

LG304

LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT (FINANCIAL MANAGEMENT) AMENDMENT
REGULATIONS 1997**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Local Government (Financial Management) Amendment Regulations 1997*.

Commencement

2. These regulations come into operation on 1 July 1997.

Principal regulations

3. In these regulations the *Local Government (Financial Management) Regulations 1996** are referred to as the principal regulations.

[* *Published in Gazette 24 June 1996, pp. 2681-750.*
For amendments to 9 June 1997 see 1996 Index to Legislation of
Western Australia, Table 4, p. 172.]

Regulation 3 amended**4.** Regulation 3 (1) of the principal regulations is amended —

- (a) by deleting the definitions of “current position balance” and “sub-program”;
- (b) at the end of the definition of “statement of financial position” by deleting the semicolon and substituting a full stop; and
- (c) by inserting in the appropriate alphabetical positions the following definitions —

“

“**class of assets**” means a category of assets having a similar nature or function in the operations of the local government;

“**net current assets**” means the net difference between the total current assets and the total current liabilities at 30 June;

”.

Regulation 8 amended**5.** Regulation 8 (1) (d) and (e) of the principal regulations are deleted and the following paragraphs are substituted —

“

- (d) major land transactions which, at the time they are entered into, the local government expects will not be completed within the next 12 months; and
- (e) major trading undertakings which, at the time they are entered into, the local government expects will not be completed within the next 12 months.

”.

Regulations 12 and 13 repealed and regulations substituted**6.** Regulations 12 and 13 of the principal regulations are repealed and the following regulations are substituted —

“

Payments from municipal fund or trust fund

12. (1) A payment may only be made from the municipal fund or the trust fund —

- (a) if the local government has delegated to the CEO the exercise of its power to make payments from those funds — by the CEO; or
- (b) otherwise, if the payment is authorized in advance by a resolution of the council.

(2) The council must not authorize a payment from those funds until a list prepared under regulation 13 (2) containing details of the accounts to be paid has been presented to the council.

Lists of accounts

13. (1) If the local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last such list was prepared —

- (a) the payee’s name;
- (b) the amount of the payment;

- (c) the date of the payment; and
 - (d) sufficient information to identify the transaction.
- (2) A list of accounts for approval to be paid is to be prepared each month showing —
- (a) for each account which requires council authorization in that month —
 - (i) the payee's name;
 - (ii) the amount of the payment; and
 - (iii) sufficient information to identify the transaction;
 and
 - (b) the date of the meeting of the council to which the list is to be presented.
- (3) A list prepared under subregulation (1) or (2) is to be —
- (a) presented to the council at the next ordinary meeting of the council after the list is prepared; and
 - (b) recorded in the minutes of that meeting.
- (4) After the lists referred to in subregulations (1) and (2) have been prepared for a month the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the council at the meeting referred to in subregulation (3) (a).

Regulation 15 amended

7. Regulation 15 (3) (a) of the principal regulations is deleted and the following paragraph is substituted —

- “
- (a) the basis of the rounding of is to be —
 - (i) shown in brief in the appropriate column headings in the annual budget and financial report; and
 - (ii) explained fully in the notes to or accompanying the budget or report; and
- ”

Regulation 17

8. Regulation 17 (2) of the principal regulations is repealed and the following subregulation is substituted —

- “
- (2) In the accounts, annual budget and financial reports of the local government a reserve account is to be referred to —
 - (a) in the information required by regulations 27 (g) and 38, by its full title; and
 - (b) otherwise, by its full title or by an abbreviation of that title.
- ”

Regulation 22 amended

- 9. (1) Regulation 22 (1) (c) of the principal regulations is deleted.
- (2) Regulation 22 (3) of the principal regulations is repealed.

Regulation 23 amended

10. (1) Regulation 23 (a) of the principal regulations is amended by deleting subparagraphs (i) and (ii) and substituting the following subparagraph —

“

- (i) the objects of, and reasons for, any differential rates imposed under section 6.33 and any differential minimum payments imposed under section 6.35 (6) (c);

”.

(2) Regulation 23 (c) (i), (iii) and (iv) of the principal regulations are deleted.

Regulation 26 amended

11. Regulation 26 (1) of the principal regulations is amended —

- (a) after paragraph (a) by inserting the following —

“ and ”; and

- (b) by deleting paragraph (b) and the “and” following that paragraph.

Regulation 27 amended

12. Regulation 27 of the principal regulations is amended —

- (a) after the regulation designation “27.” by inserting the subregulation designation “(1)”; and

- (b) in paragraph (d) —

- (i) by deleting “an asset, according to the program or sub-program to which the asset is principally attributed — ” and substituting the following —

“ a class of assets — ”;

- (ii) in subparagraphs (i) and (ii) by deleting “the asset;” and substituting the following —

“ that class of assets; ”; and

- (iii) in subparagraph (iii) by deleting “the sale;” and substituting the following —

“ the sale of that class of assets; ”.

Regulation 30 amended

13. Regulation 30 (1) (b) of the principal regulations is deleted.

Regulation 31 amended

14. (1) Regulation 31 (1) of the principal regulations are amended by deleting “current position balance” and substituting the following —

“ net current assets ”.

- (2) Regulation 31 (2) of the principal regulations is amended —

- (a) by deleting “balance referred to in subregulation (1)” and substituting the following —

“ net current assets ”; and

- (b) by deleting "balance" in the second place where it occurs and substituting the following —
" figure ".
- (3) Regulation 31 (3) of the principal regulations is amended —
 - (a) by deleting "current position balance" in both places where it occurs and substituting the following —
" net current assets "; and
 - (b) in paragraph (b) by deleting "balance" in the second place where it occurs and substituting the following —
" figure ".

Regulation 34 amended

15. (1) Regulation 34 (1) of the principal regulations is amended by deleting paragraph (b) and substituting the following paragraph —

- “
- (b) subject to subregulation (1a), either —
 - (i) quarterly financial reports for the periods ending on 30 September, 31 December, 31 March and 30 June; or
 - (ii) triannual financial reports for the periods ending on 31 October, 28 February and 30 June,
 (or where a 4 weekly period system is used, the period to the end of the week closest to each of those dates) in accordance with regulation 35.
- ”.

(2) After regulation 34 (1) the following subregulation is inserted —

- “
- (1a) A local government need not prepare a quarterly or triannual report for the period ending on 30 June in any year if, before that date, the council resolves* that such a report is not necessary.
- *Absolute majority required.*
- ”.

(3) Regulation 34 (2) of the principal regulations is amended by deleting "or quarterly" and substituting the following —

“ , quarterly or triannual ”.

(4) Regulation 34 (3) of the principal regulations is amended by inserting the following after "quarterly" —

“ or triannual ”.

Regulation 35

16. (1) Regulation 35 (1) of the principal regulations is amended —

- (a) by inserting the following after "A quarterly" —
" or triannual ";
- (b) by deleting "quarter" in both places where it occurs and substituting the following —
" period "; and
- (c) in paragraph (h) by deleting "quarterly".

(2) Regulation 35 (2) of the principal regulations is amended by inserting the following after “quarterly” —

“ or triannual ”.

Regulation 36 amended

17. Regulation 36 (1) of the principal regulations is amended —

- (a) by deleting “be in a form that includes —” and substituting the following —
“ include — ”;
- (b) in paragraph (b) by deleting “current position balance” in both places where it occurs and substituting the following —
“ net current assets ”;
- (c) by deleting paragraphs (c) and (d); and
- (d) in paragraph (e) —
 - (i) by deleting “an asset, according to the program or sub-program to which the asset is principally attributed —” and substituting the following —
“ a class of assets — ”;
 - (ii) in subparagraphs (i) and (ii) by deleting “the asset;” and substituting the following —
“ that class of assets; ”; and
 - (iii) in subparagraph (iii) by deleting “the sale;” and substituting the following —
“ the sale of that class of assets; ”.

Regulation 41 repealed and a regulation substituted

18. Regulation 41 of the principal regulations is repealed and the following regulation is substituted —

“

Information about fees and charges

41. In relation to each program in respect of which fees or charges were imposed (whether under the Act or any other written law), the annual financial report is to include details of the total revenue received from the fees and charges from that program.

”.

Regulation 50 amended

19. Regulation 50 (2) of the principal regulations is amended in the definition of “current ratio” by deleting “current liabilities;” and substituting the following —

“ (current liabilities minus liabilities associated with restricted assets); ”.

Regulation 54 amended

20. Regulation 54 of the principal regulations is amended —

- (a) after paragraph (b) by deleting “and”;
- (b) in paragraph (c) by deleting “electricity.” and substituting the following —
“ electricity; and ”; and

- (c) by inserting the following paragraph —
 - “ (d) property surveillance and security. ”.

Regulation 56 amended

- 21.** (1) Regulation 56 (3) of the principal regulations is amended —
- (a) in paragraph (d) by inserting the following after “the purpose” —
 - “ , as specified in regulation 54, ”;
 - (b) in paragraph (f) (ii) by inserting the following before “the purpose” —
 - “ the name of the rate, which must reflect ”;
 - (c) by deleting paragraph (i); and
 - (d) in paragraph (j) by deleting from (“the arrears”) to the end of the paragraph and substituting the following —
 - “ the amount of those arrears; ”.
- (2) Regulation 56 (4) of the principal regulations is amended —
- (a) by deleting paragraph (a) and substituting the following paragraph —
 - “
 - (a) a brief statement of the objects and reasons for —
 - (i) any differential rates imposed by the local government under section 6.33;
 - (ii) any differential minimum payments imposed by the local government under section 6.35 (6) (c); and
 - (iii) any service charges imposed by the local government.”;
 - and
 - (b) in paragraph (f) by inserting the following after “early payment” —
 - “ , a brief description of the discount or incentive scheme ”.
- (3) Regulation 56 (5) of the principal regulations is repealed.

Regulation 59 amended

22. Regulation 59 of the principal regulations is amended by deleting “\$50.” and substituting the following —

“ \$200. ”.

Regulation 60 amended

- 23.** Regulation 60 of the principal regulations is amended —
- (a) by deleting “the person”; and
 - (b) by deleting “pays to the local government” and substituting the following —
 - “ the local government receives payment of ”.

Regulation 66 repealed and a regulation substituted

24. Regulation 66 of the principal regulations is repealed and the following regulation is substituted —

“

Revocation of instalment option

66. (1) Subject to subregulation (2), where an election has been made to pay a rate or service charge by instalments, payment may continue to be made by instalments notwithstanding that an instalment (other than the first instalment) remains unpaid after it is due and payable.

(2) If an instalment remains unpaid after the day on which the next instalment becomes due and payable, the local government may revoke the ratepayer's right to pay by instalments.

(3) Where the right to pay by instalments is revoked under subregulation (2) —

- (a) the unpaid rate becomes due and payable on the day after the day of the revocation, or such later day as the local government decides; and
- (b) the local government must, in writing, immediately notify the ratepayer of the revocation and give details of —
 - (i) the amount of the unpaid rate;
 - (ii) the due date for payment of the unpaid rate; and
 - (iii) any interest accruing on the unpaid rate, or which will accrue if payment is not made by that date.

(4) Where the right to pay by instalments is revoked under subregulation (2) —

- (a) the unpaid rate is to be regarded as an unpaid rate on which interest accrues under section 6.51 (1) (a); and
- (b) interest no longer separately accrues under section 6.51 (1) (b) on unpaid instalments.

(5) In this regulation —

“**unpaid rate**” means the amount of the rate or service charge which is unpaid on the date of the revocation under subregulation (2) including —

- (a) any additional charge imposed under section 6.45 (3) to the extent that it relates to instalments which were due before the date of the revocation; and
- (b) any interest imposed under section 6.51 on instalments which were overdue at the date of the revocation,

but not including any additional charge imposed under section 6.45 (3) to the extent that it relates to instalments which, but for the revocation, would have become due after the date of the revocation.

”.

Schedule 1 amended

25. (1) Part 1 of Schedule 1 to the principal regulations is amended —

- (a) in the item for “General administration” —
 - (i) in column 1 by deleting “General administration” and substituting the following —
 - “ Governance ”; and

