5-8: 1 Jul 2013 (see r. 2(b) and <i>Gazette</i> 8 Feb 2013 p. 863)
<i>Local Government (Administration) Amendment Regulations 2014</i>	28 Feb 2014 p. 519	r. 1 and 2: 28 Feb 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Mar 2014 (see r. 2(b))
<i>Local Government (Administration) Amendment Regulations 2016</i>	4 Mar 2016 p. 649-58	r. 1 and 2: 4 Mar 2016 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Mar 2016 (see r. 2(b))
<i>Local Government Regulations Amendment (Gifts) Regulations 2017 Pt. 2</i>	20 Jan 2017 p. 648-50	21 Jan 2017 (see r. 2(b))
<i>Local Government Regulations Amendment (Recovery of Advance Payments) Regulations 2018 Pt. 2</i>	14 Dec 2018 p. 4805-6	15 Dec 2018 (see r. 2(b))
<i>Local Government Regulations Amendment (Induction and Training) Regulations 2019 Pt. 3</i>	9 Aug 2019 p. 3020-3	16 Sep 2019 (see r. 2(c) and <i>Gazette</i> 9 Aug 2019 p. 3019)
<i>Local Government Regulations Amendment (Gifts) Regulations 2019 Pt. 2</i>	18 Oct 2019 p. 3679-84	19 Oct 2019 (see r. 2(b) and <i>Gazette</i> 18 Oct 2019 p. 3673)
<i>Local Government (Administration) Amendment Regulations 2020</i>	SL 2020/20 25 Mar 2020	r. 1 and 2: 25 Mar 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 26 Mar 2020 (see r. 2(b))

<b>Citation</b>	<b>Published</b>	<b>Commencement</b>
<i>Local Government Regulations Amendment Regulations (No. 2) 2020 Pt. 5</i>	SL 2020/213 6 Nov 2020	7 Nov 2020 (see r. 2(b) and SL 2020/212 cl. 2)
<a href="#"><u><i>Local Government (Administration) Amendment Regulations 2021</i></u></a>	<a href="#"><u>SL 2021/14</u></a> <a href="#"><u>2 Feb 2021</u></a>	<a href="#"><u>r. 1 and 2: 2 Feb 2021</u></a> <a href="#"><u>(see r. 2(a));</u></a> <a href="#"><u>Regulations other than r. 1 and 2:</u></a> <a href="#"><u>3 Feb 2021 (see r. 2(b) and</u></a> <a href="#"><u>SL 2021/13 cl. 2)</u></a>
<a href="#"><u><i>Local Government (Model Code of Conduct) Regulations 2021 r. 5</i></u></a>	<a href="#"><u>SL 2021/15</u></a> <a href="#"><u>2 Feb 2021</u></a>	<a href="#"><u>3 Feb 2021 (see r. 2(b) and</u></a> <a href="#"><u>SL 2021/13 cl. 2)</u></a>
<a href="#"><u><i>Local Government Amendment (Employee Code of Conduct) Regulations 2021 Pt. 2</i></u></a>	<a href="#"><u>SL 2021/16</u></a> <a href="#"><u>2 Feb 2021</u></a>	<a href="#"><u>3 Feb 2021 (see r. 2(b) and</u></a> <a href="#"><u>SL 2021/13 cl. 2)</u></a>

### Other notes

- <sup>1</sup> The commencement date of 1 Jul 1996 is the commencement date of the principal regulations.
- <sup>2</sup> The *Local Government (Administration) Amendment Regulations 2005* r. 15 is a transitional provision that is of no further effect.