

South Australia

## Local Government (General) Regulations 2013

under the *Local Government Act 1999*

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### **1—Short title**

These regulations may be cited as the *Local Government (General) Regulations 2013*.

### **3—Interpretation**

- (1) In these regulations—  
*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.

### **4—Review of council composition and ward**

For the purposes of section 12(4) of the Act, the relevant period is the period determined by the Minister from time to time by notice published in the Gazette.

### **5—Public initiated submissions before Panel—prescribed notice**

For the purposes of section 28(21) of the Act, the notice set out as Form 1 is prescribed.

### **6—Member's declaration**

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*.

### **7—Code of conduct for members**

For the purposes of section 63 of the Act, the *Code of Conduct for Council Members* published by the Minister in the Gazette on 29 August 2013 (and as in force on that day) is adopted as a code of conduct to be observed by the members of all councils.

## **8—Register of interests—members**

- (1) For the purposes of clause 2(1) of Schedule 3 of the Act, the prescribed form for a primary return under section 65 of the Act is set out in Form 3.
- (2) For the purposes of clause 2(2) of Schedule 3 of the Act, the prescribed form for an ordinary return under section 66 of the Act is set out in Form 4.

## **8AAA—Conflicts of interest—ordinary business matters etc**

- (1) For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:
  - (a) the preparation, discussion, conduct, consideration or determination of a review under section 12 of the Act;
  - (b) the preparation, discussion, adoption or revision of a policy relating to allowances and benefits payable to members if the policy relates to allowances and benefits payable equally to each member (rather than allowances and benefits payable to particular members or particular office holders);
  - (c) the preparation, discussion, adoption or alteration of a training and development policy under section 80A of the Act;
  - (d) the preparation, discussion, adoption or amendment of a strategic management plan under section 122 of the Act;
  - (e) the adoption or revision of an annual business plan;
  - (f) the adoption or revision of a budget;
  - (g) the declaration of rates (other than a separate rate) or a charge with the character of a rate, and any preparation or discussion in relation to such a declaration;
  - (h) a discussion or decision of a matter at a meeting of a council if the matter—
    - (i) relates to a matter that was discussed before a meeting of a subsidiary or committee of the council; and
    - (ii) the relevant interest in the matter is the interest of the council that established the committee or which appointed, or nominated for appointment, a member of the board of management of the council subsidiary or regional subsidiary.
- (2) For the purposes of section 75(3)(b) of the Act, a member of a council who is a member, officer or employee of an agency or instrumentality of the Crown (within the meaning of section 73(4) of the Act) will not be regarded as having an interest in a matter before the council by virtue of being a member, officer or employee of the agency or instrumentality if the matter does not directly concern the agency or instrumentality.

### **8AAB—Conflicts of interest—special provisions relating to subsidiaries and committees**

For the purposes of sections 74(6) and 75A(6) of the Act, the following matters are prescribed:

- (a) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a council subsidiary if—
  - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
  - (ii) the relevant interest in the matter is the interest of the council which appointed, or nominated for appointment, a member of the board of management of the subsidiary;
- (b) a matter to be discussed, or in relation to which a recommendation or decision is to be made, at a meeting of a regional subsidiary if—
  - (i) the discussion, recommendation or decision relates to the purpose for which the subsidiary is established; and
  - (ii) the relevant interest in the matter is the interest of a council which appointed, or nominated for appointment, a member of the board of management of the subsidiary; and
  - (iii) the relevant benefit or loss would be enjoyed or suffered in common with all or a substantial proportion of the constituent councils of the subsidiary;
- (c) a matter to be discussed, or in relation to which a recommendation is to be made, at a meeting of a committee of a council established under section 41 of the Act if—
  - (i) the discussion or recommendation relates to the purpose for which the committee is established; and
  - (ii) the relevant interest in the matter is the interest of the council that established the committee.

### **8AA—Training and development**

- (1) For the purposes of section 80A(2)(b) of the Act, a council must ensure that its training and development policy—
  - (a) provides that members must undertake regular training in accordance with the policy; and
  - (b) complies with the LGA training standards.
- (2) In this regulation—

*LGA training standards* means the document entitled *LGA training standards for council members* approved by the Minister for the purposes of this regulation and published on a website maintained by the LGA, as in force from time to time.
- (3) An alteration to the LGA training standards by the LGA has no force or effect for the purposes of subregulation (2) unless or until the Minister has provided his or her written approval to the making of the alteration.

- (4) For the purposes of the definition of *LGA training standards*—
- (a) the LGA is declared to be a prescribed body under section 303(4) of the Act; and
  - (b) the LGA training standards are adopted by these regulations pursuant to section 303(4) of the Act; and
  - (c) the principal office of the LGA (at 148 Frome Street, Adelaide, 5000 or, if the LGA moves its principal office, at that new address) is specified for the purposes of section 303(7)(c) of the Act.

### **8AB—Informal gatherings and discussions**

- (1) For the purposes of section 90(8b) of the Act, a council must ensure that its policy on the holding of informal gatherings or discussions—
- (a) provides that designated informal gatherings or discussions must be held at a place open to the public, unless the designated informal gathering or discussion is one that the council or chief executive officer has declared may be held in confidence; and
  - (b) provides that the council or chief executive officer will only declare that a designated informal gathering or discussion may be held in confidence—
    - (i) on a case by case basis; and
    - (ii) if the designated informal gathering or discussion—
      - (A) is a planning session of a general or strategic nature; or
      - (B) is a briefing relating to—
        - information; or
        - a matter,of a confidential nature within the ambit of section 90(3) of the Act; and
  - (c) provides for procedures relating to the holding of designated informal gatherings or discussions; and
  - (d) provides for publication on the council's website of details relating to designated informal gatherings or discussions, including—
    - (i) in all cases—
      - (A) the place, date and time at which the designated informal gathering or discussion will be held; and
      - (B) the matter that is to be discussed at the designated informal gathering or discussion; and
      - (C) whether or not the designated informal gathering or discussion is to be held at a place open to the public; and
    - (ii) in the case of a designated informal gathering or discussion that will be held in confidence—the reason for the designated informal gathering or discussion being held in confidence.

- (2) In this regulation—

***designated informal gathering or discussion*** means an event organised and conducted by or on behalf of the council or chief executive officer to which members of the council or council committee (as the case may be) have been invited and that involves discussion of a matter that is, or is intended to be, part of the agenda for a formal meeting of the council or council committee.

## **8A—Code of conduct for employees**

For the purposes of section 110 of the Act, the *Code of Conduct for Council Employees* set out in Schedule 2A is prescribed.

## **9—Register of interests—officers**

- (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) 2 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 1 contribution for or towards the cost of travel undertaken by the officer; and
  - (b) 2 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 1 gift received by the officer; and
  - (c) 2 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 1 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, the prescribed form for a primary return under section 65 of the Act is set out in Form 5 and the return must 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;

- (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;
  - (c) the information required by subregulation (7).
- (6) For the purposes of section 115 of the Act, the prescribed form for an ordinary return is set out in Form 6 and the return must 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;
  - (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;
  - (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;
  - (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;
  - (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
    - (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;
  - (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;
  - (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);

- (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;
  - (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;
  - (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;
  - (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;
  - (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.

## **10—Annual reports**

- (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 section 131(5) 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.

## 11—Recovery of amounts due to council

- (1) Pursuant to section 144(4) of the Act, a fee, cost or expense payable to a council under regulation 9(7) of the *South Australian Public Health (Wastewater) Regulations 2013* in relation to the connection of an on-site wastewater system on land to a community wastewater management system, is, while the fee, cost or expense remains unpaid, a charge on the land.
- (2) Pursuant to section 144(4) of the Act, nothing in that subsection prevents a charge under section 93(6) of the *South Australian Public Health Act 2011* constituting a charge on land.

## 12—Service rates and charges

- (1) In this regulation—

*CWMS Property Units Code* means the *Code for Establishing and Applying Property Units as a Factor for the Imposition of Annual Service Charges for Community Wastewater Management Systems* published by the LGA on 20 April 2006, as in force at the time that this regulation is made.
- (2) For the purposes of this regulation—
  - (a) the LGA is declared to be a prescribed body under section 303(4) of the Act; and
  - (b) the Code is adopted by these regulations pursuant to section 303(4) of the Act; and
  - (c) the principal office of the LGA (at 148 Frome Street, Adelaide, 5000 or, if the LGA moves its principal office, at that new address) is specified for the purposes of section 303(7)(c) of the Act.
- (3) For the purposes of section 155(2a) of the Act, the prescribed circumstances in which section 155(2) of the Act does not apply are where the land is non-rateable land of 1 of the following classes and the prescribed services are not made use of at the land:
  - (a) unalienated Crown land used wholly or primarily for—
    - (i) the conservation or protection of natural resources within the meaning of the *Natural Resources Management Act 2004*; or
    - (ii) recreational or sporting activities;
  - (b) unalienated Crown land within the meaning of the *Crown Land Management Act 2009*;
  - (c) land constituted as a reserve under the *National Parks and Wildlife Act 1972*;
  - (d) land constituted as a wilderness protection area or wilderness protection zone under the *Wilderness Protection Act 1992*;
  - (e) land vested, under section 15 of the *Harbors and Navigation Act 1993*, in the Minister to whom that Act is committed.
- (4) Pursuant to section 155(3)(b) of the Act, the following factors are prescribed:
  - (a) any category of land use declared as a permissible differentiating factor under regulation 14;

- (b) in respect of a service for the collection, treatment or disposal of wastewater or effluent—the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code.
- (5) For the purposes of section 155(5) of the Act, the cost of capital (as understood as an economic concept) may be taken into account when determining the cost to the council of establishing, operating, maintaining, improving or replacing the relevant service.

### 13—Rates and charges for services not provided at the land

- (1) For the purposes of section 155(11), a council is authorised to impose a service rate or annual service charge (or a combination of both) for a prescribed service in respect of the collection of domestic waste in accordance with the scheme set out in subregulation (2).
- (2) For the purposes of subregulation (1), the following provisions apply to the imposition of rates or charges in relation to a particular piece of land:
  - (a) if the prescribed service is provided no more than 500 metres from the access point to the land—the full service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
  - (b) if the prescribed service is provided more than 500 metres but no more than 2 kilometres from the access point to the land—75% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
  - (c) if the prescribed service is provided more than 2 kilometres but less than 5 kilometres from the access point to the land—50% of the service rate or annual service charge (or a combination of both) may be charged for the prescribed service;
  - (d) if the prescribed service is provided 5 kilometres or more from the access point to the land—no rate or annual service charge may be charged for the prescribed service (but nothing in this paragraph prevents a council from entering into an agreement for the provision of a prescribed service in respect of the collection of waste that involves the payment of an amount for the provision of the prescribed service).

- (3) In this regulation—

*access point* means the point on the land where the land is generally accessed;

*domestic waste* means waste produced in the course of a domestic activity.

### 14—Differentiating factors

- (1) For the purposes of sections 156 and 167 of the Act, the following categories of land use are declared as permissible differentiating factors:
  - (a) *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;
  - (b) *Commercial—Shop* comprising the use of land for a shop within the meaning of the Development Regulations;

- (c) *Commercial—Office* comprising the use of land for an office within the meaning of the Development Regulations;
  - (d) *Commercial—Other* comprising any other commercial use of land not referred to in the categories specified in paragraph (b) or (c);
  - (e) *Industry—Light* comprising the use of land for a light industry within the meaning of the Development Regulations;
  - (f) *Industry—Other* comprising any other industrial use of land not referred to in the category specified in paragraph (e);
  - (g) *Primary Production* comprising—
    - (i) farming within the meaning of the Development Regulations; and
    - (ii) horticulture within the meaning of the Development Regulations; and
    - (iii) the use of land for horse keeping or intensive animal keeping within the meaning of the Development Regulations; and
    - (iv) in respect of a dairy situated on a farm—the use of land for a dairy within the meaning of the Development Regulations; and
    - (v) commercial forestry;
  - (h) *Vacant land* comprising the non-use of vacant land;
  - (i) *Other* comprising any other use of land not referred to in a previous category.
- (2) For the purposes of section 156(7) of the Act, a differentiating factor based on the locality of land must comply with the following principles:
- (a) there may be differentiation according to the zone in which the land is situated;
  - (b) there may be differentiation according to whether the land is situated within or outside a township (with, at the discretion of the council, a separate differentiation according to zones);
  - (c) if there are 2 or more townships in the area—there may be differentiation according to the township in which the land is situated (with, at the discretion of the council, a separate differentiation in relation to land outside the townships and, at the discretion of the council, a separate differentiation according to zones).
- (3) In this regulation—
- Development Regulations*** means the *Development Regulations 2008*;
- zone*** means an area defined as a zone, precinct or locality by a Development Plan under the *Development Act 1993*.

## 15—Notice of valuation

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.

## 16—Objections to valuations made by a council

- (1) For the purposes of section 169(9)(a) of the Act, the form set out as Form 7 is prescribed.
- (2) For the purposes of section 169 of the Act, the fees set out as items 1 and 2 in Schedule 2 are prescribed.

## 17—Rates notice

- (1) Pursuant to section 180(2) 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;
  - (b) the relevant assessment number;
  - (c) the basis on which the rate or charge is declared (see especially section 151 of the Act);
  - (d) the valuation method used for the purposes of valuing the relevant land and the valuation adopted for the land;
  - (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; and
    - (ii) if the differentiating factor is or includes the locality of the land—that locality;
  - (f) the date on which the rate or charge was declared;
  - (g) if relevant, the rate in the dollar that has been declared;
  - (h) the date or dates on which a payment or payments of the rate or charge will fall due under the Act;
  - (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;
  - (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;
  - (k) the total amount payable by the ratepayer;

- (l) the options and arrangements that are available for payment of the rate or charge;
  - (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); and
    - (ii) to object to the valuation adopted for the relevant land;
  - (n) a contact telephone number for ratepayer enquiries;
  - (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);
  - (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 1 rate or charge (or to a combination of 1 or more rates and 1 or more charges).
- (3) Subregulation (1)(m) does not apply with respect to a second or subsequent rates notice sent to a ratepayer in a particular financial year where at least 60 days have elapsed since service on the ratepayer of the first rates notice for that financial year.

### **18—Postponement of rates—Seniors**

- (1) For the purposes of section 182A(1) of the Act, the prescribed proportion of rates is any amount in excess of \$500.
- (2) For the purposes of section 182A(2) of the Act, the manner and form of an application will be determined by the council.
- (3) For the purposes of section 182A(3) of the Act, a council may reject an application for the postponement of rates if it appears to the council that the maximum principal or other capital liability that may be or become payable or due under a mortgage, encumbrance or charge registered over the land (assuming no default) may exceed 50% of the capital value of the land.
- (4) However—
  - (a) subregulation (3) does not apply in relation to a postponement for the benefit of the same person with respect to the same land in a second or subsequent year; and
  - (b) subregulation (3) does not apply in relation to a mortgage, encumbrance or charge registered after the commencement of section 182A of the Act.
- (5) For the purposes of section 182A(8) of the Act, the period of 6 months from the day on which the entitlement to the postponement ceases to exist is prescribed.
- (6) Pursuant to section 182A(10) of the Act, where a postponement of the payment of rates has occurred under section 182A of the Act—
  - (a) the council must inform the prescribed ratepayer that an entitlement to receive a remission of rates under the *Rates and Land Tax Remission Act 1986* may be applied, at the prescribed ratepayer's discretion, towards the proportion of rates that has not been postponed; and

- (b) any subsequent rates notice that relates to rates of the same kind must (while the same person remains entitled to a postponement of rates) include or be accompanied by—
  - (i) information about the amount of rates outstanding under the postponement; and
  - (ii) information about the amount of interest that has accrued under the postponement, as at the end of the immediately preceding quarter; and
  - (iii) a statement concerning the person's entitlements with respect to a postponement of rates without the need to make a further application; and
  - (iv) a statement to the effect that to the extent that an amount is not paid in accordance with the notice but is capable of being the subject of a postponement under section 182A of the Act will be taken to be subject to postponement under that section; and
  - (v) a statement concerning the requirement of the owner of the land to inform the council if or when the entitlement to the postponement ceases to exist.

### **19—Certificates of liabilities—fee**

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

### **20—Fees and charges**

For the purposes of section 188(1)(h) of the Act, if a council incurs costs and expenses associated with the appointment and work of a mediator, conciliator or evaluator under section 271 of the Act, half of the costs and expenses so incurred is a prescribed matter.

### **21—Compulsory acquisition of land**

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 community wastewater management system;
- (c) for the acquisition of land required for the purpose of carrying out work for the prevention or mitigation of floods.

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

- (1) 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).
- (2) Pursuant to section 202(3)(b) of the Act, The Corporation of the City of Adelaide is not required to comply with its public consultation policy with respect to a lease or licence over land within the Central Market Complex.
- (3) In this regulation—

*Central Market Complex* means the area within the Certificate of Title Register Book Volume 5307 Folio 824 or Volume 5574 Folio 706.

## 23—Register of community land

For the purposes of section 207(2)(a) 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) the following details concerning any lease or licence granted over the land:
  - (i) the name of the lessee or licensee;
  - (ii) the term of the lease or licence (including information on the term of any extension or renewal stated in the lease or licence);
  - (iii) the actual land to which the lease or licence relates (which may be identified by a plan kept in conjunction with the register);
  - (iv) the purpose for which the lease or licence has been granted.<sup>1</sup>

### Note—

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

## 24—Minor alterations of roads—section 221

- (1) Pursuant to section 221(3)(c) of the Act, the installation, maintenance, replacement or removal of a telecommunication subscriber connection is classified as a minor alteration to a road.

- (2) In subregulation (1)—

**telecommunication subscriber connection** means any pipes, wires, cables, optical fibre or other material suspended above the ground and used to connect a subscriber to a telecommunications or electronic network, and includes any fixture or fitting directly associated with making such a connection.

## 25—Public consultation—section 223

- (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 section 223(2) of the Act, the following administrative units of the Public Service must be notified of a 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:
- (a) the administrative unit that is, under a Minister, responsible for the administration of the *Development Act 1993*;
  - (b) the administrative unit that is, under a Minister, responsible for the administration of the *Recreational Greenways Act 2000*.

## 25A—Permits for business purposes—mobile food vendors

- (1) In accordance with section 224(2) of the Act, the following requirements relating to conditions of a permit for the purposes of a mobile food vending business are prescribed:
- (a) a council is prohibited from imposing a condition restricting the kind of food that may be sold by the mobile food vending business;
  - (b) a condition imposed by a council requiring the payment of a fee in relation to the permit—
    - (i) must allow the permit holder to elect to pay either an annual or monthly fee; and
    - (ii) must not require the payment of a fee exceeding—
      - (A) in the case of an annual fee—\$2 000 per year (excluding GST); or
      - (B) in the case of a monthly fee—\$200 per month (excluding GST);
  - (c) a council must ensure that the permit is subject to—
    - (i) a condition requiring the permit holder to have insurance of a kind specified by the council (such as public liability insurance); and
    - (ii) conditions requiring that the operation of the mobile food vending business not unduly interfere with—
      - (A) vehicles driven on roads; or

- (B) vehicles parking or standing on roads; or
  - (C) a parking area for people with disabilities (within the meaning of rule 203(2) of the *Australian Road Rules*); or
  - (D) public transport or cycling infrastructure (such as bus zones, taxi zones and bike lanes); or
  - (E) other road related infrastructure; or
  - (F) infrastructure designed to give access to roads, footpaths and buildings; and
- (iii) conditions requiring compliance with requirements under—
- (A) the *Food Act 2001*; and
  - (B) the *South Australian Public Health Act 2011*; and
  - (C) the *Environment Protection Act 1993*; and
  - (D) the *Local Nuisance and Litter Control Act 2016*; and
  - (E) the *Motor Vehicles Act 1959* and *Road Traffic Act 1961*; and
  - (F) any law or legislative provision relating to electrical or gas installations or appliances; and
  - (G) any other relevant law or legislative provision relating to health, safety or the environment.
- (2) In accordance with section 222(1a) of the Act, a council is not required to grant a permit for the purposes of a mobile food vending business under that subsection if the vehicle proposed to be used would unduly obstruct the use of public roads in a manner that cannot be adequately addressed by conditions under section 224 of the Act.

## **25B—Requirements relating to cancellation of permits**

- (1) If a council cancels a permit for the purposes of a mobile food vending business under section 225(1)(a) of the Act, the following requirements apply to the person who held the permit (prior to its cancellation):
- (a) if the person holds a permit for the purposes of a mobile food vending business granted by another council, the person must inform that council of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation;
  - (b) if, during the prohibited period, the person applies to another council for a permit for the purposes of a mobile food vending business, the person must inform that council of the cancellation as soon as is reasonably practicable after receiving notice of the cancellation.
- (2) A person who fails to comply with a requirement under subregulation (1) is guilty of an offence.

Maximum penalty: \$500.

- (3) In this regulation—

***prohibited period*** means the period, specified by a council that cancels a permit for the purposes of a mobile food vending business, during which an application to the council for such a permit may not be made by or on behalf of the person who held the permit (prior to its cancellation).

## 25C—Requirements relating to location rules

- (1) For the purposes of section 225A(2)(a) of the Act, a council, in adopting or amending its location rules—
- (a) must ensure that its location rules provide for a reasonable distance between mobile food vending businesses and fixed food businesses during the operating hours of fixed food businesses, taking into account the—
    - (i) location; and
    - (ii) number; and
    - (iii) operating hours,of fixed food businesses in the council area; and
  - (b) must take into account the effect of the operation of mobile food vending businesses on—
    - (i) vehicle and pedestrian traffic, footpaths, driveways, access points to buildings and parking areas for people with disabilities; and
    - (ii) the requirements relating to, and availability of, parking spaces at the locations in which mobile food vending businesses may operate under the location rules; and
    - (iii) residents and businesses at the locations in which mobile food vending businesses may operate under the location rules; and
  - (c) must ensure that its location rules are consistent with any other relevant requirement under regulation 25A (including any relevant requirement under a law or legislative provision referred to in that regulation).
- (2) A council's location rules may show the locations within the council area in which mobile food vending businesses are permitted to operate by use of maps.
- (3) A council must ensure that a copy of its location rules is published on its website.
- (4) In this regulation—

***fixed food business*** means a business the primary purpose of which is the retail sale of food or beverages that is carried on at fixed premises.

## 26—Register of public roads

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;
- (b) the situation of the public road;
- (c) the approximate extent of the public road;

- (d) the approximate width of the public road;
- (e) within the public road—the approximate width of the carriageway, including any associated kerbing, verges or footpaths (where formed).

### **27—Removal of vehicles**

- (1) For the purposes of section 237(1) of the Act, the notice set out as Form 8 is prescribed.
- (2) For the purposes of section 237(4)(a) of the Act, the notice set out as Form 9 is prescribed.

### **28—By-laws—roads**

Pursuant to section 239(1)(g) of the Act, a council is authorised to make by-laws about the following:

- (a) the use of roads for camping;
- (b) the prevention of the obstruction of—
  - (i) any road; or
  - (ii) any footway, water-channel, or watercourse in a road.

### **29—By-laws—certificate of legal practitioner**

For the purposes of section 249(4) of the Act, the form set out as Form 10 is prescribed.

### **30—Review of an order**

- (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;
  - (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;
  - (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;
  - (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.

### **31—Prescribed percentage rate—section 257(5)(a)**

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.

### **32—Local government sector employers**

The local government sector employers referred to in Schedule 3 are brought within the ambit of section 302A(1) of the Act.

### **33—Whistleblowing**

For the purposes of section 302B of the Act, the prescribed qualifications are the qualifications determined by the Minister for the purposes of this regulation.

### **34—Local government indemnity schemes**

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

- (a) Southern Success Business Enterprise Centre Inc;
- (b) Northern Regional Development Board;
- (c) Fleurieu Regional Development Corporation;
- (d) Northern Adelaide Development Board Inc;
- (e) Control Boards established under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986* (and continued in existence under clause 45 of Schedule 4 of the *Natural Resources Management Act 2004*);
- (f) Local Government Finance Authority of South Australia;
- (g) Local Government Superannuation Scheme;
- (h) Local Government Training Authority of SA Inc;
- (i) Council Purchasing Co-operative Limited;
- (j) Flinders Mobile Library;
- (k) Maxima Training Group Inc.

### **35—Schedule 4—Annual reports**

- (1) For the purposes of clause 1(ga) of Schedule 4 of the Act—
  - (a) in the case of a report on the use of section 90(2) of the Act, the following information is required:
    - (i) the total number of orders made under that subsection in the financial year;
    - (ii) the date and subject of each order within the ambit of subparagraph (i);

- (iii) in relation to each paragraph ((a) to (n)) of section 90(3) of the Act—the number of times in the financial year that an order made under section 90(2) was made on the basis that the information or matter fell within the ambit of the paragraph; and
- (b) in the case of a report on the use of section 91(7) of the Act, the following information is required:
  - (i) the total number of orders made under that subsection in the financial year;
  - (ii) the number of orders made under that subsection that expired, ceased to apply or were revoked during the financial year;
  - (iii) the number of orders made under that subsection that remained operative at the end of the financial year (but not including orders made before 15 November 2010);
  - (iv) the date and subject of each order within the ambit of subparagraph (i) or (iii).
- (2) Pursuant to clause 1(i) of Schedule 4 of the Act, the report required under section 270(8) of the Act is prescribed.

### **36—Variation of Schedule 5—Access to documents**

Pursuant to section 132(4) of the Act, Schedule 5 of the Act is amended by inserting ", other than the Register of Interests kept for the purposes of Chapter 7 Part 4 Division 2" after "Registers required under this Act or the *Local Government (Elections) Act 1999*".

### **37—Schedule 8—Lochiel Park Lands—definition of LMC**

For the purposes of the definition of *LMC* in clause 11(1) of Schedule 8, the Urban Renewal Authority established under the *Housing and Urban Development (Administrative Arrangements) Act 1995* is brought within the ambit of the definition.

## **Schedule 1—Forms**

### **Form 1—Notice of proposal**

*Local Government Act 1999*  
(section 28)

PUBLIC NOTICE is given of a proposal submitted under section 28 of the *Local Government Act 1999*.

The proposal relates to the following councils and their areas:

The following information is provided 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:

## Form 2—Undertaking to be made by a member of a council before assuming office

I, *[insert full name of member of the council]*, having been elected or appointed to the office of a member of *[insert full name of council]*, undertake to faithfully and impartially fulfil the duties of office in the public interest, to the best of my judgment and abilities and in accordance with the *Local Government Act 1999*.

Signature: *[insert signature of member]*

This undertaking was made before me on: *[insert date on which undertaking is made]*

Signature: *[insert signature of person before whom undertaking is made]*

### Note—

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).

## Form 3—Register of members' interests

### Primary return

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 <sup>2</sup> that you have or a person related to you <sup>3</sup> 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 family <sup>4</sup> 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 you <sup>3</sup> is an investor <sup>5</sup> .	
4	State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.	
5	State the name of any political party, any body or association formed for political purposes or any trade or professional organisation <sup>6</sup> of which you are a member.	
6	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you <sup>3</sup> is a beneficiary or trustee, and the name and address of each trustee.	
7	Provide the address or description of any land in which you have or a person related to you <sup>3</sup> has any beneficial interest <sup>7</sup> other than by way of security for any debt.	
8	Provide details of any fund in which you or a person related to you <sup>3</sup> has an actual or prospective interest to which contributions	

are made by a person other than you or a person related to you<sup>3</sup>.

- 9 If you are or a person related to you<sup>3</sup> 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.
- 10 If you are or a person related to you<sup>3</sup> is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
- 11 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.
- 12 Provide any other additional information which you think fit.

Signature: *[insert 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; or
  - (b) a family company of the member; or
  - (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 Under the Act, *family*, in relation to a member, means—
- (a) a spouse or domestic partner of the member; and
  - (b) a child of the member who is under the age of 18 years and normally resides with the member.
- 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 1 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.

**Notes—**

- 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

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 benefit <sup>2</sup> that you have or a person related to you <sup>3</sup> 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 family <sup>4</sup> 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 travel<sup>5</sup> 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 gift<sup>6</sup> of or above the amount or value of \$750 received by you or a person related to you<sup>3</sup> during the return period other than a person related by blood or marriage.
- 5 If you, or a person related to you<sup>3</sup>, 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 you<sup>3</sup> is an investor<sup>7</sup>.
- 7 State the name of any political party, any body or association formed for political purposes or any trade or professional organisation<sup>8</sup> of which you are a member.
- 8 State the name and business address of any employer for whom you work and, if you are employed, the name of the office or place where you work or a concise description of the nature of your work.
- 9 Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you<sup>3</sup> is a beneficiary or trustee, and the name and address of each trustee.
- 10 Provide the address or description of any land in which you have or a person related to you<sup>3</sup> has any beneficial interest<sup>9</sup> other than by way of security for any debt.
- 11 Provide details of any fund in which you or a person related to you<sup>3</sup> has an actual or prospective interest to which contributions are made by a person other than you or a person related to you<sup>3</sup>.
- 12 If you are or a person related to you<sup>3</sup> 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.
- 13 If you are or a person related to you<sup>3</sup> is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$10 000—state that person.
- 14 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.

15 Provide any other additional information which you think fit.

Signature: *[insert 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; or
  - (b) a family company of the member; or
  - (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 Under the Act, **family**, in relation to a member, means—
- (a) a spouse or domestic partner of the member; and
  - (b) a child of the member who is under the age of 18 years and normally resides with the member.
- 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 1 of the objects, in the furtherance of its own professional, industrial or economic interest or those of any of its members.
- 9 Under the Act, **beneficial interest** in property includes a right to re-acquire the property.

Notes—

- In relation to a return by a member—
  - (a) 2 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 1 contribution for or towards the cost of travel undertaken by the member;
  - (b) 2 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 1 gift received by the member;

(c) 2 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 1 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.

## Form 5—Register of interests—officers

### Primary return

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 <sup>2</sup> that you have or a person related to you <sup>3</sup> 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 family <sup>4</sup> 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 you <sup>3</sup> is an investor <sup>5</sup> .	
4	Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you <sup>3</sup> 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 you <sup>3</sup> has any beneficial interest <sup>6</sup> other than by way of security for any debt.	
6	Provide details of any fund in which you or a person related to you <sup>3</sup> has an actual or prospective interest to which contributions are made by a person other than you or a person related to you <sup>3</sup> .	
7	If you are or a person related to you <sup>3</sup> 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 you <sup>3</sup> is owed money by a natural	

person (not being related by blood or marriage) in an amount of or exceeding \$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.

Signature: *[insert 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; or
  - (b) a family company of the officer; or
  - (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 Under the regulations, **family**, in relation to an officer, means—
  - (a) a spouse or domestic partner of the officer; and
  - (b) a child of the officer who is under the age of 18 years and normally resides with the officer.
- 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.

**Notes—**

- 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.

## Form 6—Register of interests—officers

### Ordinary return

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 benefit <sup>2</sup> that you have or a person related to you <sup>3</sup> 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 family <sup>4</sup> 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 travel <sup>5</sup> 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 gift <sup>6</sup> of or above the amount or value of \$750 received by you or a person related to you <sup>3</sup> during the return period other than a person related by blood or marriage.	
5	If you, or a person related to you <sup>3</sup> , 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 you<sup>3</sup> is an investor<sup>7</sup>.
  - 7 Provide a concise description of any trust (other than a testamentary trust) of which you or a person related to you<sup>3</sup> 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 you<sup>3</sup> has any beneficial interest<sup>8</sup> other than by way of security for any debt.
  - 9 Provide details of any fund in which you or a person related to you<sup>3</sup> has an actual or prospective interest to which contributions are made by a person other than you or a person related to you<sup>3</sup>.
  - 10 If you are or a person related to you<sup>3</sup> 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 you<sup>3</sup> is owed money by a natural person (not being related by blood or marriage) in an amount of or exceeding \$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: *[insert 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
  - (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; or
  - (b) a family company of the officer; or
  - (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 Under the regulations, *family*, in relation to an officer, means—
- (a) a spouse or domestic partner of the officer; and
  - (b) a child of the officer who is under the age of 18 years and normally resides with the officer.
- 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.

**Notes—**

- In relation to a return by an officer—
  - (a) 2 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 1 contribution for or towards the cost of travel undertaken by the officer;
  - (b) 2 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 1 gift received by the officer;
  - (c) 2 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 1 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.

**Form 7—Application for review of valuation**

*Local Government Act 1999*  
(section 169)

**Notes—**

- 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 *[insert number]* 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 *[insert date]*. The \*value/values as determined by the council and shown on the \*notice/notices \*is/are:

- Annual value \$ *[insert value here]*
- Capital value \$ *[insert value here]*
- Site value \$ *[insert value here]*

I contend that the \*value/values should be:

- Annual value \$ *[insert value here]*
- Capital value \$ *[insert value here]*
- Site value \$ *[insert value here]*

*\*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)*

Rental details (if premises let)			Detailed valuation of land and premises	
Gross rents	Particulars	\$	Particulars	\$

Signature: *[insert signature of applicant]*

Date:

Postal address:

Notes—

- If the application for review is signed by an agent, a written authority signed by the owner must be attached.
- This request must be directed to the council which made the valuation. The matter will then be referred by the council to the Valuer-General under section 169(1) of the *Local Government Act 1999*. A valuer selected from a special panel will then review the valuation.
- A valuation will not be altered on a review if the alteration would have the effect of increasing or decreasing the valuation by a proportion of one tenth or less.

### **Form 8—Removal of vehicles—warning notice (section 237(1))**

Date and time of issue:

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model etc):

Location of vehicle:

Warning—

- (a) this vehicle has been left at the stated location for at least 24 hours; and

- (b) if the vehicle is not moved within 24 hours of the time of issue of this notice—
- (i) the vehicle may be removed by an authorised officer to an appropriate place; and
  - (ii) notification of the removal of the vehicle will be given to the owner of the vehicle; and
  - (iii) if the owner of the vehicle does not, within 1 month after service of the notice referred to in subparagraph (ii)—
    - (A) take possession of the vehicle; and
    - (B) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing the notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

### **Form 9—Removal of vehicles—notice (section 237(4))**

Date and time of service/postage (person-to-person registered post):

Name and contact details of authorised officer:

Council:

Description of vehicle (registration number, make, model etc):

Date and time of removal of vehicle:

Location from which vehicle was removed:

Take note—

- (a) your vehicle has been removed; and
- (b) if you do not, within 1 month after service of this notice—
  - (i) take possession of the vehicle; and
  - (ii) pay all expenses in connection with the removal, custody and maintenance of the vehicle and of serving, posting or publishing this notice,

the council will take steps to sell or dispose of the vehicle in accordance with section 237 of the *Local Government Act 1999*.

### **Form 10—Certificate of validity**

*Local Government Act 1999*  
(section 249)

Please read the notes below before completing and signing this certificate

I, *[insert full name]*, of *[insert principal business address]*, being a legal practitioner within the meaning of the *Legal Practitioners Act 1981*, declare that I have examined the following by-law:

*[insert a description of the by-law]*

and do certify that in my opinion *[insert name of council]* has power to make the by-law by virtue of the following statutory provision:

*[insert a description of the statutory provision]*

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

Date:

Signature: *[insert signature of legal practitioner]*

## Schedule 2—Prescribed fees

- 1 For the purposes of section 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 \$105.00
  - (b) of any other land, the prescribed fee is \$260.00
- 2 For the purposes of section 169(16) of the Act, the fee payable in relation to a review is the amount of the allowances payable under section 25A(8) of the *Valuation of Land Act 1971* in relation to the review
- 3 For the purposes of section 187(3)(e) of the Act the fee fixed under the Act is \$32.50

## Schedule 2A—Code of conduct for employees

### 1—Gifts and benefits

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the *Gazette*, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
  - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
  - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
  - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and

- (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a *member* will be taken, for the purposes of this clause, to be a reference to an *employee*.

**Note—**

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

## **2—Complaints**

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

**Note—**

- 1 Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.
- 2 The code set out in this Schedule is in addition to and does not—
  - (a) limit the operation of the *Fair Work Act 1994*; or
  - (b) operate to lessen any rights or obligations on employees or employers under the *Fair Work Act 1994* or any award, industrial agreement or contract of employment; or
  - (c) affect the jurisdiction of the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.

## **Schedule 3—Local government sector employers**

### **Councils**

The Corporation of the City of Adelaide  
Adelaide Hills Council  
Alexandrina Council  
The Barossa Council

**Councils**

District Council of Barunga West  
The Berri Barmera Council  
City of Burnside  
The Corporation of the City of Campbelltown  
The District Council of Ceduna  
City of Charles Sturt  
Clare and Gilbert Valleys Council  
The District Council of Cleve  
District Council of Coober Pedy  
The Coorong District Council  
District Council of the Copper Coast  
The District Council of Elliston  
The Flinders Ranges Council  
The District Council of Franklin Harbour  
Town of Gawler  
Regional Council of Goyder  
District Council of Grant  
City of Holdfast Bay  
Kangaroo Island Council  
The District Council of Karoonda East Murray  
The District Council of Kimba  
Kingston District Council  
Light Regional Council  
District Council of Lower Eyre Peninsula  
District Council of Loxton Waikerie  
The District Council of Mallala  
The Corporation of the City of Marion  
Mid Murray Council  
City of Mitcham  
The District Council of Mount Barker  
City of Mount Gambier  
The District Council of Mount Remarkable  
Rural City of Murray Bridge  
Naracoorte Lucindale Council  
Northern Areas Council  
The Corporation of the City of Norwood Payneham and St Peters  
City of Onkaparinga

**Councils**

District Council of Orroroo/Carrieton  
District Council of Peterborough  
City of Playford  
City of Port Adelaide Enfield  
The Corporation of the City of Port Augusta  
City of Port Lincoln  
Port Pirie Regional Council  
City of Prospect  
Renmark Paringa Council  
The District Council of Robe  
Municipal Council of Roxby Downs  
City of Salisbury  
Southern Mallee District Council  
The District Council of Streaky Bay  
The District Council of Tatiara  
City of Tea Tree Gully  
The District Council of Tumby Bay  
The Corporation of the City of Unley  
City of Victor Harbor  
Wakefield Regional Council  
The Corporation of the Town of Walkerville  
Wattle Range Council  
City of West Torrens  
The Corporation of the City of Whyalla  
Wudinna District Council  
The District Council of Yankalilla  
Yorke Peninsula Council

**Subsidiaries established under section 42 of Act**

Adelaide Central Market Authority  
Adelaide Park Lands Authority  
Doctor's House Management Authority  
Nuriootpa Centennial Park Authority  
Rundle Mall Management Authority

**Regional subsidiaries established under section 43 of Act**

Adelaide Hills Region Waste Management Authority  
Centennial Park Cemetery Authority

**Regional subsidiaries established under section 43 of Act**

Central Local Government Region of SA Inc  
Council Solutions Regional Authority  
Eastern Health Authority Inc  
Eastern Region Alliance Water  
Eastern Waste Management Authority Inc  
Eyre Peninsula Local Government Association  
Fleurieu Regional Aquatic Centre  
Fleurieu Regional Waste Authority  
Gawler River Floodplain Management Authority  
Highbury Landfill Authority  
Limestone Coast Local Government Association  
Livestock Saleyards Association of South Australia  
Murray Mallee Community Transport Scheme  
Murray and Mallee Local Government Association  
Northern Adelaide Waste Management Authority  
Southern & Hills Local Government Association  
Southern Eyre Peninsula Subsidiary  
Southern Region Waste Resource Authority

**Other entities**

Local Government Association of South Australia  
The Local Government Association Mutual Liability Scheme South Australia  
Local Super  
Local Government Disaster Fund  
Stormwater Management Authority

## Legislative history

### Notes

- Variations of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *Local Government (General) Regulations 2013* revoked the following:

*Local Government (General) Regulations 1999*

### Principal regulations and variations

New entries appear in bold.

Year	No	Reference	Commencement
2013	290	<i>Gazette 19.12.2013 p4975</i>	1.1.2014: r 2
2014	47	<i>Gazette 13.2.2014 p908</i>	13.2.2014: r 2
2014	81	<i>Gazette 19.6.2014 p2511</i>	1.7.2014: r 2
2014	273	<i>Gazette 20.11.2014 p6481</i>	20.11.2014: r 2
2015	81	<i>Gazette 18.6.2015 p2607</i>	1.7.2015: r 2
2015	166	<i>Gazette 18.6.2015 p2859</i>	18.6.2015: r 2
2015	229	<i>Gazette 11.11.2015 p4891</i>	11.11.2015: r 2
2016	20	<i>Gazette 31.3.2016 p1071</i>	31.3.2016: r 2
2016	60	<i>Gazette 23.6.2016 p2156</i>	1.7.2016: r 2
2016	253	<i>Gazette 27.10.2016 p4274</i>	24.11.2016: r 2
2017	101	<i>Gazette 22.6.2017 p2257</i>	1.7.2017: r 2
2017	307	<i>Gazette 14.11.2017 p4581</i>	1.3.2018: r 2
<b>2018</b>	<b>43</b>	<b><i>Gazette 13.2.2018 p782</i></b>	<b>2.4.2018: r 2</b>
2018	80	<i>Gazette 21.6.2018 p2190</i>	1.7.2018: r 2
2018	181	<i>Gazette 28.6.2018 p2652</i>	4.10.2018: r 2

## Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
<i>r 2</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>13.2.2014</i>
r 8AAA	inserted by 20/2016 r 4	31.3.2016
	substituted by 253/2016 r 4	24.11.2016
r 8AAB	inserted by 253/2016 r 4	24.11.2016
r 8AA	inserted by 273/2014 r 4	20.11.2014
r 8AB	inserted by 253/2016 r 5	24.11.2016
r 8A	inserted by 47/2014 r 4	13.2.2014
	<b>varied by 43/2018 r 4</b>	<b>2.4.2018</b>
r 11		
r 11(1)	r 11 redesignated as r 11(1) by 166/2015 r 4	18.6.2015
r 11(2)	inserted by 166/2015 r 4	18.6.2015
rr 25A—25C	inserted by 307/2017 r 4	1.3.2018
Sch 1		
Form 1	substituted by 253/2016 r 6(1)	24.11.2016
Form 2	substituted by 273/2014 r 5	20.11.2014
Forms 8 and 9	substituted by 253/2016 r 6(2)	24.11.2016
Sch 2		
	substituted by 81/2014 r 4	1.7.2014
	substituted by 81/2015 r 4	1.7.2015
	substituted by 60/2016 r 4	1.7.2016
	substituted by 101/2017 r 4	1.7.2017
<b>Sch 2A</b>	<b>inserted by 43/2018 r 5</b>	<b>2.4.2018</b>
Sch 3		
	varied by 229/2015 r 4(1), (2)	11.11.2015
	varied by 253/2016 r 7(1)—(6)	24.11.2016
<i>Sch 4</i>	<i>omitted under Legislation Revision and Publication Act 2002</i>	<i>13.2.2014</i>

## Historical versions

13.2.2014  
1.7.2014  
20.11.2014  
18.6.2015  
1.7.2015  
11.11.2015  
31.3.2016  
1.7.2016  
24.11.2016  
1.7.2017

1.3.2018