

Local Government (Administration) Amendment Regulations 2011

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Local Government (Administration) Amendment Regulations 2011*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette (gazettal day)*;
- (b) regulation 7 — on the day on which the *Local Government Amendment Act 2009* section 34 comes into operation;
- (c) the rest of the regulations — on the day after gazettal day.

3. Regulations amended

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

4. Regulation 18A amended

Delete regulation 18A(1) and insert:

- (1) If a position of CEO, or of a senior employee, of a local government becomes vacant, the local government is to advertise 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.

5. Regulation 29B inserted

After regulation 29A insert:

**29B. Copies of certain information not to be provided —
s. 5.96**

- (1) A local government is not required to make available to a person copies of information referred to in section 5.94(m) or (s) unless the CEO of the local government is satisfied that the information will not be used for a commercial purpose.
- (2) A request to a local government for a copy of information referred to in section 5.94(m) or (s) is to be in a form approved by the CEO of the local government.
- (3) Information contained in a request referred to in subregulation (2) is to be verified by statutory declaration.

6. Regulation 30 amended

- (1) After regulation 30(2) insert:
 - (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) For the purposes of section 5.98(2A), subject to subregulation (3C), and subregulation (3) or (5) as the case requires —
 - (a) the minimum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$30 for each meeting; and
 - (b) the maximum fee for a council member attending a meeting of a type referred to in subregulation (3A) is \$70 for each meeting.
- (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.
- (2) In regulation 30(3) delete “council or of any committee)” and insert:

council, of any committee or a meeting of a type referred to in subregulation (3A))
- (3) In regulation 30(5) delete “council or of any committee)” and insert:

council, of any committee or a meeting of a type referred to in subregulation (3A))

Note: The heading to amended regulation 30 is to read:

Meeting attendance fees — s. 5.98(1) and (2A)

7. Regulation 34AC inserted

After regulation 34AB insert:

34AC. Gifts to council members — 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).

8. Regulation 34AD inserted

Before regulation 34B insert:

34AD. Method of payment of expenses for which person can be reimbursed — 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.

By Command of the Governor,

R. KENNEDY, Clerk of the Executive Council.