

WESTERN AUSTRALIA

**LOCAL GOVERNMENT
(ADMINISTRATION)
REGULATIONS 1996**

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SCHEDULE 1 — FORMS

LOCAL GOVERNMENT ACT 1995

LOCAL GOVERNMENT (ADMINISTRATION) REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

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

Commencement

2. These regulations come into operation on 1 July 1996.

Interpretation

3. (1) In these regulations, unless the contrary intention appears —

“**committee**” means a committee of a council;

“**Schedule**” means Schedule to the Act;

“**section**” means section of the Act.

- (2) A reference in these regulations to a form followed by a designation is a reference to the form so designated set out in Schedule 1 to these regulations.

Resignation of committee members

4. 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.

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

5. 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.

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

6. (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.

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

7. (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) and (3).

(2) The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.

(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.

(4) Nothing in subregulation (3) requires —

- (a) a council to answer a question that does not relate to a matter affecting the local government;
- (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
- (c) a committee to answer a question that does not relate to a function of the committee.

Procedure where no quorum at council or committee meetings — s. 5.25

(c)

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

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

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

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

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

10. (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.

(2) If a decision has been made at a council or a committee meeting then any decision to revoke or change the first-mentioned decision must be made —

- (a) in the case where the decision to be revoked or changed was required to be made by an absolute majority or by a special majority, by that kind of majority; or
- (b) in any other case, by an absolute majority.

(3) This regulation does not apply to the change of a decision unless the effect of the change would be that the decision would be revoked or would become substantially different.

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

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

- (a) the names of the members present at the meeting;
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case requires, in the chronological sequence of the business of the meeting;
- (c) details of each motion moved at the meeting, the mover and the outcome of the motion;
- (d) details of each decision made at the meeting;

- (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.

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

12. (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which —

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

are to be held in the next 12 months.

(2) A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).

(3) Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.

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

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

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

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

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

14. (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 from the time the notice papers, agenda or documents were made available to the members of the council or committee.

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

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

15. 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.

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

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

Voting at electors' meetings — s. 5.31

17. (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.

Procedures at electors' meetings — s. 5.31

18. 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.

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

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

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

Shareholders who are "closely associated persons" — s. 5.62 (d) (ii)

20. (1) The amount prescribed for the purposes of section 5.62 (d) (ii) (I) is \$2 000.

(2) The percentage prescribed for the purposes of section 5.62 (d) (ii) (II) is 1%.

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

21. (1) An interest in the payment by the local government of money that the local government is legally obliged to pay is an interest for the purposes of section 5.63 (1) (h).

(2) Nothing in subregulation (1) affects the application of section 5.63 (1) (a) to (g).

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

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

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

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

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

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

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

25. The amount of a gift prescribed for the purposes of section 5.82 (2) (a) is \$500.

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

26. The amount of a contribution to travel prescribed for the purposes of section 5.83 (2) (d) is \$500.

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

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

Register of financial interests — s. 5.88 (2)

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

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

Information to be available for public inspection — s. 5.94

29. (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;
- (c) unconfirmed minutes of council or committee meetings;
- (d) notice papers and agenda relating to any council or committee meeting and reports and other documents which —
 - (i) are to be tabled at the meeting; or
 - (ii) have been produced by the local government or a committee for presentation at the meeting,

and which have been made available to members of the council or committee for the meeting;

- (e) the information contained in a tenders register kept under the *Local Government (Functions and Miscellaneous) Regulations 1996*.

(2) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1) (c) if the meeting or that part of the meeting to which the information refers —

- (a) was closed to members of the public; or
- (b) in the CEO's opinion, could have been closed to members of the public but was not closed,

unless the information to be inspected is a record of a decision made at the meeting.

(3) A person's right to inspect information referred to in section 5.94 does not extend to the inspection of information referred to in subregulation (1) (d) if, in the CEO's opinion, the meeting or that part of the meeting to which the information refers is likely to be closed to members of the public.

Meeting attendance fees — s. 5.98 (1)

30. (1) For the purposes of section 5.98 (1), subject to subregulation (3) —

- (a) the minimum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$50 for each meeting; and
- (b) the maximum fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman, attending a council meeting is \$100 for each meeting.

(2) For the purposes of section 5.98 (1), subject to subregulation (3) or (5), as the case requires —

- (a) the minimum fee for a council member attending a meeting of a committee of which he or she is also a member is \$25 for each meeting; and
- (b) the maximum fee for a council member attending a meeting of a committee of which he or she is also a member is \$50 for each meeting.

(3) The total of fees paid to a council member other than —

- (a) the mayor or president; or
- (b) in the case of a regional local government, the chairman,

for attending meetings (whether of the council or of any committee) in each year is not to exceed \$5 000.

(4) For the purposes of section 5.98 (1), subject to subregulation (5) —

- (a) the minimum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$100 for each meeting; and
- (b) the maximum fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman, attending a council meeting is \$200 for each meeting.

(5) The total of fees paid —

- (a) to the mayor or president; or
- (b) in the case of a regional local government, to the chairman,

for attending meetings (whether of the council or of any committee) in each year is not to exceed \$10 000.

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

31. (1) For the purposes of section 5.98 (2) (a), the kinds of expenses that are to be reimbursed by all local governments are —

- (a) rental charges incurred by a council member in relation to one telephone and one facsimile machine; and
- (b) child care and travel costs incurred by a council member because of the member's attendance at a council meeting or a meeting of a committee of which he or she is also a member.

(2) The extent to which an expense referred to in subregulation (1) (a) can be reimbursed is the actual amount.

(3) The extent to which child care costs referred to in subregulation (1) (b) can be reimbursed is the actual cost per hour or \$10.00 per hour, whichever is the lesser amount.

(4) The extent to which travel costs referred to in subregulation (1) (b) can be reimbursed —

- (a) if the person lives or works in the local government district or an adjoining local government district, is the actual cost for the person to travel from the person's place of residence or work to the meeting and back; or
- (b) if the person does not live or work in the local government district or an adjoining local government district, is the actual cost, in relation to a journey from the person's place of residence or work and back —
 - (i) for the person to travel from the person's place of residence or work to the meeting and back; or
 - (ii) if the distance travelled referred to in subparagraph (i) is more than 100 km, for the person to travel from the outer boundary of an adjoining local government district to the meeting and back to that boundary.

(5) For the purposes of subregulations (2) to (4), actual amounts and actual costs are to be verified by sufficient information.

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

32. (1) For the purposes of section 5.98 (2) (b), the kinds of expenses that may be approved by any local government for reimbursement by the local government are —

- (a) an expense incurred by a council member in performing a function under the express authority of the local government;
- (b) an expense incurred by a council member to whom paragraph (a) applies by reason of the council member being accompanied by not more than one other person while performing the function if, having regard to the nature of the function, the local government considers that it is appropriate for the council member to be accompanied by that other person; and
- (c) an expense incurred by a council member in performing a function in his or her capacity as a council member.

(2) The extent to which an expense referred to in subregulation (1) can be reimbursed is the actual amount, verified by sufficient information.

Annual entertainment allowance for mayors or presidents — s. 5.98 (5)

33. (1) For the purposes of section 5.98 (5) —

- (a) the minimum annual entertainment allowance for a mayor or president is \$500; and
- (b) the maximum annual entertainment allowance for a mayor or president is —
 - (i) \$10 000; or
 - (ii) 0.002 of the local government's operating revenue,whichever is the greater amount.

(2) In this regulation —

“operating revenue” has the meaning that it has in the *Local Government (Financial Management) Regulations 1996*.

Annual attendance fees — s. 5.99

34. (1) For the purposes of section 5.99 —
- (a) the minimum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,
attending meetings (whether of the council or of any committee) is \$2 000; and
 - (b) the maximum annual fee for a council member other than —
 - (i) the mayor or president; or
 - (ii) in the case of a regional local government, the chairman,
attending meetings (whether of the council or of any committee) is \$5 000.
- (2) For the purposes of section 5.99 —
- (a) the minimum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman,
attending meetings (whether of the council or of any committee) is \$5 000; and
 - (b) the maximum annual fee —
 - (i) for the mayor or president; or
 - (ii) in the case of a regional local government, for the chairman,
attending meetings (whether of the council or of any committee) is \$10 000.

Electors' general meeting for 1996-7 financial year — s. 5.27

35. (1) In this regulation —

“financial statements” means the financial statements for the financial year from 1 July 1995 to 30 June 1996 of the council of the relevant continuing authority, within the meaning given by clause 1 of Schedule 9.3 to the Act;

“1996-7 general meeting” means the general meeting of the electors of a district to be held in the financial year from 1 July 1996 to 30 June 1997.

(2) Section 5.27 (2) and (3) and regulation 15 do not apply to a 1996-7 general meeting.

(3) The 1996-7 general meeting is to be held on a day selected by the local government but not more than 60 days after the local government receives a copy of the auditor's report on the financial statements.

(4) At the 1996-7 general meeting, the order of business is —

- (a) the receiving of the financial statements;
- (b) the reading of the auditor's report on the financial statements;
- (c) the reading of the report of the mayor or president;
- (d) dealing with such other general business as the person presiding at the meeting thinks fit.

Annual report for 1996-7 financial year — s. 5.53

36. Paragraphs (c), (d) and (e) of section 5.53 (2) do not apply to an annual report for the financial year from 1 July 1996 to 30 June 1997.

“Start day” for certain council members — s. 5.74

37. (1) The definition of “start day” in section 5.74 (1) applies with the modification referred to in subregulation (2) in the case of a person —

- (a) who continues to be a member because of Schedule 9.3 clause 6 (1);
or

- (b) who becomes a member of a council after 1 July 1996 but before 3 May 1997,

if the term of the office held by the person does not expire until after 3 May 1997.

(2) The “**start day**” for a person referred to in subregulation (1) is 3 May 1997.

Council members need not lodge a primary return before 3 May 1997 — s. 5.75

38. (1) Section 5.75 (1) does not apply to a person —

- (a) who continues to be a member of a council because of Schedule 9.3 clause 6 (1); or
- (b) who becomes a member of a council after 1 July 1996,

if the office held by the person becomes vacant before 3 May 1997.

(2) Nothing in subregulation (1) prevents section 5.75 (1) from applying to a person referred to in that subregulation if the person becomes a member of a council on or after 3 May 1997.

Annual returns need not be lodged in 1996 and 1997 — s. 5.76

39. Section 5.76 (1) and (2) do not apply so as to require any person who is —

- (a) a member of a council; or
- (b) a designated employee within the meaning of section 5.74 (1),

to lodge an annual return in 1996 or in 1997.

SCHEDULE 1 — FORMS

Form 1

[reg. 16]

Local Government Act 1995

Local Government (Administration) Regulations 1996

REQUEST FOR A SPECIAL MEETING OF ELECTORS

TO: The ⁽¹⁾Mayor/President of ⁽²⁾

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

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

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

3. This request is served on behalf of the listed signatories by —

Name

Signature

Contact details

Date

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

Form 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

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(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

22

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

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(b) income from a trust

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

(c) sources of other income

Identity of persons
Describe circumstances

3. Trusts

Section 5.81 of the Act

Trusts in which the relevant person holds a beneficial interest

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

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

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

4. Gifts

Section 5.82 of the Act

Description of gift	Name and address of giver

5. Contributions to travel

Section 5.83 of the Act

Name of contributor	Address of contributor

6. Interests and positions in corporations

Section 5.84 of the Act

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

7. Debts

Section 5.85 of the Act

Name of lender/creditor	Address of lender/creditor

8. Disposition of property

Section 5.86 of the Act

(a) section 5.86 (1)

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

(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

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.