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FINANCIAL ADMINISTRATION AND AUDIT ACT 1985

FINANCIAL ADMINISTRATION AMENDMENT REGULATIONS 1991

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Financial Administration Amendment Regulations 1991*.

Commencement

2. These regulations shall come into operation on the day on which the *Financial Administration and Audit Amendment Act 1990* comes into operation.

Principal regulations

3. In these regulations the *Financial Administration Regulations 1986** are referred to as the principal regulations.

[**Published in the Gazette of 30 June 1986 at pages 2256-2261. For amendments to 11 February 1991 see page 229 of 1989 Index to Legislation of Western Australia.*]

Regulation 9 amended

4. Regulation 9 of the principal regulations is amended in subregulation (2)—

(a) by deleting paragraph (k);

(b) in paragraph (r) by deleting "Act;" and substituting the following—

" Act. "; and

(c) by deleting paragraph (s).

Regulation 10 amended

5. Regulation 10 of the principal regulations is amended—

(a) in subregulation (1)—

(i) by deleting "or other property" and substituting the following—

" held for or on behalf of the State "; and

(ii) by deleting "$500" and substituting the following—

" $5 000 ";

(b) in subregulation (2)—

(i) by deleting "or other property" and substituting the following—

" held for or on behalf of the State "; and

(ii) by deleting "$2 000" and substituting the following—

" $50 000 ";

and

(c) after subregulation (2) by inserting the following subregulation—

" (3) The amount which may be written off by an accountable authority in respect of one matter or transaction concerning public property held for or on behalf of a statutory authority or revenue or other debts due to a statutory authority is subject to a limit of $5 000. ".

Regulations 25 to 27 inserted

6. After regulation 24 of the principal regulations the following regulations are inserted—

Act of grace payments

" 25. For the purposes of section 58B (3) of the Act, the prescribed amount is $50 000.

Proceeds of the disposal by sale of public property

26. (1) For the purposes of section 96 of the Act, where the relevant written law does not provide for the manner in which the proceeds of the disposal by sale of public property held for or on behalf of the State or a statutory authority should be dealt with, this regulation prescribes the circumstances and the manner in which those proceeds may be dealt with otherwise than by payment into the Consolidated Revenue Fund.

(2) If the cost of acquiring the public property referred to in subregulation (1) was met out of the General Loan and Capital Works Fund—

(a) subject to paragraph (b), the Treasurer shall direct that the proceeds of the disposal by sale referred to in that subregulation be credited to—

(i) the General Loan and Capital Works Fund; or

(ii) the Consolidated Revenue Fund,

and effect shall be given to that direction; or

(b) that cost having been so met wholly or partly from—

(i) a contribution of a capital nature made by any person, or from any account or fund, under an agreement, so much of the proceeds of the disposal by sale referred to in that subregulation as does not exceed the amount of that contribution shall be paid to the person or credited to the account or fund in accordance with the agreement; or

(ii) borrowings made by the State or by any body corporate constituted under a written law, so much of the proceeds of the disposal by sale referred to in that subregulation as does not exceed the amount of those borrowings shall be paid to the General Loan and Capital Works Fund,

and any balance of those proceeds shall be dealt with under paragraph (a).

(3) If an account of the Trust Fund within the meaning of section 9 of the Act is funded solely by appropriation from the Consolidated Revenue Fund, the proceeds of disposal by sale of public property purchased with moneys from that account shall be credited to the Consolidated Revenue Fund.

(4) If the source of the funds used to acquire any public property cannot be determined, the proceeds of the disposal by sale of the public property shall be credited to the Consolidated Revenue Fund.

Records to be maintained

27. Each department and statutory authority shall maintain a record of the sale of all public property held by or on behalf of the department or statutory authority. ".

Dated 19 February 1991.

By His Excellency's Command,

D. G. BLIGHT, Clerk of the Council.

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