

(Reprint No. 1)

South Australia

LOCAL GOVERNMENT (GENERAL) REGULATIONS 1999

This Act is reprinted pursuant to the Acts Republication Act 1967 and incorporates all amendments in force as at 25 May 2000.

REGULATIONS UNDER THE LOCAL GOVERNMENT ACT 1999

LOCAL GOVERNMENT (GENERAL) REGULATIONS 1999

being

No. 243 of 1999: *Gaz.* 25 November 1999, p. 2855¹

as varied by

No. 41 of 2000: *Gaz.* 25 May 2000, p. 2673²

¹ Came into operation on 1 January 2000: reg. 2.

² Came into operation 25 May 2000: reg. 2.

N.B. The amendments effected to these regulations by Regulation No. 104 of 2000 had not come into operation at the date of, and have not been included in, this reprint.

NOTE:

- Asterisks indicate repeal or deletion of text.
- For the legislative history of the regulations see Appendix.

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Citation

1. These regulations may be cited as the *Local Government (General) Regulations 1999*.

Commencement

2. These regulations will come into operation on the day on which Chapter 3 of the *Local Government Act 1999* comes into operation.

Revocation

3. The following regulations are revoked:

- (a) the *Local Government (Certificate of Liabilities) Regulations 1989* (see *Gazette* 13 May 1997 p. 1920);
- (b) the *Local Government (Certificates of Validity for By-Laws) Regulations 1986* (see *Gazette* 11 December 1986 p. 1832);
- (c) the *Local Government (Electoral Signs—Moveable signs) Regulations 1995* (see *Gazette* 14 December 1995 p. 1719);
- (d) the *Local Government (Forms) Regulations 1984* (see *Gazette* 2 August 1984 p. 464), as varied;
- (e) the *Local Government (Land Use) Regulations 1989* (see *Gazette* 13 April 1989 p. 1039);
- (f) the *Local Government (Performance of Councils—Prescribed Criteria) Regulations 1996* (see *Gazette* 23 May 1996 p. 2579);
- (g) the *Local Government (Register of Officers' Interests) Regulations 1994* (see *Gazette* 12 May 1994 p. 1191);
- (h) the *Local Government (Section 34a—Prescribed Bodies) Regulations 1987* (see *Gazette* 1 October 1987 p. 1028), as varied;
- (i) the *Local Government (Section 42a—Annual Reports) Regulations 1992* (see *Gazette* 27 August 1992 p. 960);
- (j) the *Local Government (Section 162—Prescribed Professional Bodies) Regulations 1992* (see *Gazette* 11 June 1992 p. 1698);
- (k) the *Local Government (Section 193—Prescribed Municipalities) Regulations 1989* (see *Gazette* 22 December 1988 p. 2122);
- (l) the *Local Government (Section 201—Prescribed Controlling Authorities) Regulations 1997* (see *Gazette* 11 September 1997 p. 803);
- (m) the *Local Government (Valuation) Regulations 1989* (see *Gazette* 22 December 1988 p. 2123), as varied.

Interpretation

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

"Act" means the *Local Government Act 1999*.

(2) In these regulations, a reference to a form of a particular number is a reference to a form of that number set out in schedule 1.

Public initiated submissions before Panel—prescribed notice

5. For the purposes of section 28(21) of the Act, public notice of a proposal must comply with the form set out as Form 1.

Member's declaration

6. For the purposes of section 60 of the Act—

- (a) a member must make an undertaking under that section in the form set out as Form 2; and
- (b) the undertaking must be made before a Justice of the Peace or some other person authorised to take declarations under the *Oaths Act 1936*.

Register of interests—members

7. (1) For the purposes of clause 2(1) of schedule 3 of the Act, a primary return under section 65 of the Act must be in the form set out as Form 3.

(2) For the purposes of clause 2(2) of schedule 3 of the Act, an ordinary return under section 66 of the Act must be in the form set out as Form 4.

Register of interests—officers

8. (1) A word or expression used in this regulation that is defined in subclause (1) of clause 1 of schedule 3 of the Act has the same meaning in this regulation as in that subclause (and as if any reference in that subclause to a "member" were a reference to an officer to whom Division 2 of Part 4 of Chapter 7 of the Act applies).

(2) For the purposes of this regulation, a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust.

(3) For the purpose of this regulation, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

(4) For the purposes of this regulation, in relation to a return by an officer—

- (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the officer;
- (b) two or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as one gift received by the officer;

- (c) two or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the officer has had the use of property of the other person during the return period.

(5) For the purposes of section 115 of the Act, a primary return must be in the form set out as Form 5 and contain the following information:

- (a) a statement of any income source that the officer required to submit the return or a person related to the officer has or expects to have in the period of 12 months after the date of the primary return; and
- (b) the name of any company, or other body, corporate or unincorporate, in which the officer or a member of his or her family holds any office whether as director or otherwise; and
- (c) the information required by subregulation (7).

(6) For the purposes of section 115 of the Act, an ordinary return must be in the form set out as Form 6 and contain the following information:

- (a) if the officer required to submit the return or a person related to the officer received, or was entitled to receive, a financial benefit during any part of the return period—the income source of the financial benefit; and
- (b) if the officer or a member of his or her family held an office whether as director or otherwise in any company or other body, corporate or unincorporate, during the return period—the name of the company or other body; and
- (c) the source of any contribution made in cash or in kind of or above the amount or value of \$750 (other than any contribution by the council, by the State, by an employer or by a person related by blood or marriage) for or towards the cost of any travel beyond the limits of South Australia undertaken by the officer or a member of his or her family during the return period, and for the purposes of this paragraph "cost of travel" includes accommodation costs and other costs and expenses associated with the travel; and
- (d) particulars (including the name of the donor) of any gift of or above the amount or value of \$750 received by the officer or a person related to the officer during the return period from a person other than a person related by blood or marriage to the officer or to a member of the officer's family; and
- (e) if the officer or a person related to the officer has been a party to a transaction under which the officer or person related to the officer has had the use of property of the other person during the return period and—
 - (i) the use of the property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and
 - (ii) the market price for acquiring a right to such use of the property would be \$750 or more; and

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(iii) the person granting the use of the property was not related by blood or marriage to the officer or to a member of the officer's family,

the name and address of that person; and

(f) the information required by subregulation (7).

(7) For the purposes of this regulation, a return (whether primary or ordinary) must contain the following information:

(a) the name or description of any company, partnership, association or other body in which the officer required to submit the return or a person related to the officer is an investor; and

(b) a concise description of any trust (other than a testamentary trust) of which the officer or a person related to the officer is a beneficiary or trustee (including the name and address of each trustee); and

(c) the address or description of any land in which the officer or a person related to the officer has any beneficial interest other than by way of security for any debt; and

(d) any fund in which the officer or a person related to the officer has an actual or prospective interest to which contributions are made by a person other than the officer or a person related to the officer; and

(e) if the officer or a person related to the officer is indebted to another person (not being related by blood or marriage to the officer or to a member of the officer's family) in an amount of or exceeding \$7 500—the name and address of that other person; and

(f) if the officer or a person related to the officer is owed money by a natural person (not being related to the officer or a member of the officer's family by blood or marriage) in an amount of or exceeding \$10 000—the name and address of that person; and

(g) any other substantial interest whether of a pecuniary nature or not of the officer or of a person related to the officer of which the officer is aware and which he or she considers might appear to raise a material conflict between his or her private interest and the duty that he or she has or may subsequently have as an officer of the council.

(8) An officer is required by this regulation only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.

(9) Nothing in this regulation requires an officer to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.

(10) An officer may include in a return such additional information as the officer thinks fit.

(11) Nothing in this regulation will be taken to prevent an officer from disclosing information required by this regulation in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.

(12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit, gift, contribution or interest.

Annual reports

9. (1) Pursuant to section 131(5)(b) of the Act, the South Australian Local Government Grants Commission is a prescribed body.

(2) For the purposes of subsection (5) of section 131 of the Act, the relevant day by which an annual report must be submitted by a council under that subsection is 31 December in the financial year immediately following the end of the financial year to which the annual report relates.

Prescribed service—s. 155

9A. A television retransmission service is prescribed as a service for the purposes of the definition of "prescribed service" under section 155 of the Act.

Land use categories

10. (1) In this regulation—

"Development Regulations" means the *Development Regulations 1993*.

(2) For the purposes of section 156 and 167 of the Act, the following categories of land use are declared as a permissible differentiating factors:

1. *Residential* comprising the use of land for a detached dwelling, group dwelling, multiple dwelling, residential flat building, row dwelling or semi-detached dwelling within the meaning of the Development Regulations.
2. *Commercial—Shop* comprising the use of land for a shop within the meaning of the Development Regulations.
3. *Commercial—Office* comprising the use of land for an office within the meaning of the Development Regulations.
4. *Commercial—Other* comprising any other commercial use of land not referred to in categories 2 or 3.
5. *Industry—Light* comprising the use of land for a light industry within the meaning of the Development Regulations.
6. *Industry—Other* comprising any other industrial use of land not referred to in category 5.
7. *Primary Production* comprising—
 - (a) farming within the meaning of the Development Regulations; and
 - (b) horticulture within the meaning of the Development Regulations; and
 - (c) the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
 - (d) in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; and
 - (e) commercial forestry.
8. *Vacant land* comprising the non-use of vacant land.
9. *Other* comprising any other use of land not referred to in a previous category.

Notice of valuation

11. For the purposes of section 168(3)(c) of the Act, notice of a valuation made by a valuer employed or engaged by the council must be given to the principal ratepayer in respect of the land to which the valuation relates—

- (a) by showing the valuation in an account for the payment of rates in respect of the land sent to the principal ratepayer at his or her address shown in the assessment record; or
- (b) by sending a notice to the principal ratepayer at his or her address shown in the assessment record in which the council—
 - (i) identifies the land to which the valuation relates; and
 - (ii) sets out the valuation.

Objections to valuations made by a council

12. (1) For the purposes of subsection (9)(a) of section 169 of the Act, a request under subsection (8) of that section must be made in the form set out as Form 7.

(2) For the purposes of section 169 of the Act, the fees set out as items 1 and 2 in schedule 2 are prescribed.

Rates notice

13. (1) Pursuant to subsection (2) of section 180 of the Act, a rates notice under that section must incorporate, or be accompanied by, the following information:

- (a) the location or address of the land; and
- (b) the relevant assessment number; and
- (c) the basis on which the rate or charge is declared (*see* especially section 151 of the Act); and
- (d) the valuation method used for the purposes of valuing the relevant land and the valuation adopted for the land; and
- (e) in the case of a differential rate—the differentiating factor including—
 - (i) if the differentiating factor is or includes the use of the land—that land use;
 - (ii) if the differentiating factor is or includes the locality of the land—that locality; and
- (f) the date on which the rate or charge was declared; and
- (g) if relevant, the rate in the dollar that has been declared; and
- (h) the date or dates on which a payment or payments of the rate or charge will fall due under the Act; and
- (i) if relevant, details of any minimum amount that has been fixed under section 158 of the Act as part of the declaration of a rate; and
- (j) details of any rebate, remission, concession or deduction that applies with respect to the imposition of the rate or charge in relation to the relevant land; and

- (k) the total amount payable by the ratepayer; and
- (l) the options and arrangements that are available for payment of the rate or charge; and
- (m) a brief description of the processes that apply under the Act—
 - (i) to object to the attribution of a particular land use (if relevant);
 - (ii) to object to the valuation adopted for the relevant land; and
- (n) a contact telephone number for ratepayer enquiries; and
- (o) a brief summary of the penalties that apply under the Act if an instalment of rates, or a charge, is not paid on or before the date on which it falls due (*see* especially section 181(8) of the Act); and
- (p) a brief statement concerning the entitlement of ratepayers to be included on the voters roll for the relevant area.

(2) A rates notice may relate to more than one rate or charge (or to a combination of one or more rates and one or more charges).

Certificates of liabilities—fee

14. For the purposes of section 187(3)(e) of the Act, the fee set out as item 3 in schedule 2 is prescribed.

Compulsory acquisition of land

15. Pursuant to section 191(2) of the Act, the following are classified as approved purposes for which Ministerial approval is not required for the compulsory acquisition of land:

- (a) a purpose for which the compulsory acquisition of land is approved or authorised under an Act;
- (b) for the acquisition of land required for the construction of a septic tank effluent drainage scheme;
- (c) for the acquisition of land required for the purpose of carrying out work for the prevention or mitigation of floods.

Exemption of certain leases or licences over community land from consultation requirements

15A. Pursuant to section 202(3)(b) of the Act, a council is not required to comply with its public consultation policy with respect to a lease or licence over community land if—

- (a) the lease or licence is being granted to the Crown, or to a Minister or other agency or instrumentality of the Crown; and
- (b) it is a term of the lease or licence that there is to be no substantial change in the use of the land (disregarding trifling, insignificant or subsidiary uses).

Register of community land

16. For the purposes of subsection (2)(a) of section 207 of the Act, a register of community land under that section must contain, in respect of each piece of community land in the area:

- (a) the legal description of the land (being, in the case of land that has been brought under the provisions of the *Real Property Act 1886*, the Certificate of Title Register Book Volume and Folio Numbers); and

- (b) the street address of the land (if any); and
- (c) the name of the locality or suburb in which the land is situated; and
- (d) the name by which the land is commonly known (if any); and
- (e) the area of the land; and
- (f) the name of the owner of the land (*see* sections 4 and 189 of the Act); and
- (g) details concerning any lease or licence granted over the land.¹

¹. The register must also contain copies of current management plans—*see* section 207(2)(b) of the Act.

Public consultation—s. 223

17. (1) Pursuant to section 223(1)(c) of the Act, public consultation is required in relation to a proposal—

- (a) to authorise the use of a road for cultivation purposes under section 222(1) of the Act where any part of the road is to be fenced; or
- (b) to authorise the use of a road for any other business purpose under section 222(1) of the Act where any part of the road is to be fenced, enclosed or partitioned so as to impede the passage of traffic to a material degree.

(2) Pursuant to subsection (2) of section 223 of the Act—

- (a) the Office of Recreation and Sport; and
- (b) Planning SA in the Department of Transport, Urban Planning and the Arts,

must be notified of any proposal to grant an authorisation within the ambit of subregulation (1)(a), other than in relation to a road that has been formed and surfaced.

Register of public roads

18. For the purposes of subsection (2) of section 231 of the Act, a register of public roads under that section must include, in respect of each public road, the following information:

- (a) the name of the public road; and
- (b) the situation of the public road; and
- (c) the approximate extent of the public road; and
- (d) the approximate width of the public road; and
- (e) within the public road—the approximate width of the carriageway, including any associated kerbing, verges or footpaths (where formed).

By-laws—certificate of legal practitioner

19. For the purposes of section 249(4) of the Act, the form set out as Form 8 is prescribed.

Review of an order

20. (1) For the purposes of section 256(2) of the Act, the following information is prescribed:

- (a) a statement that it is possible for the person to whom the order is directed to apply for a review of the order under the Act; and

- (b) a statement that an application for review is made to the District Court and should be made within 14 days after service of the order; and
 - (c) a statement that the operation of the order continues pending the determination of an application for review unless the District Court, or the council, makes an interim order suspending the operation of the order; and
 - (d) a statement that the District Court has the power, if satisfied that it is appropriate and just in the circumstances to do so, to vary or set aside the order on an application for review.
- (2) A statement under section 256(1) of the Act may also include—
- (a) a statement about the ability of the council to vary or revoke the order if satisfied that it is appropriate to do so; and
 - (b) a warning that if the order is not complied with within the time fixed for compliance or, if relevant, within 14 days after the completion of any review, then the council may—
 - (i) take the action required by the order (subject to the outcome of any review); and
 - (ii) recover the reasonable costs and expenses incurred by the council in taking that action from a person who fails to comply with the requirements of the order.

Prescribed percentage rate—s. 257(5)(a)

21. For the purposes of section 257(5)(a) of the Act, the prescribed percentage rate per annum will be the cash advance debenture rate for the financial year in which the period within which the relevant amount must be paid expires.

Local government indemnity schemes

22. For the purposes of clause 2(1)(b)(iii) of schedule 1 of the Act, the following are prescribed bodies:

Southern Success Business Enterprise Centre Inc
Northern Regional Development Board
Fleurieu Regional Development Corporation
Northern Adelaide Development Board Inc
Control Boards established under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986*
Local Government Finance Authority of South Australia
Local Government Superannuation Scheme
Local Government Training Authority of SA Inc
Council Purchasing Co-operative Limited
Flinders Mobile Library
Maxima Training Group Inc.

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SCHEDULE 1

Forms

Form 1

LOCAL GOVERNMENT ACT 1999: SECTION 28

Notice of a proposal

PUBLIC NOTICE is given of a proposal submitted to the *Boundary Adjustment Facilitation Panel* under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The proposal was submitted to the Panel on:

The Panel provides the following information in relation to the proposal:

The *Local Government Act 1999* provides that a poll of electors must be conducted in relation to the proposal if the required number of electors request a poll. To request a poll, the following steps must be taken:

You should direct any questions concerning the matters contained in this notice to:

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Form 2

LOCAL GOVERNMENT ACT 1999: SECTION 60

*Undertaking to be made by a member of a council before
assuming office*

I, ¹ having been elected or appointed to the office of a
member of ² do hereby undertake to discharge my
duties conscientiously and to the best of my abilities.

³
Signature

This undertaking was made before me on the day of ⁴

⁵
Justice of the Peace, etc.⁶

1. Insert full name of member of the council.
2. Insert full name of council.
3. Insert signature of member.
4. Insert date on which undertaking is made.
5. Insert signature of person before whom undertaking is made.
6. The undertaking must be made before a Justice of the Peace or other person authorised to take declarations under the *Oaths Act 1936* (being a Commissioner for Taking Affidavits, or a proclaimed manager of an office of a bank, building society or credit union, or a proclaimed member of the police force).

Local Government (General) Regulations 1999**FORM 3***Register of Members' Interests**Primary Return*

1. Please read instructions and notes below before completing this return.

 SURNAME

 OTHER NAMES

 OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source² that you have or a person related to you³ has or expects to have in the period of 12 months after the date of the primary return.

2. State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family⁴ holds, any office whether as director or otherwise.

3. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁵.

4. State the name of any political party, any body or association formed for political purposes or any trade or professional organisation⁶ of which you are a member.

5. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

6. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁷ other than by way of security for any debt.

7. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

8. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

9. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person.

10. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.

11. Provide any other additional information which you think fit.

Signature of Member

Date / /

INSTRUCTIONS/NOTES

- 1. This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
- 2. Under the Act, "**income source**", in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the Act, "**a person related to a member**" means—
 - (a) a member of the member's family;
 - (b) a family company of the member;
 - (c) a trustee of a family trust of the member.
- 3.2 A "**family company**" of a member means a proprietary company—
 - (a) in which the member or a member of the member's family is a shareholder; and
 - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A "**family trust**" of a member means a trust (other than a testamentary trust)—
 - (a) of which the member or a member of the member's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.
- 4.1 Under the Act, "**family**", in relation to a member, means—
 - (a) a spouse of the member; and
 - (b) a child of the member who is under the age of the age of 18 years and normally resides with the member.
- 4.2 A "**spouse**" includes a *de facto* spouse.

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5. For the purpose of this return, a person is an investor in a body if—
- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.
6. Under the Act, "**trade or professional organisation**" means a body, corporate or unincorporate, of—
- (a) employers or employees; or
 - (b) persons engaged in a profession, trade or other occupation,
- being a body of which the object, or one of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
7. Under the Act, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Form 4

Register of Members' Interests

Ordinary return

1. Please read instructions and notes below before completing this return.

SURNAME

OTHER NAMES

OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source of a financial benefit² that you have or a person related to you³ has received, or was entitled to receive, during the return period.

2. State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family⁴ held, any office during the return period whether as director or otherwise.

3. If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.

4. Provide particulars (including the name of donor) of any gift⁶ of or above the amount or value of \$750 received by you or a person related to you³ during the return period other than a person related by blood or marriage.

5. If you, or a person related to you³, has, as a party to a transaction, had the use of property of the other person during the return period and (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.

6. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁷.

7. State the name of any political party, any body or association formed for political purposes or any trade or professional organisation⁸ of which you are a member.

8. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

9. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁹ other than by way of security for any debt.

Local Government (General) Regulations 1999

10. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

11. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

12. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person

13. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the public duty that you have or may subsequently have as a member of the council.

14. Provide any other additional information which you think fit.

Signature of Member

Date / /

INSTRUCTIONS/NOTES

1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

1.2 The **return period** for the purposes of this return is as follows:

- (a) if your last return was a **primary return** under the Act—the period between the date of the primary return and 30 June next following;
- (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.

2.1 Under the Act, "**income source**", in relation to a person, means—

- (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
- (b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the Act, "**financial benefit**", in relation to a person, means—

- (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 Under the Act, "**a person related to a member**" means—

- (a) a member of the member's family;
- (b) a family company of the member;
- (c) a trustee of a family trust of the member.

3.2 A "**family company**" of a member means a proprietary company—

- (a) in which the member or a member of the member's family is a shareholder; and
- (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A "**family trust**" of a member means a trust (other than a testamentary trust)—

- (a) of which the member or a member of the member's family is a beneficiary; and
- (b) which is established or administered wholly or substantially in the interests of the member or a member of the member's family, or any such persons together.

4.1 Under the Act, "**family**", in relation to a member, means—

- (a) a spouse of the member; and
- (b) a child of the member who is under the age of the age of 18 years and normally resides with the member.

4.2 A "**spouse**" includes a *de facto* spouse.

5. The "**cost of travel**" includes accommodation costs and other costs and expenses associated with the travel.

6. Under the Act, "**gift**" means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.

7. For the purpose of this return, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

8. Under the Act, "**trade or professional organisation**" means a body, corporate or unincorporate, of—

- (a) employers or employees; or
- (b) persons engaged in a profession, trade or other occupation,

being a body of which the object, or one of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.

Local Government (General) Regulations 1999

9. Under the Act, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

- In relation to a return by a member—
 - (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the member or a member of the member's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the member;
 - (b) two or more separate gifts received by the member or a person related to the member from the same person during the return period are to be treated as one gift received by the member;
 - (c) two or more separate transactions to which the member or a person related to the member is a party with the same person during the return period under which the member or a person related to the member has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the member has had the use of property of the other person during the return period.
- A member is required only to disclose information that is known to the member or ascertainable by the member by the exercise of reasonable diligence.
- A member is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the member.
- A member may include in a return such additional information as the member thinks fit.
- Nothing in this return will be taken to prevent a member from disclosing information in such a way that no distinction is made between information relating to the member personally and information relating to a person related to the member.
- A member is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Local Government (General) Regulations 1999

Form 5

Register of Interests—Officers

Primary Return

1. Please read instructions and notes below before completing this return.

SURNAME

OTHER NAMES

OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source² that you have or a person related to you³ has or expects to have in the period of 12 months after the date of the primary return.

2. State the name of any company or other body, corporate or unincorporate, in which you hold, or a member of your family⁴ holds, any office whether as director or otherwise.

3. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁵.

4. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

5. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁶ other than by way of security for any debt.

6. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

7. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

8. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person

9. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.

10. Provide any other additional information which you think fit.

Local Government (General) Regulations 1999

Signature of Officer

Date / /

INSTRUCTIONS/NOTES

1. This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.
2. Under the regulations, "**income source**", in relation to a person, means—
 - (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
 - (b) any trade, vocation, business or profession engaged in by the person.
- 3.1 Under the regulations, "**a person related to an officer**" means—
 - (a) a member of the officer's family;
 - (b) a family company of the officer;
 - (c) a trustee of a family trust of the officer.
- 3.2 A "**family company**" of an officer means a proprietary company—
 - (a) in which the officer or a member of the officer's family is a shareholder; and
 - (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.
- 3.3 A "**family trust**" of an officer means a trust (other than a testamentary trust)—
 - (a) of which the officer or a member of the officer's family is a beneficiary; and
 - (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.
- 4.1 Under the regulations, "**family**", in relation to an officer, means—
 - (a) a spouse of the officer; and
 - (b) a child of the officer who is under the age of 18 years and normally resides with the officer.
- 4.2 A "**spouse**" includes a *de facto* spouse.
5. For the purpose of this return, a person is an investor in a body if—
 - (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

6. Under the regulations, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Local Government (General) Regulations 1999**Form 6***Register of Interests—Officers**Ordinary return*

1. Please read instructions and notes below before completing this return.

 SURNAME

 OTHER NAMES

 OFFICE HELD

Registrable interests

Details

1. Provide a statement of any income source of a financial benefit² that you have or a person related to you³ has received, or was entitled to receive, during the return period.

2. State the name of any company or other body, corporate or unincorporate, in which you held, or a member of your family⁴ held, any office during the return period whether as director or otherwise.

3. If you, or a member of your family, received a contribution in cash or in kind of or above the amount of \$750 for or towards the cost of travel⁵ beyond the limits of the State during the return period (other than a contribution by the council, the State, an employer or a person related to you by blood or marriage), state the source of the contribution.

4. Provide particulars (including the name of donor) of any gift⁶ of or above the amount or value of \$750 received by you or a person related to you³ during the return period other than a person related by blood or marriage.

5. If you, or a person related to you³, has, as a party to a transaction, had the use of property of the other person during the return period and (a) the use of property was not acquired for adequate consideration or through an ordinary commercial transaction or in the ordinary course of business; and (b) the market value of the right is \$750 or more; and (c) the person granting the right is not related by blood or marriage, state the name and address of that other person.

6. State the name or description of any company, partnership, association or other body in which you or a person related to you³ is an investor⁷.

7. Provide a concise description of any trust (other than a discretionary trust) of which you or a person related to you³ is a beneficiary or trustee, and the name and address of each trustee.

8. Provide the address or description of any land in which you have or a person related to you³ has any beneficial interest⁸ other than by way of security for any debt.

9. Provide details of any fund in which you or a person related to you³ has an actual or prospective interest to which contributions are made by a person other than you or a person related to you³.

10. If you are or a person related to you³ is indebted to another person (not being related by blood or marriage) in an amount of or exceeding \$7 500—state the name and address of that other person.

11. If you are or a person related to you³ is owed money by a natural person (not being related by blood or marriage) in an amount of or exceed \$10 000—state that person

12. Declare any other substantial interest of yours or of a person related to you whether of a pecuniary nature or not, of which you are aware and which you consider might appear to raise a material conflict between your private interest and the duty that you have or may subsequently have as an officer of the council.

13. Provide any other additional information which you think fit.

Signature of Officer

Date / /

INSTRUCTIONS/NOTES

1.1 This return is to be completed in block letters except for signatures. If there is not sufficient space on this return for all of the information you are required to provide, you may attach additional papers for that purpose. Each such paper must be signed and dated.

1.2 The **return period** for the purposes of this return is as follows:

- (a) if your last return was a **primary return** under the Act—the period between the date of the primary return and 30 June next following;
- (b) in any other case—the period of 12 months expiring on 30 June, or within 60 days after 30 June in any year.

2.1 Under the regulations, "**income source**", in relation to a person, means—

- (a) any person or body of persons with whom the person entered into a contract of service or held any paid office; and
- (b) any trade, vocation, business or profession engaged in by the person.

2.2 Under the regulations, "**financial benefit**", in relation to a person, means—

- (a) any remuneration, fee or other pecuniary sum exceeding \$1 000 received by the person in respect of a contract of service entered into, or paid office held by, the person; and

Local Government (General) Regulations 1999

(b) the total of all remuneration, fees or other pecuniary sums received by the person in respect of a trade, profession, business or vocation engaged in by the person where that total exceeds \$1 000,

but does not include an annual allowance, fees, expenses or other financial benefit payable to the person under the Act.

3.1 Under the regulations, "**a person related to an officer**" means—

- (a) a member of the officer's family;
- (b) a family company of the officer;
- (c) a trustee of a family trust of the officer.

3.2 A "**family company**" of an officer means a proprietary company—

- (a) in which the officer or a member of the officer's family is a shareholder; and
- (b) in respect of which the officer or a member of the officer's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

3.3 A "**family trust**" of an officer means a trust (other than a testamentary trust)—

- (a) of which the officer or a member of the officer's family is a beneficiary; and
- (b) which is established or administered wholly or substantially in the interests of the officer or a member of the officer's family, or any such persons together.

4.1 Under the regulations, "**family**", in relation to an officer, means—

- (a) a spouse of the officer; and
- (b) a child of the officer who is under the age of the age of 18 years and normally resides with the officer.

4.2 A "**spouse**" includes a *de facto* spouse.

5. The "**cost of travel**" includes accommodation costs and other costs and expenses associated with the travel.

6. Under the regulations, "**gift**" means a transaction in which a benefit of pecuniary value is conferred without consideration or for less than adequate consideration, but does not include an ordinary commercial transaction or a transaction in the ordinary course of business.

7. For the purpose of this return, a person is an investor in a body if—

- (a) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
- (b) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

8. Under the regulations, "**beneficial interest**" in property includes a right to re-acquire the property.

NOTE:

· In relation to a return by an officer—

- (a) two or more separate contributions made by the same person for or towards the cost of travel undertaken by the officer or a member of the officer's family during the return period are to be treated as one contribution for or towards the cost of travel undertaken by the officer;

- (b) two or more separate gifts received by the officer or a person related to the officer from the same person during the return period are to be treated as one gift received by the officer;
- (c) two or more separate transactions to which the officer or a person related to the officer is a party with the same person during the return period under which the officer or a person related to the officer has had the use of property of the other person (whether or not being the same property) during the return period are to be treated as one transaction under which the officer has had the use of property of the other person during the return period.
- An officer is required only to disclose information that is known to the officer or ascertainable by the officer by the exercise of reasonable diligence.
- An officer is not required to disclose information relating to a person as trustee of a trust unless the information relates to the person in the person's capacity as trustee of a trust by reason of which the person is related to the officer.
- An officer may include in a return such additional information as the officer thinks fit.
- Nothing in this return will be taken to prevent an officer from disclosing information in such a way that no distinction is made between information relating to the officer personally and information relating to a person related to the officer.
- An officer is not required to disclose the actual amount or extent of a financial benefit, gift, contribution or interest.

Local Government (General) Regulations 1999

**Form 7
LOCAL GOVERNMENT ACT 1999: SECTION 169**

APPLICATION FOR REVIEW OF VALUATION

NOTE:

1. A separate application is required for each review sought and the grounds of review must be fully stated on the application Form.
2. Notwithstanding this review, any rate assessed on the valuation must be paid by the due date.

To:
(Insert name of council)

I give notice that I seek a review of the Valuation No. located at:

_____ House number

_____ Street name

_____ Suburb or town

_____ Lot or Section

_____ Hundred

I have previously objected to this valuation and an advice in relation to this objection from the council was dated The *value/values as determined by the council and shown on the *notice/notices *is/are:

- * Annual value \$
- * Capital value \$
- * Site value \$

I contend that the *value/values should be:

- * Annual value \$
- * Capital value \$
- * Site value \$

*Delete irrelevant items.

A detailed statement of the grounds for this review application must be given below and should include a description of the land and premises and its present use.

(If space is insufficient, use the back of the form or attach a statement of grounds)

Local Government (General) Regulations 1999

**FORM 8
LOCAL GOVERNMENT ACT 1999: SECTION 249**

CERTIFICATE OF VALIDITY

Please read the notes below before completing and signing this certificate

I, ¹
of ²
being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

³
.....
.....
and do certify that in my opinion:

⁴
has power to make the by-law by virtue of the following statutory provision:

⁵
.....
.....

and the by-law is not in conflict with the *Local Government Act 1999*.

⁶DATED .

⁷
Signature of Legal Practitioner

NOTES:

- 1. The full name of the legal practitioner must be inserted here.
- 2. The principal business address of the legal practitioner must be inserted here.
- 3. A description of the by-law sufficient properly to identify it must be inserted here.
- 4. The full name of the council proposing to make the by-law must be inserted here.
- 5. A description of the statutory provision sufficient properly to identify it must be inserted here.
- 6. The date of the execution of the certificate must be inserted here.
- 7. The legal practitioner must place his or her usual signature here.

SCHEDULE 2
Prescribed fees

\$

1. For the purposes of s. 169(9)(c) of the Act, where the valuation is—
 - (a) of land used by the objector solely as his or her principal place of residence,
the prescribed fee is 60
 - (b) of any other land, the prescribed fee is 147
2. For the purposes of s. 169(16) of the Act, where the valuation is—
 - (a) of land used by the objector solely as his or her principal place of residence,
the prescribed fee is 120
 - (b) of any other land, the prescribed fee is 147
3. For the purposes of s. 187(3)(e) of the Act 10.

Local Government (General) Regulations 1999

APPENDIX

LEGISLATIVE HISTORY

Regulation 9A:	inserted by 41, 2000, reg. 3
Regulation 15A:	inserted by 41, 2000, reg. 4
Schedule 1:	varied by 41, 2000, reg. 5