



Local Government (General) Amendment (Miscellaneous) Regulation 2002

under the

Local Government Act 1993

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

HARRY WOODS, M.P.,
Minister for Local Government

Explanatory note

The object of this Regulation is to amend the *Local Government (General) Regulation 1999 (the Regulation)* in respect of two unrelated matters—matter arising out of the *Local Government Amendment (Filming) Act 2000 (the amending Act)* and matter relating to expenses and facilities of councillors.

The amending Act

Section 47AA of the *Local Government Act 1993 (the Act)* (which is inserted by Schedule 1 [2] to the amending Act and is to commence at the same time as this Regulation) requires a council that proposes to grant, under section 47A of the Act, a lease, licence or other estate in respect of certain community land in order to allow a filming project to be carried out on the land to notify or advertise the proposal “in the manner prescribed by the regulations”. (This requirement is in addition to the notification requirements of section 47 of the Act.)

Schedule 1 [3] to this Regulation prescribes the manner of notification or advertisement for the purposes of section 47AA.

Schedule 1 [6] to the amending Act inserted a definition of *filming* in the Act. In consequence of that, Schedule 1 [1] and [2] to this Regulation amend clauses 24 and 25 of the Regulation (which currently refer to “filming for cinema or television” on community land) so as to apply the broader terms of the new definition to those clauses.

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Explanatory note

Expenses and facilities of councillors

Section 252 of the Act requires councils to adopt a policy concerning (among other things) the payment of expenses incurred or to be incurred by councillors in relation to discharging the functions of civic office. Any such policy must comply with the regulations.

Clause 42A of the Regulation currently provides that any such policy must not include any provision enabling a council to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor. Schedule 1 [4] to this Regulation repeals and remakes that clause so as to add a prohibition on any policy under section 252 permitting the payment to councillors of an allowance in the nature of a general expense allowance.

Authority for Regulation

This Regulation is made under the *Local Government Act 1993*, including sections 47AA (Special provisions for leases, licences and other estates granted for filming projects), 252 (Payment of expenses and provision of facilities) and 748 (the general regulation-making power).

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Local Government Act 1993

1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Miscellaneous) Regulation 2002*.

2 Commencement

This Regulation commences on 1 November 2002.

3 Amendment of Local Government (General) Regulation 1999

The *Local Government (General) Regulation 1999* is amended as set out in Schedule 1.

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Schedule 1 Amendments

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(Clause 3)

[1] Clause 24 Leases, licences and other estates in respect of community land

Omit “for cinema or television” from clause 24 (1) (g).

[2] Clause 25 Exemptions from section 47A of the Act (Leases, licences and other estates in respect of community land—terms of 5 years or less)

Omit “for cinema or television” from clause 25 (1) (c) (viii).

[3] Clause 25A

Insert after clause 25:

25A Additional notifications in relation to certain filming projects

- (1) This clause prescribes, for the purposes of section 47AA of the Act, the additional manner of notification or advertisement of a council’s proposal under section 47A of the Act to grant a lease, licence or other estate in respect of community land in order to allow a filming project to be carried out on that community land.
- (2) If the community land is:
 - (a) critical habitat (as defined in section 36A (1) of the Act), or
 - (b) directly affected by a recovery plan or threat abatement plan (as referred to in section 36B (2) of the Act),written notice is to be given to the Director of the National Parks and Wildlife Service.
- (3) If the community land is declared to be an area of cultural significance under section 36D (1) of the Act because of the presence on the land of any item that the council considers to be of Aboriginal significance:
 - (a) written notice is to be given to the Local Aboriginal Land Council for the area in which the land is situated, and
 - (b) an advertisement is to be placed in a newspaper circulated across the State that is primarily concerned with issues of interest to Aboriginal people.

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- (4) A notice and an advertisement required by this clause must include the matter specified in section 47 (2) of the Act (subject to section 47AA (2) of the Act).

[4] Clause 42A

Omit the clause. Insert instead:

42A Payment of expenses and provision of facilities

A policy under section 252 of the Act must not include any provision enabling a council:

- (a) to pay any councillor an allowance in the nature of a general expense allowance, or
- (b) to make a motor vehicle owned or leased by the council available for the exclusive or primary use or disposition of a particular councillor other than a mayor.