



Department of
**Local Government, Sport
and Cultural Industries**

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TO ALL LOCAL GOVERNMENTS

DEPARTMENTAL CIRCULAR No 04-2018

LOCAL GOVERNMENT REGULATIONS AMENDMENT (RECOVERY OF ADVANCE PAYMENTS) REGULATIONS 2018

On 4 December 2018, the Executive Council approved amendments to the *Local Government (Administration) Regulations 1996* and the *Local Government (Financial Management) Regulations 1996*.

A new regulation 34AE has been inserted into the *Local Government (Administration) Regulations 1996* (made under section 5.102AB of the Act). This provides for the recovery of payments made in advance to a council member when a member ceases to hold office (other than through death) or is suspended from office.

Additionally, a new regulation 19AA has been inserted into the *Local Government (Financial Management) Regulations 1996* (made under section 6.12 of the Act). This prohibits a local government from writing a debt of this nature off without the approval of the Minister. While this prevents a local government from writing off the debt in the first instance, it still provides the flexibility to do so when it is appropriate.

The Western Australian Local Government Association and Local Government Professionals Australia WA, were consulted during the drafting of these regulations in accordance with the State Local Government Partnership Agreement.

Minor amendments are also being made to Forms 8 and 9 of the *Local Government (Elections) Regulations 1997* to reflect the changes made to section 2.22 of the Act by the *Local Government Amendment (Suspension and Dismissal) Act 2018*. This updates the wording on the reverse of the forms in relation to offences. These amendments are expected to be *gazetted* in mid-January 2019. Local governments should ensure that the amended forms are used for any future elections.

For further information, please contact Mr Luke Stevens, Senior Legislation and Strategy Officer, Department of Local Government, Sport and Cultural Industries, on (08) 9492 9846 or via email to luke.stevens@dlgsc.wa.gov.au.

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