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# Local Government (General) Regulation 2005

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## **213 Restrictions on writing off debts to a council**

- (1) This clause does not apply to amounts owed to a council for rates or other charges for which the Act, or any other regulation in force under the Act, makes specific provision for writing off those amounts in specified circumstances.
- (2) A council must from time to time, by resolution, fix an amount above which debts to the council may be written off only by resolution of the council.
- (3) A debt of or below that amount can be written off either by resolution of the council or by order in writing of the council's general manager. In the absence of a resolution under subclause (2), the council's debts can be written off only by resolution of the council.
- (4) A resolution or order writing off a debt to a council must:
  - (a) specify the name of the person whose debt is being written off, and
  - (b) identify the account concerned, and
  - (c) specify the amount of the debt,or must refer to a record kept by the council in which those particulars are recorded.
- (5) A debt can be written off under this clause only:
  - (a) if the debt is not lawfully recoverable, or
  - (b) as a result of a decision of a court, or
  - (c) if the council or the general manager believes on reasonable grounds that an attempt to recover the debt would not be cost effective.
- (6) The fact that a debt is written off under this clause does not prevent the council concerned from taking legal proceedings to recover the debt.