

City of Perth Bill 2015

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**Schedule 1 — Map of City of Perth
(effective 1 July 2016) (indicative
only)**

Defined terms

Western Australia

LEGISLATIVE ASSEMBLY

(As amended during consideration in detail)

City of Perth Bill 2015

A Bill for

An Act to —

- **continue the City of Perth as a local government district but redefine its boundaries; and**
- **recognise Perth as the capital of Western Australia and the special significance of the role and responsibilities of the City of Perth that flow from that; and**
- **establish a City of Perth Committee with functions that include the facilitation of collaboration between the State and the City of Perth; and**
- **repeal the *City of Perth Restructuring Act 1993*; and**
- **make consequential and other amendments to the *Botanic Gardens and Parks Authority Act 1998*, the *Local Government Act 1960* Part VIA and the *Local Government Act 1995*; and**
- **provide for related matters.**

The Parliament of Western Australia enacts as follows:

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Part 1 — Preliminary

1. Short title

This is the *City of Perth Act 2015*.

2. Commencement

This Act comes into operation as follows —

- (a) Part 1 — on the day on which this Act receives the Royal Assent;
- (b) the rest of the Act — on the day after that day.

3. Terms used

In this Act —

Authority means the Western Australian Land Information Authority established by the *Land Information Authority Act 2006* section 5;

City of Perth means the body corporate continued by section 6(1);

City of Perth Council means the council of the City of Perth;

Committee means the City of Perth Committee established by section 12(1);

councillor means a person who holds the office of councillor on the City of Perth Council;

Deposited Plan, followed by a number, means the deposited plan of that number —

- (a) lodged with the Authority; and
- (b) certified by an authorised land officer (as defined in the *Land Administration Act 1997* section 3(1)); and
- (c) available —
 - (i) in paper form at the Authority’s head office; and
 - (ii) in electronic form on the Authority’s official website;

1 **Lord Mayor** means the Lord Mayor of Perth.

2 **4. Objects**

3 The objects of this Act are —

- 4 (a) to recognise, promote and enhance —
- 5 (i) the special social, economic, cultural,
6 environmental and civic role that the City of
7 Perth plays because Perth is the capital of
8 Western Australia; and
- 9 (ii) the important role that the City of Perth plays in
10 representing the broader Perth area and the State
11 of Western Australia on both a national and
12 international level;
- 13 and
- 14 (b) to provide for the constitution of the City of Perth
15 Council and recognise the unique role and
16 responsibilities of the Lord Mayor of Perth and City of
17 Perth councillors; and
- 18 (c) to establish a City of Perth Committee as a means of
19 facilitating collaboration between the State and the City
20 of Perth; and
- 21 (d) to revise the boundaries of the City of Perth.

22 **5. Relationship with *Local Government Act 1995***

23 If a provision of this Act conflicts or is inconsistent with the
24 *Local Government Act 1995*, this Act prevails to the extent of
25 the conflict or inconsistency.

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Part 2 — City of Perth

Division 1 — City of Perth

6. City of Perth continued

- (1) There continues to be a body corporate called the City of Perth.
- (2) The City of Perth is the same body corporate that was continued by the *City of Perth Restructuring Act 1993* section 9(4).
- (3) The City of Perth continues to be a local government district that is a city.

7. Perth is capital of Western Australia

Perth is the capital of Western Australia.

8. Objects of City of Perth

- (1) The objects of the City of Perth are as follows —
 - (a) to provide for the good government of persons in the City of Perth, including residents, ratepayers and visitors;
 - (b) to represent the community and encourage community participation in decision-making;
 - (c) to provide a safe, clean and aesthetic environment for community members, people who work in the City of Perth, visitors and tourists;
 - (d) to continuously improve the services and facilities that the City of Perth provides to the community and to local, interstate and international visitors and tourists;
 - (e) to promote awareness of the facilities and events provided or facilitated by the City of Perth and encourage the community to make use of or participate in them;
 - (f) to initiate and promote the continued growth and environmentally sustainable development of the City of

- 1 Perth and ensure its continued role as a thriving centre
2 of business with vibrant cultural and entertainment
3 precincts, while enhancing and protecting its natural
4 environment and having due regard to the flow-on
5 impact on the Perth metropolitan area;
- 6 (g) to maintain and strengthen the local, national and
7 international reputation of the Perth metropolitan area as
8 an innovative, sustainable and vibrant global city that
9 attracts and welcomes everyone;
- 10 (h) to nurture and support the initiatives and innovations of
11 the diverse precincts of the City of Perth;
- 12 (i) to develop and maintain collaborative
13 inter-governmental relationships at regional, State,
14 national and international levels with a view to
15 developing and implementing strategies for the
16 continued improvement of the City of Perth;
- 17 (j) in achieving its objects, to use its best endeavours to
18 strike an appropriate balance among the complementary
19 and competing civic, economic, social, cultural and
20 environmental considerations, including considerations
21 relating to visitors and tourists.
- 22 (2) This section does not —
- 23 (a) limit the role, functions, powers and obligations of the
24 City of Perth or the City of Perth Council under the
25 *Local Government Act 1995* or any other written law; or
- 26 (b) impose on the City of Perth or the City of Perth Council
27 any obligation that is enforceable in a court of law; or
- 28 (c) confer on any person any legal right that is enforceable
29 in a court of law.

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Division 2 — City of Perth Council

9. Representation on City of Perth Council

The City of Perth Council consists of —

- (a) a mayor, called the Lord Mayor of Perth; and
- (b) 8 councillors.

10. Special role of Lord Mayor

(1) The role of the Lord Mayor is as follows —

- (a) to act as an ambassador for the City of Perth in hosting international delegations and attending local, regional, State, national and international civic functions and events;
- (b) to carry out civic and ceremonial duties associated with the office of Lord Mayor;
- (c) to develop and maintain inter-governmental relationships at regional, State, national and international levels, and as part of that to develop and implement strategies and policies that seek to ensure consistency in policies and strategic direction at all levels of government;
- (d) to provide leadership and guidance to the City of Perth Council;
- (e) to preside at meetings in accordance with the *Local Government Act 1995*;
- (f) to speak on behalf of the City of Perth;
- (g) to liaise with the chief executive officer of the City of Perth on the City of Perth's affairs and the performance of its functions;
- (h) to perform whatever other functions are given to the Lord Mayor by this Act, the *Local Government Act 1995* or any other written law.

- 1 (2) This section does not limit —
- 2 (a) the role, functions, powers, obligations and
- 3 responsibilities of the Lord Mayor under the *Local*
- 4 *Government Act 1995* or any other written law; or
- 5 (b) the application of the *Local Government Act 1995*
- 6 sections 2.9, 5.34 and 5.35 in relation to the
- 7 performance of the functions of the Lord Mayor.

8 **11. General roles of Lord Mayor and councillors**

- 9 (1) In addition to the role set out in section 10, the role of the Lord
- 10 Mayor includes the matters set out in subsection (2)(a) to (j).
- 11 (2) The role of a councillor is as follows —
- 12 (a) to represent the interests of electors, ratepayers and
- 13 residents of the City of Perth;
- 14 (b) to serve the current and future interests of the
- 15 community in the City of Perth;
- 16 (c) to provide leadership and guidance to the community in
- 17 the City of Perth;
- 18 (d) to facilitate communication between the community and
- 19 the City of Perth Council;
- 20 (e) to participate in the City of Perth Council’s
- 21 decision-making processes at council and committee
- 22 meetings;
- 23 (f) to participate in the determination, oversight and regular
- 24 review of the following matters, as required by the *Local*
- 25 *Government Act 1995* or any other written law —
- 26 (i) the City of Perth Council’s policies, goals,
- 27 finances, resource allocation, expenditure and
- 28 corporate strategies;
- 29 (ii) the efficiency and effectiveness of the City of
- 30 Perth Council’s service delivery, the
- 31 performance standards for that service delivery

- 1 and the monitoring of those performance
2 standards;
- 3 (g) in matters that relate to the unique responsibilities of the
4 City of Perth that flow from Perth's status as capital of
5 Western Australia, to seek to ensure that —
- 6 (i) an appropriate balance is struck among
7 economic, social, cultural and environmental
8 considerations; and
- 9 (ii) the flow-on effects on the broader metropolitan
10 area are considered;
- 11 (h) to have due regard to the objects of the City of Perth in
12 informing the City of Perth Council's work and in the
13 making of decisions by the Council;
- 14 (i) to participate in achieving a vision for the desired future
15 of the City of Perth through the formulation of strategic
16 plans and policies that align with the objects of the City
17 of Perth;
- 18 (j) to ensure that the City of Perth Council discharges its
19 responsibilities under this Act, the *Local Government*
20 *Act 1995* and any other written law;
- 21 (k) to perform whatever other functions are given to a
22 councillor by this Act, the *Local Government Act 1995*
23 or any other written law.
- 24 (3) This section does not limit the roles, functions, powers,
25 obligations and responsibilities of the Lord Mayor or
26 councillors under the *Local Government Act 1995* or any other
27 written law.

28 **Division 3 — City of Perth Committee**

29 **12. City of Perth Committee**

- 30 (1) A committee called the City of Perth Committee is established.

- 1 (2) The membership of the Committee is as follows —
- 2 (a) the Premier of the State or a Minister of the Crown
- 3 nominated by the Premier, who is the Chair of the
- 4 Committee;
- 5 (b) the Minister to whom the administration of the *Local*
- 6 *Government Act 1995* is committed by the Governor
- 7 (the ***Minister for Local Government***);
- 8 (c) the Lord Mayor;
- 9 (d) the Deputy Lord Mayor of Perth;
- 10 (e) the chief executive officer of the City of Perth;
- 11 (f) the chief executive officer of the Department of the
- 12 Public Service principally assisting the Minister for
- 13 Local Government in the administration of the *Local*
- 14 *Government Act 1995*.
- 15 (3) The Premier may invite any Minister of the Crown,
- 16 Parliamentary Secretary or other member of Parliament to
- 17 attend a meeting of the Committee.

18 **13. Functions of Committee**

19 The Committee's functions are as follows —

- 20 (a) to facilitate collaboration between the State and the City
- 21 of Perth in order to further —
- 22 (i) the object set out in section 4(a); and
- 23 (ii) the objects of the City of Perth set out in
- 24 section 8;
- 25 (b) to identify and promote opportunities and strategies for
- 26 strengthening the economic, cultural, social, physical
- 27 and environmental development and growth of the Perth
- 28 Central Business District and other residential and
- 29 non-residential areas of the City of Perth;
- 30 (c) to assist in the identification and development of
- 31 mechanisms that promote greater integration between

- 1 the State's planning and development processes and
2 those of the City of Perth;
- 3 (d) to identify and promote opportunities to improve,
4 simplify and streamline the requirements and processes
5 of the City of Perth with respect to development
6 applications under the *Planning and Development*
7 *Act 2005*;
- 8 (e) to develop and promote more efficient and effective
9 transitioning arrangements for developments that are
10 undertaken by or on behalf of the State and that are to
11 become wholly or partly the responsibility of the City of
12 Perth;
- 13 (f) to identify and develop other opportunities to further —
14 (i) the object set out in section 4(a); and
15 (ii) the objects of the City of Perth set out in
16 section 8;
- 17 (g) to do anything that is incidental to the functions set out
18 in paragraphs (a) to (f).

19 **14. Meetings of Committee**

- 20 (1) The Committee must meet at least twice each year.
21 (2) The Premier decides when the Committee is to meet.

22 **15. Committee may regulate own procedure**

23 The Committee may regulate its procedure in whatever manner
24 it thinks fit.

25 **Division 4 — Boundaries of City of Perth**

26 **16. Future alteration to City of Perth boundaries only to be**
27 **made by Act of Parliament**

28 After 1 July 2016, any future alteration to the boundaries of the
29 district of Perth may only be made by Act of Parliament.

1 **17. Existing City of Perth boundaries to continue until**
2 **30 June 2016**

- 3 (1) Until the end of 30 June 2016, the district of Perth continues to
4 have the boundaries that it had immediately before this section
5 comes into operation.
- 6 (2) However, this section does not prevent the subsequent making
7 of an order under the *Local Government Act 1995* section 2.1 or
8 any other order under that Act in relation to the district of Perth
9 or any other district.
- 10 (3) Subsection (2) is subject to sections 18 and 21(3).

11 **18. City of Perth boundaries on and after 1 July 2016**

- 12 (1) On and after 1 July 2016, the district of Perth consists of the
13 land delineated in red and coloured purple on Deposited
14 Plan 404450.
- 15 (2) The map set out in Schedule 1 illustrates the boundaries of the
16 district of Perth, but is indicative only and subsection (1)
17 prevails if there is any inconsistency.
- 18 (3) The inclusion of the area known as King's Park in the district of
19 Perth by this section does not affect —
- 20 (a) the status of that area as a Class A reserve under the
21 *Land Administration Act 1997*; or
- 22 (b) the application of the *Botanic Gardens and Parks*
23 *Authority Act 1998* to that area.
- 24 (4) This section is subject to section 21.

25 **19. Boundaries of other local government districts changed**

- 26 (1) On 1 July 2016, the boundaries of the City of Nedlands are
27 changed so that the district consists of the land delineated in red
28 and coloured purple on Deposited Plan 405530.

- 1 (2) On 1 July 2016, the boundaries of the City of Subiaco are
2 changed so that the district consists of the land delineated in red
3 and coloured purple on Deposited Plan 405529.
- 4 (3) This section is subject to section 21.

5 **Division 5 — Electoral matters**

6 **20. Election of Lord Mayor**

- 7 (1) The Lord Mayor is to be elected by the electors of the district of
8 Perth under the *Local Government Act 1995* Part 4.
- 9 (2) The *Local Government Act 1995* sections 2.11 to 2.14 do not
10 apply to the City of Perth.

11 **Division 6 — Application of *Local Government Act 1995***

12 **21. *Local Government Act 1995* applies as if things done by**
13 **section 2.1 order**

- 14 (1) The following are to be taken for all purposes to have been done
15 by the Governor by an order under the *Local Government*
16 *Act 1995* section 2.1 (a ***section 2.1 order***) that comes into
17 operation when this section comes into operation —
- 18 (a) the constitution of the district of Perth by sections 17(1)
19 and 18(1);
- 20 (b) the boundary changes effected by section 19.
- 21 (2) The *Local Government Act 1995* applies accordingly, and in
22 particular (but without limitation) —
- 23 (a) Schedule 2.1 clause 11 of that Act applies in the same
24 way as it would apply if the constitution and boundary
25 changes had been done by a section 2.1 order; and
- 26 (b) regulations providing for matters to give effect to
27 section 2.1 orders also apply in that same way; and

- 1 (c) the fact that the constitution and boundary changes are
2 effected by Act does not prevent —
- 3 (i) the subsequent making of a section 2.1 order or
4 any other order under the *Local Government*
5 *Act 1995* in relation to the district of Perth or any
6 other district; or
- 7 (ii) the performance of any other function under the
8 *Local Government Act 1995* or any other written
9 law in relation to the district of Perth or any
10 district whose boundaries are changed by
11 section 19.
- 12 (3) However, an order under the *Local Government Act 1995*
13 cannot —
- 14 (a) abolish the district of Perth; or
15 (b) divide the district of Perth into wards; or
16 (c) change the boundaries of the district of Perth.

1 **Part 3 — Miscellaneous, transitional and**
2 **savings provisions**

3 **Division 1 — Review of City of Subiaco ward boundaries and**
4 **councillor numbers**

5 **22. City of Subiaco may review ward boundaries and councillor**
6 **numbers**

- 7 (1) The object of this section is to enable the City of Subiaco to
8 review its ward boundaries, and the number of offices of
9 councillor for each ward, for the purpose of ensuring that, on
10 1 July 2016, those things take account of the constitution of the
11 district of Perth by section 18(1) and the boundary changes
12 effected by section 19.
- 13 (2) After this section comes into operation and before
14 31 March 2016, the City of Subiaco may carry out a review
15 under this section of —
- 16 (a) its ward boundaries; and
17 (b) the number of offices of councillor for each ward.
- 18 (3) For the purposes of a review carried out under subsection (2) —
- 19 (a) the *Local Government Act 1995*, with all necessary
20 changes, applies to the review as if, under Schedule 2.2
21 clause 6(3) of that Act, the Local Government Advisory
22 Board had required the City of Subiaco to carry out the
23 review; and
- 24 (b) the review is to be carried out as if the constitution of
25 the district of Perth by section 18(1), and the boundary
26 changes effected by section 19, had taken effect when
27 this section comes into operation; and
- 28 (c) the local public notice of the review given under
29 Schedule 2.2 clause 7 of that Act must —
- 30 (i) state that the review is being carried out under
31 this section; and

- 1 (ii) state that the review is being carried out as if the
2 constitution of the district of Perth by
3 section 18(1), and the boundary changes effected
4 by section 19, had taken effect when this section
5 comes into operation; and
- 6 (iii) state that the review is being carried out for the
7 purpose of ensuring that, on 1 July 2016, the City
8 of Subiaco's ward boundaries, and the number of
9 offices of councillor for each ward, take account
10 of that constitution and those boundary changes;
11 and
- 12 (iv) contain an explanation of the purpose of the
13 review (as set out in subparagraph (iii)), and of
14 the basis on which it is being carried out (as set
15 out in subparagraph (ii)).
- 16 (4) If the City of Subiaco carries out a review under subsection (2),
17 it must ensure that the report that the *Local Government*
18 *Act 1995* Schedule 2.2 clause 9 requires it to make to the Local
19 Government Advisory Board on completing the review is made
20 to the Advisory Board no later than 31 March 2016.

21 **Division 2 — Provisions consequential on repeal of *City of Perth***
22 ***Restructuring Act 1993***

23 **23. Preservation of rights of City of Perth superannuation**
24 **scheme members who became employees of other local**
25 **governments**

- 26 (1) In this section —
- 27 ***City of Perth scheme*** means the superannuation scheme
28 established under the *Local Government Act 1960* section 170C,
29 as the scheme is amended from time to time;
- 30 ***employee*** and ***employer*** have the meanings given in the
31 *Superannuation Industry (Supervision) Act 1993*
32 (Commonwealth) section 10;

- 1 (ii) the repeal of the *City of Perth Restructuring*
2 *Act 1993*;
- 3 and
- 4 (b) includes a saving or application matter.
- 5 (2) If there is not sufficient provision in this Act for dealing with a
6 transitional matter, regulations under this Act may prescribe all
7 matters that are required or necessary or convenient to be
8 prescribed for dealing with the matter.
- 9 (3) Regulations made under subsection (2) may provide that
10 specified provisions of a written law —
- 11 (a) do not apply to or in relation to any matter; or
- 12 (b) apply with specified modifications to or in relation to
13 any matter.
- 14 (4) If regulations made under subsection (2) provide that a specified
15 state of affairs is taken to have existed, or not to have existed,
16 on and from a day that is earlier than the day on which the
17 regulations are published in the *Gazette* but not earlier than the
18 day this section comes into operation, the regulations have
19 effect according to their terms.
- 20 (5) If regulations made under subsection (2) contain a provision
21 referred to in subsection (4), the provision does not operate so
22 as —
- 23 (a) to affect in a manner prejudicial to any person (other
24 than the State or an authority of the State) the rights of
25 that person existing before the day of publication of
26 those regulations; or
- 27 (b) to impose liabilities on any person (other than the State
28 or an authority of the State) in respect of anything done
29 or omitted to be done before the day of publication of
30 those regulations.
- 31 (6) Regulations made under subsection (2) in relation to a matter
32 referred to in subsection (3) must be made within whatever

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Part 3 Miscellaneous, transitional and savings provisions

Division 4 Transitional and savings provisions

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1 period is reasonably and practicably necessary to deal with a
2 transitional matter.

1 **Part 4 — Repeal and amendments to other Acts**

2 **Division 1 — Repeal**

3 **26. *City of Perth Restructuring Act 1993* repealed**

4 The *City of Perth Restructuring Act 1993* is repealed.

5 **Division 2 — *Botanic Gardens and Parks Authority***
6 ***Act 1998* amended**

7 **27. Act amended**

8 This Division amends the *Botanic Gardens and Parks Authority*
9 *Act 1998*.

10 **28. Section 44A inserted**

11 At the beginning of Part 8 insert:

12

13 **44A. Executive Director, Public Health responsible for**
14 **public health matters**

15 (1) In this section —

16 *Executive Director, Public Health* has the meaning
17 given in the *Health Act 1911* section 3;

18 *public health* means the health of individuals in the
19 context of —

20 (a) the wider health of the community; and

21 (b) the combination of safeguards, policies and
22 programmes designed to protect, maintain,
23 promote and improve the health of individuals
24 and their communities and to prevent and
25 reduce the incidence of illness and disability.

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Part 4 Repeal and amendments to other Acts

Division 2 Botanic Gardens and Parks Authority Act 1998 amended

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- 1 (2) For the purposes of protecting, promoting and
2 improving public health in relation to any designated
3 land, the Executive Director, Public Health has all the
4 powers and authority of a local government under the
5 *Local Government Act 1995* as if —
6 (a) the designated land were a district for the
7 purposes of that Act; and
8 (b) the Executive Director, Public Health were the
9 local government for that district.
- 10 (3) The power and authority conferred on the Executive
11 Director, Public Health by subsection (2) includes the
12 power to make and enforce local laws under the *Local*
13 *Government Act 1995*.
- 14 (4) However —
15 (a) nothing in the *Local Government Act 1995*
16 Part 3 Division 2 Subdivision 2 (other than
17 sections 3.12(5) and (8), 3.14(1) and 3.15)
18 applies to or in respect of the making of local
19 laws by the Executive Director, Public Health;
20 and
21 (b) before making local laws, the Executive
22 Director, Public Health must consult with the
23 Authority, and consider any advice provided by
24 the Authority.
- 25 (5) If there is a conflict or inconsistency between a local
26 law made by the Executive Director, Public Health
27 under subsection (2) and a local law made by a local
28 government under the *Local Government Act 1995* or
29 any other Act, the local law made by the Executive
30 Director, Public Health prevails to the extent of the
31 conflict or inconsistency.
32

1 **29. Section 53A inserted**

2 After section 52 insert:

3

4 **53A. Local laws do not apply to King's Park**

5 (1) No local law applies to or in respect of King's Park.

6 (2) This section does not apply to or in respect of any local
7 law made by the Executive Director, Public Health
8 under section 44A(2).

9

10 **Division 3 — Local Government Act 1960 Part VIA amended**

11 **30. Act amended**

12 (1) This Division amends the *Local Government Act 1960* Part VIA
13 (as continued in operation by the *Local Government Act 1995*
14 Schedule 9.3 clause 16, and amended by the *Local Government*
15 *(Amendment of Part VIA - Employee Superannuation)*
16 *Regulations 2006*).

17 (2) The amendment of the *Local Government Act 1960* Part VIA by
18 this Division does not prevent that Part from being amended by
19 regulations made under the *Local Government Act 1995*.

20 **31. Section 170B amended**

21 In section 170B(3) delete “section 29 of the *City of Perth*
22 *Restructuring Act 1993*,” and insert:

23

24 the *City of Perth Act 2015* section 23,

25

1 **32. Section 170C amended**

2 In section 170C(1) delete “section 29 of the *City of Perth*
3 *Restructuring Act 1993*,” and insert:

4
5 the *City of Perth Act 2015* section 23,
6

7 **Division 4 — *Local Government Act 1995* amended**

8 **33. Act amended**

9 This Division amends the *Local Government Act 1995*.

10 **34. Section 5.78 amended**

11 In section 5.78(1) delete “5.82, 5.83,”.

12 **35. Section 5.82 amended**

13 (1) Delete section 5.82(1) and insert:

14

15 (1A) A relevant person is to disclose each gift received by
16 the person.

17 (1B) The disclosure is to be made in writing to the CEO.

18 (1C) The disclosure is to be made within 10 days of receipt
19 of the gift by the relevant person.

20 (1) The disclosure is to include the following —

21 (a) a description of the gift;

22 (b) the name and address of the person who made
23 the gift;

24 (c) the date on which the gift was received;

25 (d) the estimated value of the gift at the time it was
26 made;

- 1 (e) the nature of the relationship between the
2 relevant person and the person who made the
3 gift.
4
- 5 (2) In section 5.82(2):
6 (a) delete “in a return”;
7 (b) in paragraph (a)(i) delete “the return period; and” and
8 insert:
9
10 a year; and
11
- 12 **36. Section 5.83 amended**
- 13 (1) Delete section 5.83(1) and insert:
14
- 15 (1A) A relevant person is to disclose each financial or other
16 contribution that has been made to any travel
17 undertaken by the person.
- 18 (1B) The disclosure is to be made in writing to the CEO.
- 19 (1C) The disclosure is to be made within 10 days of receipt
20 of the contribution by the relevant person.
- 21 (1) The disclosure is to include the following —
22 (a) a description of the contribution;
23 (b) the name and address of the person who made
24 the contribution;
25 (c) the date on which the contribution was
26 received;
27 (d) the estimated value of the contribution at the
28 time it was made;
29 (e) the nature of the relationship between the
30 relevant person and the person who made the
31 contribution;

- 1 (f) a description of the travel;
- 2 (g) the date of travel.
- 3
- 4 (2) In section 5.83(2):
- 5 (a) delete “in a return”;
- 6 (b) in paragraph (d)(i) delete “the return period; and” and
- 7 insert:
- 8
- 9 a year; and
- 10

11 **37. Sections 5.89A and 5.89B inserted**

12 After section 5.88 insert:

13

14 **5.89A. Register of gifts and contributions to travel**

- 15 (1) A CEO is to keep a register of gifts and contributions
- 16 to travel.
- 17 (2) The register is to contain a record of the disclosures
- 18 made under sections 5.82 and 5.83.
- 19 (3) The register is to be in the form that is prescribed (if
- 20 any).
- 21 (4) The CEO is to make the register available for public
- 22 inspection.
- 23 (5) The CEO is to publish the register on the local
- 24 government’s official website.
- 25 (6) As soon as practicable after a person ceases to be a
- 26 person who is required under section 5.82 or 5.83 to
- 27 make a disclosure, the CEO is to remove from the
- 28 register all records relating to that person.

- 1 (7) Disclosures made under section 5.82 or 5.83 and
2 removed from the register under subsection (6) are, for
3 a period of at least 5 years after the person who made
4 the disclosure ceases to be a person required under
5 section 5.82 or 5.83 to make a disclosure —
6 (a) to be kept by the CEO; and
7 (b) to be made available for public inspection.

8 **5.89B. Offence to fail to disclose under sections 5.82 and**
9 **5.83**

10 A relevant person must comply with the requirements
11 of sections 5.82 and 5.83 in relation to the disclosure of
12 information.

13 Penalty: a fine of \$10 000 or imprisonment for 2 years.

14
15 **38. Section 5.89 amended**

16 In section 5.89 delete “5.70 or 5.71” and insert:

17
18 5.70, 5.71, 5.82 or 5.83

19
20 **39. Section 9.25 amended**

21 In section 9.25(1) after “5.78,” insert:

22
23 5.89B,
24

Defined terms

*[This is a list of terms defined and the provisions where they are defined.
The list is not part of the law.]*

Defined term	Provision(s)
Authority	3
City of Perth.....	3
City of Perth Council	3
City of Perth scheme	23(1)
Committee.....	3
councillor	3
Deposited Plan	3
employee.....	23(1)
employer	23(1)
industry scheme	23(1)
Lord Mayor	3
Minister for Local Government	12(2)
section 2.1 order.....	21(1)
specified.....	25(1)
transitional matter	25(1)