Local Government Regulations Amendment (Recovery of Advance Payments) Regulations 2018

Part 1 — Preliminary

1. Citation

These regulations are the Local Government Regulations Amendment (Recovery of Advance Payments) Regulations 2018.

2. Commencement

These regulations come into operation as follows —
(a) Part 1 — on the day on which these regulations are published in the Gazette;
(b) the rest of the regulations — on the day after that day.

Part 2 — Local Government (Administration) Regulations 1996 amended

3. Regulations amended

This Part amends the Local Government (Administration) Regulations 1996.

4. Regulation 34AE inserted

At the end of Part 8 insert:

34AE. Repayment and recovery of advance payments of fees and allowances (Act s. 5.102AB)

(1) This regulation applies if —
(a) a local government pays an annual allowance or annual fee under Part 5 Division 8 of the Act to a person in advance (either wholly or in part); and
(b) before the end of the period (the relevant period) to which the advance payment relates —
(i) the person ceases to hold the office to which the advance payment relates (otherwise than because of the death of the person); or
(ii) the person is suspended from the office to which the advance payment relates.

(2) The person must repay to the local government an amount calculated as follows —

\[ R = \frac{A}{D} \times (D - N) \]

where —

- \( R \) is the amount the person must repay;
- \( A \) is the total amount of the advance payment;
- \( D \) is the total number of days in the relevant period;
- \( N \) is the number of whole days in the relevant period that the person holds, and is not suspended from, the office to which the advance payment relates.

(3) The local government must take action to recover the amount that must be repaid under subregulation (2) as a debt due from the person to the local government.

### Part 3 — Local Government (Financial Management) Regulations 1996 amended

5. **Regulations amended**

This Part amends the *Local Government (Financial Management) Regulations 1996*.

6. **Regulation 19AA inserted**

After regulation 19 insert:

19AA. **Ministerial approval required to write off repayment of advance payment (Act s. 6.12(4))**

A local government must not waive, grant concessions in relation to, or write off, an amount owed to the local government under the *Local Government (Administration) Regulations 1996* regulation 34AE without the approval of the Minister.

N. HAGLEY, Clerk of the Executive Council.