

SOUTH AUSTRALIA

**LOCAL GOVERNMENT (QUALIFICATIONS COMMITTEE)
REGULATIONS, 1984**

These regulations are reprinted pursuant to the Subordinate Legislation Act 1978 and incorporate all amendments in force as at 8 February 1995.

It should be noted that the regulations were not revised (for obsolete references, etc.) prior to the publication of this reprint.

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REGULATIONS UNDER THE LOCAL GOVERNMENT ACT, 1934

LOCAL GOVERNMENT (QUALIFICATIONS COMMITTEE) REGULATIONS, 1984

being

No. 165 of 1984: *Gaz.* 23 August 1984, p. 648

as varied by

No. 267 of 1988: *Gaz.* 22 December 1988, p. 2135¹

¹ Came into operation 1 January 1989: reg. 2.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix. Entries appearing in the Appendix in bold type indicate the amendments incorporated since the last reprint.

PART 1—PRELIMINARY

1. These Regulations may be cited as the *Local Government (Qualifications Committee) Regulations, 1984*.

2. These Regulations are arranged as follows:

Part 1—Preliminary

Part 2—The Committee

Part 3—Prescribed Offices and Functions

Part 4—Diploma in Local Government Administration

Part 6—Certificate of Registration as a Chief Executive Officer

Part 7—Certificate of Registration as an Engineer

Part 8—Certificate of Registration as an Overseer of Works

Part 9—Certificate of Registration as a Building purveyor

Part 10—Certificate of Registration as a Building Inspector

Part 11—Certificate of Registration as a Local Government Auditor

Part 12—Cancellation of Certificates of Registration

Part 13—General Provisions Relating to Certificates

Part 14—Renewal of Registration.

3. In these regulations, expressions shall have the same respective meanings as in the *Local Government Act, 1934*, unless inconsistent with the context or subject matter and in addition:

"**Certificate**" means a certificate of registration granted pursuant to these regulations;

"**Chairman**" means the Chairman or Acting Chairman of the Committee;

"**Committee**" means the Local Government Qualifications Committee;

"**Diploma**" means a Diploma in Local Government Administration granted by the Committee;

"**Secretary**" means the person appointed as Secretary to the Committee pursuant to Regulation 6;

"**The Act**" means the *Local Government Act, 1934*.

PART 2—GENERAL PROVISIONS RELATING TO THE COMMITTEE

4. (1) Subject to this Regulation meetings of the Committee shall be held at times and places appointed by the Committee.

(2) The Secretary shall call a special meeting of the Committee on receipt of a written request signed by the Chairman or any three members.

(3) In the absence of the Chairman from any meeting of the Committee, the members present shall elect one of their number to be Acting Chairman during such absence.

(4) The Chairman of any meeting shall have a deliberative vote on a question arising for decision at the meeting, but shall not, in the event of an equality of votes, have a casting vote.

Local Government (Qualifications Committee) Regulations, 1984

5. (1) Four members of the Committee shall form a quorum thereof.
- (2) Any meeting at which a quorum is present shall be competent to transact business.
6. The Minister shall appoint an officer of the Public Service to be Secretary of the Committee.

PART 3—PRESCRIBED OFFICES AND FUNCTIONS

7. (1) The offices and functions set out in the First Schedule hereto shall pursuant to subsection (4) of section 67 of the Act be offices and functions to which a person shall not be appointed by a council unless he holds a certificate of registration issued by the Committee or his appointment has been approved by the Minister.

(2) The following offices and/or functions are prescribed offices and/or functions for the purposes of subsection (1) of section 69 of the Act:

- Chief Executive Officer
- Engineer
- Overseer of Works
- Building Surveyor
- Building Inspector
- Local Government Auditor.

PART 4—DIPLOMA IN LOCAL GOVERNMENT ADMINISTRATION

8. The Committee may award a Diploma in Local Government Administration to any person who has complied with the educational requirements determined by the Committee.

9. The Committee may from time to time prepare a syllabus setting out the subjects to be completed prior to the award of a Diploma and may in that syllabus determine that certain subjects are to be completed as a pre-requisite to examination in any other subject.

10. The Committee may grant an exemption in any subject to any person who in the opinion of the Committee holds educational qualifications which the Committee considers are equivalent to that subject.

11. The Committee may from time to time cause examinations to be held for the subjects set down in the syllabus and for this purpose may do all such things as it deems necessary for the conduct of the examinations.

12. Every Diploma issued by the Committee shall be signed by the Chairman and countersigned by the Secretary and shall be in Form 1 set out in the Second Schedule.

* * * * *

**PART 6—CERTIFICATE OF REGISTRATION AS CHIEF
EXECUTIVE OFFICER**

15. An applicant for a certificate of registration as a Chief Executive Officer shall:

- (a) hold the degree of Bachelor of Business issued by the South Australian Institute of Technology, having taken the public administration major, local government sub-option; or
- (b) hold a diploma in local government administration.

PART 7—ENGINEERS CERTIFICATE OF REGISTRATION

16. An applicant for a certificate of registration as an Engineer shall hold the Graduate Diploma in Municipal Engineering issued by the South Australian Institute of Technology.

PART 8—OVERSEERS CERTIFICATE OF REGISTRATION

17. An applicant for a certificate of registration as an Overseer of Works shall have completed the Local Government Works Supervision course conducted by the Department of Technical and Further Education.

PART 9—BUILDING SURVEYORS CERTIFICATE OF REGISTRATION

18. An applicant for a certificate of registration as a Building Surveyor shall:

- (a) hold educational qualifications satisfying the entrance requirements of:
 - (i) the Institution of Engineers, Australia, for admission as a Graduate; or
 - (ii) the Royal Australian Institute of Architects for admission as an Associate; or
 - (iii) the Architects Registration Board of South Australia; or
 - (iv) the Australian Institute of Building as a Corporate Member; or
 - (v) the Australian Institute of Building Surveyors as a Fellow; and
- (b) hold the Graduate Diploma in Building Surveying issued by the South Australian Institute of Technology.

PART 10—BUILDING INSPECTORS CERTIFICATE OF REGISTRATION

19. An applicant for a certificate of registration as a Building Inspector shall hold a Building Inspectors Certificate issued by the Department of Technical and Further Education.

**PART 11—CERTIFICATE OF REGISTRATION AS A LOCAL GOVERNMENT
AUDITOR**

20. An applicant for a certificate of registration as a Local Government Auditor must—

(a) have passed examinations in Local Government Law and Local Government Accounting of a standard acceptable to the Committee;

and

(b) be a member of—

(i) The Institute of Chartered Accountants in Australia;

or

(ii) the Australian Society of Accountants.

PART 12—CANCELLATION OF CERTIFICATES OF REGISTRATION

21. The Committee may cancel the certificate of registration of any person:

(a) whose certificate of registration has been obtained by fraud or misrepresentation; or

(b) who has been convicted in the State of any indictable offence or who has been convicted in any place outside the State of any offence, which if committed in the State, would be an indictable offence; or

(c) who in the opinion of the Committee has been guilty of fraudulent or dishonest conduct in the course of his employment by any council; or

(d) who in the opinion of the Committee is no longer a fit and proper person to hold a certificate; or

(e) who in the opinion of the Committee has failed to carry out the duties to which the certificate relates in a competent manner; or

(f) who ceases to hold the educational qualifications prescribed for that office.

22. (1) Any certificate may be cancelled by the Committee by order of the Committee made upon its own motion or upon complaint by the secretary or any other person to the Committee.

(2) If the Committee initiates an inquiry of its own motion, it may direct the secretary of the Committee or any person other than a member of the Committee to prosecute the inquiry, and in such event the secretary of the Committee or such other person shall be entitled to appear, either personally or by counsel, as the prosecutor at the subsequent inquiry held by the Committee into the subject matter of the motion.

23. (1) Before cancelling any certificate of any person the Committee shall:

(a) give notice in writing to that person of the motion or complaint against him;

- (b) hold full inquiry into the matter of the motion or complaint and shall afford the said person an opportunity of giving an explanation personally or by counsel or in writing and of calling evidence.

(2) Any such notice shall be given at least one month before the holding of the inquiry and may be given personally to the said person or may be given by post addressed to the last known place of business or abode of the said person.

24. If the person against whom the motion or complaint is directed fails to appear at the Committee's inquiry upon the motion or complaint, the Committee, upon proof that he has had notice in writing given to him as required by regulation 23, may proceed *ex parte* upon the inquiry and may determine the matter as fully and effectually to all intents and purposes as if such person had appeared at the inquiry.

25. At the inquiry by the Committee upon any such motion or complaint the committee shall proceed as follows:

- (a) if the person against whom the motion or complaint is directed admits the truth of the matter complained of in the motion or complaint and shows no sufficient cause why the Committee should not cancel the certificate issued to him, the Committee may cancel the said certificate;
- (b) if the said person does not admit the truth of the matter complained of in the motion or complaint, the Committee shall proceed to hear:
- (i) the witness called by and the evidence tendered by the prosecutor in support of allegations in the motion or complaint;
 - (ii) the explanation of the said person personally, or by counsel in writing, and any witness, and any other evidence which he adduces in his defence;
 - (iii) any further witness or evidence adduced by the prosecutor in rebuttal of the defence;
- (c) any person giving evidence before the Committee may be examined upon oath, affirmation or declaration, and for that purpose any member of the Committee may administer an oath, affirmation, or declaration.

26. (1) The evidence given at any such inquiry to the Committee shall be taken down in writing and shall be preserved.

(2) The prosecutor at any inquiry before the Committee and any person against whom the motion or complaint is directed, shall, upon application be entitled to receive a copy of all oral evidence reduced into writing.

27. (1) When the Committee has held an inquiry as required it shall by resolution consider the whole matter and shall by resolution determine the same.

(2) The decision of the Committee shall be given by the Chairman of the Committee, and no expression of opinion or decision with respect to determination of any question shall be separately given or made known by any member of the Committee.

(3) The decision of a majority of the Committee shall be deemed to be a decision of the whole Committee.

28. The decision of the Committee given by the Chairman shall in all cases be reduced into writing and signed by the Chairman, and upon request by the person against whom the motion or complaint was directed, a copy of the Committee's decision shall be supplied to him.

29. (1) The Committee may, by notice in writing to any person whose certificate has been cancelled, require him to surrender the certificate to the Committee within the time fixed in the notice.

(2) The cancellation of the certificate shall be effectual notwithstanding any failure to surrender the certificate.

30. The Committee may at any time, either of its own motion or upon application by the person concerned, determine any order for the re-issue of a certificate cancelled pursuant to these regulations.

31. No error, mistake, or departure from the provisions of these regulations shall invalidate any act or proceedings of the Committee upon any such motion or complaint unless the error, mistake or departure has caused a substantial miscarriage of justice to the person affected by the act or proceedings of the Committee.

32. (1) A right of appeal to a Local Court of full jurisdiction within the meaning of the *Local and District Criminal Courts Act, 1926*, shall lie against any decision or order of the Committee suspending or cancelling a certificate under these regulations.

(2) The appeal must be instituted within one month of the making of the decision appealed against, but the Local Court may, if it is satisfied that it is just and reasonable in the circumstances to do so, dispense with the requirement that the appeal should be so instituted.

(3) The Local Court may, on the hearing of the appeal, do one or more of the following, according to the nature of the case:

- (a) affirm, vary or quash the decision or order appealed against, or substitute, or make in addition, any decision that should have been made in the first instance;
- (b) remit the subject matter of the appeal to the Committee for further consideration;
- (c) make any further or other order as to costs or any other matter that the case requires.

(4) The powers conferred by section 28 of the *Local and District Criminal Courts Act, 1926*, include power to make rules regulating the practice and procedure on such appeals.

(5) The Committee shall, if so required by any person affected by a decision made by it, state in writing the reasons for its decision.

(6) If the reasons of the Committee are not given in writing at the time of making a decision and the appellant then requested the Committee to state its reasons in writing, the time for instituting the appeal shall run from the time when the appellant receives the written statement of those reasons.

(7) Where the Committee or the Local Court is satisfied that an appeal against a decision of the Committee has been instituted, or is intended, the Committee or the Local Court may suspend the operation of the decision until the determination of the appeal.

(8) Where the Committee has suspended the operation of a decision under subregulation (7) of this regulation, the Committee, may terminate the suspension, and where the Local Court has done so, the Local Court may terminate the suspension.

PART 13—GENERAL PROVISIONS RELATING TO CERTIFICATES

33. (1) An application for the issue of a certificate—

- (a) must be in Form 3 set out in the Second Schedule; and
- (b) must be accompanied by the appropriate fee.

(2) The following fees are prescribed in relation to applications for the issue of certificates under these regulations—

Chief Executive Officers	}	\$50
Engineers		
Building Surveyors		
Local Government Auditors		
Building Inspectors	}	\$30
Overseers of Works		

34. The Committee may refuse to issue a certificate to a person who—

- (a) fails to satisfy the Committee that he or she is of or above the age of majority;
- or
- (b) fails to forward to the Committee, on request, the appropriate application fee.

35. Every certificate issued by the Committee shall be in Form 4 set out in the Second Schedule hereto, be signed by the Chairman and be countersigned by the Secretary to the Committee.

36. (1) The Secretary shall cause to be maintained a separate register of all Diplomas and Certificates of Registration issued under Parts 4-11 inclusive.

(2) The Register shall set out:

- (a) the certificate number;
- (b) the date the Diploma or Certificate was granted by the Committee;
- (c) the full name of the person to whom the Diploma or Certificate was granted;
- (d) the last known address of the person to whom the Diploma or Certificate was granted.

PART 14—RENEWAL OF REGISTRATION

37. (1) A certificate will be issued for a term of five years.

(2) A person may apply to the Committee for the renewal of the certificate.

(3) An application for renewal—

(a) must be in Form 5 set out in the Second Schedule;

and

(b) must be accompanied by the fee of \$30.

(4) A certificate issued under these regulations before the commencement of this regulation will expire on the fifth anniversary of its issue.

(Reprint No. 1)

SCHEDULES

10

Local Government (Qualifications Committee) Regulations, 1984

THE FIRST SCHEDULE

Building Surveyor pursuant to the provisions of the *Building Act, 1970*.

Building Inspector pursuant to the provisions of the *Building Act, 1970*.

Auditor.

Local Government (Qualifications Committee) Regulations, 1984

THE SECOND SCHEDULE

Form No. 1

SOUTH AUSTRALIA—LOCAL GOVERNMENT ACT, 1934

LOCAL GOVERNMENT QUALIFICATIONS COMMITTEE

DIPLOMA IN LOCAL GOVERNMENT ADMINISTRATION No.

This is to certify that

.....
of
having satisfactorily completed the approved course has been awarded the
Diploma in Local Government Administration.

Dated at Adelaide this day of 19

..... Chairman
..... Secretary

* * * * *

Form No. 3

LOCAL GOVERNMENT ACT

LOCAL GOVERNMENT QUALIFICATIONS COMMITTEE REGULATIONS, 1984

Application for a Certificate of Registration

Please read instructions before completing form (1)

I (2) Surname Christian Names

of (3) Address

hereby make application for the issue of a certificate of registration as a (4) under the provisions of the Local Government (Qualifications Committee) Regulations, 1984.

Date of Birth (5)

Academic Qualifications (6) (an original copy of all academic qualifications cited, or a photocopy appropriately endorsed by a Justice of the Peace, must accompany this application. The originals will be returned as soon as possible after sighting by the Secretary).

.....

Work Experience and Names and Addresses of Employers (7)

.....

I,, solemnly and sincerely declare that the information set out in this application is true and correct.

..... (8) Signature of Applicant

This declaration was taken before me at (9) this day of 19 ..

(10) Justice of the Peace

This application must be forwarded, with the appropriate application fee made payable to "The Local Government Qualifications Committee", to:

The Secretary
Local Government Qualifications Committee
P.O. Box 713
NORTH ADELAIDE SA 5006

Local Government (Qualifications Committee) Regulations, 1984

1. This application is to be completed in block letters.
2. Insert full name of applicant.
3. Insert full address of applicant.
4. Insert name of office in respect of which registration is sought, e.g. Chief Executive Officer, Engineer, Overseer of Works, Building Surveyor, Building Inspector.
5. Insert date of birth of applicant.
6. Set out full details of academic qualification held which are relevant to the position for which registration is sought.
7. Set out full details of work experience relevant to the office for which registration is sought, including—
 - (a) the names and addresses of employers with whom the experience was obtained;
 - (b) details of the periods of employment with each employer;
 - (c) the nature of the duties undertaken with each employer and, where promotion was achieved, the duration of each set of duties with that employer (for example, City of Adelaide, building overseer 1981-1982; building inspector 1983-1985);
 - (d) provide any evidence of experience provided by an employer.
8. Insert full signature of applicant.
9. Insert address of place where declaration was taken.
10. Insert full signature of the Justice of the Peace taking the declaration.

Form No. 4

SOUTH AUSTRALIA—LOCAL GOVERNMENT ACT

LOCAL GOVERNMENT QUALIFICATIONS COMMITTEE

CERTIFICATE OF REGISTRATION No.

This is to Certify that:

.....
(Name)

of
(Address)

has satisfied the Local Government Qualifications Committee that he/she has the necessary educational qualifications and practical experience to undertake the duties of the office of

.....
(Title of Office)

and has been granted registration under the provisions of the *Local Government (Qualifications Committee) Regulations, 1984*.

this day of 19 ..

..... Chairman

..... Secretary

Local Government (Qualifications Committee) Regulations, 1984

Form No. 5

SOUTH AUSTRALIA—LOCAL GOVERNMENT ACT, 1934
LOCAL GOVERNMENT QUALIFICATIONS COMMITTEE

Application for the Renewal of a
Certificate of Registration

Please read instructions before completing form (1)

I, (2)
Surname Christian Names

of (3)
Address Post Code

hereby make application for the renewal of my certificate of registration as a (4) under
the provisions of the *Local Government (Qualifications Committee) Regulations, 1984*, for a further period of
5 years.

The number of my current certificate of registration is

The date of issue of my original certificate of registration was

This application must be forwarded, with the appropriate application fee made payable to "The Local
Government Qualifications Committee", to:

The Secretary
Local Government Qualifications Committee
P.O. Box 713
NORTH ADELAIDE SA 5006

1. This application is to be completed in block letters.
2. Insert full name of applicant.
3. Insert full address of applicant.
4. Insert name of office for which renewal of registration is sought.
5. The application fee is \$30.

APPENDIX

LEGISLATIVE HISTORY

Regulation 2:	varied by 267, 1988, reg. 3
	Part 5 comprising regs. 13, 14 and heading revoked by 267, 1988, reg. 4
Regulation 18:	varied by 267, 1988, reg. 5
Regulation 20:	substituted by 267, 1988, reg. 6
Regulations 33 and 34:	substituted by 267, 1988, reg. 7
Regulation 36(1):	varied by 267, 1988, reg. 8
	Part 14 comprising reg. 37 and heading inserted by 267, 1988, reg. 9
Second schedule	
Form 2:	revoked by 267, 1988, reg. 10(a)
Form 3:	varied by 267, 1988, reg. 10(b)-(e)
Form 5:	inserted by 267, 1988, reg. 10(f)