



Western Australia

Local Government Act 1995

Local Government Regulations Amendment Regulations (No. 3) 2023

Local Government Regulations Amendment Regulations (No. 3) 2023

Contents

Part 1 — Preliminary

1.	Citation	1
2.	Commencement	1

Part 2 — *Local Government* (Administration) *Regulations 1996* amended

Division 1 — Amendments taking effect on day after publication day

3.	Regulations amended	2
4.	Regulation 14E amended	2
5.	Part 2A inserted	2

Part 2A — Electronic broadcasting and video or audio recording of council meetings (Act s. 5.23A)

14F.	Application of Part	2
14G.	Terms used	3
14H.	Class 1 local governments and class 2 local governments to broadcast council meetings publicly	4
14I.	Local governments to make recordings of council meetings	6
14J.	Informing members of public of broadcasting or recording	10
14K.	Defamation	11
6.	Regulation 37 inserted	11
37.	Fees and expenses (Act s. 5.129(4))	11

	Division 2 — Amendment taking effect on 1 January 2024	
7.	Regulations amended	12
8.	Regulation 29C amended	13
	Part 3 — <i>Local Government (Constitution) Regulations 1998</i> amended	
	Division 1 — Amendments taking effect on day after publication day	
9.	Regulations amended	14
10.	Regulation 2B amended	14
11.	Regulation 11F amended	14
	Division 2 — Amendment taking effect on 1 January 2024	
12.	Regulations amended	15
13.	Regulation 11F amended	15
	Part 4 — <i>Local Government (Elections) Regulations 1997</i> amended	
	Division 1 — Amendment taking effect on day after publication day	
14.	Regulations amended	16
15.	Regulation 80 amended	16
	Division 2 — Amendments taking effect on 1 January 2024	
16.	Regulations amended	16
17.	Regulation 3 amended	17
18.	Regulation 4 amended	18
19.	Regulation 10A inserted	19
	10A. Occupation of rateable property — s. 4.31	19
20.	Regulation 11 replaced	23
	11. Nomination under s. 4.31(1E) or (1F)	23
	11A. Nomination under s. 4.31(1G)	25
	11B. Currency of nomination under s. 4.31(1E), (1F) or (1G)	27
21.	Regulation 12 amended	28
22.	Regulations 12A to 12D inserted	28

12A.	Content of enrolment eligibility claim — s. 4.32(2)	28
12B.	Items to accompany enrolment eligibility claim based on occupation of rateable property — s. 4.32(2)	32
12C.	Prescribed rent for enrolment eligibility claim based on occupation of rateable property — s. 4.32(3)(b) and (d)	32
12D.	Further requirements for enrolment eligibility claim based on occupation of rateable property — s. 4.32(3)(e)	34
23.	Regulation 13 amended	35
24.	Regulations 13A and 13B inserted	37
13A.	Changes of name or enrolment address	37
13B.	Postal addresses	38
25.	Regulation 17 amended	40
26.	Regulation 20 amended	41
27.	Regulation 29A amended	41
28.	Regulation 78 amended	41
29.	Regulation 80 amended	42
30.	Regulation 80AA amended	42
31.	Regulation 80AB amended	42
32.	Part 16A heading replaced	43
Part 16A — Transitional provisions for <i>Local Government Amendment Act 2023, Local Government Regulations Amendment Regulations (No. 2) 2023</i> and <i>Local Government Regulations Amendment Regulations (No. 3) 2023</i>		
33.	Regulation 92A amended	43
34.	Regulation 92B amended	43
35.	Regulations 92E and 92F inserted	44
92E.	Non-resident owners and occupiers	44
92F.	Enrolment under Sch 9.3 cl. 12 of Act	46
36.	Schedule 1 amended	46
37.	Schedule 1 Form 2 deleted	47
38.	Schedule 1 Form 19 inserted	47
Part 5 — <i>Local Government (Financial Management) Regulations 1996</i> amended		
39.	Regulations amended	53
40.	Regulation 5A amended	53

Contents

41.	Regulation 17A amended	53
42.	Regulation 82 inserted	55
82.	Transitional provisions for <i>Local Government Regulations Amendment Regulations (No. 3) 2023</i>	55

Local Government Regulations Amendment Regulations (No. 3) 2023

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations (No. 3) 2023*.

2. Commencement

These regulations come into operation as follows —

- (a) Part 1 — on the day on which these regulations are published on the WA legislation website (*publication day*);
- (b) Part 2 Division 2, Part 3 Division 2 and Part 4 Division 2 — on 1 January 2024;
- (c) the rest of the regulations — on the day after publication day.

**Part 2 — *Local Government (Administration)*
Regulations 1996 amended**

**Division 1 — Amendments taking effect on day after
publication day**

3. Regulations amended

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

4. Regulation 14E amended

After regulation 14E(3A) insert:

(3B) For the purposes of subregulation (3A)(b), a broadcast must be either —

- (a) both visual and audio; or
- (b) audio only.

5. Part 2A inserted

After regulation 14E insert:

**Part 2A — Electronic broadcasting and video or
audio recording of council meetings
(Act s. 5.23A)**

14F. Application of Part

- (1) This Part applies for the purposes of section 5.23A(2).
- (2) This Part applies to meetings of councils held on or after 1 January 2025.

Note for this subregulation:

This Part does not apply to meetings of committees of councils.

14G. Terms used

- (1) In this Part —

broadcast technology, in relation to a local government, means the technology by means of which meetings of its council are, or are to be, publicly broadcast under regulation 14H(2);

closed proceedings, in relation to a council, means —

- (a) if a meeting of the council is closed to the public — the meeting; or
- (b) if a part of a meeting of the council is closed to the public — that part of the meeting;

electronic meeting means a meeting held by electronic means under regulation 14D;

improvised recording — see regulation 14I(4);

meeting day, in relation to a council's meeting, means the day on which the meeting is held;

publicly available — see subregulations (2) and (3);

recording means a video recording (with audio) or an audio only recording;

recording technology, in relation to a local government, means the technology by means of which recordings of meetings of its council are, or are to be, made under regulation 14I(1)(a);

usual meeting place, in relation to a council, means the place at which its meetings (other than electronic meetings) are, or are to be, usually held.

- (2) For the purposes of this Part, a local government makes a video recording **publicly available** by making a copy

of the recording publicly available for viewing (with audio) —

- (a) on its official website; or
 - (b) on another website a link to which is publicly provided on its official website.
- (3) For the purposes of this Part, a local government makes an audio only recording **publicly available** by making a copy of the recording publicly available for listening to —
 - (a) on its official website; or
 - (b) on another website a link to which is publicly provided on its official website.
- (4) For the purposes of subregulations (2) and (3), the quality of the copy of the recording —
 - (a) must be substantially the same as the quality of the recording; and
 - (b) without limiting paragraph (a), must meet the requirement of regulation 14I(2)(b) or (c) (as applicable), subject to regulation 14I(5)(b) if the recording is an improvised recording.

Note for this regulation:

In this Part, **class 1 local government** and **class 2 local government** have the meanings given in the *Local Government (Constitution) Regulations 1998* regulations 2A and 2B.

14H. Class 1 local governments and class 2 local governments to broadcast council meetings publicly

- (1) This regulation applies to a local government only if the local government is a class 1 local government or a class 2 local government.

- (2) A local government must, in accordance with subregulation (3), publicly broadcast every meeting of its council that —
 - (a) is held at the council's usual meeting place; or
 - (b) is an electronic meeting.
- (3) For the purposes of subregulation (2) —
 - (a) the broadcast must be live (with only so much of a delay as is inherent in live broadcasting by means of the local government's broadcast technology); and
 - (b) the broadcast must be on —
 - (i) the local government's official website; or
 - (ii) another website a link to which is publicly provided on the local government's official website;
 - and
 - (c) the broadcast must be both visual and audio; and
 - (d) the quality of the broadcast must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings.
- (4) Despite subregulation (2), a council's meeting, or a part of a council's meeting, may be held without being publicly broadcast if, because of a technological failure beyond the control of the local government, it is not possible for the meeting or part (as the case requires) to be publicly broadcast by means of the local government's broadcast technology.

- (5) Despite subregulation (2), a local government must not publicly broadcast any closed proceedings of its council.

14I. Local governments to make recordings of council meetings

- (1) A local government must —
 - (a) make a recording of every meeting of its council in accordance with subregulation (2); and
 - (b) make the recording publicly available —
 - (i) within 14 days after the meeting day; and
 - (ii) until, at least, the end of the period of 5 years after the meeting day;
 - and
 - (c) retain the recording until, at least, the end of the period of 5 years after the meeting day; and
 - (d) provide a copy of the recording to the Departmental CEO if the Departmental CEO requests a copy under subregulation (11)(a) during —
 - (i) the period of 5 years after the meeting day; or
 - (ii) any longer period during which the local government retains the recording or any copy of it.
- (2) For the purposes of subregulation (1)(a) —
 - (a) if the meeting is a meeting of the council of a class 1 local government or class 2 local government — the recording must be a video

recording (with audio), except that the recording may be an audio only recording —

- (i) if the meeting is not held at the council's usual meeting place and is not an electronic meeting; or
- (ii) to the extent that the recording is of closed proceedings of the council;

and

- (b) if, or to the extent that, the recording is a video recording (with audio) — the quality of the recording must be sufficient to allow persons effectively to watch and listen to the deliberations and communications that are part of the meeting's proceedings; and
 - (c) if, or to the extent that, the recording is an audio only recording — the quality of the recording must be sufficient to allow persons effectively to listen to the deliberations and communications that are part of the meeting's proceedings.
- (3) Subregulation (4) applies to a council's meeting, or a part of a council's meeting, if, because of a technological failure beyond the control of the local government, it is not possible for a recording of the meeting or part (as the case requires) to be made by means of the local government's recording technology.
- (4) Despite subregulation (1)(a), the meeting or part may be held so long as the local government does everything that is reasonably practicable to make a recording (an *improvised recording*) of the meeting or part by means other than the local government's recording technology.

- (5) An improvised recording must —
 - (a) cover as much of the meeting or part as it is reasonably practicable to cover; and
 - (b) meet the requirement of subregulation (2)(b) or (c) (as applicable) to the extent reasonably practicable.
- (6) If a meeting or part is held under subregulation (4) and an improvised recording is made —
 - (a) subregulation (1)(b) to (d) apply to the improvised recording; and
 - (b) the local government must publish on its official website, for the period during which it makes the improvised recording publicly available under subregulation (1)(b), a notice that does the following in effect —
 - (i) states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;
 - (ii) states that the improvised recording was made by means other than the local government's recording technology;
 - (iii) states the means by which the improvised recording was made;
 - (iv) states any deficiencies in the improvised recording and explains the reasons for them.

Examples for this subparagraph:

1. The improvised recording is deficient if it does not cover the whole of the meeting or part.
2. The improvised recording is deficient if it does not meet the requirement of subregulation (2)(b) or (c) (as applicable).

- (7) Subregulation (8) applies if —
- (a) a meeting or part is held under subregulation (4); but
 - (b) no improvised recording is made because it is not reasonably practicable for the local government to make any improvised recording.
- (8) The local government must publish on its official website, in accordance with the timings in subregulation (1)(b)(i) and (ii), a notice that does the following in effect —
- (a) states that it was not possible for a recording of the meeting or part to be made by means of the local government's recording technology and explains why that was the case;
 - (b) states that no improvised recording was made;
 - (c) states that it was not reasonably practicable for the local government to make any improvised recording and explains why that was the case.
- (9) If a part of a meeting is held under subregulation (4) —
- (a) the local government must make a recording of the rest of the meeting under subregulation (1)(a) by means of the local government's recording technology; and
 - (b) subregulation (1)(b) to (d) apply to that recording accordingly.
- (10) Despite subregulation (1)(b), a local government must not make a recording publicly available to the extent that the recording is of closed proceedings of its council.

Note for this subregulation:

This subregulation does not affect a local government's duty to make a recording under subregulation (1)(a) of any closed proceedings of its council, to retain the recording

under subregulation (1)(c) and to provide a copy of the recording to the Departmental CEO under subregulation (1)(d) if requested under subregulation (11)(a).

- (11) For the purposes of subregulation (1)(d) —
- (a) the Departmental CEO may request a copy of the recording for the purpose of obtaining information about a matter concerning the local government or its operations or affairs; and
 - (b) the quality of the copy provided to the Departmental CEO —
 - (i) must be substantially the same as the quality of the recording; and
 - (ii) without limiting subparagraph (i), must meet the requirement of subregulation (2)(b) or (c) (as applicable), subject to subregulation (5)(b) if the recording is an improvised recording.

14J. Informing members of public of broadcasting or recording

A local government must take reasonable steps to ensure that members of the public attending a meeting of its council are informed beforehand of the following, as applicable —

- (a) that the meeting will be publicly broadcast;
- (b) that a recording of the meeting will be made.

Example for this regulation:

Members of the public could be informed by means of a notice displayed in a prominent place near or inside the meeting room.

14K. Defamation

- (1) A local government is not liable to an action for defamation in relation to any of the following done by the local government as required or authorised under this Part —
 - (a) publicly broadcasting a meeting;
 - (b) making a recording of a meeting;
 - (c) making a recording of a meeting publicly available;
 - (d) retaining a recording of a meeting or a copy of a recording;
 - (e) providing a copy of a recording of a meeting to the Departmental CEO.
- (2) In subregulation (1), references to a meeting include a part of a meeting.

6. Regulation 37 inserted

At the end of Part 10 insert:

37. Fees and expenses (Act s. 5.129(4))

- (1) This regulation applies to a policy of a local government under section 5.129 to the extent that the policy makes provision under section 5.129(1)(c) or (d).
- (2) The policy must not allow for the payment or reimbursement of an amount in relation to the participation of a council member in continuing professional development unless the continuing

professional development is relevant to either or both of the following —

- (a) the council's role under the Act or another written law, including as described in section 2.7;
 - (b) the council member's role under the Act or another written law, including as described in any of sections 2.8 to 2.10.
- (3) The policy must not allow for the payment or reimbursement of an amount in relation to the participation of a council member in continuing professional development if the participation occurs during any of the following periods —
 - (a) the period of 3 months ending on the day on which the term for which the council member was elected as an elector mayor or president, or as a councillor, ends;
 - (b) if the council member delivers a notice of resignation to the CEO under section 2.31 specifying a later day from which the resignation takes effect under section 2.31(4) — the period that —
 - (i) begins on the date of delivery of the notice; and
 - (ii) ends when the resignation takes effect;
 - (c) a period of suspension of the council or council member under Part 8 of the Act.

Division 2 — Amendment taking effect on 1 January 2024

7. Regulations amended

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

8. Regulation 29C amended

In regulation 29C(2)(g) delete “80AA(4), 80AB(4),”.

**Part 3 — *Local Government (Constitution)*
Regulations 1998 amended**

**Division 1 — Amendments taking effect on day after
publication day**

9. Regulations amended

This Division amends the *Local Government (Constitution) Regulations 1998*.

10. Regulation 2B amended

- (1) Delete regulation 2B(3)(b) and (c) and insert:

- (b) Resource Recovery Group;
- (c) Catalina Regional Council.

- (2) Delete regulation 2B(5)(c).

11. Regulation 11F amended

Delete regulation 11F(5) and (6) and insert:

- (5) If the Departmental CEO has approved a form under the *Local Government (Elections) Regulations 1997* regulation 80(10), the local public notice must be in that form, modified as is necessary for the purposes of this regulation.
- (6) If applicable, a document approved by the person conducting the election that contains the details referred to in subregulation (3)(b)(ii) must be published on the local government's official website with the local public notice.

Division 2 — Amendment taking effect on 1 January 2024

12. Regulations amended

This Division amends the *Local Government (Constitution) Regulations 1998*.

13. Regulation 11F amended

Delete regulation 11F(5) and insert:

- (5) The local public notice must be in the form of Form 19 of the *Local Government (Elections) Regulations 1997*, modified as is necessary for the purposes of this regulation.

**Part 4 — *Local Government (Elections)*
Regulations 1997 amended**

**Division 1 — Amendment taking effect on day after publication
day**

14. Regulations amended

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

15. Regulation 80 amended

Delete regulation 80(9) and insert:

- (9) The local public notice must set out the contents of the declaration.
- (9A) If applicable, a document approved by the RO detailing the distribution of preference votes must be published on the local government's official website with, and for the same period as, the copy of the local public notice that is required to be published under section 5.96A(1)(i).

Note for this subregulation:

A copy of a local public notice given under subregulation (8) is prescribed for the purposes of section 5.96A(1)(i) by the *Local Government (Administration) Regulations 1996* regulation 29C(2)(g).

Division 2 — Amendments taking effect on 1 January 2024

16. Regulations amended

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

17. Regulation 3 amended

- (1) In regulation 3 delete the definition of *form*.
- (2) In regulation 3 insert in alphabetical order:

authorised postal address, in relation to a person who makes, or has made, an enrolment eligibility claim, means the postal address (if any) set out in the claim under regulation 12A(2)(d), subject to regulation 13B(2) to (8);

Commonwealth enrolment address, in relation to a person, means the address of the residence in respect of which the person —

- (a) is enrolled as an elector for the House of Representatives; or
- (b) is regarded as being so enrolled under section 4.30(2);

enrolment address, in relation to a person, means —

- (a) the person's State enrolment address; or
- (b) if the person has no State enrolment address — the person's Commonwealth enrolment address;

enrolment eligibility claim means a claim under section 4.32;

Form, if followed by a designation, means the form of that designation in Schedule 1;

officer, in relation to a body corporate, means any of the following —

- (a) a director of the body corporate or other member of its governing body;
- (b) the chief executive officer, or equivalent, of the body corporate;

- (c) the secretary, or equivalent, of the body corporate;

portion of rateable property means a portion of rateable property as described in section 4.31(1D)(a) or (b);

silent elector means a person who makes, or has made, an enrolment eligibility claim and —

- (a) whose State enrolment address is required not to be shown on a roll under the *Electoral Act 1907* section 51B; or
- (b) if the person has no State enrolment address — whose Commonwealth enrolment address is required not to be shown on a roll under the *Commonwealth Electoral Act 1918* (Commonwealth) section 104;

State enrolment address, in relation to a person, means the address of the residence in respect of which the person —

- (a) is enrolled as an elector for the Legislative Assembly; or
- (b) is regarded as being so enrolled under section 4.30(2);

18. Regulation 4 amended

- (1) Before regulation 4(1) insert:

- (1A) In this regulation —

form means a form in Schedule 1.

- (2) Delete regulation 4(5).

19. Regulation 10A inserted

After regulation 10 insert:

10A. Occupation of rateable property — s. 4.31

(1) In this regulation —

building does not include a temporary or mobile building;

business includes the following —

- (a) a business not carried on for profit;
- (b) the operations of a person who is a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth);
- (c) a trade or profession;

floor area means the area of a floor, or of a portion of a floor, of a building.

(2) For the purposes of section 4.31(1CA), despite section 4.31(1C), a person (the **relevant person**) is not to be regarded as occupying rateable property, or a portion of rateable property, unless the following requirements (in addition to the requirement of section 4.31(1C)) are met —

- (a) the rateable property or portion of rateable property is not a residence as determined under subregulations (3) and (4);
- (b) under the relevant person's right of continuous occupation in respect of the rateable property or portion of rateable property, the relevant person has a right to quiet enjoyment that covers, in total, a floor area of at least 10 m², subject to subregulations (5) and (6);

- (c) subject to subregulation (7) —
 - (i) the rateable property or portion of rateable property is capable of being secured from intruders; and
 - (ii) without limiting subparagraph (i), in the case of a portion of rateable property, the portion is capable of being secured from intruders coming from any other portion of the rateable property;

Example for this paragraph:

The rateable property or portion of rateable property could be secured by means of lockable doors and windows.

- (d) the relevant person is genuinely —
 - (i) carrying on a business, or a part of a business, from the rateable property or portion of rateable property; or
 - (ii) intending to carry on a business, or a part of a business, from the rateable property or portion of rateable property.
- (3) For the purposes of subregulation (2)(a), the rateable property or portion of rateable property is a residence if, as the case requires —
 - (a) the rateable property is, or includes, a residence; or
 - (b) in the case of a portion of rateable property —
 - (i) the portion is, or includes, a residence; or
 - (ii) the portion is included in a residence; or
 - (iii) the rateable property of which the portion is a portion otherwise includes a residence.

- (4) Without limiting subregulation (3), the rateable property or portion of rateable property is a residence for the purposes of subregulation (2)(a) if any person is enrolled, or is regarded under section 4.29(2) as being enrolled, as an elector for the Legislative Assembly in respect of, as the case requires —
- (a) a residence that is, or that is included in, the rateable property; or
 - (b) in the case of a portion of rateable property, a residence —
 - (i) that is, or that is included in, the portion; or
 - (ii) in which the portion is included; or
 - (iii) that is otherwise included in the rateable property of which the portion is a portion.
- (5) In calculating floor area for the purposes of subregulation (2)(b), the following must be disregarded —
- (a) an outdoor space or any other space that is not wholly indoors;
 - (b) a room if the right to quiet enjoyment does not cover the whole of the room;
 - (c) a cupboard or closet;
 - (d) a storeroom or storage unit;
 - (e) a toilet or bathroom;
 - (f) a tool or garden shed;
 - (g) a parking space or bay;
 - (h) a crawl space;
 - (i) a roof cavity;
 - (j) a billboard or hoarding;

- (k) anything similar to anything referred to in paragraphs (c) to (j);
 - (l) to the extent not covered by paragraphs (a) to (k) — anything covered by paragraphs (a) to (d) of the definition of **net lettable area** or **nla** in the *Planning and Development (Local Planning Schemes) Regulations 2015* Schedule 2 clause 1 as in force on 1 January 2024.
- (6) If the relevant person has rights of continuous occupation in respect of 2 or more parcels of rateable property that are situated (wholly or partly) in the district and for each of which the requirements of subregulation (2)(a), (c) and (d) are met, the rights of continuous occupation and parcels of rateable property are to be taken together for the purposes of subregulation (2)(b).

Example for this subregulation:

The relevant person has rights of continuous occupation in respect of 2 parcels of rateable property in the district and the requirements of subregulation (2)(a), (c) and (d) are met for each parcel.

For one of the parcels, the relevant person has a right to quiet enjoyment that covers, in total, a floor area of only 8 m².

For the other parcel, the relevant person has a right to quiet enjoyment that covers, in total, a floor area of only 7 m².

For the purposes of subregulation (2)(b), the relevant person has a right to quiet enjoyment that covers, in total, a floor area of 15 m² (8 m² + 7 m²) and, therefore, the requirement that the relevant person's right to quiet enjoyment cover a floor area of at least 10 m² is met.

- (7) In subregulation (2)(c), references to the rateable property or portion of rateable property are to the

rateable property or portion excluding the following parts —

- (a) any outdoor space or any other space that is not wholly indoors;
 - (b) any part in respect of which the relevant person does not have a right to quiet enjoyment under their right of continuous occupation.
- (8) Subregulation (7) does not affect the reference in subregulation (2)(c)(ii) to any other portion of the rateable property.

20. Regulation 11 replaced

Delete regulation 11 and insert:

11. Nomination under s. 4.31(1E) or (1F)

- (1) In this regulation —
rateable property includes a portion of rateable property.
- (2) A nomination under section 4.31(1E) or (1F) —
- (a) must be in writing and given to the CEO; and
 - (b) must set out the following —
 - (i) the full name (family name and other names) and address of each person making the nomination;
 - (ii) the address of the rateable property to which the nomination relates;
 - (iii) the district in which the rateable property is situated;
 - (iv) any ward in which the rateable property is situated;

- (v) the full name (family name and other names) of the nominee;
 - and
 - (c) must set out the nominee's enrolment address;
 - and
 - (d) must include a statement to the effect that the persons making the nomination are all or a majority of the people who own or occupy (as the case requires) the rateable property; and
 - (e) if a person making the nomination is a nominee of a body corporate under section 4.31(1G) — must be accompanied by —
 - (i) the nomination made by the body corporate; or
 - (ii) a copy of that nomination if it has otherwise been given to the CEO;
 - and
 - (f) must include a declaration made by each person making the nomination that, in effect, complies with subregulation (3); and
 - (g) must be signed by each person making the nomination.
- (3) For the purposes of subregulation (2)(f), the following must be declared —
- (a) that the person making the nomination is entitled to make the nomination under section 4.31(1E) or (1F) (as the case requires);
 - (b) that all details and other information included in the nomination are true and correct.
- (4) The Departmental CEO may approve forms that must be used for making nominations under section 4.31(1E) or (1F).

- (5) An approved form —
- (a) must reflect the requirements of subregulation (2); and
 - (b) may otherwise deal only with incidental matters; and
 - (c) may cater for more than 1 nomination to be made on a single form; and
 - (d) must be published on the Department's official website.

11A. Nomination under s. 4.31(1G)

- (1) In this regulation —
rateable property includes a portion of rateable property.
- (2) A nomination under section 4.31(1G) —
- (a) must be in writing and given to the CEO; and
 - (b) must set out the following —
 - (i) the name and address of the body corporate;
 - (ii) the address of the rateable property to which the nomination relates;
 - (iii) the district in which the rateable property is situated;
 - (iv) any ward in which the rateable property is situated;
 - (v) whether the nomination is being made on the basis of the body corporate's ownership of the rateable property or on the basis of its occupation of the rateable property;
 - (vi) if the nomination is being made on the basis of the body corporate's ownership

- of the rateable property — whether the body corporate is the sole owner or whether it owns the rateable property in conjunction with 1 or more other persons;
 - (vii) if the nomination is being made on the basis of the body corporate's occupation of the rateable property — whether the body corporate is the sole occupier or whether it occupies the rateable property in conjunction with 1 or more other persons;
 - (viii) if the nomination is being made on the basis of the body corporate's occupation of the rateable property — an explanation of how the requirement of section 4.31(1C) and the requirements prescribed by regulation 10A(2) are met in respect of its occupation;
 - (ix) the full name (family name and other names) of the nominee;
- and
- (c) must set out the nominee's enrolment address;
 - and
 - (d) must be signed by an officer of the body corporate; and
 - (e) must include a declaration made by that officer that, in effect, complies with subregulation (3).
- (3) For the purposes of subregulation (2)(e), the following must be declared —
- (a) that the body corporate is entitled to make the nomination under section 4.31(1G);

- (b) that all details and other information included in the nomination are true and correct.
- (4) The Departmental CEO may approve forms that must be used for making nominations under section 4.31(1G).
- (5) An approved form —
 - (a) must reflect the requirements of subregulation (2); and
 - (b) may otherwise deal only with incidental matters; and
 - (c) may cater for more than 1 nomination to be made on a single form; and
 - (d) must be published on the Department's official website.

11B. Currency of nomination under s. 4.31(1E), (1F) or (1G)

- (1) A nomination under section 4.31(1E), (1F) or (1G) remains in force until any of the following occurs —
 - (a) if the nomination is expressed to be for a limited period — that period ends;
 - (b) the nomination is withdrawn by written notice (a *withdrawal notice*) given to the CEO;
 - (c) an enrolment eligibility claim made by the nominee expires or is rejected;
 - (d) the person, or any of the persons, who make the nomination ceases to be entitled to make the nomination;
 - (e) the nominee otherwise ceases to be eligible to be nominated.
- (2) A withdrawal notice in respect of a nomination under section 4.31(1E) or (1F) must be signed by all or a

majority of the people who own or occupy the rateable property, or portion of rateable property, to which the nomination relates.

- (3) A withdrawal notice in respect of a nomination under section 4.31(1G) must be signed by an officer of the body corporate.
- (4) The Departmental CEO may approve forms that must be used for withdrawal notices.
- (5) An approved form —
 - (a) may cater for more than 1 withdrawal notice to be given on a single form; and
 - (b) must be published on the Department’s official website.

21. Regulation 12 amended

In regulation 12 delete “under section 4.32(1)”.

Note: The heading to amended regulation 12 is to read:

Enrolment eligibility claim may be based on 2 or more parcels of rateable property — s. 4.32(1)

22. Regulations 12A to 12D inserted

After regulation 12 insert:

12A. Content of enrolment eligibility claim — s. 4.32(2)

- (1) In this regulation —
rateable property includes a portion of rateable property.
- (2) For the purposes of section 4.32(2), an enrolment eligibility claim —
 - (a) must be in writing; and

- (b) must set out the claimant's full name (family name and other names) and date of birth; and
 - (c) must set out the claimant's enrolment address; and
 - (d) if the claimant has a postal address that is different to the claimant's enrolment address — may set out that postal address; and
 - (e) must state whether the claim is made in reliance on Schedule 9.3 clause 12 of the Act and, if it is, must explain why the requirements of that clause are met; and
 - (f) must set out the address of the rateable property to which the claim relates; and
 - (g) must set out the district in which the rateable property is situated; and
 - (h) must set out any ward in which the rateable property is situated and, if section 4.31(1B) applies, may include a nomination under section 4.31(1B)(a); and
 - (i) must state whether the claimant is a nominee under any of section 4.31(1E), (1F) and (1G); and
 - (j) if the claimant is a nominee under any of section 4.31(1E), (1F) and (1G) — must be accompanied by —
 - (i) the nomination; or
 - (ii) a copy of the nomination if the nomination has otherwise been given to the CEO;
- and

- (k) must state whether the claim is made on the basis of ownership of the rateable property or on the basis of occupation of the rateable property; and
 - (l) if the claim is made on the basis of occupation of rateable property — must explain how the requirements of section 4.32(3) and regulations 12C and 12D are met; and
 - (m) must include a declaration made by the claimant that, in effect, complies with subregulation (5); and
 - (n) must be signed by the claimant.
 - (3) If applicable, the claim may state —
 - (a) that the claimant is a silent elector; and
 - (b) whichever of the following is applicable —
 - (i) that the claimant’s State enrolment address is required not to be shown on a roll under the *Electoral Act 1907* section 51B;
 - (ii) that the claimant has no State enrolment address and that the claimant’s Commonwealth enrolment address is required not to be shown on a roll under the *Commonwealth Electoral Act 1918* (Commonwealth) section 104;
- and
- (c) that the claimant consents to the CEO confirming (from time to time) the matters stated under paragraphs (a) and (b) with the Western Australian Electoral Commission.

- (4) A statement under subregulation (3) is a notice for the purposes of regulation 13(1A).

Note for this subregulation:

See regulation 13(2) and (2A) for further provisions about silent electors.

- (5) For the purposes of subregulation (2)(m), the following must be declared —
- (a) that the claimant is entitled to make the claim as referred to in section 4.32(1);
 - (b) if the claim sets out a postal address under subregulation (2)(d) — that the claimant has personal access to the address for the purpose of receiving the claimant's post sent to the address;
 - (c) if the claim is based on occupation of rateable property — that the requirements of section 4.32(3) and regulations 12C and 12D are met;
 - (d) that all details and other information included in, or accompanying, the claim are true and correct.
- (6) The Departmental CEO may approve forms that must be used for making enrolment eligibility claims.
- (7) An approved form —
- (a) must reflect the requirements of this regulation and regulation 12B; and
 - (b) may otherwise deal only with incidental matters; and
 - (c) must be published on the Department's official website.

12B. Items to accompany enrolment eligibility claim based on occupation of rateable property — s. 4.32(2)

For the purposes of section 4.32(2), the following must accompany an enrolment eligibility claim based on occupation of rateable property —

- (a) a copy of any lease, tenancy agreement or other legal instrument that gave or gives a right of occupation on which the claimant relies for the purposes of section 4.32(3)(a) or (c);
- (b) if such a right of occupation was or is given by a sub-lease or sub-tenancy —
 - (i) evidence that any approval of that sub-lease or sub-tenancy required under the head-lease or head-tenancy was, or has been, obtained; or
 - (ii) evidence that no such approval was or is required;
- (c) if applicable — evidence of the payment of any rent as referred to in section 4.32(3)(b).

12C. Prescribed rent for enrolment eligibility claim based on occupation of rateable property — s. 4.32(3)(b) and (d)

- (1) For the purposes of section 4.32(3)(b) and (d), the prescribed amount is the amount given by subregulation (3), (4) or (5) (as the case requires).
- (2) The amounts in subregulations (3), (4) and (5) are annualised amounts.
- (3) For the district of Perth —
 - (a) if the right of occupation applies to 100 m² or more — the amount is \$10 000; or

- (b) otherwise — the amount is \$100 per m² to which the right of occupation applies.

Example for this paragraph:

The right of occupation applies to 10 m², giving an amount of \$1 000 (100 x 10).

- (4) For any other district that is (wholly or partly) in the metropolitan area and for the district of Mandurah —
- (a) if the right of occupation applies to 100 m² or more — the amount is \$5 000; or
- (b) otherwise — the amount is \$50 per m² to which the right of occupation applies.

Example for this paragraph:

The right of occupation applies to 10 m², giving an amount of \$500 (50 x 10).

- (5) For any district not covered by subregulation (3) or (4) —
- (a) if the right of occupation applies to 100 m² or more — the amount is \$1 000; or
- (b) otherwise — the amount is \$10 per m² to which the right of occupation applies.

Example for this paragraph:

The right of occupation applies to 10 m², giving an amount of \$100 (10 x 10).

- (6) If the m² to which the right of occupation applies varies over the 12-month period referred to in section 4.32(3)(a) or the 3-month period referred to in section 4.32(3)(c) (as the case requires), the average m² over the period is to be used for the purpose of determining whether the claimant has paid rent, or is liable to pay rent, of at least the amount given by subregulation (3), (4) or (5).

Example for this subregulation:

The m² over the first half of the period is 10 m².

The m² over the second half of the period is 20 m².

The average m² is 15 m² ((10 m² + 20 m²)/2).

- (7) References in this regulation to the m² to which the right of occupation applies are to the total m² to which the right of occupation applies and not just the m² that count for the purposes of regulation 10A(2)(b).
- (8) This regulation does not apply if the claimant is the nominee of a body corporate that is a registered entity under the *Australian Charities and Not-for-profits Commission Act 2012* (Commonwealth).

12D. Further requirements for enrolment eligibility claim based on occupation of rateable property — s. 4.32(3)(e)

- (1) This regulation applies for the purposes of section 4.32(3)(e).
- (2) In relation to the right of occupation referred to in section 4.32(3)(a), the requirements prescribed by regulation 10A(2) must have been met for the whole of the 12-month period.
- (3) In relation to the right of occupation referred to in section 4.32(3)(c) —
 - (a) the requirements prescribed by regulation 10A(2) must be met on the day on which the claim is made; and
 - (b) it must be reasonable to suppose that those requirements will continue to be met for the rest of the 3-month period.

23. Regulation 13 amended

(1) In regulation 13(1) —

(a) delete paragraph (a) and insert:

(a) in respect of each person who makes an enrolment eligibility claim —

- (i) the person's full name (family name and other names);
- (ii) the person's enrolment address;
- (iii) the person's authorised postal address (if any);

(b) delete paragraph (d)(i) and insert:

- (i) if the claim is based on occupation of rateable property — the expiry date for the claim provided for by section 4.33(2A) to (3);

(c) in paragraph (d)(iv) delete “applies.” and insert:

applies (if any).

(2) Delete regulation 13(2) and insert:

(1A) A person who makes, or has made, an enrolment eligibility claim may give the CEO a notice in writing stating —

- (a) that the person is a silent elector; and

- (b) whichever of the following is applicable —
 - (i) that the person’s State enrolment address is required not to be shown on a roll under the *Electoral Act 1907* section 51B;
 - (ii) that the person has no State enrolment address and that the person’s Commonwealth enrolment address is required not to be shown on a roll under the *Commonwealth Electoral Act 1918* (Commonwealth) section 104;
- and
- (c) that the person consents to the CEO confirming (from time to time) the matters stated under paragraphs (a) and (b) with the Western Australian Electoral Commission.

Note for this subregulation:

A statement in a person’s enrolment eligibility claim under regulation 12A(3) is a notice for the purposes of this subregulation — see regulation 12A(4).

- (2) If a person gives the CEO a notice under subregulation (1A), the CEO must —
 - (a) omit from the register the information referred to in subregulation (1)(a)(ii) and (iii) and (d)(ii); and
 - (b) instead of that information, include in the register the notation, “*address omitted under regulation 13(2)*”.
- (2A) However, the CEO must not act under subregulation (2) if the CEO has reason to believe that the person is not a silent elector.

(3) After regulation 13(4) insert:

- (5) Without limiting subregulation (4), if the CEO has reason to believe that a person in relation to whom the CEO has acted under subregulation (2) is not, or is no longer, a silent elector, the CEO must amend the register accordingly to include the previously omitted information.

24. Regulations 13A and 13B inserted

After regulation 13 insert:

13A. Changes of name or enrolment address

- (1) If there is a change in the full name (family name and other names) of a person who is an elector under section 4.30, the person must, within 21 days after the date of the change, give the CEO a notice in writing setting out the new full name.

Penalty for this subregulation: a fine of \$50.

- (2) If there is a change in the enrolment address of a person who is an elector under section 4.30, the person must, within 21 days after the day on which the person receives notification of the change from an electoral commission, give the CEO a notice in writing setting out the new enrolment address.

Penalty for this subregulation: a fine of \$50.

- (3) In subregulation (2) —

electoral commission means any of the following —

- (a) the Commission established by the
Commonwealth Electoral Act 1918
(Commonwealth) section 6;

- (b) the Western Australian Electoral Commission;
- (c) a person or body in another State, or in a Territory, whose functions are similar to the functions of the Western Australian Electoral Commission;

notification, in relation to a change in an enrolment address, means a notification (however given) that, in effect, confirms that the change has occurred.

- (4) A notice under subregulation (1) or (2) must be signed by the person giving it.
- (5) Without limiting regulation 13(4), if a person gives a notice under subregulation (1) or (2), the CEO must amend the owners and occupiers register accordingly (subject to regulation 13(2)).
- (6) The Departmental CEO may approve forms that must be used for the purposes of notices under subregulation (1) or (2).
- (7) An approved form must be published on the Department's official website.

13B. Postal addresses

- (1) For the purposes of these regulations, including any form in Schedule 1 that requires or permits the inclusion of a postal address, the postal address of a person who is an elector under section 4.30 is —
 - (a) if the person has an authorised postal address — the authorised postal address; or
 - (b) otherwise — the person's enrolment address.

- (2) A person who is an elector under section 4.30 may give a notice in writing to the CEO doing any of the following —
- (a) if the person has an authorised postal address — changing their authorised postal address to another postal address set out in the notice;
 - (b) if the person has an authorised postal address — advising that they are no longer to have an authorised postal address;
 - (c) if the person does not have an authorised postal address — setting out a postal address that is to be their authorised postal address.
- (3) A person who is an elector under section 4.30 must give a notice under subregulation (2)(a) or (b) if the person does not have personal access to their authorised postal address for the purpose of receiving the person's post sent to the address.
- Penalty for this subregulation: a fine of \$50.
- (4) A notice required to be given by subregulation (3) must be given within 21 days after the day on which the person ceases to have the personal access.
- (5) A notice under subregulation (2) must be signed by the person giving it.
- (6) A notice under subregulation (2)(a) or (c) must include a declaration made by the person to the effect that the person has personal access to the postal address set out in the notice for the purpose of receiving the person's post sent to the address.

- (7) If a person gives a notice under subregulation (2)(a) or (c) —
 - (a) the postal address set out in the notice becomes the person’s authorised postal address; and
 - (b) without limiting regulation 13(4), the CEO must amend the owners and occupiers register accordingly (subject to regulation 13(2)).
- (8) If a person gives the CEO a notice under subregulation (2)(b) —
 - (a) the person ceases to have an authorised postal address; and
 - (b) without limiting regulation 13(4), the CEO must amend the owners and occupiers register accordingly (subject to regulation 13(2)).
- (9) The Departmental CEO may approve forms that must be used for the purposes of notices under subregulation (2).
- (10) An approved form must be published on the Department’s official website.

25. Regulation 17 amended

In regulation 17(a) delete “claim form —” and insert:

claim —

26. Regulation 20 amended

(1) Delete regulation 20(3)(c) and insert:

- (c) enrolment address;
- (ca) authorised postal address (if any);

(2) In regulation 20(4) delete “(3)(c) and” and insert:

(3)(c) to

27. Regulation 29A amended

Delete regulation 29A(7).

28. Regulation 78 amended

Delete regulation 78(2) and insert:

- (2) Section 4.87(1) does not apply to a profile of a candidate required by section 4.49(b), or a written statement that a candidate may provide under regulation 29A(1)(b), when the profile or statement is —
- (a) being provided with the nomination paper for the candidate; or
 - (b) being published by the RO or the local government on the local government’s official website; or
 - (c) being printed (as defined in section 4.87(3)), supplied, distributed or displayed by the RO or

the local government for a purpose related to the election.

29. Regulation 80 amended

- (1) In regulation 80(9) delete “set out the contents of the declaration.” and insert:

be in the form of Form 19.

- (2) Delete regulation 80(10).

30. Regulation 80AA amended

Delete regulation 80AA(4) to (6) and insert:

- (4) The local public notice given by the RO under regulation 80(8) must include the matters relating to Schedule 4.1A clause 19 of the Act provided for in Form 19.

31. Regulation 80AB amended

Delete regulation 80AB(4) to (6) and insert:

- (4) The local public notice given by the RO under regulation 80(8) must include the matters relating to Schedule 4.1B clause 1(5) of the Act provided for in Form 19.

32. Part 16A heading replaced

Delete the heading to Part 16A and insert:

Part 16A — Transitional provisions for *Local Government Amendment Act 2023, Local Government Regulations Amendment Regulations (No. 2) 2023* and *Local Government Regulations Amendment Regulations (No. 3) 2023*

33. Regulation 92A amended

- (1) In regulation 92A delete the definition of ***2023 amendment regulations***.
- (2) In regulation 92A insert in alphabetical order:

2023 amendment regulations (No. 2) means the *Local Government Regulations Amendment Regulations (No. 2) 2023*;

2023 amendment regulations (No. 3) means the *Local Government Regulations Amendment Regulations (No. 3) 2023*.

34. Regulation 92B amended

In regulation 92B(6) delete “2023 amendment regulations” and insert:

2023 amendment regulations (No. 2)

35. Regulations 92E and 92F inserted

At the end of Part 16A insert:

92E. Non-resident owners and occupiers

- (1) For the purposes of Schedule 9.3 clause 62(2) of the Act, sections 2.19(2A), 4.49(bb) and 4.51(1)(bb) do not apply to an occupier, as defined in section 2.19(2B), if the occupier's eligibility claim referred to in section 4.30(1)(c) was made before 1 January 2024.
- (2) For the purposes of Schedule 9.3 clause 62(2) of the Act, section 4.31(1CA) does not affect a person's eligibility to be enrolled under section 4.30(1) if the person's eligibility claim referred to in section 4.30(1)(c) was made before 1 January 2024.

Note for this subregulation:

In consequence of this subregulation, the requirements prescribed by regulation 10A(2), which are prescribed for the purposes of section 4.31(1CA), do not affect a person's eligibility to be enrolled under section 4.30(1) if the person's eligibility claim referred to in section 4.30(1)(c) was made before 1 January 2024.

- (3) For the purposes of Schedule 9.3 clause 62(2) of the Act, section 4.31(1CA) is to be disregarded for the purpose of deciding any enrolment eligibility claim that was made before 1 January 2024.

Note for this subregulation:

In consequence of this subregulation, the requirements prescribed by regulation 10A(2), which are prescribed for the purposes of section 4.31(1CA), are to be disregarded for the purpose of deciding any enrolment eligibility claim that was made before 1 January 2024.

- (4) Regulations 11 to 11B, as inserted by regulation 20 of the 2023 amendment regulations (No. 3), apply to a

nomination under section 4.31(1E), (1F) or (1G) given to the CEO on or after 1 January 2024.

- (5) Regulation 11, as in force before 1 January 2024, continues to apply to a nomination under section 4.31(1E), (1F) or (1G) given to the CEO before 1 January 2024 as if regulation 11 had not been replaced by regulation 20 of the 2023 amendment regulations (No. 3).
- (6) Despite subregulation (5), a nomination under section 4.31(1E), (1F) or (1G) given to the CEO before 1 January 2024 cannot be relied upon for the purposes of an enrolment eligibility claim made on or after 1 January 2024.
- (7) Regulations 12A to 12D apply to enrolment eligibility claims made on or after 1 January 2024.
- (8) Regulation 13, as in force before 1 January 2024, continues to apply in relation to the following as if regulation 13 had not been amended by regulation 23 of the 2023 amendment regulations (No. 3) —
 - (a) an enrolment eligibility claim made before 1 January 2024;
 - (b) a person who is an elector by virtue of an enrolment eligibility claim made before 1 January 2024.
- (9) Regulations 13A and 13B do not apply in relation to a person who is an elector by virtue of an enrolment eligibility claim made before 1 January 2024.
- (10) Regulation 20(3) and (4), as in force before 1 January 2024, continue to apply in relation to a person who is an elector by virtue of an enrolment eligibility claim made before 1 January 2024 as if regulation 20(3) and (4) had not been amended by

regulation 26 of the 2023 amendment regulations (No. 3).

- (11) The amendments made by regulations 36(1) and 37 of the 2023 amendment regulations (No. 3) do not affect an enrolment eligibility claim made before 1 January 2024.

Note for this regulation:

See Schedule 9.3 clause 60 of the Act for related transitional provisions.

92F. Enrolment under Sch 9.3 cl. 12 of Act

- (1) In this regulation —
eligible person means a person who, under Schedule 9.3 clause 12 of the Act, is to be regarded for the purposes of the Act as being eligible under section 4.30(1)(a) and (b) to be enrolled to vote.
- (2) Regulation 10A does not apply for the purpose of determining whether a person is an eligible person.
- (3) For the purposes of these regulations, the enrolment address of an eligible person is the address of the rateable property which the eligible person owns or occupies.
- (4) Regulations 12A(2)(l) and (5)(c), 12B to 12D and 13A(2) do not apply in relation to an eligible person.

36. Schedule 1 amended

- (1) In Schedule 1 in the List of Forms delete the item relating to Form 2.

(2) In Schedule 1 in the List of Forms insert in numerical order:

19 Results of Election s. 4.77

37. Schedule 1 Form 2 deleted

Delete Schedule 1 Form 2.

38. Schedule 1 Form 19 inserted

After Schedule 1 Form 18 insert:

Form 19. Results of Election

Local Government Act 1995, s. 4.77

RESULTS OF ELECTION FOR _____¹

Date of election: _____²

MAYOR / PRESIDENT³		
Absolute majority: _____ ⁴		
Candidate ⁵	First-preference votes ⁶	Votes at last count ⁷
Name of first candidate to backfill: _____ ⁸		

Name of second candidate to backfill: _____ ⁸
_____ ⁹ is elected as the Mayor / President ³ of _____ ¹ until _____. ¹⁰
A document detailing the distribution of preference votes is available on the official website of the local government. ¹⁴

_____ WARD ¹¹		
Absolute majority / Quota: _____ ¹²		
Candidate ⁵	First-preference votes ⁶	Votes at last count ⁷
Name of first candidate to backfill: _____ ⁸		
Name of second candidate to backfill: _____ ⁸		
The following people are elected as councillors for the _____ Ward. ¹³ Each councillor will hold office until the date set out next to the councillor's name. A document detailing the distribution of preference votes is available on the official website of the local government. ¹⁴		
Name ¹⁵	Expiry of term ¹⁰	

FILLING OFFICE OF COUNCILLOR WHO IS ELECTED MAYOR / PRESIDENT ³

_____ ⁹ is elected as the Mayor / President ³ and is a councillor on the council whose office becomes vacant under section 2.32(f) of the Act.

_____ ¹⁶ is elected as a councillor of the _____ Ward ¹³ until _____ ¹⁰ in accordance with Schedule 4.1B of the Act.

Returning Officer	Full name:	
	Signature:	Date:

Notes to Form 19

Notes to Returning Officer when preparing results

1 District

Insert the name of the local government district.

2 Date of election

Insert the date of the election.

3 Mayor or President

Delete “Mayor” or “President” as appropriate.

Delete the box if the election did not include the election of the Mayor or President.

4 Absolute majority

(1) *Include the absolute majority to elect the successful candidate.*

(2) *The absolute majority will be, as the case requires:*

(a) *the number of first-preference votes that the successful candidate required in order to exceed 50% of the total number of first-preference votes for all candidates (Schedule 4.1 clauses 2(1) and 4(2) of the Act);*
or

(b) *the number of votes that the successful candidate required in order to exceed 50% of the total number of votes for all candidates on the last count (Schedule 4.1 clause 5(3) of the Act).*

5 Candidate

List the name of each candidate.

6 First-preference votes

Insert the number of first-preference votes for each candidate.

If a person was elected unopposed under section 4.55 or 4.57(2) of the Act, insert “elected unopposed” in this column.

If a person was appointed by the council of the local government under section 4.57(3) of the Act, insert “appointed by council” in this column.

7 Votes at last count

(1) *Delete this column if:*

- (a) *it is an election of two or more councillors (not a one office election); or*
- (b) *an absolute majority was reached in the count of the first-preference votes; or*
- (c) *a person was elected unopposed under section 4.55 or 4.57(2) of the Act; or*
- (d) *a person was appointed by the council of the local government under section 4.57(3) of the Act.*

(2) *For a candidate who was in the last count – insert the number of votes that the candidate had on the last count.*

(3) *For a candidate who was excluded prior to the last count — insert the word “excluded”.*

8 Backfilling

(1) *The “first candidate to backfill” is referred to as the following in the Act:*

- (a) *unsuccessful candidate (see the definition at Schedule 4.1A clause 4(1) of the Act) – for a one office election with two candidates ascertained under Schedule 4.1 clause 2 of the Act;*
- (b) *second placed candidate (see the definitions at Schedule 4.1A clauses 5(2) and 8(2) of the Act) – for a one office election with three or more candidates ascertained under Schedule 4.1 clause 4 or 5 of the Act (see also the requirement at Schedule 4.1A clause 19(1) and (2) of the Act);*
- (c) *first unelected candidate (see the definition at Schedule 4.1A clause 11(2) of the Act) – for an election of two or more councillors ascertained under Schedule 4.1 Division 3 of the Act (see also the requirement at Schedule 4.1A clause 19(3) of the Act).*

- (2) The “second candidate to backfill” is referred to as the following in the Act:
- (a) *third placed candidate (see the definitions at Schedule 4.1A clauses 5(2) and 8(2) of the Act) – for a one office election with three or more candidates ascertained under Schedule 4.1 clause 4 or 5 of the Act (see also the requirement at Schedule 4.1A clause 19(1) and (2) of the Act);*
 - (b) *second unelected candidate (see the definition at Schedule 4.1A clause 11(2) of the Act) – for an election of two or more councillors ascertained under Schedule 4.1 Division 3 of the Act (see also the requirement at Schedule 4.1A clause 19(3) of the Act).*
- (3) *Insert the relevant candidate’s name, or if there is no relevant candidate, insert “no candidate”.*

9 Name of Mayor or President

Insert the name of the person who is elected as Mayor or President.

10 Expiry of term

Insert the relevant election day on which the term of office expires.

11 Ward

Repeat this box for each ward in the district in which there was an election and insert the name of the ward.

If there were no councillor elections, delete this box.

If the district is not divided into wards and councillors were elected for the district, change the title of this box to “Councillors” and delete the word “Ward”.

12 Absolute majority or quota

- (1) *Delete “Absolute majority” or “Quota” as appropriate.*
- (2) *For one office elections, include the absolute majority to elect the successful candidate.*
- (3) *The absolute majority will be, as the case requires:*
 - (a) *the number of first-preference votes that the successful candidate required in order to exceed 50% of the total number of first-preference votes for all candidates (Schedule 4.1 clauses 2(1) and 4(2) of the Act);*
or
 - (b) *the number of votes that the successful candidate required in order to exceed 50% of the total number of votes for all candidates on the last count (Schedule 4.1 clause 5(3) of the Act).*
- (4) *For elections of two or more councillors, include the quota as determined under Schedule 4.1 clause 8 of the Act.*

13 Name of ward

Insert the name of the relevant ward of the district.

If the district is not divided into wards, insert the word “District” and delete the word “Ward”.

14 Distribution of preference votes

See the requirement at regulation 80(9A) of the Local Government (Elections) Regulations 1997.

Delete the sentence if not applicable.

15 Names of councillors

Insert the names of the councillors in the order in which the councillors were elected, starting with the councillor who was elected first.

16 Filling office of councillor who is elected Mayor or President

Insert the name of the candidate who is elected to the former member’s vacant office in accordance with Schedule 4.1B of the Act.

Delete the box if not applicable.

**Part 5 — *Local Government (Financial Management)*
Regulations 1996 amended**

39. Regulations amended

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

40. Regulation 5A amended

In regulation 5A delete “4” and insert:

4, 17A

41. Regulation 17A amended

(1) In regulation 17A(1) insert in alphabetical order:

last valuation date, in relation to a non-financial asset of a local government, means —

- (a) if the asset has been revalued by the local government — the date of the last revaluation;
- (b) otherwise — the date of acquisition by the local government;

reportable value — see subregulation (4);

(2) In regulation 17A(2)(a) delete “fair” and insert:

reportable

r. 41

- (3) Delete regulation 17A(4) and insert:
- (4) For the purposes of subregulation (2)(a), the **reportable value** of a non-financial asset of a local government is the fair value of the asset as at its last valuation date minus the following (to the extent applicable) —
- (a) the accumulated depreciation in respect of the asset subsequent to its last valuation date;
 - (b) the accumulated impairment losses in respect of the asset subsequent to its last valuation date.
- (4A) A local government must revalue a non-financial asset of the local government referred to in subregulation (2)(a) as follows —
- (a) if the asset is an investment property —
 - (i) whenever required under the AAS known as AASB 140; and
 - (ii) in any event, on the day after the period of 5 years beginning on the asset's last valuation date;
 - (b) otherwise — on the day after the period of 5 years beginning on the asset's last valuation date.
- (4B) A local government —
- (a) is not required to revalue a non-financial asset of the local government referred to in subregulation (2)(a) otherwise than as required under subregulation (4A); but
 - (b) may revalue the asset earlier than is required under subregulation (4A) if the local government chooses to do so.

- (4C) A local government is not required to comply with the AAS known as AASB 136 to determine the recoverable amounts of its non-financial assets referred to in subregulation (2)(a) for an impairment indicator of a general decrease in asset values.

42. Regulation 82 inserted

At the end of Part 6 insert:

82. Transitional provisions for *Local Government Regulations Amendment Regulations (No. 3) 2023*

- (1) In this regulation —
amendment day means the day on which Part 5 of the amendment regulations comes into operation;
amendment regulations means the *Local Government Regulations Amendment Regulations (No. 3) 2023*.
- (2) The amendments to regulations 5A and 17A made by regulations 40 and 41 of the amendment regulations apply in relation to financial statements for financial years ending on or after 30 June 2024.
- (3) Accordingly, regulations 5A and 17A continue to apply on and after amendment day in relation to financial statements for earlier financial years as if those amendments had not been made.

V. MOLAN, Clerk of the Executive Council.