

# Local Government Legislation Amendment Bill 2014

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Western Australia

LEGISLATIVE ASSEMBLY

## **Local Government Legislation Amendment Bill 2014**

**A Bill for**

**An Act —**

- **to make various amendments to the *Local Government Act 1995*;**  
**and**
- **to amend the *Local Government Act 1995* to enable local governments to form regional subsidiaries and to make consequential amendments to other Acts; and**
- **to amend the *Botanic Gardens and Parks Authority Act 1998*, the *Land Administration Act 1997* and the *Rottnest Island Authority Act 1987* with respect to local government powers.**

The Parliament of Western Australia enacts as follows:

1  
2  
3  
4  
5  
6  
7  
8  
9

**Part 1 — Preliminary**

**1. Short title**

This is the *Local Government Legislation Amendment Act 2014*.

**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 a day fixed by proclamation, and different days may be fixed for different provisions.



1           **Part 2 — *Local Government Act 1995* amended**

2   **3.       Act amended**

3           This Part amends the *Local Government Act 1995*.

4   **4.       Section 1.4 amended**

5           In section 1.4 insert in alphabetical order:

6

7                       *regional local government* means a regional local  
8                       government established under section 3.61;

9                       *regional subsidiary* means a regional subsidiary  
10                      established under section 3.69;

11

12   **5.       Section 3.12 amended**

13           After section 3.12(1) insert:

14

15           (2A)   Despite subsection (1), a failure to follow the  
16                    procedure described in this section does not invalidate  
17                    a local law if there has been substantial compliance  
18                    with the procedure.

19

20   **6.       Section 3.60 amended**

21           In section 3.60 before “unless” insert:

22

23           or regional subsidiary

24

**s. 7**

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1 **7. Part 3 Division 4 heading amended**

2 In the heading to Part 3 Division 4 after “**governments**” insert:

3

4 **and regional subsidiaries**

5

6 **8. Section 3.68 amended**

7 In section 3.68 delete “this Division” and insert:

8

9 sections 3.61 to 3.67

10

11 **9. Sections 3.69 to 3.72 inserted**

12 At the end of Part 3 Division 4 insert:

13

14 **3.69. Regional subsidiaries**

15 (1) Two or more local governments making arrangements  
16 under which they are to provide a service or carry on  
17 an activity jointly may, with the Minister’s approval  
18 and in accordance with the regulations, form a  
19 subsidiary body (called a *regional subsidiary*) to  
20 provide that service or carry on that activity.

21 (2) If the Minister approves the formation of a regional  
22 subsidiary, the Minister must, by notice in the *Gazette*,  
23 declare that the regional subsidiary is established —

24 (a) on the date set out in the notice; and

25 (b) under the name set out in the notice.

26 (3) A regional subsidiary —

27 (a) is a body corporate with perpetual succession  
28 and a common seal; and

1 (b) is to have a governing body consisting of  
2 members appointed in accordance with the  
3 regional subsidiary's charter (as approved by  
4 the Minister in accordance with  
5 section 3.70(3)).

6 (4) Without limiting subsection (3)(b), a governing body  
7 may consist of or include members who are not council  
8 members or employees.

9 **3.70. Regional subsidiaries to have charter**

10 (1) Local governments proposing to form a regional  
11 subsidiary must prepare a charter addressing the  
12 following matters —

- 13 (a) the establishment and powers and duties of the  
14 regional subsidiary;
- 15 (b) the process for selecting and appointing  
16 members of the regional subsidiary's governing  
17 body;
- 18 (c) the qualifications that members of the regional  
19 subsidiary's governing body must have;
- 20 (d) the administration of the regional subsidiary,  
21 including the membership and procedures of its  
22 governing body, and the fees, allowances and  
23 expenses to be paid or reimbursed to the  
24 members of its governing body;
- 25 (e) the financial management, planning, auditing  
26 and reporting to be undertaken by the regional  
27 subsidiary;
- 28 (f) the process for amending the charter;
- 29 (g) the winding up of the regional subsidiary;
- 30 (h) any other matters required by the regulations to  
31 be dealt with in a charter.

**s. 9**

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- 1 (2) The local governments must forward the charter to the  
2 Minister when applying for approval for the formation  
3 of the regional subsidiary.
- 4 (3) A charter, and an amendment to a charter, are of no  
5 effect unless approved by the Minister.

6 **3.71. Regulations about regional subsidiaries**

7 Regulations may —

- 8 (a) regulate the procedure for applying to the  
9 Minister for approval for the formation of a  
10 regional subsidiary; and
- 11 (b) require the local governments proposing to  
12 form a regional subsidiary to consult with the  
13 community in their districts in accordance with  
14 the regulations; and
- 15 (c) provide that a specified provision of this Act  
16 applies in relation to a regional subsidiary  
17 subject to any prescribed or necessary  
18 modifications; and
- 19 (d) provide for or regulate any other matter that is  
20 necessary or convenient to be provided for or  
21 regulated in respect of a regional subsidiary.

22 **3.72. Other provisions and arrangements not affected**

- 23 (1) Section 3.69 has effect in addition to the provisions of  
24 this Division relating to regional local governments,  
25 and does not derogate from those provisions.
- 26 (2) Nothing in section 3.69 prevents local governments  
27 from making arrangements under which —
- 28 (a) a local government provides a service or carries  
29 on an activity for another local government; or

- 1 (b) local governments provide a service or carry on  
2 an activity jointly without forming a regional  
3 subsidiary.  
4

5 **10. Section 4.88 amended**

- 6 (1) Delete section 4.88(1) and insert:  
7

- 8 (1) A person must not, during the relevant period in  
9 relation to an election —

10 (a) print, publish or distribute deceptive material;  
11 or

12 (b) cause deceptive material to be printed,  
13 published or distributed.

14 Penalty: a fine of \$5 000 or imprisonment for one year.  
15

- 16 (2) In section 4.88(2) delete “subsection (1)(a)” and insert:  
17

18 subsection (1)  
19

- 20 (3) Delete section 4.88(3).

21 Note: The heading to amended section 4.88 is to read:

22 **Offence to print, publish or distribute misleading or deceptive**  
23 **material**

24 **11. Section 5.49 amended**

25 In section 5.49(1) in the definition of *eligible body* after  
26 paragraph (b) insert:  
27

28 (ca) a regional subsidiary; or  
29

**s. 12**

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1 **12. Section 5.63 amended**

2 Delete section 5.63(1)(c) and insert:

3

4 (c) an interest relating to —

5 (i) a fee, reimbursement of an expense or  
6 an allowance to which section 5.98,  
7 5.98A, 5.99, 5.99A, 5.100 or 5.101(2)  
8 refers; or

9 (ii) a gift permitted by section 5.100A; or

10 (iii) reimbursement of an expense that is the  
11 subject of regulations made under  
12 section 5.101A;

13 or

14

15 **13. Section 5.99A amended**

16 (1) In section 5.99A:

17 (a) delete “A local government” and insert:

18

19 (1) A local government

20

21 (b) after “pay all” insert:

22

23 eligible

24

1 (2) At the end of section 5.99A insert:  
2

3 (2) For the purposes of subsection (1), a council member is  
4 eligible to be paid an annual allowance under  
5 subsection (1) for a type of expense only in the  
6 following cases —

7 (a) in the case of an annual allowance that is paid  
8 in advance, if it is reasonably likely that the  
9 council member will incur expenses of that type  
10 during the period to which the allowance  
11 relates;

12 (b) in the case of an annual allowance that is not  
13 paid in advance, if the council member has  
14 incurred expenses of that type during the period  
15 to which the allowance relates.  
16

17 **14. Sections 5.102AA to 5.102AC inserted**

18 At the end of Part 5 Division 8 insert:  
19

20 **5.102AA. Apportionment of annual payments**

21 A determination made by the Salaries and Allowances  
22 Tribunal under the *Salaries and Allowances Act 1975*  
23 section 7B may provide for the payment of a  
24 proportion of an annual allowance or annual fee  
25 payable under this Division if a person holds the office  
26 to which the allowance or fee relates for only part of a  
27 year.

**s. 14**

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- 1           **5.102AB. Repayment of advance annual payments if**  
2           **recipient ceases to hold office**
- 3           (1) This section applies if —
- 4                 (a) a local government pays an annual allowance or  
5                 annual fee under this Division to a person in  
6                 advance (either wholly or in part); and
- 7                 (b) the person ceases to hold the office to which the  
8                 allowance or fee relates before the end of the  
9                 period to which the advance payment relates.
- 10          (2) Regulations may be made —
- 11                 (a) requiring the repayment to a local government,  
12                 to the extent determined in accordance with the  
13                 regulations, of an advance payment of an  
14                 annual allowance or annual fee in the  
15                 circumstances to which this section applies; and
- 16                 (b) providing for a local government to recover any  
17                 amount repayable if it is not repaid.
- 18           **5.102AC. Application of this Division to regional local**  
19           **governments**
- 20           (1) This Division applies, and is to be taken to have always  
21           applied, in accordance with section 3.66(1) and (5) to  
22           and in relation to regional local governments, members  
23           and deputy members of the councils of regional local  
24           governments and chairmen and deputy chairmen of  
25           regional local governments.
- 26           (2) This section does not limit section 3.66.
- 27



1 **15. Section 5.110A inserted**

2 After section 5.109 insert:

3

4 **5.110A. Withdrawal of complaint of minor breach**

5 (1) This section applies to the following complaints —

6 (a) a complaint made under section 5.107, other  
7 than a complaint that, under section 5.115, the  
8 complaints officer has sent to the Departmental  
9 CEO;

10 (b) a complaint made under section 5.114 that,  
11 under section 5.108, the Departmental CEO has  
12 sent to the complaints officer;

13 (c) a complaint made under section 5.109.

14 (2) A person who has made a complaint to which this  
15 section applies can withdraw the complaint at any time  
16 before a standards panel does either of the things that it  
17 is required to do under section 5.110(2) in relation to  
18 the complaint.

19 (3) A withdrawal of a complaint —

20 (a) must be in writing; and

21 (b) must be sent to the member of the primary  
22 standards panel who is appointed under  
23 Schedule 5.1 clause 2(a).

24 (4) If a complaint is withdrawn —

25 (a) the member of the primary standards panel who  
26 is appointed under Schedule 5.1 clause 2(a)  
27 must, as soon as practicable after receiving the  
28 withdrawal —

29 (i) give to the person who made the  
30 complaint an acknowledgment in

**s. 15**

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- 1 writing that the withdrawal of the  
2 complaint has been received; and
- 3 (ii) notify the council member about whom  
4 the complaint was made and the  
5 complaints officer that the complaint  
6 has been withdrawn;
- 7 and
- 8 (b) neither the member of the primary standards  
9 panel who is appointed under Schedule 5.1  
10 clause 2(a) nor a standards panel is to take any  
11 action or, as the case requires, any further  
12 action under section 5.110 in relation to the  
13 complaint; and
- 14 (c) a further complaint about the matter that is the  
15 subject of the withdrawn complaint cannot be  
16 made (whether by the original complainant or  
17 anyone else) unless the member of the primary  
18 standards panel who is appointed under  
19 Schedule 5.1 clause 2(a) is satisfied that it is  
20 appropriate to do so in the circumstances.
- 21 (5) Without limiting subsection (2), a complaint cannot be  
22 withdrawn if, under section 5.111, a standards panel  
23 has sent the complaint to the Departmental CEO, even  
24 if the Departmental CEO subsequently decides not to  
25 make an allegation under section 5.112(2).
- 26 (6) Despite subsection (4) —
- 27 (a) even though a complaint has been withdrawn, a  
28 standards panel can deal with the complaint as  
29 if it had not been withdrawn if the member of  
30 the primary standards panel who is appointed  
31 under Schedule 5.1 clause 2(a) is satisfied that  
32 it is appropriate to do so in the circumstances;  
33 and

- 1                   (b) if paragraph (a) applies, the member of the  
2                   primary standards panel who is appointed under  
3                   Schedule 5.1 clause 2(a) must notify the parties  
4                   and the complaints officer that a standards  
5                   panel is to deal with the complaint.  
6

7   **16.     Section 5.110 amended**

- 8       (1) After section 5.110(2) insert:  
9

- 10           (3A) However, a standards panel can at any stage of its  
11           proceedings refuse to deal with a complaint if the  
12           standards panel is satisfied that the complaint is  
13           frivolous, vexatious, misconceived or without  
14           substance.  
15

- 16       (2) Delete section 5.110(4) and insert:  
17

- 18           (4) A standards panel must give each party written notice  
19           of the reasons for —  
20               (a) any finding it makes under subsection (2); or  
21               (b) any refusal under subsection (3A) to deal with a  
22               complaint.  
23

24   **17.     Section 6.23 amended**

- 25       After section 6.23(3) insert:  
26

- 27           (4) In relation to a regional subsidiary, a receiver is  
28           entitled to receive whichever of the following over  
29           which security has been given in a particular case —  
30               (a) the financial contributions of the participants to  
31               the regional subsidiary's funds as set out or

**s. 18**

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- 1 provided for in the regional subsidiary's  
2 charter;
- 3 (b) Government grants that were not given to the  
4 regional subsidiary for a specific purpose;
- 5 (c) the general funds of a participant to the extent  
6 that those funds secure financial  
7 accommodation extended to the regional  
8 subsidiary.  
9

10 **18. Section 9.15 amended**

11 In section 9.15 delete the definition of *authorised person* and  
12 insert:

13  
14 *authorised person* means a person appointed under  
15 section 9.10(1) by the local government to be an  
16 authorised person for the purposes of section 9.16;  
17

18 **19. Section 9.17 amended**

19 In section 9.17(1):

- 20 (a) in paragraph (b) delete “an authorised person” and  
21 insert:

22  
23 the CEO of the local government  
24

- 25 (b) delete paragraph (c) and insert:

- 26  
27 (c) inform the alleged offender how and where the  
28 money may be paid.  
29

1 **20. Section 9.19 amended**

2 In section 9.19 delete “An authorised person” and insert:

3

4 The CEO of a local government

5

6 **21. Section 9.20 amended**

7 In section 9.20(1) delete “an authorised person” and insert:

8

9 the CEO of the local government

10

11 **22. Section 9.23 deleted**

12 Delete section 9.23.

13 **23. Schedule 2.1 clause 11 amended**

14 After Schedule 2.1 clause 11(4) insert:

15

16 (5A) The value of compensation required to be made under  
17 subclause (4)(a) to a person whose contract of employment  
18 with a local government is terminated or varied is not to  
19 exceed in total —

20 (a) in the case of a person whose contract of  
21 employment is terminated —

22 (i) if the person’s employment is governed by  
23 a written contract in accordance with  
24 section 5.39, the maximum amount of  
25 money to which the person is entitled, under  
26 that contract, if the contract is terminated  
27 before the expiry date; or

28 (ii) in any other case, the value of the person’s  
29 final annual remuneration, as calculated in  
30 accordance with regulations made for the  
31 purposes of section 5.50(3);

32 or

**s. 24**

---

- 1 (b) in the case of a person whose contract of  
2 employment is varied, the lesser of —
- 3 (i) the amount that the person would have been  
4 entitled to if the person's contract of  
5 employment had been terminated before the  
6 expiry date; or
- 7 (ii) the value of the person's annual  
8 remuneration for the year ending on the  
9 date of the variation, calculated in  
10 accordance with regulations made for the  
11 purposes of section 5.50(3) as if the  
12 person's contract of employment had  
13 terminated on that date.
- 14 (5B) For the purposes of subclause (5A), the total value of the  
15 compensation required to be made to a person includes all  
16 amounts to which the person is entitled under a contract of  
17 employment or award relating to the person as an employee  
18 of the local government.  
19

20 **24. Schedule 2.1 clause 12 inserted**

21 After Schedule 2.1 clause 11 insert:  
22

23 **12. Registration of documents**

- 24 (1) In this clause —  
25 *relevant official* means —
- 26 (a) the Registrar of Titles under the *Transfer of Land*  
27 *Act 1893*; or
- 28 (b) the Registrar of Deeds and Transfers under the  
29 *Registration of Deeds Act 1856*; or
- 30 (c) the Minister administering the *Land Administration*  
31 *Act 1997*; or
- 32 (d) any other person authorised by a written law to  
33 record and give effect to the registration of

- 1 documents relating to transactions affecting any  
2 estate or interest in land or any other property.
- 3 (2) The relevant officials are —
- 4 (a) to take notice of an order of the kind referred to in  
5 clause 11(3) relating to property, rights and  
6 liabilities; and
- 7 (b) to record and register in the appropriate manner the  
8 documents necessary to show the effect of the order  
9 as it relates to those matters.  
10

11 **25. Schedule 9.3 Division 3 inserted**

12 At the end of Schedule 9.3 insert:  
13

14 **Division 3 — Provisions for *Local Government Legislation***  
15 ***Amendment Act 2014***

16 **45. Term used: amending Act**

17 In this Division —  
18 ***amending Act*** means the *Local Government Legislation*  
19 *Amendment Act 2014*.

20 **46. Part 5 Division 9: complaints**

21 Sections 5.110A and 5.110 (as amended by the amending  
22 Act) apply to and in relation to a complaint whether made  
23 before or after the amending Act section 15 comes into  
24 operation.

25 **47. Part 9 Division 2 Subdivision 2**

- 26 (1) An infringement notice given under section 9.16 before the  
27 amending Act section 19 comes into operation is not invalid,  
28 and is to be taken never to have been invalid, just because  
29 the notice provided that the amount of the modified penalty  
30 may be paid to an authorised person at a particular place and

**s. 25**

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- 1 did not state who are authorised persons for the purposes of  
2 receiving payment of modified penalties.
- 3 (2) Any extension of time for payment given under section 9.19  
4 before the amending Act section 20 comes into operation is  
5 to be taken to have been given by the CEO of the relevant  
6 local government.
- 7 (3) Any withdrawal of an infringement notice before the  
8 amending Act section 21 comes into operation is to be taken  
9 to have been done by the CEO of the relevant local  
10 government.
- 11 **48. Schedule 2.1: transitional arrangements**
- 12 Schedule 2.1 clause 11(5A) and (5B) apply to and in  
13 relation to the termination or variation of a contract of  
14 employment whether entered into before or after the  
15 amending Act section 23 comes into operation.  
16



1 **Part 3 — Amendments to other Acts in relation to local**  
2 **government powers**

3 **Division 1 — *Botanic Gardens and Parks Authority***  
4 ***Act 1998 amended***

5 **26. Act amended**

6 This Division amends the *Botanic Gardens and Parks Authority*  
7 *Act 1998*.

8 **27. Section 44A inserted**

9 At the beginning of Part 8 insert:  
10

11 **44A. Executive Director, Public Health responsible for**  
12 **public health matters**

13 (1) In this section —

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

16 *public health* means the health of individuals in the  
17 context of —

- 18 (a) the wider health of the community; and  
19 (b) the combination of safeguards, policies and  
20 programmes designed to protect, maintain,  
21 promote and improve the health of individuals  
22 and their communities and to prevent and  
23 reduce the incidence of illness and disability.

24 (2) For the purposes of protecting, promoting and  
25 improving public health in relation to any designated  
26 land, the Executive Director, Public Health has all the

**Local Government Legislation Amendment Bill 2014**

**Part 3** Amendments to other Acts in relation to local government powers  
Botanic Gardens and Parks Authority Act 1998 amended

**s. 27**

---

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

1   **28.     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 2 — *Land Administration Act 1997* amended**

11   **29.     Act amended**

12           This Division amends the *Land Administration Act 1997*.

13   **30.     Section 53A inserted**

14           At the end of Part 4 insert:

15

16           **53A.     Executive Director, Public Health responsible for**  
17           **public health matters in class A reserves**

18           (1) In this section —

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

21           *public health* means the health of individuals in the  
22           context of —

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

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

**Local Government Legislation Amendment Bill 2014**

**Part 3** Amendments to other Acts in relation to local government powers

Land Administration Act 1997 amended

**s. 30**

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- 1 (2) For the purposes of protecting, promoting and  
2 improving public health in relation to any class A  
3 reserve, the Executive Director, Public Health has all  
4 the powers and authority of a local government under  
5 the *Local Government Act 1995* as if —  
6 (a) the class A reserve 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 in relation to a  
22 class A reserve, the Executive Director, Public  
23 Health must —  
24 (i) consult with the management body of  
25 the reserve or, if there is no  
26 management body, the Minister; and  
27 (ii) consider any advice provided by the  
28 management body or, as the case  
29 requires, the Minister.
- 30 (5) If there is a conflict or inconsistency between a local  
31 law made by the Executive Director, Public Health  
32 under subsection (2) and a local law made by a local  
33 government under the *Local Government Act 1995* or

1                   any other Act, the local law made by the Executive  
2                   Director, Public Health prevails to the extent of the  
3                   conflict or inconsistency.  
4

5                   **Division 3 — Rottnest Island Authority Act 1987 amended**

6                   **31. Act amended**

7                   This Division amends the *Rottnest Island Authority Act 1987*.

8                   **32. Section 45 replaced**

9                   Delete section 45 and insert:  
10

11                   **45. Executive Director, Public Health responsible for**  
12                   **public health matters**

13                   (1) In this section —

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

16                   *public health* means the health of individuals in the  
17                   context of —

- 18                   (a) the wider health of the community; and  
19                   (b) the combination of safeguards, policies and  
20                   programmes designed to protect, maintain,  
21                   promote and improve the health of individuals  
22                   and their communities and to prevent and  
23                   reduce the incidence of illness and disability.

24                   (2) For the purposes of protecting, promoting and  
25                   improving public health in relation to the Island, the  
26                   Executive Director, Public Health has all the powers  
27                   and authority of a local government under the *Local*  
28                   *Government Act 1995* as if —

- 29                   (a) the Island were a district for the purposes of  
30                   that Act; and

**Local Government Legislation Amendment Bill 2014**

**Part 3** Amendments to other Acts in relation to local government powers

**Division 3** Rottneest Island Authority Act 1987 amended

**s. 32**

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

1           **Part 4 — Amendments to other Acts in relation to**  
2                                   **regional subsidiaries**

3           **Division 1 — *Biosecurity and Agriculture Management***  
4                                   ***Act 2007* amended**

5   **33.       Act amended**

6           This Division amends the *Biosecurity and Agriculture*  
7           *Management Act 2007*.

8   **34.       Section 6 amended**

9           In section 6 in the definition of *public authority* delete  
10           paragraph (d) and insert:

11                                   (d) a local government, regional local government  
12                                   or regional subsidiary;

15                                   **Division 2 — *Building Act 2011* amended**

16   **35.       Act amended**

17           This Division amends the *Building Act 2011*.

18   **36.       Section 125 amended**

19           In section 125(2) delete “government or regional local  
20           government.” and insert:

21                                   government, regional local government or regional subsidiary.  
22  
23

**Local Government Legislation Amendment Bill 2014**

**Part 4** Amendments to other Acts in relation to regional subsidiaries

**Division 3** Building Services (Registration) Act 2011 amended

**s. 37**

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1 **Division 3 — *Building Services (Registration) Act 2011* amended**

2 **37. Act amended**

3 This Division amends the *Building Services (Registration)*  
4 *Act 2011*.

5 **38. Section 3 amended**

6 In section 3 in the definition of *public authority* delete  
7 paragraph (c) and insert:

8  
9 (c) a local government, regional local government  
10 or regional subsidiary;

11

12 **Division 4 — *Business Names (Commonwealth Powers)***  
13 ***Act 2012* amended**

14 **39. Act amended**

15 This Division amends the *Business Names (Commonwealth*  
16 *Powers) Act 2012*.

17 **40. Section 3 amended**

18 In section 3 in the definition of *government body* delete  
19 paragraph (b) and insert:

20  
21 (b) a local government, regional local government  
22 or regional subsidiary;

23



1           **Division 5 — *Child Care Services Act 2007* amended**

2   **41.     Act amended**

3           This Division amends the *Child Care Services Act 2007*.

4   **42.     Section 3 amended**

5           In section 3 in the definition of *public authority* delete  
6           paragraph (c) and insert:

7

8                       (c) a local government, regional local government  
9                       or regional subsidiary; or

10

11                       **Division 6 — *Children and Community Services***  
12                       ***Act 2004* amended**

13   **43.     Act amended**

14           This Division amends the *Children and Community Services*  
15           *Act 2004*.

16   **44.     Section 3 amended**

17           In section 3 in the definition of *public authority* delete  
18           paragraph (c) and insert:

19

20                       (c) a local government, regional local government  
21                       or regional subsidiary; or

22

23           **Division 7 — *Civil Judgments Enforcement Act 2004* amended**

24   **45.     Act amended**

25           This Division amends the *Civil Judgments Enforcement*  
26           *Act 2004*.

**Local Government Legislation Amendment Bill 2014**

**Part 4** Amendments to other Acts in relation to regional subsidiaries

**Division 8** Civil Liability Act 2002 amended

**s. 46**

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1 **46. Section 63 amended**

2 In section 63(1) in the definition of *public authority* delete  
3 “government or a regional local government.” and insert:

4

5 government, regional local government or regional subsidiary.

6

7 **47. Section 107 amended**

8 In section 107(2)(b) delete “government or a regional local  
9 government,” and insert:

10

11 government, regional local government or regional subsidiary,

12

13 **Division 8 — *Civil Liability Act 2002* amended**

14 **48. Act amended**

15 This Division amends the *Civil Liability Act 2002*.

16 **49. Section 5U amended**

17 In section 5U in the definition of *public body or officer* delete  
18 paragraph (f) and insert:

19

20 (f) a local government, regional local government  
21 or regional subsidiary; or

22

23 **Division 9 — *Commissioner for Children and Young People*  
24 *Act 2006* amended**

25 **50. Act amended**

26 This Division amends the *Commissioner for Children and*  
27 *Young People Act 2006*.

1 **51. Section 5 amended**

2 In section 5 in the definition of *government agency* delete  
3 paragraph (c) and insert:

4  
5 (c) a local government, regional local government  
6 or regional subsidiary; or  
7

8 **Division 10 — *Community Protection (Offender Reporting)***  
9 ***Act 2004* amended**

10 **52. Act amended**

11 This Division amends the *Community Protection (Offender*  
12 *Reporting) Act 2004*.

13 **53. Section 3 amended**

14 (1) In section 3 in the definition of *public authority* delete  
15 paragraph (b) and insert:

16  
17 (b) a local government, regional local government  
18 or regional subsidiary; or  
19

20 (2) In section 3 in the definition of *public authority* after  
21 paragraph (a) insert:

22  
23 or  
24

25 **Division 11 — *Corruption and Crime Commission Act 2003***  
26 **amended**

27 **54. Act amended**

28 This Division amends the *Corruption and Crime Commission*  
29 *Act 2003*.

**Local Government Legislation Amendment Bill 2014**

**Part 4** Amendments to other Acts in relation to regional subsidiaries

**Division 12** The Criminal Code amended

**s. 55**

---

1 **55. Section 3 amended**

2 In section 3 in the definition of *public authority* paragraph (c)  
3 delete “regional local government” and insert:

4

5 regional local government, regional subsidiary

6

7 **Division 12 — *The Criminal Code* amended**

8 **56. Act amended**

9 This Division amends *The Criminal Code*.

10 **57. Section 446 amended**

11 In section 446(1) in the definition of *public property* delete  
12 paragraph (d) and insert:

13

14 (d) a local government, regional local government  
15 or regional subsidiary.

16

17 **Division 13 — *Duties Act 2008* amended**

18 **58. Act amended**

19 This Division amends the *Duties Act 2008*.

20 **59. Section 3 amended**

21 In section 3 in the definition of *local government* paragraph (b)  
22 after “government” insert:

23

24 or regional subsidiary

25

1        **Division 14 — *Emergency Management Act 2005* amended**

2        **60.        Act amended**

3                This Division amends the *Emergency Management Act 2005*.

4        **61.        Section 3 amended**

5                (1) In section 3 in the definition of *public authority* delete  
6                paragraph (c) and insert:

7

8                                (c) a local government, regional local government  
9                                or regional subsidiary; or

10

11                (2) In section 3 in the definition of *public authority* after each of  
12                paragraphs (a), (b) and (d) insert:

13

14                or

15

16        **Division 15 — *Fines, Penalties and Infringement Notices***  
17        ***Enforcement Act 1994* amended**

18        **62.        Act amended**

19                This Division amends the *Fines, Penalties and Infringement*  
20                *Notices Enforcement Act 1994*.

21        **63.        Section 70 amended**

22                In section 70(1) in the definition of *public authority* delete  
23                “government or a regional local government.” and insert:

24

25                government, regional local government or regional subsidiary.

26

1 **Division 16 — *Freedom of Information Act 1992* amended**

2 **64. Act amended**

3 This Division amends the *Freedom of Information Act 1992*.

4 **65. Glossary amended**

5 (1) In the Glossary clause 1 in the definition of *principal officer*  
6 after paragraph (d) insert:

7  
8 (ea) in relation to a regional subsidiary — the person  
9 who manages the affairs of the regional subsidiary;  
10

11 (2) In the Glossary clause 1 in the definition of *public body or*  
12 *office* delete paragraph (d) and insert:

13  
14 (d) a local government, regional local government or  
15 regional subsidiary; or  
16

17 **Division 17 — *Industrial Relations Act 1979* amended**

18 **66. Act amended**

19 This Division amends the *Industrial Relations Act 1979*.

20 **67. Section 7 amended**

21 In section 7(1) in the definition of *public authority* delete  
22 “government or regional local government;” and insert:

23  
24 government, regional local government or regional subsidiary;  
25

1                    **Division 18 — *Interpretation Act 1984* amended**

2    **68.    Act amended**

3                    This Division amends the *Interpretation Act 1984*.

4    **69.    Section 5 amended**

5                    In section 5 insert in alphabetical order:

6

7                                    *regional subsidiary* means a regional subsidiary  
8                                    established under the *Local Government Act 1995*;

9

10                   **Division 19 — *Liquor Control Act 1988* amended**

11    **70.    Act amended**

12                    This Division amends the *Liquor Control Act 1988*.

13    **71.    Section 37 amended**

14                    In section 37(1A) in the definition of *public body* delete  
15                    paragraph (c) and insert:

16

17                                    (c) a local government, regional local government  
18                                    or regional subsidiary; or

19

20

21                   **Division 20 — *Lotteries Commission Act 1990* amended**

22    **72.    Act amended**

23                    This Division amends the *Lotteries Commission Act 1990*.

24    **73.    Section 19 amended**

25                    In section 19 in the definition of *eligible organization* delete  
26                    paragraph (b) and insert:

1

2

(b) a local government, regional local government  
or regional subsidiary;

3

4

5

**Division 21 — *Magistrates Court (Civil Proceedings)***

6

***Act 2004* amended**

7

**74. Act amended**

8

This Division amends the *Magistrates Court (Civil Proceedings) Act 2004*.

9

10

**75. Section 3 amended**

11

In section 3(1) in the definition of *public authority* delete  
paragraph (c) and insert:

12

13

14

(c) a local government, regional local government  
or regional subsidiary; or

15

16

17

**Division 22 — *Minerals Research Institute of Western Australia***

18

***Act 2013* amended**

19

**76. Act amended**

20

This Division amends the *Minerals Research Institute of Western Australia Act 2013*.

21

22

**77. Section 11 amended**

23

In section 11(1) in the definition of *public authority* delete  
paragraph (c) and insert:

24

25

26

(c) a local government, regional local government  
or regional subsidiary;

27

28



1     **Division 23 — *Parliamentary Commissioner Act 1971* amended**

2     **78.     Act amended**

3             This Division amends the *Parliamentary Commissioner*  
4             *Act 1971*.

5     **79.     Section 4A amended**

6             Delete section 4A(1)(a) and insert:

- 7  
8                     (a) a local government, regional local government  
9                     or regional subsidiary;

10

11     **Division 24 — *Pay-roll Tax Assessment Act 2002* amended**

12     **80.     Act amended**

13             This Division amends the *Pay-roll Tax Assessment Act 2002*.

14     **81.     Section 40 amended**

15             In section 40(2)(g) delete “government or” and insert:

16

17                     government, a regional subsidiary or

18

19     **Division 25 — *Public Interest Disclosure Act 2003* amended**

20     **82.     Act amended**

21             This Division amends the *Public Interest Disclosure Act 2003*.

22     **83.     Section 3 amended**

23             In section 3(1) in the definition of *public authority* delete  
24             paragraph (d) and insert:

25

- 26                     (d) a local government, a regional local  
27                     government or a regional subsidiary;

1

2 **Division 26 — *Public Sector Management Act 1994* amended**

3 **84. Act amended**

4 This Division amends the *Public Sector Management Act 1994*.

5 **85. Section 102 amended**

6 (1) Before section 102(1) insert:

7

8 (1A) In this section —

9 *any local government or regional local government*  
10 includes any regional subsidiary;

11 *council of a local government or regional local*  
12 *government* includes the governing body of a regional  
13 subsidiary.  
14

15 (2) In section 102(3) delete “Part 5, Division 8 of the *Local*  
16 *Government Act 1995*.” and insert:

17

18 the *Local Government Act 1995* Part 5 Division 8 or with a  
19 charter of a regional subsidiary.  
20

21 **86. Schedule 1 amended**

22 In Schedule 1 after item 15 insert:

23

15A Any regional subsidiary or the governing body of a regional  
subsidiary

24

1     **Division 27 — *Road Traffic (Administration) Act 2008* amended**

2     **87.     Act amended**

3             This Division amends the *Road Traffic (Administration)*  
4             *Act 2008*.

5     **88.     Section 4 amended**

6             In section 4 in the definition of ***public authority*** delete  
7             paragraph (c) and insert:

8  
9                     (c) a local government, regional local government  
10                    or regional subsidiary; or

11  
12                    **Division 28 — *Stamp Act 1921* amended**

13     **89.     Act amended**

14             This Division amends the *Stamp Act 1921*.

15     **90.     Section 4 amended**

16             In section 4(1) in the definition of ***local government*** delete  
17             “government or” and insert:

18  
19                    government, regional local government, regional subsidiary or  
20

21                    **Division 29 — *State Records Act 2000* amended**

22     **91.     Act amended**

23             This Division amends the *State Records Act 2000*.

1 **92. Schedule 1 amended**

2 In Schedule 1 item 12 delete “government or regional local  
3 government” and insert:

4  
5 government, regional local government or regional subsidiary  
6

7 **Division 30 — *Western Australian Land Authority***  
8 ***Act 1992* amended**

9 **93. Act amended**

10 This Division amends the *Western Australian Land Authority*  
11 *Act 1992*.

12 **94. Section 16 amended**

13 In section 16(1)(c) delete “governments and regional local  
14 governments” and insert:

15  
16 governments, regional local governments and regional  
17 subsidiaries  
18

19 **95. Section 17 amended**

20 In section 17(5) in the definition of *person* delete “government  
21 or regional local government.” and insert:

22  
23 government, regional local government or regional subsidiary.  
24

