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LOCAL GOVERNMENT ACT 1995

**LOCAL GOVERNMENT
(FINANCIAL MANAGEMENT)
REGULATIONS 1996**

WESTERN AUSTRALIA

**LOCAL GOVERNMENT (FINANCIAL
MANAGEMENT) REGULATIONS 1996**

ARRANGEMENT

PART 1 — INTRODUCTORY MATTERS

1. Citation
2. Commencement
3. Interpretation
4. Effect of Australian Accounting Standards

PART 2 — GENERAL FINANCIAL MANAGEMENT — s. 6.10

5. Financial management duties of the CEO
6. Independent performance reviews
7. No separate ward accounts to be kept
8. Bank accounts
9. Accounting for trading undertakings and major land transactions
10. Receipt of money
11. Payment of accounts
12. List of creditors
13. Payments from the trust fund or the municipal fund
14. Disclosure requirements
15. Rounding off figures
16. Accounting for land under local government's control
17. Reserve accounts

18. Circumstances in which local public notice not required for change of use of money in reserve account — s. 6.11 (3) (b)
19. Management of investments
20. Circumstances in which local public notice not required for exercise of power to borrow — s. 6.20 (2) (a)
21. Circumstances in which local public notice not required for change of use of borrowings — s. 6.20 (4) (b)

PART 3 — ANNUAL BUDGET — s. 6.2

22. Form of annual budget — s. 6.2 (1)
23. Rates information
24. Service charges information
25. Fees and charges information
26. Discount, incentive, concession, waiver and write-off information
27. Budget notes
28. Investment information
29. Borrowings information
30. Comparative figures in annual budget
31. Position at commencement of financial year
32. Amounts which may be excluded in calculation of budget deficiency — s. 6.2 (3)
33. Completion of annual budget

PART 4 — FINANCIAL REPORTS — s. 6.4

34. Financial reports to be prepared — s. 6.4
35. Form of quarterly financial report — s. 6.4 (2)
36. Form of annual financial report — s. 6.4 (2)
37. Trust fund information
38. Reserve account information
39. Rating information
40. Information about service charges
41. Information about fees and charges
42. Information about discounts, incentives, concessions and write-offs
43. Information about interest payments and additional charges
44. Information about fees etc. to council members
45. Trading undertakings information
46. Major land transactions information
47. Information on completion of major land transactions
48. Information about borrowings

- 49. Investment information
- 50. Financial information by ratio
- 51. Completion of financial report

PART 5 — RATES AND SERVICE CHARGES

- 52. Minimum payment — maximum percentage — s. 6.35 (4)
- 53. Minimum payment — amount of general minimum
— s. 6.35 (4)
- 54. Service charge — prescribed services — s. 6.38 (1)
- 55. Form of rate record — s. 6.39 (1)
- 56. Contents of rate notice — s. 6.41
- 57. Contents of reminder notice for instalment payments
— s. 6.41
- 58. Instalments not available if payment in arrears
- 59. Instalments not available for small amounts
— s. 6.45 (4) (b)
- 60. Manner of election to pay by instalments
- 61. Additional circumstances when payments may be made by
instalments
- 62. Instalments for interim rating
- 63. Sale of property — effect on payment by instalment
- 64. Due dates of instalments
- 65. Payments of instalments due on public holidays
- 66. Instalment option not to be revoked
- 67. Additional charge for payment by instalments
- 68. Maximum interest component in instalments
— s. 6.45 (4) (e)
- 69. Method of calculation of interest for instalments
- 70. Maximum rate of interest on overdue rates and service
charges — s. 6.51 (2)
- 71. Method of calculation of interest on overdue rates and service
charges
- 72. Form of notification of local government taking possession of
land — s. 6.64 (2)
- 73. Form of notice to be affixed to land when local government
takes possession of land — s. 6.64 (2)
- 74. Exercise of power of sale of land for non-payment of rates
etc. — s. 6.68 (3)
- 75. Statewide public notice of exercise of power of sale of land for
non-payment of rates etc. — s. 6.68 (3)/Schedule 6.3 (Item 2
(1) (a))
- 76. Payment of rates etc. to stay sale of land for non-payment

- 77. Procedure prior to application for revestment of land in Crown for non-payment of rates etc.
- 78. Revestment of land in Crown for non-payment of rates etc. — s. 6.74/Schedule 6.3 of Act (Item 8 (6))

PART 6 — TRANSITIONAL PROVISIONS — s. 9.71

- 79. Interpretation of this Part
- 80. Transitional provision for petty cash or other advances — (Part 2)
- 81. Transitional provision for capitalization of fixed assets — (Part 2)
- 82. Transitional provision for annual financial reports — (Part 4)
- 83. Transitional provision for ratios required in annual financial report — (Part 4)
- 84. Contents of rate notice for 1996-1997 rating year — (Part 5)
- 85. Calculation of interest on overdue rates during 1996-1997 rating year — (Part 5)

SCHEDULE 1

PART 1 — LOCAL GOVERNMENT PROGRAM TITLES

PART 2 — NATURE OR TYPE CLASSIFICATIONS

SCHEDULE 2

FORMS

LOCAL GOVERNMENT ACT 1995
LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)
REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

PART 1 — INTRODUCTORY MATTERS

Citation

1. These regulations may be cited as the *Local Government (Financial Management) Regulations 1996*.

Commencement

2. These regulations come into operation on 1 July 1996.

Interpretation

3. (1) In these regulations, unless the contrary intention appears —

“**AAS 27**” means Australian Accounting Standard AAS 27 "Financial Reporting by Local Governments" issued by the Australian Accounting Research Foundation as amended from time to time;

“**Australian Accounting Standard**” means a Statement of Accounting Standards issued by the Australian Accounting Research Foundation;

“**back minimum payment**” or “**back rate**” means an amount imposed under section 6.40 (1) after an amendment to the rate record under section 6.39 (2) (b);

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

“**interim minimum payment**” or “**interim rate**” means an amount imposed under section 6.40 (1) after an amendment to the rate record under section 6.39 (2) (a);

“nature or type classification” means a classification set forth in Part 2 of Schedule 1;

“non-current asset” has the meaning given by Australian Accounting Standard AAS 4 "Depreciation of Non-current Assets";

“operating revenue” means the operating revenue as determined in accordance with AAS 27;

“operating statement” means the operating statement required by AAS 27;

“program” means a program set forth in column 1 of Part 1 of Schedule 1;

“rate” includes a minimum payment imposed under section 6.35;

“rate setting statement” means the statement referred to in regulation 22 (1) (d);

“section” means section of the Act;

“statement of cash flows” means the statement of cash flows required by AAS 27;

“statement of financial position” means the statement of financial position required by AAS 27;

“sub-program” means a sub-program set forth in column 2 of Part 1 of Schedule 1.

(2) Unless the contrary intention appears, a word or phrase used in these regulations and defined in AAS 27 has the same meaning in these regulations as in AAS 27.

(3) A reference in these regulations to a Form followed by a designation is a reference to the Form so designated set out in Schedule 2.

Effect of Australian Accounting Standards

4. (1) A local government is to comply with the requirements of AAS 27 and any other Australian Accounting Standard referred to in, and necessary to the interpretation of, AAS 27.

(2) The provisions of these regulations are in addition to and not in derogation of the requirements of AAS 27 and any other Australian Accounting Standard referred to in, and necessary to the interpretation of, AAS 27 but where a requirement under AAS 27 or that other Australian Accounting Standard is inconsistent with a provision of these regulations the provisions of these regulations prevail to the extent of that inconsistency.

(3) All words —

- (a) importing revenue; or
- (b) importing expenditure,

in the Act or these regulations are to be interpreted to permit compliance with the requirements of AAS 27.

PART 2 — GENERAL FINANCIAL MANAGEMENT — s. 6.10

Financial management duties of the CEO

5. (1) Efficient systems and procedures are to be established by the CEO of a local government —

- (a) for the proper collection of all money owing to the local government;
- (b) for the safe custody and security of all money collected or held by the local government;
- (c) for the proper maintenance and security of the financial records of the local government (whether maintained in written form or by electronic or other means or process);
- (d) to ensure proper accounting for municipal or trust —
 - (i) income received or receivable;
 - (ii) expenses paid or payable; and
 - (iii) assets and liabilities;
- (e) to ensure proper authorization for the incurring of liabilities and the making of payments;

- (f) for the maintenance of payroll, stock control and costing records; and
- (g) to assist in the preparation of budgets, accounts and reports required by the Act or these regulations.

(2) The CEO is to —

- (a) ensure that the resources of the local government are effectively and efficiently managed;
- (b) assist the council to undertake reviews of fees and charges regularly (and not less than once in every financial year); and
- (c) undertake reviews of the appropriateness and effectiveness of the financial management systems and procedures of the local government regularly (and not less than once in every 4 financial years) and report to the local government the results of those reviews.

Independent performance reviews

6. A local government is to ensure that an employee to whom is delegated responsibility for the day to day accounting or financial management operations of a local government is not also delegated the responsibility for —

- (a) conducting an internal audit; or
- (b) reviewing the discharge of duties by that employee,

or for managing, directing or supervising a person who carries out a function referred to in paragraph (a) or (b).

No separate ward accounts to be kept

7. A local government is to have regard to the needs of the inhabitants of the district as a whole and is not to —

- (a) keep separate ward accounts; or
- (b) determine expenditure on the basis of income from a ward.

Bank accounts

8. (1) A local government is to maintain a separate account with a bank or other financial institution for each of the following purposes —

- (a) money required to be held in the municipal fund (other than money for which an account is to be established under paragraph (c), (d) or (e));
- (b) money required to be held in the trust fund;
- (c) money required to be held in reserve accounts;
- (d) major land transactions which —
 - (i) at the time they are entered into, the local government expects will span 2 or more financial years; or
 - (ii) are not completed by 30 June of the second financial year after they are entered into;
- (e) major trading undertakings which —
 - (i) at the time they are commenced, the local government expects will span 2 or more financial years; or
 - (ii) the local government is continuing to carry on at 30 June of the second financial year after they are commenced.

(2) Money related to a purpose set forth in subregulation (1) is to be banked in the account maintained for that purpose.

(3) Money from different accounts may be placed in a common investment authorized by the Act.

Accounting for trading undertakings and major land transactions

9. Separate financial records are to be kept for each trading undertaking and each major land transaction.

Receipt of money

10. Money received by a local government is to be paid into an account referred to in regulation 8.

Payment of accounts

11. (1) A local government is to develop procedures for the authorization of, and the payment of, accounts to ensure that there is effective security for, and properly authorized use of —

- (a) cheques, credit cards, computer encryption devices and passwords, purchasing cards and any other devices or methods by which goods, services, money or other benefits may be obtained; and
- (b) petty cash systems.

(2) A local government is to develop procedures for the approval of accounts to ensure that before payment of an account a determination is made that —

- (a) the relevant debt was incurred by a person who was properly authorized to do so; and
- (b) the goods or services to which each account relates were provided in a satisfactory condition or to a satisfactory standard, as the case requires.

(3) Payments made by a local government —

- (a) subject to subregulation (4), are not to be made in cash; and
- (b) are to be made in a manner which allows identification of —
 - (i) the method of payment;
 - (ii) the authority for the payment; and
 - (iii) the identity of the person who authorized the payment.

(4) Nothing in subregulation (3) (a) prevents a local government from making payments in cash from a petty cash system.

List of creditors

- 12.** (1) A list of creditors is to be compiled for each month showing —
- (a) the payee's name;
 - (b) the amount of the payment;
 - (c) sufficient information to identify the transaction; and
 - (d) the date of the meeting of the council to which the list is to be presented.
- (2) Payments included in the list referred to in regulation 13 (2) are not required to be included in the list of creditors.
- (3) The list of creditors is to be —
- (a) presented to the council at the next ordinary meeting of the council following the preparation of the list; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Payments from the trust fund or the municipal fund

- 13.** (1) Unless a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be authorized in advance by resolution of the council.
- (2) Where a local government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, each payment from the municipal fund or the trust fund is to be noted on a list compiled for each month showing —
- (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.

- (3) The list referred to in subregulation (2) is to be —
 - (a) presented to the council at the next ordinary meeting of the council following the preparation of the list; and
 - (b) recorded in the minutes of the meeting at which it is presented.

Disclosure requirements

- 14. Operating revenue and expenses are to be disclosed —
 - (a) by program in an operating statement; and
 - (b) according to nature or type classification in the notes included in or accompanying the annual budget and the annual financial report.

Rounding off figures

- 15. (1) All figures shown in the annual budget and a financial report (other than a rate in the dollar) may be —
 - (a) rounded off to the nearest dollar; or
 - (b) if the total assets shown in the last audited annual financial report of the local government exceed \$10 000 000, rounded off to the nearest \$1 000.
- (2) If the amount to be rounded off under subregulation (1) is \$500 or a lesser amount, that amount may be shown as zero but the original amount, rounded off to the nearest dollar is to be shown in the notes to or accompanying the annual budget or the relevant financial report.
- (3) Where, under this regulation, a local government rounds off any figures —
 - (a) the basis of the rounding off is to be shown on the statement of the annual budget or financial report in which it is used and in the notes to or accompanying the annual budget or financial report; and
 - (b) any corresponding comparative amounts in —
 - (i) the annual budget for the previous financial year; or

- (ii) the financial report for the relevant earlier financial period, as the case requires, are to be rounded off using the same method.

Accounting for land under local government's control

- 16.** The annual financial report of a local government —
- (a) is not to include as an asset —
 - (i) Crown land that is a public thoroughfare, the responsibility for managing which is vested in the local government; or
 - (ii) land that is not owned by the local government but which is under the control or management of the local government (whether that land is Crown land or is owned by another person, or not); and
 - (b) is to include as an asset a structure or any other improvement placed by the local government on land referred to in paragraph (a).

Reserve accounts

- 17.** (1) A reserve account is to have a title that clearly identifies the purpose for which the money in the account is set aside.
- (2) The title of the reserve account is to be used in the accounts, annual budget and financial reports of the local government.

Circumstances in which local public notice not required for change of use of money in reserve account — s. 6.11 (3) (b)

- 18.** A local government is not required to give local public notice of a proposed change of use of money in a reserve account —
- (a) where the money is to be used to meet expenditure authorized by the mayor or president under section 6.8 (1) (c); or
 - (b) where the total amount to be so used does not exceed \$5 000 in a financial year.

Management of investments

19. (1) A local government is to establish and document internal control procedures to be followed by employees to ensure control over investments.

(2) The control procedures are to enable the identification of —

- (a) the nature and location of all investments; and
- (b) the transactions related to each investment.

Circumstances in which local public notice not required for exercise of power to borrow — s. 6.20 (2) (a)

20. (1) A local government is not required to give local public notice of a proposal to exercise a power to borrow when the power is to be exercised to re-finance a loan or to continue other financial accommodation (whether with the same or another bank or financial institution) except where the re-financing or continuation is a major variation.

(2) In this regulation —

“major variation” means a variation in the terms of a loan or other financial accommodation which is —

- (a) a capitalization of interest accruals; or
- (b) an increase in the term of the loan or other financial accommodation;

“re-finance” in relation to a loan or other financial accommodation (“the existing loan”), means to borrow an amount (“the new loan”) which is, at the date of the new loan —

- (a) equal to the principal amount owing on the existing loan; or
- (b) not more than \$5 000 more or less than the principal amount owing on the existing loan,

for the principal purpose of paying out the existing loan or preserving the credit originally provided by the existing loan.

Circumstances in which local public notice not required for change of use of borrowings — s. 6.20 (4) (b)

21. A local government is not required to give local public notice of a proposed change of use of money borrowed where the amount to be used for a purpose other than the purpose for which it was borrowed —

- (a) does not exceed \$5 000 in a financial year; or
- (b) where the money proposed to be borrowed by the local government is to be used to meet expenditure authorized by the mayor or president under section 6.8 (1) (c).

PART 3 — ANNUAL BUDGET — s. 6.2

Form of annual budget — s. 6.2 (1)

22. (1) The annual budget of a local government is to be in a form that includes —

- (a) an operating statement;
- (b) a statement of cash flows;
- (c) a statement setting out all income and expenditure that has not been included in the operating statement but which has been included in the statement referred to in paragraph (d);
- (d) a rate setting statement showing details of —
 - (i) all operating and non-operating income and expenses that have been taken into account to determine the budget deficiency;
 - (ii) the total amount of the general rates to be imposed; and
 - (iii) any deficit or surplus remaining after the imposition of the general rates;
- (e) in relation to the rates proposed to be imposed by the local government, the information set forth in regulation 23;

- (f) in relation to the service charges proposed to be imposed by the local government, the information set forth in regulation 24;
- (g) in relation to the fees and charges proposed to be imposed by the local government, whether under the Act or under any other written law, the information set forth in regulation 25;
- (h) in relation to —
 - (i) any discount or other incentive proposed to be granted for early payment of any amount of money;
 - (ii) the proposed waiver or grant of a concession in relation to any amount of money; or
 - (iii) the proposed writing off of any amount of money,the information set forth in regulation 26; and
 - (i) notes containing the information set forth in regulation 27 and such other supporting notes, tables and other information as the local government considers will assist in the interpretation of the annual budget.

(2) The financial information disclosed in the annual budget, other than the statement of cash flows, is to be compiled on an accrual accounting basis.

(3) A local government may, if it considers it appropriate, produce a combined statement for the purposes of subregulation (1) (c) and (d).

Rates information

23. The annual budget is to include —

- (a) in relation to general rates —
 - (i) unless the local government imposes only one rate and does not impose a minimum payment, the objects of, and reasons for, each rate;
 - (ii) the objects of, and reasons for, any projected surplus or deficit arising from the imposition of the rates;

- (iii) for each general rate —
 - (I) the rate in the dollar;
 - (II) whether the basis for the rate is the gross rental value or the unimproved value of land;
 - (III) an estimate of the number of properties to which the rate will apply;
 - (IV) an estimate of the total rateable values of the properties referred to in item (III);
 - (V) the amount it is estimated will be imposed by way of —
 - (A) the rate;
 - (B) interim rates; and
 - (C) back rates;
- and
- (iv) for each differential general rate, the characteristics which form the basis for the imposition of the rate;
- (b) if a differential general rate or minimum payment differs from the proposed rate or payment set forth in the local public notice given under section 6.36 —
 - (i) details of the rate or payment set forth in the public notice; and
 - (ii) reasons for the difference;
- (c) in relation to each minimum payment —
 - (i) the objects of, and reasons for, the minimum payment;
 - (ii) the amount of the minimum payment;
 - (iii) the rate in the dollar of the general rate which would otherwise be payable;

- (iv) whether the basis for the rate referred to in subparagraph (iii) is the gross rental value or the unimproved value of land;
- (v) an estimate of the total rateable values of the properties to which the minimum payment is to apply;
- (vi) an estimate of the total number of properties to which each minimum payment is to apply; and
- (vii) the amount it is estimated will be imposed by way of each —
 - (I) minimum payment;
 - (II) interim minimum payment; and
 - (III) back minimum payment;

and

- (d) for each specified area rate —
 - (i) the purpose of the rate;
 - (ii) the rate in the dollar;
 - (iii) a brief description identifying the area within which the rate is to be imposed;
 - (iv) whether the basis for the rate is the gross rental value or the unimproved value of land;
 - (v) an estimate of the total rateable values of the properties rated on gross rental value or rated on unimproved value, as the case requires;
 - (vi) the amount it is estimated will be imposed by way of —
 - (I) the rate;
 - (II) interim rates; and
 - (III) back rates;

and

- (vii) how the proceeds of the rate are to be applied, including an estimate of —
 - (I) the amount to be applied;
 - (II) the amount to be set aside in a reserve account; and
 - (III) the amount to be applied from the reserve account.

Service charges information

- 24.** In relation to each service charge, the annual budget is to include —
- (a) details of the nature of the service for which the service charge is imposed;
 - (b) the objects of, and reasons for, the service charge;
 - (c) the amount of the service charge;
 - (d) an estimate of the total amount to be imposed by way of the service charge;
 - (e) if the service charge is to be imposed on land in a defined part of the district, a brief description identifying the area within which the service charge is to be imposed; and
 - (f) details of how the proceeds of the service charge are to be applied, including an estimate of —
 - (i) the amount to be applied;
 - (ii) the amount to be set aside in a reserve account; and
 - (iii) the amount to be applied from the reserve account.

Fees and charges information

- 25.** In relation to fees and charges imposed under the Act or any other written law, the annual budget is to include an estimate of the total revenue from the fees or charges from each program.

Discount, incentive, concession, waiver and write-off information

26. (1) The annual budget is to include for each discount or other incentive proposed to be granted for early payment of any money and in respect of each waiver or concession proposed in relation to any money —

- (a) in respect of a discount —
 - (i) the amount of the discount, or the percentage discount, to be allowed; and
 - (ii) the circumstances in which the discount will be granted;
- (b) in respect of an incentive other than a discount —
 - (i) a brief description of the incentive scheme; and
 - (ii) a statement of how that incentive may be claimed;and
- (c) in relation to a waiver or concession —
 - (i) a brief description of the waiver or concession;
 - (ii) a statement of the circumstances in which it will be granted;
 - (iii) details of the persons or class of persons to whom it is available; and
 - (iv) the objects of, and reasons for, the waiver or concession.

(2) The annual budget is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law an estimate of —

- (a) the total amount of the discounts which may be granted;
- (b) the total cost to the local government of each incentive scheme;
- (c) the total cost, or reduction of revenue, to the local government of a waiver or grant of a concession; and
- (d) the total amount of money to be written off.

Budget notes

- 27.** The annual budget is to include or be accompanied by notes detailing —
- (a) if the local government is to charge interest for the late payment of a rate or service charge —
 - (i) the rate of interest; and
 - (ii) an estimate of the total amount of revenue from the imposition of the interest;
 - (b) if the local government is to charge interest under section 6.13 for the late payment of any amount of money —
 - (i) the rate of interest; and
 - (ii) an estimate of the total amount of revenue from the imposition of the interest;
 - (c) the instalment options of the local government under section 6.45 including —
 - (i) the due dates of each instalment under each option;
and, where applicable —
 - (ii) the rate of interest;
 - (iii) the additional charge; and
 - (iv) an estimate of the total amount of revenue from the imposition of the interest and additional charge;
 - (d) in relation to the disposal of an asset, according to the program or sub-program to which the asset is principally attributed —
 - (i) the net book value of the asset;
 - (ii) an estimate of the sale price of the asset; and
 - (iii) an estimate of the profit or loss on the sale;
 - (e) in relation to investment by the local government, the information set forth in regulation 28;

- (f) in relation to the borrowings of the local government, the information set forth in regulation 29;
- (g) in relation to each reserve account, an estimate of —
 - (i) the opening balance brought forward on 1 July;
 - (ii) the amount to be set aside during the financial year;
 - (iii) the amount to be used during the financial year; and
 - (iv) the closing balance at 30 June;
- (h) if all or part of the money in a reserve account is to be used or set aside for a purpose other than the purpose for which the account was established —
 - (i) the proposed purpose;
 - (ii) an estimate of the amount to be used or set aside; and
 - (iii) the objects of, and reasons for, the change of use or purpose;
- (i) separately, in relation to each trading undertaking —
 - (i) in the form of an operating statement, projected revenue and expenditure; and
 - (ii) such other information as is necessary to provide full and complete information on the undertaking;
- (j) in relation to each major trading undertaking, all other estimated income and expenditure which is not included in the operating statement referred to in paragraph (i) (i) but which has been used in the pricing structure for goods or services to be provided by the undertaking;
- (k) separately, in relation to each major land transaction (according to nature or type classification) —
 - (i) an estimate of income and expenditure for the financial year;
 - (ii) where the transaction was initially entered into in a previous financial year, the estimated assets and liabilities at 1 July of the year for which the annual budget is prepared; and

- (iii) such other information as is necessary to provide full and complete information on the transaction;
- (l) in relation to fees, expenses or allowances proposed to be paid to council members, the mayor or the president —
 - (i) the nature of the fee, expense or allowance; and
 - (ii) an estimate of the total amount or value of each class of fee, expense or allowance;
- (m) in relation to each program, the type of activities within the program;
- (n) in relation to depreciation on non-current assets, an estimate of the depreciation for the financial year included in the operating expenditure for each program in the operating statement; and
- (o) in relation to each principal activity (not being an activity for which details under paragraphs (i), (j) and (k) have been provided in the annual budget) —
 - (i) in the form of a list, by program —
 - (I) any principal activities that are proposed to be commenced in the financial year which are included in the annual budget but which were not proposed in the plan for principal activities; and
 - (II) any principal activities that were proposed in the plan for principal activities to be commenced or to be continued in the financial year which are not included in the annual budget;
 - (ii) an estimate of the income and expenditure for each principal activity referred to in subparagraph (i);
 - (iii) in relation to a principal activity referred to in subparagraph (i) (I), the reasons for its inclusion in the annual budget; and
 - (iv) in relation to a principal activity referred to in subparagraph (i) (II), the reasons for its exclusion from the annual budget.

Investment information

28. The notes to the annual budget are to include, in relation to money invested by the local government, an estimate of —

- (a) the amount to be earned from the investment of money held in reserve;
- (b) the amount to be earned from the investment of other money; and
- (c) the total earnings from investments.

Borrowings information

29. The notes to the annual budget are to include —

- (a) details of the unspent balance of money borrowed in the previous financial year including —
 - (i) an estimate of the amount brought forward on 1 July;
 - (ii) the purpose for which the money was borrowed;
 - (iii) the year in which the money was borrowed;
 - (iv) an estimate of the amount to be used during the financial year; and
 - (v) an estimate of the amount which will remain unused at 30 June;
- (b) in relation to a principal amount carried forward by way of overdrawings on current account (“**the overdraft**”) from the previous financial year, details of the overdraft including —
 - (i) an estimate of the amount brought forward on 1 July;
 - (ii) the purpose for which the overdraft was established;
 - (iii) the year in which the overdraft was first established;
 - (iv) an estimate of the amount by which the overdraft will be increased or decreased during the financial year; and

- (v) an estimate of the amount of overdraft which will remain at 30 June;
- (c) where, in the financial year to which the budget relates, it is proposed to apply all or part of any existing borrowings to a purpose other than that for which the money was borrowed, details of —
- (i) the purpose for which the money was borrowed;
 - (ii) the purpose to which the money is to be applied;
 - (iii) the objects of, and reasons for, the application of the money to that purpose; and
 - (iv) an estimate of the amount to be so applied;
- (d) where, in the financial year to which the budget relates, it is proposed to exercise the power to borrow under section 6.20, details of —
- (i) the purpose for which the money is to be borrowed;
 - (ii) an estimate of the amount to be borrowed;
 - (iii) the nature of the proposed financial accommodation;
 - (iv) an estimate of the term of the repayment;
 - (v) an estimate of the interest rate and other charges payable;
 - (vi) an estimate of the amount of the borrowings to be used during the financial year; and
 - (vii) an estimate of the amount which will remain unused at 30 June;
- (e) where, in the financial year to which the budget relates, it is proposed to exercise the power to borrow under section 6.20 for the purpose of re-financing an existing borrowing —
- (i) an estimate of the amount to be re-financed;

- (ii) where the principal sum under the new loan will be different from the principal sum under the existing loan, details of the amount of the difference and of the objects of, and reasons for, the re-financing; and
 - (iii) a brief summary of the changes to the original terms of the borrowing it is expected will result from the re-financing;
- and
- (f) in relation to the repayment of money borrowed, an estimate of —
 - (i) the principal liability brought forward on 1 July;
 - (ii) the amount of interest and other charges due to the lender during the financial year;
 - (iii) the amount of the reduction of the principal sum to be made during the financial year;
 - (iv) the principal liability which will remain at 30 June; and
 - (v) the amount to be financed by income of the local government, other than fees and charges, derived directly for the purpose of reimbursing the local government (wholly or partially) for that repayment.

Comparative figures in annual budget

- 30.** (1) In the annual budget —
- (a) the operating statement for the previous financial year;
 - (b) the statement referred to in regulation 22 (1) (c) for the previous financial year;
 - (c) the rate setting statement for the previous financial year; and
 - (d) the information referred to in regulation 27 (g), 27 (i) (i), 27 (j), 27 (k) (i), 27 (k) (ii) and 29 (f) for the previous financial year,

are to be prepared in a manner that clearly compares the estimates in the annual budget in respect of each statement or piece of information, as the case requires, with the equivalent financial results at 30 June of the previous financial year (“**comparative figures**”).

(2) If at the time of preparation of the annual budget a financial result referred to in subregulation (1) is not known, an estimate of that result may, if it is disclosed as an estimate, be included in the annual budget.

Position at commencement of financial year

31. (1) The annual budget is to include the current position balance carried forward from the previous financial year.

(2) If at the time of preparation of the annual budget the balance referred to in subregulation (1) is not known, an estimate of that balance may, if it is disclosed as an estimate, be included in the annual budget.

(3) The annual budget is to include or be accompanied by notes containing —

- (a) a summary explaining the composition of the current position balance; and
- (b) if the current position balance differs from the balance used in the rate setting statement, a disclosure of the difference and a brief explanation of the reason for the difference.

Amounts which may be excluded in calculation of budget deficiency — s. 6.2 (3)

32. A local government may exclude from the calculation of the budget deficiency —

- (a) money borrowed or to be borrowed, to the extent that it is proposed in the annual budget to remain unspent at the end of the financial year;
- (b) reserves, to the extent that they are proposed in the annual budget to remain unspent at the end of the financial year;

- (c) in relation to a land transaction or trading undertaking, assets and liabilities, to the extent to which they are proposed in the annual budget to remain restricted to the purposes of the land transaction or trading undertaking at the end of the financial year;
- (d) any proposed amounts of depreciation of non-current assets;
- (e) assets from grants or gifts or non-cash revenue or expenditure;
- (f) current liabilities which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain uncleared at the end of the financial year; and
- (g) any other current assets which, by their nature, are restricted, to the extent that they are proposed in the annual budget to remain unused at the end of the financial year.

Completion of annual budget

33. A copy of the annual budget of a local government is to be submitted to the Executive Director within 30 days of its adoption by the local government.

PART 4 — FINANCIAL REPORTS — s. 6.4

Financial reports to be prepared — s. 6.4

- 34.** (1) A local government is to prepare —
- (a) monthly financial reports in such form as the local government considers to be appropriate; and
 - (b) quarterly financial reports for the periods ending on 30 September, 31 December, 31 March 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) A monthly or quarterly financial report is to be —
- (a) presented to the council —
 - (i) at the next ordinary meeting of the council following the end of the period to which the report relates; or

- (ii) if the report is not prepared in time to present it to the meeting referred to in subparagraph (i), to the next ordinary meeting of the council after that meeting;

and

- (b) recorded in the minutes of the meeting at which it is presented.

(3) A quarterly report may be presented to a local government in lieu of a monthly report.

Form of quarterly financial report — s. 6.4 (2)

35. (1) A quarterly financial report is to be in a form that sets out —

- (a) the annual budget estimates; and
- (b) the operating revenue, operating income, and all other income and expenses,

from 1 July to the end of the relevant quarter, and —

- (c) identifies any significant variations between the year-to-date income and expenditure totals and the relevant annual budget provisions for those totals from 1 July to the end of the quarter;
- (d) identifies any significant areas where the activities of the local government are not in accordance with the estimates set forth in the annual budget for that year;
- (e) in relation to a matter the subject of an identification made under paragraph (c) or (d), provides financial projections to the next 30 June advising the likely effect of the identification of that matter on the end-of-year results when compared to the projected result set forth in the annual budget for that matter in that year;
- (f) includes an operating statement;
- (g) includes a statement setting out all other income and expenditure that has not been included in the operating statement; and
- (h) includes such other supporting notes and other information as the local government considers will assist in the interpretation of the quarterly report.

(2) A quarterly report is to be based on the information contained in the accounts when the normal end-of-month accounting has been completed.

Form of annual financial report — s. 6.4 (2)

- 36.** (1) The annual financial report is to be in a form that includes —
- (a) a statement setting out all income, expenditure and movements of money to and from reserve accounts which has not been included in the operating statement but which has been included in the rate setting statement;
 - (b) if the current position balance carried forward from the previous financial year for the purpose of the budget of the financial year to which the report relates is different from the current position balance shown in the audited annual financial report for the previous financial year, the amount of that difference;
 - (c) where the difference referred to in paragraph (b) is 5% (or more than 5%) higher or lower than the budget estimate of the total amount of the rates to be imposed, a statement of the reasons for that difference;
 - (d) in relation to principal activities included in the annual budget, details of —
 - (i) the principal activities not commenced during the financial year;
 - (ii) the principal activities commenced but not completed during the financial year;
 - (iii) the reasons for the non-completion of the principal activities referred to in subparagraph (ii); and
 - (iv) the extent to which the principal activities referred to in subparagraphs (i) and (ii) affect the current position balance when compared to the budget estimate for that current position balance;
 - (e) in relation to the disposal of an asset, according to the program to which the asset is principally attributed —
 - (i) the net book value of the asset;

- (ii) the sale price of the asset; and
 - (iii) the profit or loss on the sale;
- and
- (f) notes or statements containing the information set forth in regulations 37 to 50.

(2) The annual financial report is to include, adjacent to the end-of-year figures in the operating statement (required by AAS 27) and for the items referred to in the Table to this subregulation, the original budget estimates for those items for the financial year.

Table

Regulations 36 (1) (a), 36 (1) (e), 38 (1) (b), 38 (1) (c), 38 (1) (e), 39 (a), 39 (b) (v), 39 (d) (iv), 39 (e) (vi), 39 (e) (vii), 40 (d), 40 (e), 42 (2), 43 (a) (ii), 43 (b) (ii), 43 (c) (iv), 44 (b), 45 (a) (i), 45 (b), 46 (a), 48 (d) (i), 48 (d) (vii), 48 (f) (ii)-(v) and 49.

Trust fund information

37. In relation to the trust fund, the annual financial report is to include, separately for each class of trust, a statement of —

- (a) the amounts brought forward on 1 July;
- (b) the amounts received during the financial year;
- (c) the purpose for which the money was held or received;
- (d) the amounts paid out during the financial year; and
- (e) the closing balance at 30 June.

Reserve account information

38. (1) In relation to each reserve account, the annual financial report is to include details of —

- (a) the purpose for which the money in the account is set aside;
- (b) the amount set aside during the financial year;

- (c) the amount used during the financial year;
- (d) the opening balance brought forward on 1 July;
- (e) the closing balance at 30 June;
- (f) if the money held in a financial institution or institutions is insufficient to match the corresponding asset account in the statement of financial position —
 - (i) the extent of the insufficiency;
 - (ii) the reason for the insufficiency; and
 - (iii) when the insufficiency is likely to be made up;
- (g) when the local government anticipates the money in the account will be used; and
- (h) if the purpose of the account was changed or if money in the account was used for another purpose —
 - (i) the purpose for which the money was used;
 - (ii) the amount changed or used; and
 - (iii) the objects of, and reasons for, the change or use.

(2) In relation to an asset re-valuation reserve established in accordance with AAS 27 the annual financial report is not to include the details set forth in subregulation (1).

Rating information

- 39.** The annual financial report is to include —
- (a) the total revenue from all general rates;
 - (b) for each general rate —
 - (i) the rate in the dollar;
 - (ii) whether the basis for the rate was the gross rental value or the unimproved value of land;

- (iii) the number of properties to which the rate was applied;
 - (iv) the total rateable values of the properties referred to in subparagraph (iii);
 - (v) the amount of revenue from —
 - (I) the rate;
 - (II) interim rates; and
 - (III) back rates;
 - (c) for each differential general rate, the characteristics which formed the basis for the imposition of the rate;
 - (d) in relation to each minimum payment —
 - (i) the amount of the minimum payment;
 - (ii) the total rateable values of the properties to which the minimum payment applied;
 - (iii) the total number of properties to which the minimum payment applied; and
 - (iv) the amount of revenue from —
 - (I) the minimum payment;
 - (II) interim minimum payments; and
 - (III) back minimum payments;
- and
- (e) for each specified area rate —
 - (i) the purpose of the rate;
 - (ii) a brief description identifying the area within which the rate was imposed;
 - (iii) the rate in the dollar;

- (iv) whether the basis for the rate was the gross rental value or the unimproved value of land;
- (v) the total rateable values of the properties referred to in subparagraph (iv);
- (vi) the amount of revenue from —
 - (I) the rate;
 - (II) interim rates; and
 - (III) back rates; and
- (vii) how the proceeds of the rate were applied including —
 - (I) the amount applied;
 - (II) the amount set aside in a reserve account; and
 - (III) the application of money in the reserve account.

Information about service charges

40. In relation to each service charge, the annual financial report is to include details of —

- (a) the nature of the service for which the service charge was imposed;
- (b) if the service charge was imposed on land in a defined part of the district, a brief description identifying the area within which the service charge was imposed;
- (c) the amount of each service charge;
- (d) the total amount of revenue from the service charge; and
- (e) how the proceeds of the service charge were applied including —
 - (i) the amount applied;
 - (ii) the amount set aside in a reserve account; and
 - (iii) the amount applied from the reserve account.

Information about fees and charges

41. In relation to each fee or charge, whether imposed under the Act or any other written law, the annual financial report is to include details of —

- (a) any amendment made during the financial year to the fee or charge; and
- (b) the total revenue from the fees or charges from each program.

Information about discounts, incentives, concessions and write-offs

42. (1) The annual financial report is to include for each discount or other incentive granted for early payment of any money and in respect of each waiver or concession in relation to any money —

- (a) in respect of a discount —
 - (i) the amount of the discount, or the percentage discount, allowed; and
 - (ii) the circumstances in which the discount was granted;
- (b) in respect of an incentive other than a discount —
 - (i) a brief description of the incentive scheme; and
 - (ii) a statement of how that incentive was claimed;
 and
- (c) in relation to a waiver or concession —
 - (i) a brief description of the waiver or concession;
 - (ii) a statement of the circumstances in which it was granted;
 - (iii) details of the persons or class of persons to whom it was available; and
 - (iv) the objects of, and reasons for, the waiver or concession.

(2) The annual financial report is to include, separately in relation to all general rates, each specified area rate, each service charge and all fees and charges imposed under the Act or any other written law details of —

- (a) the total amount of the discounts granted;
- (b) the total cost to the local government of each incentive scheme;
- (c) the total cost, or reduction of revenue, to the local government of the waiver or grant of a concession; and
- (d) the total amount of money written off.

Information about interest payments and additional charges

43. The annual financial report is to include in relation to —

- (a) interest charged for the late payment of a rate or service charge —
 - (i) the rate of interest; and
 - (ii) the amount of revenue from the imposition of the interest;
- (b) interest under section 6.13 for the late payment of any amount of money —
 - (i) the rate of interest; and
 - (ii) the amount of revenue from the imposition of the interest;
 and
- (c) the instalment options of the local government under section 6.45 —
 - (i) a brief description of the options;
 - (ii) the rate of interest;
 - (iii) the additional charge; and
 - (iv) the total amount of revenue from the imposition of the interest and additional charge.

Information about fees etc. to council members

44. In relation to fees, expenses or allowances paid to council members, the mayor or the president the annual financial report is to include —

- (a) the nature of the fee, expense or allowance; and
- (b) the total amount or value of each class of fee, expense or allowance.

Trading undertakings information

45. The annual financial report is to include —

- (a) separately, in relation to each trading undertaking —
 - (i) an operating statement;
 - (ii) a statement of financial position; and
 - (iii) such other information as is necessary to provide full and complete information on the undertaking;
- and
- (b) in relation to each major trading undertaking, in addition to the information required by paragraph (a), a statement setting out all other income and expenditure which is not included in the operating statement referred to in paragraph (a) (i) but which has been used in the pricing structure for goods or services to be provided by the undertaking.

Major land transactions information

46. The annual financial report is to include, separately in relation to each major land transaction (according to nature or type classification) —

- (a) all income and expenditure;
- (b) details of assets and liabilities at 30 June;
- (c) such other information as is necessary to provide full and complete information on the transaction; and

- (d) if the transaction is to span more than one financial year, a brief statement showing the cash flows expected during the term of the transaction or the period covered by the plan for principal activities, whichever is the lesser.

Information on completion of major land transactions

47. When major land transactions which have spanned more than one financial year are completed during a financial year the annual financial report for that financial year is to —

- (a) disclose, separately in relation to each such transaction —
 - (i) details of the total income and expenditure for the transaction from the date of commencement to the date of completion;
 - (ii) details of the amount or value of any surplus of money or assets distributed to the local government or a person other than the local government; and
 - (iii) the amount or value of any loss and the resources used to cover the loss; and
- (b) include —
 - (i) a comparison of the outcomes over the life of each transaction with expected outcomes in the business plan prepared for the transaction; and
 - (ii) an explanation of the benefits of each transaction to the local government and the community.

Information about borrowings

48. The annual financial report is to include —

- (a) details of the unspent balance of money borrowed in a previous financial year including —
 - (i) the amount brought forward on 1 July;
 - (ii) the purpose for which the money was borrowed;

- (iii) the year in which the money was borrowed;
 - (iv) the amount expended during the financial year; and
 - (v) the amount remaining unspent at 30 June;
- (b) in relation to a principal amount carried forward by way of overdrawings on current account (“**the overdraft**”) from the previous financial year, details of the overdraft including —
- (i) the amount brought forward on 1 July;
 - (ii) the purpose for which the overdraft was established;
 - (iii) the year in which the overdraft was first established;
 - (iv) the amount by which the overdraft was increased or decreased during the financial year; and
 - (v) the amount of overdraft remaining at 30 June;
- (c) where, in the financial year to which the annual financial report relates, all or part of any existing borrowings were applied to a purpose other than that for which the money was borrowed, details of —
- (i) the amount so applied;
 - (ii) the purpose for which the money was borrowed;
 - (iii) the purpose to which the money was applied; and
 - (iv) the objects of, and reasons for, the application of the money to that purpose;
- (d) where, in the financial year to which the budget relates, the power to borrow under section 6.20 was exercised, details of —
- (i) the amount borrowed;
 - (ii) the purpose for which the money was borrowed;
 - (iii) the person from whom the money was borrowed;
 - (iv) the nature of the financial accommodation;

- (v) the term of the repayment;
 - (vi) the interest and other charges payable;
 - (vii) the amount of the borrowings used during the financial year;
and
 - (viii) the amount remaining unused at 30 June;
- (e) where, in the financial year to which the annual financial report relates, the power to borrow under section 6.20 was exercised for the purpose of re-financing existing borrowings, in lieu of the details set forth in paragraph (d), details of —
- (i) the amount re-financed;
 - (ii) the person from whom the money was borrowed;
 - (iii) where the principal sum under the new loan will be different from the principal sum under the existing loan, details of the amount of the difference and of the objects of, and reasons for, the re-financing; and
 - (iv) the changes to the original terms of the borrowing resulting from the re-financing;
- and
- (f) in relation to the repayment of money borrowed, details, by program, of —
- (i) the unpaid principal sum brought forward on 1 July;
 - (ii) the total interest and other charges incurred during the financial year;
 - (iii) the total expense incurred in the reduction of the principal sum during the financial year;
 - (iv) the principal liability remaining at 30 June; and
 - (v) the amount financed by income other than general purpose grants, rates, service charges, fees or charges.

Investment information

49. The annual financial report is to include, in relation to money invested, details of —

- (a) the amount earned from the investment of money held in reserve;
- (b) the amount earned from the investment of other money; and
- (c) the total earnings from investments.

Financial information by ratio

50. (1) The annual financial report is to include, for the financial year covered by the annual financial report and the 2 preceding financial years —

- (a) the current ratio;
- (b) the debt ratio;
- (c) the debt service ratio;
- (d) the rate coverage ratio; and
- (e) the outstanding rates ratio.

(2) In this regulation —

“available operating revenue” means the operating revenue —

- (a) plus any contributions towards the repayment of money borrowed which have not been included in the operating revenue; and
- (b) minus specific purpose grants, contributions and donations of a capital nature;

“current assets” means the total current assets as shown in the statement of financial position;

“current liabilities” means the total current liabilities as shown in the statement of financial position;

“current ratio” means the ratio determined as follows —

$$\frac{\text{(current assets minus restricted assets)}}{\text{current liabilities;}}$$

“debt ratio” means the ratio determined as follows —

$$\frac{\text{total liabilities}}{\text{total assets;}}$$

“debt service ratio” means the ratio determined as follows —

$$\frac{\text{debt service cost}}{\text{available operating revenue;}}$$

“debt service cost” means all principal and interest expenses for borrowings under section 6.20;

“net rate revenue” means the revenue from all rates and money paid in lieu of rates on non-rateable land —

- (a) plus interest for late payment, and interest and additional charges on instalments;
- (b) minus discounts and concessions granted, and money written off;

“outstanding rates ratio” means the ratio determined as follows —

$$\frac{\text{rates outstanding}}{\text{rates collectable;}}$$

“rate coverage ratio” means the ratio determined as follows —

$$\frac{\text{net rate revenue}}{\text{operating revenue;}}$$

“rates collectable” means the amount of —

- (a) all rates, interim rates, back rates, interim minimum payments, back minimum payments;
- (b) interest and additional charges payable on the rates and payments referred to in paragraph (a); and

- (c) arrears brought forward from a previous financial year of the amounts referred to in paragraphs (a) and (b);

“rates outstanding” means unpaid rates collectable;

“restricted assets” has the same meaning as in AAS 27;

“total assets” means all current and non-current assets as shown in the statement of financial position;

“total liabilities” means all current and non-current liabilities as shown in the statement of financial position.

Completion of financial report

51. (1) After the annual financial report has been audited in accordance with the Act the responsible employee is to sign and append to the report a declaration in the form of Form 1.

(2) A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor’s report on that financial report.

(3) In this regulation —

“responsible employee” means —

- (a) if the local government has delegated the duty of preparing the annual financial report to the CEO, the CEO; or
- (b) if the CEO has delegated the duty of preparing the annual financial report to another employee, that other employee.

PART 5 — RATES AND SERVICE CHARGES

Minimum payment — maximum percentage — s. 6.35 (4)

52. The percentage prescribed for the purposes of section 6.35 (4) is 50%.

Minimum payment — amount of general minimum — s. 6.35 (4)

53. The amount prescribed for the purposes of section 6.35 (4) is \$200.

Service charge — prescribed services — s. 6.38 (1)

54. For the purposes of section 6.38 (1), the services for which a local government may impose a service charge are the provision of —

- (a) television and radio rebroadcasting;
- (b) volunteer bush fire brigades; and
- (c) underground electricity.

Form of rate record — s. 6.39 (1)

55. The rate record of a local government is to —

- (a) include particulars of —
 - (i) all rateable land in its district; and
 - (ii) all land in its district which is not rateable land but on which service charges are imposed;and
- (b) be in a form that sets out —
 - (i) the full name and postal address of the owner of the land;
 - (ii) where a service charge is to be imposed on an occupier of land, the full name and postal address of the occupier of the land;
 - (iii) a description of the land and its location;
 - (iv) the valuation to be used for rating purposes;

- (v) where, under Schedule 6.1 of the Act a valuation is to be phased in —
 - (I) the former valuation of the land; and
 - (II) the new valuation of the land;
- (vi) if differential general rates are imposed, the characteristics of the land upon which those rates are based;
- (vii) if a minimum payment is imposed, the amount of the minimum payment;
- (viii) if a specified area rate is imposed, the purpose for which it is imposed;
- (ix) if a service charge is imposed, the purpose for which it is imposed and details as to whether the service charge is imposed on the owner or occupier of the land; and
- (x) full details of —
 - (I) the amount of the rates or service charges imposed on the land;
 - (II) any discount, waiver, concession, interest or additional charge applicable to the rates or service charges;
 - (III) amounts received in respect of the rates or service charges on the land;
 - (IV) any amount written off in respect of the rates or service charges on the land; and
 - (V) the balance of the rates or service charges owing on the land.

Contents of rate notice — s. 6.41

56. (1) A rate notice may include more than one property where those properties are in common ownership or occupation, as the case requires, if details in relation to each property are shown separately.

(2) Where the same person is responsible for both the rates and service charges on land the rate notice for that land may include both rates and service charges if the detail of each rate and each service charge is shown separately.

(3) A rate notice for land is to include —

- (a) the date the notice was issued;
- (b) in relation to the land the subject of the notice —
 - (i) a description of the land; and
 - (ii) unless the rate notice is for a service charge only, the valuation of the land recorded in the rate record;
- (c) details (including the amount and, where applicable, the rate in the dollar) of every rate and service charge imposed on the land;
- (d) where a service charge is imposed on the land, the purpose for which the service charge is imposed;
- (e) where a differential general rate is imposed on the land details of —
 - (i) the rate imposed; and
 - (ii) the characteristics of the land upon which the rate is based;
- (f) where a specified area rate is imposed on the land —
 - (i) details of the rate imposed; and
 - (ii) the purpose for which the rate is imposed;
- (g) where a minimum payment is imposed on the land, the amount of that minimum payment;
- (h) brief details of the instalment options of the local government under section 6.45 and —
 - (i) the date for payment of each instalment under each option;
 - (ii) the amount payable for each instalment of each option; and
 - (iii) the total amount payable under each option;

- (i) a brief summary of any concession granted under section 6.47 and the circumstances in which it is granted;
 - (j) if a rate or service charge (or any part of a rate or service charge) remains unpaid from the previous financial year (“**the arrears**”) the amount of —
 - (i) the arrears specifying —
 - (I) the amount of rate arrears; and
 - (II) the amount of service charge arrears;
 - (ii) any applicable penalty or recovery costs;
 - (iii) interest accrued on the arrears to 30 June of that financial year; and
 - (iv) interest accrued on the arrears from 1 July of the current year until the date of the rate notice;
 - (k) the date the rates or service charges become due and payable;
 - (l) the place appointed for the receipt of rates or service charges and the hours during which payment may be made;
 - (m) where the rate is the result of the amendment of the rate record for a preceding year under section 6.39 (2) (b), in addition to the details specified in this subregulation, equivalent details for that year; and
 - (n) a brief summary of the objection and appeal rights under Subdivision 7 of Part 6 of the Act and under the *Valuation of Land Act 1978*.
- (4) The following information is to accompany or be included in the rate notice —
- (a) subject to subregulation (5), a brief statement of the objects and reasons for the rates, service charges and any minimum payments imposed by the local government;
 - (b) if a differential general rate or minimum payment differs from the proposed rate or payment set forth in the local public notice given under section 6.36, reasons for the difference;

- (c) a statement that under section 6.49 an agreement as to the payment of a rate or service charge may be made with the local government;
 - (d) if interest is to be imposed on unpaid rates and service charges —
 - (i) the circumstances in which interest will be imposed; and
 - (ii) the rate of interest;
 - (e) if interest is accruing on unpaid rates or service charges, a statement that interest continues to accrue for each day until arrears are paid;
 - (f) any discount or other incentive available for early payment and a brief statement of how that discount or incentive may be claimed;
 - (g) a brief summary of —
 - (i) options for payment and entitlements under the *Rates and Charges (Rebates and Deferments) Act 1992*; and
 - (ii) any concession available under section 6.47 and the circumstances in which it is available;
 - (h) a brief statement of the consequences of default in payment of rates and service charges;
 - (i) a brief statement advising that payment of a rate or service charge on any land may not be made by instalments if at the date for payment of the first instalment any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid; and
 - (j) a brief statement of the total principal amount owing by the local government by way of loan as at 30 June of the previous financial year.
- (5) Subregulation (4) (a) does not apply if the local government imposes only one rate and does not impose a minimum payment.

Contents of reminder notice for instalment payments — s. 6.41

57. (1) A notice for payment of an instalment under section 6.41 (2) (b) is to include —

- (a) the information required by regulation 56 (3) (a), 56 (3) (b) and 56 (3) (l);
- (b) the balance payable for the current financial year;
- (c) the amount of the instalment due;
- (d) the due date of the instalment;
- (e) where a previously overdue instalment is overdue, the amount that is overdue and the amount of any interest payable; and
- (f) details of the amount of —
 - (i) any interest accrued; and
 - (ii) any waiver or other concession allowed,
 since the previous notice issued in relation to the relevant rate or service charge.

(2) The information required by regulation 56 (4) (c), 56 (4) (d) and 56 (4) (h) is to accompany or be included in the notice under subregulation (1).

Instalments not available if payment in arrears

58. Payment of a rate or service charge on any land may not be made by instalments if, at the date for payment of the first instalment, any part of a rate or service charge imposed on that land in a previous financial year (or interest accrued thereon at the date of issue of the rate notice) remains unpaid.

Instalments not available for small amounts — s. 6.45 (4) (b)

59. Payment may not be made by instalments if the total amount shown in the rate notice as being payable to the local government for rates, service charges or minimum payments, other than amounts remaining unpaid from a previous financial year, is less than \$50.

Manner of election to pay by instalments

60. For the purposes of section 6.45 an election to pay by instalments is made (whether a person indicates to the local government that payment will be made by instalments, or not) if the person, before the close of business on the due date of the first instalment under an option specified in the rate notice, pays to the local government the amount set forth in the rate notice as being payable for that instalment.

Additional circumstances when payments may be made by instalments

61. Where a local government imposes rates after amending the rate record under section 6.39 (2) (b) payment of the total amount of the rates may be made by the method of payment by instalments set forth in the local government's annual budget for the financial year in which the rates are imposed.

Instalments for interim rating

62. (1) Section 6.50 (1) and (2) are to be applied to a rate notice given after a re-assessment of rates under section 6.40 ("**interim notice**").

(2) If —

- (a) the person to whom an interim notice is given elects to make payment by instalments pursuant to section 6.45 (2) (b); and
- (b) the period between the payment of the initial instalment and the due date of the next instalment is less than 2 months,

the initial instalment is deemed to have been paid on the due date of the previous instalment as set forth in the local government's annual budget.

Sale of property — effect on payment by instalment

63. If, after the date for making an election to pay by instalments in a financial year, land is sold or otherwise disposed of, the rates and service charges due on the land for that financial year are payable to the local government by a single payment.

Due dates of instalments

64. (1) The due date for payment of the first instalment is to be the date a rate or service charge is due and payable if the payment is to be by a single payment.

(2) When adopting its annual budget the local government is to determine, in accordance with the Act, the due date for payment of instalments after the first instalment.

(3) In respect of the 4 instalment option referred to in section 6.45 (1) (a), if the local government does not determine the due date for payment of instalments after the first instalment in accordance with subregulation (2) the due date of each of those instalments is at intervals of 3 months from the due date of the first instalment.

Payments of instalments due on public holidays

65. When the due date for payment of an instalment falls on a weekend or public holiday, payment of that instalment is to be received by the local government before the close of business on the first working day after the due date.

Instalment option not to be revoked

66. 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.

Additional charge for payment by instalments

67. For the purpose of determining the additional charge to be imposed where payment of a rate or service charge is made by instalments, the local government is to —

- (a) have regard to the additional costs of administration; and
- (b) consider the additional charge as a full or partial reimbursement of those costs and not a charge for the purpose of making a profit.

Maximum interest component in instalments — s. 6.45 (4) (e)

68. The maximum rate of interest to be imposed under section 6.45 (3) is prescribed as 6.5%.

Method of calculation of interest for instalments

69. Interest under section 6.45 (3) is to be calculated on a simple interest basis by applying the rate of interest imposed by the local government to the amount of each instalment for the period between the due date of the first instalment and the due date of each subsequent instalment.

Maximum rate of interest on overdue rates and service charges — s. 6.51 (2)

70. The maximum rate of interest to be imposed under section 6.51 (1) is prescribed as 13%.

Method of calculation of interest on overdue rates and service charges

71. (1) Interest on rates and service charges that remain unpaid after the date determined in accordance with section 6.51 (1) (“**the due date**”) is to be calculated on a simple interest basis for the number of days from the due date until the day before the day on which a payment is received by the local government.

(2) The principal sum on which interest is calculated for a financial year may include interest accrued but not paid in a previous financial year but is not to include interest accrued in the current financial year.

(3) If payment is received by the local government during the period from 1 July in a financial year until the annual budget for that financial year is adopted, interest referred to in subregulation (1) for that period is to be at the rate of interest imposed under section 6.51 (1) for the previous financial year.

Form of notification of local government taking possession of land — s. 6.64 (2)

72. For the purposes of section 6.64 (2) the notification to be given by a local government on taking possession of land under that section is to be in the form of Form 2.

Form of notice to be affixed to land when local government takes possession of land — s. 6.64 (2)

73. For the purposes of section 6.64 (2) the notice to be affixed on land by a local government on taking possession of land under that section is to be in the form of Form 3.

Exercise of power of sale of land for non-payment of rates etc. — s. 6.68 (3)

74. For the purposes of Item 1 (2) (e) of Schedule 6.3 of the Act a notice requiring payment of outstanding rates and service charges is to be in the form of Form 4.

Statewide public notice of exercise of power of sale of land for non-payment of rates etc. — s. 6.68 (3)/Schedule 6.3 (Item 2 (1) (a))

75. For the purposes of Item 2 (1) (a) of Schedule 6.3 of the Act a Statewide public notice of a sale of land is to be in the form of Form 5.

Payment of rates etc. to stay sale of land for non-payment

76. (1) As soon as practicable after the payment in accordance with section 6.69 of outstanding rates, service charges, costs and expenses on any land the local government is to deliver to the Registrar of Titles or the Registrar of Deeds, as the case requires, a certificate signed and dated by the CEO certifying that all outstanding rates, service charges, costs and expenses have been paid.

(2) Upon receipt of the certificate referred to in subregulation (1) the Registrar of Titles or the Registrar of Deeds is to endorse a memorandum that the land has ceased to be bound by the memorial.

Procedure prior to application for revestment of land in Crown for non-payment of rates etc.

77. (1) Before making an application under section 6.74 for the revestment of any land in the Crown a local government is to —

- (a) give notice of its intention to do so if the rates, service charges, costs and expenses are not paid by the date specified in the notice (being

a date not less than 30 days from the date of service of the notice)
to —

- (i) the owner or owners of the land, sent to the last known address of the owner or owners; and
- (ii) all persons who are noted on the certificate of title to the land as having an interest in the land whether by way of encumbrance or otherwise, sent to the last known address of those persons;

and

- (b) cause a copy of the notice of intent to be published in the *Government Gazette*.

(2) A notice of intent under subregulation (1) is to contain a statement that the person to whom the notice is issued may, within 30 days of the date of the notice, lodge an objection to the revestment.

(3) The local government is to consider all objections received to the revestment under this regulation.

Revestment of land in Crown for non-payment of rates etc. — s. 6.74/Schedule 6.3 of Act (Item 8 (6))

78. (1) For the purposes of section 6.74 (1), an application by a local government to have land revested in the Crown is to be in the form of Form 6.

(2) For the purposes of section 6.74 (2), the grant by the Minister of an application by a local government to have land revested in the Crown is to be in the form of Form 7.

PART 6 — TRANSITIONAL PROVISIONS — s. 9.71

Interpretation of this Part

79. In this Part —

“1996-1997 financial year” means the financial year commencing on 1 July 1996.

Transitional provision for petty cash or other advances — (Part 2)

80. Where —

- (a) a council has entrusted a person with a sum of money;
- (b) a council has placed a sum of money to the credit of a banking account; or
- (c) the Minister has permitted a modification,

under section 626 (c) or (d), as the case requires, of the *Local Government Act 1960* as in force before 1 July 1996 —

- (d) the trust continues to have effect until it is revoked or 30 June 1997, whichever happens first;
- (e) the account may be maintained until 30 June 1997; or
- (f) the modification continues, until it is further modified by the Minister or 30 June 1997, whichever happens first.

Transitional provision for capitalization of fixed assets — (Part 2)

81. (1) In this regulation —

“infrastructure assets” means all non-current assets which are not —

- (a) able to be readily realised; or
- (b) insurable,

but does not include bridges.

(2) The application of the transitional provisions in paragraph 100 of AAS 27 (as stated on 1 November 1995) is extended to apply to the capitalization of infrastructure assets in the financial reports for the 1996-1997 financial year.

(3) Notwithstanding subregulation (2), the value of the infrastructure assets referred to in that subregulation is to be included in the statement of financial position in the annual financial report for the 1996-1997 financial year.

Transitional provision for annual financial reports — (Part 4)

82. The annual financial report for the financial year ending on 30 June 1996 is to be —

- (a) prepared in accordance with the *Local Government Accounting Directions 1994**; and
- (b) audited having regard to paragraph (a).

[* *Published in Gazette 29 June 1994, p. 3143-56.*]

Transitional provision for ratios required in annual financial report — (Part 4)

83. Regulation 50 (1) applies to the annual financial report for the financial year ending —

- (a) 30 June 1997 as if the words “and the 2 preceding financial years” in subregulation (1) were deleted; and
- (b) 30 June 1998 as if the words “and the 2 preceding financial years” in subregulation (1) read as follows —

“ and the preceding financial year ”.

Contents of rate notice for 1996-1997 rating year — (Part 5)

84. Regulations 56 (3) (j) (i) (II), 56 (3) (j) (iii), 56 (3) (j) (iv) and 56 (4) (e) do not apply to a rate notice of a local government for the 1996-1997 financial year.

Calculation of interest on overdue rates during 1996-1997 rating year — (Part 5)

85. (1) For the 1996-1997 financial year regulation 71 does not apply to rates that remain unpaid at 30 June 1996.

(2) Interest on rates that remain unpaid at 30 June 1996 is to be calculated on a simple interest basis for the number of days from 3 months (or such longer period as is determined by the local government) after the date of issue of the rate notice for the 1996-1997 financial year until the day before the day on which a payment is received by the local government.

(3) If interest is to be imposed under section 6.51, a rate notice for the 1996-1997 financial year is to include or be accompanied by a statement that interest is to accrue on rates that remain unpaid at 30 June 1996 from 3 months (or such longer period as is determined by the local government) after the date of issue of the rate notice.

SCHEDULE 1

[reg. 3]

PART 1 — LOCAL GOVERNMENT PROGRAM TITLES

<i>Column 1</i>	<i>Column 2</i>
Program Titles	Sub-Programs Included Within the Program
General administration	Members of council Administration — general
General purpose income	
Law, order, public safety	Fire prevention Animal control Other law, order, public safety
Education	Pre-school Other education
Health	Maternal and infant health Preventive services <ul style="list-style-type: none"> — Immunisation — Meat inspection — Administration and inspection — Pest control — Other Other health

*Column 1**Column 2*

Program Titles	Sub-Programs Included Within the Program
Welfare	Care of families and children Aged and disabled — Senior citizens centres — Meals on wheels Other welfare
Housing	Staff housing Other housing
Community amenities	Sanitation — Household refuse — Other Sewerage Urban stormwater drainage Protection of environment Town planning and regional development Other community amenities
Recreation and culture	Public halls, Civic Centre Swimming areas and beaches Other recreation and sport Television and radio re-broadcasting Libraries Other culture
Transport	Streets, roads, bridges, depots — Construction (not capitalised) — Maintenance Road plant purchase (if not capitalised) Parking facilities Traffic control Aerodromes Water transport facilities
Economic services	Rural services Tourism and area promotion Building control Salesyards and markets Plant nursery Other economic services

*Column 1**Column 2***Program Titles****Sub-Programs Included Within
the Program**

Other property and services

Private works
 Public works overheads
 Plant operation
 Salaries and wages
 Unclassified
 Town Planning Schemes

Finance and borrowing

PART 2 — NATURE OR TYPE CLASSIFICATIONS**Revenue/Income**

Rates
 Grants and subsidies towards operating activities
 Grants and subsidies towards non-operating activities
 Contributions and donations
 Reimbursements
 Profit on asset disposals
 Service charges
 Fees and charges — income from non-local government property
 Fees and charges — income from local government property
 Other fees and charges
 Interest earnings
 Other revenue/income

Expenditure

Employee costs
 Materials
 Contracts
 Utilities (gas, electricity, water, etc.)
 Insurance
 Depreciation on non-current assets
 Interest expenses
 Other expenditure

SCHEDULE 2

Form 1

[reg. 51]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

STATEMENT BY RESPONSIBLE EMPLOYEE

The attached financial report of the ⁽¹⁾Shire/Town/City of ⁽²⁾ being the annual financial report and supporting notes and other information for the financial year ended 30 June ⁽³⁾ are in my opinion properly drawn up to present fairly the financial position of the ⁽¹⁾Shire/Town/City of ⁽²⁾ at 30 June ⁽³⁾ and the results of the operations for the financial year then ended in accordance with the *Australian Accounting Standards* (except to the extent that these have been varied in the Statement of Accounting Policies required by Australian Accounting Standard AAS 6 "Accounting Policies" and the accompanying notes to the annual financial report) and comply with the provisions of the *Local Government Act 1995* and the regulations under that Act.

Signed on the ⁽⁴⁾ day of , 19

.....
Responsible Employee

.....
Name of Responsible Employee

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert year
- (4) insert date

Form 2

[reg. 72]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

NOTIFICATION OF TAKING POSSESSION OF LAND UNDER SECTION 6.64 OF THE LOCAL GOVERNMENT ACT 1995

TO: ⁽¹⁾
Notice is hereby given that the sum of \$ ⁽²⁾ having been unpaid to the ⁽³⁾Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾rates/service charges in respect of the land situated at ⁽⁵⁾
.....
and being ⁽⁶⁾ the local government has taken possession of the land pursuant to section 6.64 of the *Local Government Act 1995*, and in accordance with that section intends to —

- ⁽³⁾ (a) lease the land;
- ⁽³⁾ (b) sell the land;
- ⁽³⁾ (c) cause the land to be transferred to the Crown;
- ⁽³⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽³⁾Shire/Town/City of ⁽⁴⁾ this ⁽⁷⁾ day of, 19

.....
CEO

- (1) insert name of owner of land or "owner of (5)"
- (2) insert amount
- (3) delete the one that does not apply
- (4) insert name of local government
- (5) insert address or other details sufficient to identify land
- (6) insert title particulars of land
- (7) insert date

Form 3

[reg. 73]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

**NOTICE TO BE AFFIXED ON LAND ON TAKING POSSESSION
UNDER SECTION 6.64 OF THE LOCAL GOVERNMENT ACT 1995**

TO: ⁽¹⁾
The ⁽²⁾Shire/Town/City of ⁽³⁾ has taken possession of this land
situate at ⁽⁴⁾
and being ⁽⁵⁾
in accordance with section 6.64 of the *Local Government Act 1995*, and will in
accordance with that section —

- ⁽²⁾ (a) lease the land;
- ⁽²⁾ (b) sell the land;
- ⁽²⁾ (c) cause the land to be transferred to the Crown;
- ⁽²⁾ (d) cause the land to be transferred to the local government.

Signed for and on behalf of the ⁽²⁾Shire/Town/City of ⁽³⁾ this
⁽⁶⁾ day of, 19

.....
CEO

- (1) insert name of owner of land or "owner of (4)"
- (2) delete the one that does not apply
- (3) insert name of local government
- (4) insert address or other details sufficient to identify land
- (5) insert title particulars of land
- (6) insert date

Form 4

[reg. 74]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

NOTICE PURSUANT TO SCHEDULE 6.3 OF THE LOCAL GOVERNMENT ACT 1995 REQUIRING PAYMENT OF OUTSTANDING RATES OR SERVICE CHARGES

TO: ⁽¹⁾
Notice is hereby given that the sum of \$ ⁽²⁾ has been owing to the ⁽³⁾Shire/Town/City of ⁽⁴⁾ for a period of 3 years for ⁽³⁾rates/service charges in respect of the land described below and unless payment is made of the sum of \$ ⁽²⁾ within 3 months from the date of this notice the local government will, pursuant to section 6.64 of the *Local Government Act 1995*, offer the land for sale by public auction at a time and place appointed by the local government.

Signed for and on behalf of the ⁽³⁾Shire/Town/City of ⁽⁴⁾
this ⁽⁵⁾ day of , 19

.....
CEO

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
⁽⁶⁾	⁽⁶⁾

- (1)
- (2) insert amount
- (3) delete the one that does not apply
- (4) insert name of local government
- (5) insert date
- (6) insert details

Form 5

[reg. 75]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

NOTICE PURSUANT TO SCHEDULE 6.3 OF THE LOCAL GOVERNMENT ACT 1995 OF SALE OF LAND FOR NON-PAYMENT OF OUTSTANDING RATES OR SERVICE CHARGES

Notice is hereby given that, under section 6.64 of the *Local Government Act 1995*, as ⁽¹⁾rates/service charges have been owing for a period of at least 3 years the ⁽¹⁾Shire/Town/City of ⁽²⁾ is to offer for sale by public auction at ⁽³⁾ on the ⁽⁴⁾ day of, 19 . . . the land described below.

Signed for and on behalf of the ⁽¹⁾Shire/Town/City of ⁽²⁾ this ⁽⁴⁾ day of, 19

.....
CEO

Description of Land etc.

Description of land and lot or location number	Plan or Diagram Number	Title reference	Area	Street	Description of improvements, if any	Name of Owner	Name of other persons appearing to have an estate or interest	Rates/ service charges outstanding	Other charges due on the land

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert details
- (4) insert date

Form 6

[reg. 78 (1)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

**APPLICATION TO THE MINISTER FOR LAND TO BE REVESTED
IN THE CROWN**

Local Government Act 1995 — Application under s. 6.74

TO: The Hon. Minister

The ⁽¹⁾Shire/Town/City of ⁽²⁾ requests that the Minister approve the revestment in the Crown of the land described below pursuant to section 6.74 of the *Local Government Act 1995*, by the reason that the land is —

- (a) rateable land;
- (b) vacant; and
- (c) land in respect of which ⁽¹⁾ rates/service charges have been unpaid for a period of at least 3 years.

I the undersigned certify that, in respect of the stated land —

- (d) 30 days' notice of intent was delivered to the last known address of the owner(s) of the land;
- (e) 30 days' notice of intent was issued to the last known address of all persons who are noted on the certificate of title to the land as having an interest in the land (by way of encumbrance or otherwise);
- (f) a copy of that notice was published on page of the *Government Gazette* of ⁽³⁾; and
- (g) after 30 days

⁽¹⁾ no objections were received

⁽¹⁾ objections were received from ⁽⁴⁾ people and duly considered by the local government. (Copies of the objections and associated council resolutions are attached).

Signed for and on behalf of the ⁽¹⁾Shire/Town/City of ⁽²⁾
this ⁽³⁾ day of , 19

.....
CEO

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert date
- (4) insert number of persons

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
(1)	(1)

- (1) insert details

Form 7

[reg. 78 (2)]

Local Government Act 1995

Local Government (Financial Management) Regulations 1996

NOTIFICATION BY MINISTER OF GRANT OF APPLICATION FOR REVESTMENT OF LAND IN THE CROWN

Local Government Act 1995 — Ministerial approval under s. 6.74

I, being the Minister charged for the time being with the administration of the *Local Government Act 1995*, grant the application submitted by the ⁽¹⁾Shire/Town/City of ⁽²⁾ on the ⁽³⁾ day of 19, and authorize the land described below to be revested in the Crown.

.....
Minister

Date⁽³⁾

Description of Land etc.

Names of owners and all other persons appearing to have an estate or interest in the land	Description of land referred to, including title references
(4)	(4)

- (1) delete the one that does not apply
- (2) insert name of local government
- (3) insert date
- (4) insert details

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.

