

List of absolute majority decisions

Local Government Act 1995



Last reviewed January 2020

The following is a quick reference guide to decisions requiring an absolute majority, under the *Local Government Act 1995* (LGA), associated regulations, and certain other legislation. Officers should refer to the relevant section for full details of each decision. If you require further information or assistance, contact the WALGA Governance Team via email to governance@walga.asn.au or call (08) 9213 2000.

In relation to Council, an 'absolute majority' means more than 50% of the number of positions on Council, whether vacant or not (LGA s.1.4).

LOCAL GOVERNMENT ACT 1995

PART 2 – CONSTITUTION OF LOCAL GOVERNMENT

2.11	Alternative methods of filling office of Mayor or President Change from election of Mayor or President by Council, to election by electors.
Sch 2.1	Provisions about creating, changing the boundaries of, and abolishing districts
CI 9(1)(b)(ii)	Procedure for holding a poll Declare person responsible for conduct of a poll on recommendation of Advisory Board.
Sch 2.2	Provisions about names, wards and representation
CI 4(2)(b)	Dealing with submissions Propose to the Advisory Board that a submission be rejected or dealt with under 5(b).
CI 5(b)	Local government may propose ward changes or make minor proposals Make a minor proposal to the Advisory Board
CI 5(c)	Local government may propose ward changes or make minor proposals Propose to the Minister an order changing the name of a district or ward.
CI 9	Proposal by local government Propose an order to the Advisory Board after a ward review.

PART 3 – FUNCTIONS OF LOCAL GOVERNMENT

3.12(4)	Procedure for making local laws Make the proposed local law or a local law that is not significantly different.
3.16(4)	Periodic review of local laws Determine whether a local law should be repealed or amended after a review.
3.59(5)	Commercial enterprises by local governments Decide whether to proceed with major trading undertaking or major land transaction as proposed or not significantly different.

PART 4 – ELECTIONS AND OTHER POLLS

4.17(3)	Cases in which vacant offices can remain unfilled Allow a Councillor's office to remain vacant under specified circumstances.
4.20(2)	CEO to be returning officer unless other arrangements made Appoint a returning officer other than the CEO.
4.20(4)	CEO to be returning officer unless other arrangements made Declare the Electoral Commission to be responsible for the conduct of an election.
4.57(3)	Less candidates than vacancies Appoint a person to an unfilled office under specified circumstances.
4.61(2)	Choice of methods of conducting election Decide to conduct the election as a postal election.

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PART 5 - ADMINISTRATION	
5.8	Establishment of committees Establish committees.
5.10(1)	Committee members, appointment of Appoint a person to be a member of a committee (except appointments under 5.10(4)&(5) – President/Mayor and CEO to be appointed at their request to committees that have Council or employee members respectively).
5.10(3)	Committee members, appointment of Remove, suspend, reappoint or reinstate a committee member, or make a temporary appointment where the committee member is suspended or unable to carry out their duties.
5.11A(1)	Deputy committee members Appoint or terminate the appointment of a person to be a deputy of a member of a committee.
5.15	Reduction of quorum for committees Reduce the number required for a quorum at a committee meeting.
5.16(1)	Delegation of some powers and duties to certain committees Delegate powers and duties to a committee.
5.16(3)	Delegation of some powers and duties to certain committees Amend or revoke a delegation of powers and duties to a committee.
5.36(2)	Local government employees Decision that Council is satisfied with CEO employment contract (CEO cannot be employed unless Council is satisfied).
5.42(1)	Delegation of some powers and duties to CEO Delegate powers and duties to the CEO.
5.45(1)(b)	Other matters relevant to delegations under this Division Amend or revoke a delegation under this Division.
5.54(1)	Acceptance of annual reports Accept the annual report.
5.90A(2)	Policy for attendance at events Adopt a policy for attendance at events
5.90A(3)	Policy for attendance at events Amend a policy for attendance at events
5.98A	Allowance for deputy Mayor or deputy President Decide to pay the deputy Mayor or President an allowance.
5.99	Annual fee for Council members in lieu of fees for attending meetings Decide to pay Council members an annual fee instead of a fee for attending a meeting.
5.99A	Allowances for Council members in lieu of reimbursement of expenses Decide to pay Council members an annual allowance instead of reimbursing expenses.
5.128(1)	Policy for continuing professional development Adopt a policy for continuing professional development of Council members.
5.128(2)	Policy for continuing professional development Amend a policy for continuing professional development of Council members.

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PART 6 – FINANCIAL MANAGEMENT	
6.2(1)	Local government to prepare annual budget Adopt an annual budget.
6.3	Budget for other circumstances Adopt a special budget in specified circumstances.
6.8(1)	Expenditure from municipal fund not included in annual budget Authorise expenditure from municipal fund for an additional purpose.
6.11(2)	Reserve accounts Change the purpose of a reserve account or use the money in a reserve account for another purpose (after giving one month's local public notice).
6.12(1)	Power to defer, grant discounts, waive or write off debts Grant a discount or incentive for early payment, when adopting the annual budget.
6.13(1)	Interest on money owing to local governments Require a person to pay interest on money owed to the local government.
6.16(1)&(3)	Imposition of fees and charges Impose a fee or charge when adopting the annual budget or during a financial year.
6.16(3)	Imposition of fees and charges Amend a fee or charge during a financial year.
6.20(2)	Power to borrow Resolve to borrow money when proposal was not included in the annual budget.
6.20(3)	Power to borrow Resolve to spend money borrowed and not spent, for another purpose (after giving one month's local public notice).
6.32(1)	Rates and service charges Impose a general rate, a specified area rate, a minimum payment, or a service charge.
6.32(3)(a)	Rates and service charges Impose a supplementary general rate.
6.32(3)(b)	Rates and service charges Impose a new general rate, specified area rate or service charge in specified circumstances.
6.46	Discounts Resolve to grant a discount or other incentive for the early payment of rate or service charge.
6.47	Concessions Resolve to waive a rate or service charge, or grant other concessions in relation to a rate or service charge.
6.51(1)	Accrual of interest on overdue rates or service charges Resolve to impose interest on a rate or service charge, or costs in recovering overdue charge.
PART 7 – AUDIT	
7.1A(2)	Audit committee Appoint members of the audit committee.
7.1B(1)	Delegation of some powers and duties to audit committees Delegate powers and duties to the audit committee. Only powers and duties under this Part, excluding the power of delegation, may be delegated.

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PART 10 – PROVISIONS FOR COVID-19 PANDEMIC	
10.4(1)	Suspension of local law Suspend the operations of a specified local law, or specified provisions of a local law, only while a COVID emergency declaration is in force and the resolution is considered necessary to deal with consequences of the COVID-19 pandemic.
10.4(4)	Revoke the suspension of a local law Revoke a resolution made under s10.4(1).

REGULATIONS

Financial Management Regulations 1996	
33A	Review of budget Determine whether to adopt a budget review or parts of a budget review.
Administration Regulations 1996	
10(1)(a)	Revoking or changing decisions (Act s. 5.25(1)(e)) If a decision has been made at a Council or a committee meeting then any motion to revoke or change the decision must be supported, in the case where an attempt to revoke or change the decision had been made within the previous 3 months but had failed, by an absolute majority.
10(2)	Revoking or changing decisions (Act s. 5.25(1)(e)) If a decision has been made at a Council or a committee meeting then any decision to revoke or change the first mentioned decision must be made by an absolute majority.
14A(1)	Attendance by telephone etc. (Act s. 5.25(1)(ba)) Approve the arrangement for attendance by telephone.
14A(4)	Attendance by telephone etc. (Act s. 5.25(1)(ba)) Approve a 'suitable place' for a person attending by telephone.
19C(7)	Strategic community plans, requirements for (Act s. 5.56) Determine whether to adopt a strategic community plan, or modifications to a plan, that has been submitted.
19DA	Corporate business plans, requirements for (Act s. 5.56) Determine whether or not to adopt a corporate business plan, or modifications to a plan, that has been submitted.

LOCAL GOVERNMENT ACT 1995 - PROVISIONS NOT YET IN OPERATION

5.39B	Adoption of model standards <i>Adopt standards, incorporating model standards, for CEO recruitment, performance and termination.</i> <i>Amend adopted standards to incorporate amendments to model standards.</i>
5.39C	Policy for temporary employment or appointment of CEO <i>Adopt a policy for the employment of a CEO or appointment of an acting CEO for a term not exceeding 1 year.</i> <i>Amend the policy.</i>
5.104	Adoption of model code of conduct <i>Adopt a code of conduct for Council members, committee members and candidates that incorporates the model code.</i> <i>Amend the adopted code of conduct to incorporate amendments made to the model code.</i>

Other legislation

CAT ACT 2011

s.44	Delegation by Local Government Decision by Council to delegate powers / duties to the CEO.
s.46	Amending or revoking a delegation Council to decision to amend or revoke a delegation to the CEO.

DOG ACT 1976

s.10AA	Delegation of Local Government powers and duties Decision by Council to delegate powers / duties to the CEO.
s.31	Control of dogs in certain public places Council decision to specify a public place where dogs are prohibited at all times or at specified times. Council decision to specify a public place as a dog exercise area. Council decision to specify a public place as a rural leashing area.

GRAFFITI VANDALISM ACT 2016

s.16	Delegation by Local Government Decision by Council to delegate powers / duties to the CEO.
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PLANNING AND DEVELOPMENT (LOCAL PLANNING SCHEMES) REGULATIONS 2015

reg.82	Delegation by Local Government Decision by Council to delegate powers / duties to a Committee of Council or the CEO.
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