

Local Government Regulations Amendment Regulations 2024

Contents

Part 1 — Preliminary

1.	Citation	1
2.	Commencement	1

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

Division 1 — CEOs

3.	Regulations amended	2
4.	Regulation 3 amended	2
5.	Regulation 18AA inserted	2
	18AA. Summary of CEO's performance review (Act s. 5.38(4)(c))	2
6.	Regulation 18FAA inserted	4
	18FAA. Publication of information relating to CEO's performance (Act s. 5.39AA(1) and 5.96A(1)(i))	4
7.	Regulations 18FAB and 18FAC inserted	6
	18FAB. Independent persons panel (Act s. 5.39A(4) and (5))	6
	18FAC. Disqualifying interests (Act s. 5.39A(4) and (5))	8
8.	Regulation 18FB amended	9
9.	Regulation 18FBA inserted	10
	18FBA. Certification of compliance with adopted standards for renewal of CEO's contract of employment (Act s. 5.39B(7))	10
10.	Regulation 18FC amended	10
11.	Schedule 2 clause 8 amended	11
12.	Schedule 2 clause 13 replaced	11

Contents

	13.	Recruitment to be undertaken on expiry of certain CEO contracts	11	
13.	Schedule 2 clause 15A inserted			12
	15A.	Contents of performance criteria	12	
14.	Schedule 2 clause 25 inserted			13
	25.	Probationary period	13	
		Division 2 — Registers		
15.	Regulations amended			14
16.	Part 7A inserted			14
		Part 7A — Registers (Act s. 5.96B)		
	29E.	Preliminary	14	
	29F.	Leases of land	15	
	29G.	Grants and sponsorships	18	
	29H.	Development contributions	20	
	29I.	Contracts for goods and services	23	
		Part 3 — Local Government (Functions and General) Regulations 1996 amended		
17.	Regulations amended			25
18.	Regulation 35B amended			25

Local Government Regulations Amendment Regulations 2024

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Local Government Regulations Amendment Regulations 2024*.

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) regulations 5, 6, 11 and 13 — on 1 July 2025;
- (c) regulation 7, Part 2 Division 2 and Part 3 — on 1 January 2025;
- (d) the rest of the regulations — on the day after publication day.

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

Division 1 — CEOs

3. Regulations amended

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

4. Regulation 3 amended

In regulation 3(1) insert in alphabetical order:

adopted standards, in relation to a local government,
means —

- (a) the standards adopted by the local government under section 5.39B; or
- (b) if the local government has not adopted standards under section 5.39B — the standards taken under section 5.39B(5) to be the local government's adopted standards;

5. Regulation 18AA inserted

After regulation 18A insert:

**18AA. Summary of CEO's performance review
(Act s. 5.38(4)(c))**

(1) In this regulation —

target, in relation to a performance criterion, means the target contained in the performance criterion in accordance with the local government's adopted standards.

Note for this definition:

See clause 15A of the model standards in Schedule 2 of these regulations (introduced by regulation 18FA).

- (2) This regulation applies for the purposes of section 5.38(4)(c).
- (3) A statement must, for each performance criterion against which the CEO's performance was reviewed, state the following (to the extent not stated under section 5.38(4)(a) or (b)) —
 - (a) the target that had to be achieved for the performance criterion to be met;
 - (b) whichever of the following applies —
 - (i) the target was achieved;
 - (ii) the target was not achieved;
 - (iii) no determination could be made as to whether the target was achieved;
 - (c) if the target was not achieved — whether this was substantially because of circumstances beyond the CEO's control and, if so, the circumstances;
 - (d) if no determination could be made as to whether the target was achieved — the reasons why this was the case.
- (4) A statement must state whichever of the following applies —
 - (a) all targets for all performance criteria against which the CEO's performance was reviewed were achieved;
 - (b) 50% or more, but not all, of those targets were achieved;
 - (c) less than 50% of those targets were achieved.

- (5) A target must be disregarded for the purposes of subregulation (4) if any of the following applies —
- (a) the target was not achieved substantially because of circumstances beyond the CEO's control;
 - (b) no determination could be made as to whether the target was achieved;
 - (c) the target relates to a performance criterion that is the subject of a direction of the Departmental CEO under section 5.39AA(2) or regulation 18FAA(7).

6. Regulation 18FAA inserted

After regulation 18F insert:

18FAA. Publication of information relating to CEO's performance (Act s. 5.39AA(1) and 5.96A(1)(i))

- (1) In this regulation, references to the minutes of the meeting of the council are to —
- (a) subject to paragraph (b), the confirmed minutes;
 - (b) until the confirmed minutes are published on the local government's official website, the unconfirmed minutes.

Notes for this subregulation:

- 1. Confirmed minutes are required to be published on the local government's official website under section 5.96A(1)(f).
 - 2. Unconfirmed minutes are required to be published on the local government's official website under regulation 13.
- (2) For the purposes of section 5.39AA(1)(a), the performance criteria must be published on the local government's official website alongside the minutes of

the meeting of the council at which the CEO's contract of employment is approved.

- (3) The copies of the statements referred to in section 5.39AA(1)(b) and (c) must be published on the local government's official website alongside the minutes of the meeting of the council at which the CEO's performance review is conducted.
- (4) For the purposes of subregulation (3), if a statement has not been prepared by the time the minutes are published, the statement must be published alongside the minutes as soon as practicable after the statement is prepared.
- (5) Subregulation (6) applies, subject to subregulation (7), to a performance criterion, other than one specified in the CEO's contract of employment under section 5.39(3)(b), that is to be met by the CEO as agreed by the local government and the CEO under the local government's adopted standards.

Note for this subregulation:

See clause 16(1) of the model standards in Schedule 2 of these regulations (introduced by regulation 18FA).

- (6) For the purposes of section 5.96A(1)(i), the performance criterion must be published on the local government's official website alongside the minutes of the meeting of the council at which the local government agreed to the performance criterion.
- (7) The Departmental CEO may, if satisfied that it is in the public interest to do so, direct that a performance criterion is not to be published under subregulation (6).

7. Regulations 18FAB and 18FAC inserted

After regulation 18FA insert:

18FAB. Independent persons panel (Act s. 5.39A(4) and (5))

- (1) In this regulation and regulation 18FAC —
- independent person*, in relation to a selection panel established by a local government, means a person other than the following —
- (a) a member of the council of the local government or of any other local government;
 - (b) an employee of the local government;
 - (c) a human resources consultant engaged by the local government;

independent persons panel means the panel that the Departmental CEO must establish under subregulation (2)(a);

selection panel means a selection panel that a local government must establish under its adopted standards to conduct the recruitment and selection process for the employment of a person in the position of CEO.

Note for this definition:

See clause 8 of the model standards in Schedule 2 of these regulations (introduced by regulation 18FA).

- (2) The Departmental CEO —
- (a) must establish a panel of persons to serve as independent persons on selection panels that local governments establish on or after 1 July 2025; and
 - (b) for the purposes of paragraph (a) —
 - (i) must, from time to time, appoint persons to the independent persons panel for periods, and otherwise on terms and

conditions, determined by the Departmental CEO; and

- (ii) without limiting subparagraph (i), may require a person, as a condition of their appointment to the independent persons panel, to provide the Departmental CEO with a written undertaking relating to how the person will conduct themselves.

Example for this subregulation:

For the purposes of paragraph (b)(ii), a written undertaking could relate to how the person will avoid, or otherwise deal with, conflicts of interest or potential conflicts of interest.

- (3) If a local government is establishing a selection panel, it is for the local government (and not the Departmental CEO) to select and appoint 1 or more members of the independent persons panel to serve as an independent person on the selection panel (subject to subregulation (4) and regulation 18FAC).
- (4) A member of the independent persons panel must not serve, or continue to serve, on a selection panel in contravention of the terms and conditions of their appointment to the independent persons panel (including any undertaking provided by the member as referred to in subregulation (2)(b)(ii)).
- (5) A local government must give written notice to the Departmental CEO of the following as soon as practicable after it occurs —
 - (a) the appointment by the local government to a selection panel of a member of the independent persons panel (including the member's name);
 - (b) the resignation or removal from a selection panel established by the local government of a member of the independent persons panel (including the member's name).

- (6) A member of the independent persons panel who is appointed to a selection panel is entitled to be paid fees and reimbursed expenses in accordance with subregulation (7).
- (7) Section 5.100 applies to the member as if —
 - (a) the selection panel were a committee of the council; and
 - (b) the member were a member of that committee who is neither a council member nor an employee.
- (8) The Departmental CEO must publish a list of the membership of the independent persons panel on the Department's website, and update the list from time to time as necessary.

18FAC. Disqualifying interests (Act s. 5.39A(4) and (5))

- (1) For the purposes of this regulation, a member of the independent persons panel has a *disqualifying interest* in relation to a selection panel if either or both of the following apply —
 - (a) it is reasonable to expect that, if the recruitment and selection process has a particular outcome, that outcome will result, directly or indirectly, in a financial gain, loss, benefit or detriment to —
 - (i) the member; or
 - (ii) a person with whom the member is closely associated (as determined in accordance with section 5.62(1)(a) to (e) and (f) as if the member were a relevant person);
 - (b) the member has an interest (whether arising from kinship, friendship or membership of an association or otherwise) that could, or could

reasonably be perceived to, affect adversely the impartiality of the member as a member of the selection panel.

- (2) A member of the independent person’s panel must not serve, or continue to serve, on a selection panel if the member is aware, or becomes aware, that they have a disqualifying interest.

Penalty for this subregulation: a fine of \$5 000.

- (3) If a member of the independent persons panel who is a member of a selection panel becomes aware that they have a disqualifying interest, they must disclose the nature of the disqualifying interest to each of the following as soon as possible —

- (a) the Departmental CEO;
- (b) the chair of the selection panel or, if the member is the chair, the mayor or president.

Penalty for this subregulation: a fine of \$5 000.

8. Regulation 18FB amended

- (1) Delete regulation 18FB(1).
- (2) In regulation 18FB(2):
 - (a) in paragraph (b) delete “employment.” and insert:
employment; and
 - (b) after paragraph (b) insert:
 - (c) regulation 18FBA does not apply.

9. Regulation 18FBA inserted

After regulation 18FB insert:

18FBA. Certification of compliance with adopted standards for renewal of CEO's contract of employment (Act s. 5.39B(7))

- (1) This regulation applies if —
- (a) a local government renews the contract of employment of the CEO of the local government; and
 - (b) the local government's adopted standards in relation to the recruitment of CEOs apply to the renewal.

Note for this subregulation:

See clauses 4(2)(b) and 13 of the model standards in Schedule 2 of these regulations (introduced by regulation 18FA).

- (2) As soon as practicable after the contract is renewed, the local government must, by resolution*, certify that the renewal was in accordance with the local government's adopted standards in relation to the recruitment of CEOs.

* Absolute majority required.

- (3) The local government must give a copy of the resolution to the Departmental CEO within 14 days after the resolution is passed by the local government.

10. Regulation 18FC amended

Delete regulation 18FC(1).

11. Schedule 2 clause 8 amended

- (1) In Schedule 2 clause 8(1) in the definition of *independent person* delete paragraph (a) and insert:
 - (a) a member of the council of the local government or of any other local government;
- (2) In Schedule 2 clause 8(3)(a) delete “council members” and insert:

members of the council of the local government
- (3) After Schedule 2 clause 8(3) insert:
 - (4) An independent person on the selection panel must be a member of the independent persons panel established under the *Local Government (Administration) Regulations 1996* regulation 18FAB.
 - (5) An independent person on the selection panel must be replaced if the independent person makes a disclosure under the *Local Government (Administration) Regulations 1996* regulation 18FAC(3)(b).

12. Schedule 2 clause 13 replaced

Delete Schedule 2 clause 13 and insert:

13. Recruitment to be undertaken on expiry of certain CEO contracts

- (1) In this clause —

commencement day means the day on which the *Local Government Regulations Amendment Regulations 2024* regulation 12 comes into operation.

- (2) This clause applies if, upon the expiry of the contract of employment (the *current contract*) of the person (the *incumbent CEO*) who holds the position of CEO —
 - (a) the incumbent CEO will have held the position for a period of 10 or more consecutive years, whether that period commenced before, on or after commencement day; and
 - (b) a period of 10 or more consecutive years will have elapsed since a recruitment and selection process for the position was carried out, whether that process was carried out before, on or after commencement day.
- (3) The current contract must not be varied so as to extend its term.
- (4) The current contract must not be renewed unless —
 - (a) the local government first carries out a recruitment and selection process in accordance with these standards to select a person to be employed in the position of CEO after the expiry of the current contract; and
 - (b) the incumbent CEO is selected in the recruitment and selection process to be employed in the position of CEO.

13. Schedule 2 clause 15A inserted

After Schedule 2 clause 15 insert:

15A. Contents of performance criteria

- (1) This clause applies to contractual performance criteria and additional performance criteria.
- (2) A performance criterion must contain the following information —
 - (a) the aspect of the CEO's role to which the performance criterion applies;

- (b) the indicator to be used to assess the CEO's performance against the performance criterion;
- (c) the target to be achieved in order for the performance criterion to be met;
- (d) the evidence to be used for determining whether the target is achieved.

Examples for this subclause:

1. For the purposes of paragraph (a), the CEO's management of the provision of services by the local government.
2. For the purposes of paragraph (b), satisfaction of persons to whom services are provided by the local government.
3. For the purposes of paragraph (c), at least 90% of persons to whom services are provided by the local government are satisfied with the services.
4. For the purposes of paragraph (d), results of surveys completed by a representative sample of persons to whom services are provided by the local government.

14. Schedule 2 clause 25 inserted

After Schedule 2 clause 24 insert:

25. Probationary period

Clauses 21(2) and 22 do not apply to the termination of the employment of a CEO if —

- (a) before becoming CEO, the CEO was never an employee of the local government; and
- (b) the CEO's contract of employment provides —
 - (i) for a probationary period; and
 - (ii) for the review by the local government of the CEO's performance during the probationary period with a view to determining whether the CEO's employment should continue after the probationary period; and

- (iii) for the local government to have the option of terminating the CEO's employment during the probationary period after reviewing the CEO's performance as referred to in subparagraph (ii);

and

- (c) the local government terminates the employment of the CEO during the probationary period —
 - (i) after reviewing the CEO's performance as referred to in paragraph (b)(ii); and
 - (ii) otherwise in accordance with the contract of employment.

Division 2 — Registers

15. Regulations amended

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

16. Part 7A inserted

After regulation 29D insert:

Part 7A — Registers (Act s. 5.96B)

29E. Preliminary

- (1) This Part requires the CEO to keep registers for the purposes of section 5.96B(1).
- (2) The CEO must keep each register on and from 1 July 2025.
- (3) Initially, the information contained in a register must be up-to-date as at the beginning of 1 July 2025.

- (4) The CEO must then update the register at intervals of no more than 3 months.

29F. Leases of land

- (1) In this regulation —

lease means a lease, licence or agreement under which a person has a right to occupy or use land over a period —

- (a) whether the occupation or use of the land is on an exclusive basis or otherwise; and
- (b) whether the occupation or use of the land is continuous over the period or otherwise; and
- (c) whether the period is a fixed period or otherwise;

Notes for this definition:

- 1. A person's right to occupy or use land under a lease, licence or agreement may, in some situations, derive from a provision of a written law (for example, the *Residential Tenancies Act 1987* section 76C).
- 2. For the purposes of paragraph (c), the period may, from time to time after the beginning of the lease, licence or agreement, be extended or change in nature (for example, from a fixed period to an indefinite period).

Examples for this definition:

- 1. For the purposes of paragraph (a), the person's right to occupy or use the land may be —
 - (a) to occupy or use the land to the exclusion of all other persons; or
 - (b) to share in the occupation or use of the land with other persons.
- 2. For the purposes of paragraph (b), the person's right to occupy or use the land may be —
 - (a) to occupy or use the land continuously over a period of 1 year; or
 - (b) to occupy or use the land for 20 hours per week over a period of 1 year.

3. For the purposes of paragraph (c), the period may be —
- (a) a fixed period of 1 year with no option to extend the fixed period; or
 - (b) a fixed period of 1 year with an option to extend the fixed period on 1 or more occasions; or
 - (c) an indefinite period that may be terminated by a party to the lease, licence or agreement giving notice to the other party.

lease period, in relation to a lease, means the period over which the land may be occupied or used;

rent includes the following —

- (a) a fee or charge payable for the occupation or use of land;
- (b) any other type of amount that is in the nature of rent;

residential tenancy agreement has the meaning given in the *Residential Tenancies Act 1987* section 3;

retail shop lease has the meaning given in the *Commercial Tenancy (Retail Shops) Agreements Act 1985* section 3(1);

unclassified lease means a lease that is neither a residential tenancy agreement nor a retail shop lease.

- (2) The CEO must keep a register containing the information required by subregulation (3) in relation to each lease to which the local government is a party —
 - (a) whether the lease is made before, on or after 1 July 2025; but
 - (b) subject to subregulation (4).
- (3) The required information is as follows —
 - (a) whether the lease is a residential tenancy agreement, a retail shop lease or an unclassified lease;
 - (b) the role of the local government under the lease;

Examples for this paragraph:

1. Lessor or licensor.
 2. Lessee or licensee.
- (c) if the lease is a retail shop lease or an unclassified lease — the name of each party to the lease other than the local government;
- (d) the following —
- (i) if the land has an address — the address;
 - (ii) otherwise — the location of the land by reference to the number of the relevant deposited plan and the number of the relevant lot shown on that plan;
- (e) a summary of the purposes for which the land may be occupied or used;
- (f) a description of the lease period, including the following —
- (i) the first date of the lease period;
 - (ii) the last date of the lease period as at the beginning of the lease (if that date is fixed);
 - (iii) the current last date of the lease period (if that date is fixed);
 - (iv) if the current last date of the lease period is not fixed — the circumstances in which the lease period will end;
 - (v) a summary of any extensions or changes in nature to the lease period that occur after the beginning of the lease;
- (g) details of the rent payable under the lease to or by the local government.

Examples for this paragraph:

1. \$10 000 per annum.
2. \$1 000 per month.

3. \$100 per hour.
 4. A one-off amount of \$1 000.
- (4) Subregulation (2) does not apply to a lease if any of the following applies —
- (a) the right to occupy or use the land no longer subsists;
 - (b) the lease period, as at the beginning of the lease, is a fixed period of less than 1 month and there is no option under the lease to extend the fixed period to or beyond 1 month;

Example for this paragraph:

The land may be occupied or used only for 6 hours on a particular day for a one-off event.

- (c) the land may be occupied or used only for the purpose of accessing or egressing other land.

29G. Grants and sponsorships

- (1) In this regulation —
- final report date***, in relation to a grant or sponsorship, means the latest date by which the recipient of the grant or sponsorship must, under the terms of the grant or sponsorship, make a report to the local government covering 1 or more of the following —
- (a) the way in which the grant or sponsorship has been applied;
 - (b) the outcomes achieved by the application of the grant or sponsorship;
 - (c) the recipient's compliance with the terms of the grant or sponsorship;
 - (d) any other matter about which the recipient is required to report to the local government under the terms of the grant or sponsorship;

grant means a grant of a monetary or non-monetary kind;

sponsorship means a sponsorship of a monetary or non-monetary kind;

value, in relation to a grant or sponsorship, means its monetary amount or, if it is of a non-monetary kind, its equivalent monetary amount.

- (2) The CEO must keep a register containing the information required by subregulation (3) in relation to each grant or sponsorship made by the local government —
- (a) whether the grant or sponsorship is made before, on or after 1 July 2025; but
 - (b) subject to subregulation (4).
- (3) The required information is as follows —
- (a) the date on which the grant or sponsorship is made;
 - (b) a summary of the purpose for which the grant or sponsorship is made;
 - (c) the name of the recipient;
 - (d) the value;
 - (e) the final report date (if any);
 - (f) if the final report date (if any) has passed — whether the recipient has made all reports to the local government that the recipient is required to make under the terms of the grant or sponsorship.
- (4) Subregulation (2) does not apply to a grant or sponsorship if any of the following applies —
- (a) the grant or sponsorship is made on a day before 1 July 2025 and the period of 5 years beginning on that day has expired;

- (b) if there is a final report date — the period of 5 years beginning on the final report date has expired;
 - (c) the value is less than \$500.
- (5) For the purposes of subregulation (4)(c), the value includes the value of any other grant or sponsorship that is made, or that is to be made, by the local government to the same recipient for the same purpose or a purpose that is substantially the same.

29H. Development contributions

- (1) In this regulation —
- authorised purposes**, in relation to a development contribution, means the purposes for which the development contribution, including any interest earned, must or may be applied by the local government;
- contributor**, in relation to a development contribution, means the person from whom the development contribution is received;
- development** —
- (a) has the meaning given in the *Planning and Development Act 2005* section 4(1); and
 - (b) includes development (as defined in paragraph (a)) that is proposed;
- development contribution** means money received by the local government under the *Planning and Development Act 2005* (including a local planning scheme) in connection with development or a subdivision —
- (a) as a contribution towards the provision of infrastructure or facilities by the local government; or

- (b) in lieu of compliance with a requirement imposed under the *Planning and Development Act 2005* (including a local planning scheme);

exhausted — see subregulation (5);

interest earned, in relation to a development contribution, means any interest earned from the investment of the development contribution, or any portion of it, by the local government;

subdivision —

- (a) means any action referred to in the *Planning and Development Act 2005* section 135(1)(a), (b) or (c); and
 - (b) includes a subdivision (as defined in paragraph (a)) that is proposed.
- (2) The CEO must keep a register containing the information required by subregulation (3) in relation to each development contribution received by the local government —
- (a) whether the development contribution is received before, on or after 1 July 2025; but
 - (b) subject to subregulation (4).
- (3) The required information is as follows —
- (a) the name of the contributor;
 - (b) the address, or other description of the location, of the development or subdivision in connection with which the development contribution is received;
 - (c) a summary of the authorised purposes;
 - (d) the amount of the development contribution;
 - (e) the date on which the development contribution is received;

- (f) the date (if any) by which the development contribution, including any interest earned, must be fully applied by the local government for authorised purposes;
 - (g) the amount of interest earned;
 - (h) each item of infrastructure and each facility in respect of which the development contribution, including any interest earned, is applied;
 - (i) for each item of infrastructure and each facility referred to in paragraph (h) —
 - (i) the amount expended by the local government towards its provision; and
 - (ii) the proportion of that amount that comes from the application of the development contribution, including any interest earned.
- (4) Subregulation (3) does not apply to a development contribution if —
- (a) the development contribution is exhausted; and
 - (b) the period of 5 years beginning on the day on which the development contribution became exhausted has expired.
- (5) For the purposes of subregulation (4), a development contribution is *exhausted* if any of the following applies —
- (a) the development contribution, including any interest earned, has been fully applied by the local government for authorised purposes;
 - (b) the development contribution, including any interest earned, has been fully paid back to the contributor by the local government;

- (c) the development contribution, including any interest earned —
 - (i) has been partly applied by the local government for authorised purposes; and
 - (ii) to the extent not applied by the local government for authorised purposes, has been paid back to the contributor by the local government.

29I. Contracts for goods and services

- (1) The CEO must keep a register containing the information required by subregulation (2) in relation to each contract made by the local government for another person (the *supplier*) to supply goods or services —
 - (a) whether the contract is made before, on or after 1 July 2025; but
 - (b) subject to subregulation (3).
- (2) The required information is as follows —
 - (a) the name of the supplier;
 - (b) whether tenders were publicly invited for the contract and, if they were not, a summary of the method by which the supplier was chosen;
 - (c) the date on which the contract is made;
 - (d) a summary of the goods or services;
 - (e) if the goods or services are to be supplied over a fixed period —
 - (i) the fixed period as at the beginning of the contract; and
 - (ii) if the fixed period is extended on 1 or more occasions — the fixed period as extended;

- (f) if the contract is varied on 1 or more occasions — a summary of each variation;
- (g) the following —
 - (i) the amount of consideration under the contract that the local government has paid;
 - (ii) the amount, or expected amount, of consideration under the contract that the local government is still to pay;
 - (iii) the sum of the amounts referred to in subparagraphs (i) and (ii).
- (3) Subregulation (1) does not apply to a contract if either of the following applies —
 - (a) the sum referred to in subregulation (2)(g)(iii) is less than \$50 000;
 - (b) no further goods or services are to be supplied under the contract.
- (4) For the purposes of subregulation (3)(a), the sum includes the equivalent sum for any other contract made by the local government with the same supplier —
 - (a) that is for the same purpose or a purpose that is substantially the same; and
 - (b) to which subregulation (3)(b) does not apply.

**Part 3 — *Local Government (Functions and General)*
Regulations 1996 amended**

17. Regulations amended

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

18. Regulation 35B amended

(1) In regulation 35B delete “The” and insert:

(1) The

(2) At the end of regulation 35B insert:

(2) The Departmental CEO’s functions under the *Local Government (Administration) Regulations 1996* regulation 18FAB are delegable functions.

Clerk of the Executive Council