

LG302

Local Government Act 1995

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

Made by the Governor in Executive Council.

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.
