

# Local Government Regulations Amendment (Consequential) Regulations 2020

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Caravan Parks and Camping Grounds Act 1995  
Control of Vehicles (Off-road Areas) Act 1978  
Dog Act 1976  
Local Government Act 1995

## **Local Government Regulations Amendment (Consequential) Regulations 2020**

Made by the in Executive Council.

### **Part 1 — Preliminary**

#### **1. Citation**

These regulations are the *Local Government Regulations Amendment (Consequential) Regulations 2020*.

#### **2. Commencement**

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Local Government Legislation Amendment Act 2019* sections 5, 13, 14, 16, 17, 20, 24, 57, 64 to 66, 68, 74(1) and (2) and Part 4 come into operation.

**Part 2 — Caravan Parks and Camping Grounds  
Regulations 1997 amended**

**3. Regulations amended**

This Part amends the *Caravan Parks and Camping Grounds Regulations 1997*.

**4. Regulation 6 replaced**

Delete regulation 6 and insert:

**6. Performance of local government functions by  
authorised persons**

A function conferred on a local government by these regulations may be performed by an authorised person appointed under the *Local Government Act 1995* section 9.10(2) for the purposes of the Act or these regulations.

**5. Schedule 1 amended**

- (1) In Schedule 1 delete the List of Forms.
- (2) Delete the reference before the heading to Schedule 1 Form 1 and insert:

[r. 43, 46, 63, 64 and 68.]

- (3) In Schedule 1 Form 5:

- (a) delete the passage that begins with “Department” and ends with “government].” and insert:

Department of Local Government, Sport and Cultural Industries.

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Caravan Parks and Camping Grounds Regulations 1997  
amended

**Part 2**

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- (b) delete “\* Delete whichever is not applicable.”.

Consultation Draft

**Part 3 — Control of Vehicles (Off-road Areas)  
Regulations 1979 amended**

**6. Regulations amended**

This Part amends the *Control of Vehicles (Off-road Areas) Regulations 1979*.

**7. Regulation 14 amended**

In regulation 14:

- (a) delete “officer” and insert:

person

- (b) delete “he” and insert:

the authorised person

Note: The heading to amended regulation 14 is to read:

**Authorised person may seize and take possession of number  
plates**

**8. Regulation 36 amended**

In regulation 36:

- (a) delete “he is an authorised officer” and insert:

the person is an authorised person

- (b) delete “his” and insert:

the person’s



**9. Regulation 37 amended**

In regulation 37(a) delete “officer” and insert:

person

Note: The heading to amended regulation 37 is to read:

**Certificates of appointment and notices prohibiting use of  
vehicles**

**10. First Schedule amended**

In the First Schedule:

(a) in Form 3 delete “officer” (each occurrence) and insert:

person

(b) in Form 4 delete “authorised officer” and insert:

person authorised by the local government

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**Part 3** Control of Vehicles (Off-road Areas) Regulations 1979  
amended

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(c) delete Form 5 and insert:

**Form 5**

<p>WESTERN AUSTRALIA</p> <p><i>Control of Vehicles (Off-road Areas) Act 1978</i></p> <p>CERTIFICATE OF APPOINTMENT OF AUTHORISED PERSON</p>			
<div style="border: 1px solid black; width: 100%; height: 100%; display: flex; align-items: center; justify-content: center;"><p>[Photograph of authorised person]</p></div>	<p>This is to certify that ..... <i>[name of authorised person]</i> whose signature appears below has been appointed by the Minister for Local Government as an authorised person under the <i>Control of Vehicles (Off-road Areas) Act 1978</i>, and that the area of jurisdiction entrusted to the person under that Act is .....</p> <p>.....</p> <p style="text-align: center;">Signature (authorised person)</p> <p>.....</p> <table style="width: 100%;"><tr><td style="width: 60%;">Signature (Minister for Local Government)</td><td style="width: 40%;">Date</td></tr></table>	Signature (Minister for Local Government)	Date
Signature (Minister for Local Government)	Date		

(d) in Form 7 delete “officer” (each occurrence) and insert:  
person

**Part 4 — *Dog Regulations 2013* amended**

**11. Regulations amended**

This Part amends the *Dog Regulations 2013*.

**12. Regulation 35 amended**

Delete regulation 35(6) and insert:

- (6) An authorised person who serves an infringement notice under subregulation (1) cannot withdraw the infringement notice on behalf of the local government under subregulation (5).

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**13. Schedule 1 Form 1 replaced**

Delete Schedule 1 Form 1 and insert:

**Form 1**

[r. 14]

<i>Dog Act 1976 s. 11(3)</i> <b>Certificate of authorisation</b>	
<sup>(1)</sup> .....	
<div style="border: 1px solid black; padding: 5px; min-height: 100px;">[Photograph of authorised person]</div>	This is to certify that <sup>(2)</sup> ..... has been appointed by the <sup>(1)</sup> ..... ..... to exercise the powers of a registration officer in accordance with the provisions of the <i>Dog Act 1976</i> .
Signed .....	
CEO of the <sup>(1)</sup> .....	
.....	.....
Signature of authorised person	Date

**Insert:**

- <sup>(1)</sup> name of local government;
- <sup>(2)</sup> name of authorised person.

Note: The heading to regulation 14 is to read:

**Certificates of authorisation**

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**Part 5 — *Local Government (Administration)  
Regulations 1996* amended**

**14. Regulations amended**

This Part amends the *Local Government (Administration) Regulations 1996*.

**15. Part 1A inserted**

After regulation 3 insert:

**Part 1A — Public notices**

**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

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**Part 5** Local Government (Administration) Regulations 1996  
amended

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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;
- (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.

**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.

**16. Regulation 10 amended**

Delete regulation 10(2) and insert:

- (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.

**17. Regulation 11 amended**

In regulation 11:

- (a) in paragraph (f) delete “interest.” and insert:  
interest; and

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- (b) after paragraph (f) insert:
  - (g) any document attached to a council or committee meeting agenda unless the meeting or that part of the meeting to which the document refers is closed to members of the public.

**18. Regulations 12 and 13 replaced**

Delete regulations 12 and 13 and insert:

**12. Publishing date, time and place of meetings  
(Act s. 5.25(1)(g))**

- (1) In this regulation —  
*meeting details* means the date and time when, and the place where, a 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.

**13. Publishing 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 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.
- (3) The unconfirmed minutes of a committee meeting must be published within 7 days after the meeting.

**19. Regulation 14 amended**

- (1) In regulation 14(1) after "public" insert:

and published on the local government's official website

- (2) In regulation 14(2) delete "Nothing in subregulation (1) entitles members of the public to inspect the information referred to in that subregulation" and insert:

Subregulation (1) does not apply

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**20. Regulations 19B and 19CA replaced**

Delete regulations 19B and 19CA and insert:

**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 is to contain the following —
  - (a) the number of employees of the local government entitled to an annual salary of \$100 000 or more;
  - (b) the number of employees of the local government entitled to an annual salary that falls within each band of \$10 000 over \$100 000;
  - (c) any remuneration and allowances paid by the local government under Schedule 5.1 clause 9;
  - (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;
  - (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;
  - (g) an overview of the gender, linguistic background and country of birth of council members;

- (h) 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) 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.

**21. Regulation 19D replaced**

Delete regulation 19D and insert:

**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.

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**Part 5** Local Government (Administration) Regulations 1996  
amended

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- (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.

**22. Regulation 29 amended**

- (1) Delete regulation 29(1)(baa), (c) and (d).
- (2) Delete regulation 29(2) and (3).

**23. Regulation 29A amended**

Delete regulation 29A(1).

**24. Regulations 29C and 29D inserted**

At the end of Part 7 insert:

**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) a standards panel established under section 5.122(1) or (2);

(f) 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 or its council, a council member or the CEO;
  - (c) an up-to-date version of each policy of the local government that relates to deciding applications made to the local government and any previous version of that policy;
  - (d) the name of each council member who lodged a primary return or annual return for a financial year;
  - (e) the position of each employee who lodged a primary return or annual return for a financial year;
  - (f) the type, and the amount or value, of any fees, expenses or allowances paid to each council member during a financial year.
- (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.

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**Part 5** Local Government (Administration) Regulations 1996  
amended

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- (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.

**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).

**25. Regulation 34B amended**

- (1) In regulation 34B(1) insert in alphabetical order:

*employee* does not include the CEO;

- (2) In regulation 34B(4)(d) delete "is an employee" and insert:

accepted the gift

**Part 6 — Local Government (Elections)  
Regulations 1997 amended**

**26. Regulations amended**

This Part amends the *Local Government (Elections) Regulations 1997*.

**27. Regulation 30G amended**

After regulation 30G(4) insert:

- (5) The CEO must publish an up-to-date version of the electoral gift register on the local government’s official website.
- (6) The version of the electoral gift register published under subregulation (5) must not include the address of an individual included in a “disclosure of gifts” form and must instead include the town or suburb mentioned in the address.

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

**Electoral gift register**

**28. Regulation 30I amended**

In regulation 30I(2) delete the definition of ***publish*** and insert:

***publish*** has the meaning that the term has in the law of tort (as modified by the *Defamation Act 2005*) relating to defamation.



**29. Regulation 43 amended**

In regulation 43(1)(ba) delete “gifts” and insert:

gift

**30. Regulation 73 amended**

Delete regulation 73(5) and insert:

- (5) The notice under subregulation (1) or (3) must be published on the local government’s official website for a period of not less than 3 days.
- (5A) If the notice under subregulation (1) or (3) is given in a way prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2)(d), (f) or (g), the period specified in relation to the notice is not less than 3 days.

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**Part 7** Local Government (Financial Management) Regulations 1996  
amended

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**Part 7 — Local Government (Financial Management)  
Regulations 1996 amended**

**31. Regulations amended**

This Part amends the *Local Government (Financial Management) Regulations 1996*.

**32. Regulation 27 amended**

In regulation 27(1) delete “president —” and insert:

president, for each person —

**33. Regulation 44 amended**

In regulation 44 delete “include —” and insert:

include, for each person —

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**Part 8 — *Local Government (Functions and General)  
Regulations 1996* amended**

**34. Regulations amended**

This Part amends the *Local Government (Functions and General) Regulations 1996*.

**35. Regulation 15 amended**

(1) Delete regulation 15(1) and insert:

(1) If a notice under regulation 14(1) is given, the date and time referred to in regulation 14(3)(d) must be at least 14 days after the notice is —

- (a) published on the local government’s official website; and
- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

(2) In relation 15(2) delete “given.” and insert:

given to the person.

**36. Regulation 17 amended**

After regulation 17(1) insert:

(1A) The CEO must publish the tenders register on the local government’s official website.

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Regulations 2020**

**Part 8** Local Government (Functions and General) Regulations 1996  
amended

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**37. Regulation 22 amended**

In regulation 22 delete the passage that begins with “is first published” and continues to the end of the regulation and insert:

is —

- (a) published on the local government’s official website; and
- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

**38. Regulation 24AE amended**

In regulation 24AE delete the passage that begins with “is first published” and continues to the end of the regulation and insert:

is —

- (a) published on the local government’s official website; and
- (b) published in at least 3 of the ways prescribed in the *Local Government (Administration) Regulations 1996* regulation 3A(2).

**39. Regulation 24E amended**

In regulation 24E(1):

- (a) in paragraph (c) delete “notice.” and insert:  
notice; and

(b) after paragraph (c) insert:

(d) publish the proposed regional price preference policy on the local government's official website.

**40. Regulation 24F amended**

Delete regulation 24F(4)(b) and insert:

(b) published on the local government's official website.

**41. Regulation 30 amended**

Delete regulation 30(2b) and insert:

- (2b) Details of a disposition of property under subregulation (2a) must, for a period of 1 year beginning on the day of the initial auction or tender —
- (a) be made available for public inspection; and
  - (b) be published on the local government's official website.

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**Part 9** Local Government (Regional Subsidiaries) Regulations 2017  
amended

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**Part 9 — Local Government (Regional Subsidiaries)  
Regulations 2017 amended**

**42. Regulations amended**

This Part amends the *Local Government (Regional Subsidiaries) Regulations 2017*.

**43. Regulation 18 amended**

Delete regulation 18(7) and (8) and insert:

- (7) The *Local Government (Administration) Regulations 1996* regulation 19B(2)(a), (b) and (e) apply in relation to a regional subsidiary as if amended by the general modifications.

Clerk of the Executive Council