

South Australia

## **Development (Disclosure of Interests) Variation Regulations 2007**

under the *Development Act 1993*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Disclosure of Interests) Variation Regulations 2007*.

#### **2—Commencement**

These regulations will come into operation on 26 February 2007.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Development Regulations 1993***

#### **4—Variation of regulation 32—Public notice categories**

Regulation 32(3)(a)—delete "to"

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## 5—Insertion of regulation 109

After regulation 108 insert:

### 109—Disclosure of financial interests—assessment panels

- (1) In this regulation—

*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) any remuneration, fees or other pecuniary sum received by the person in respect of a trade, vocation, business or profession engaged in by the person where the total exceeds \$1 000,

but does not include an allowance, fee or other sum payable to the person 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;

*ordinary return* means a return required under clause 2(1)(b) of Schedule 2 of the Act;

*primary return* means a return required under clause 2(1)(a) of Schedule 2 of the Act;

*return period*, in relation to the ordinary return of a prescribed member, means—

- (a) in the case of a prescribed member whose last return was a primary return—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 on or within 60 days after which the ordinary return is required to be submitted.
- (2) A word or expression used in this regulation that is referred to in clause 1 of Schedule 2 of the Act has the same meaning in this regulation as in that clause.
- (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 clause 2(1)(a) of Schedule 2 of the Act, a primary return must be in the form set out in Schedule 26 and contain the following information:
  - (a) a statement of any income source that the prescribed member required to submit the return or a person related to the prescribed member 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 prescribed member or a member of his or her family holds any office whether as director or otherwise, for the purpose of obtaining financial gain (including at sometime in the future);
  - (c) the information required by subregulation (7).
- (5) Pursuant to clause 2(1)(b) of Schedule 2 of the Act, an ordinary return must be submitted on or within 60 days after 30 June in each year.
- (6) For the purposes of clause 2(1)(b) of Schedule 2 of the Act, an ordinary return must be in the form set out in Schedule 27 and contain the following information:
  - (a) if the prescribed member required to submit the return or a person related to the prescribed member 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 prescribed member or a member of his or her family held an office as director or otherwise in any company or other body, corporate or unincorporate, during the return period for the purpose of obtaining financial gain (including at sometime in the future)—the name of the company or other body;
  - (c) 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 prescribed member required to submit the return or a person related to the prescribed member is an investor;
  - (b) a concise description of any trust (other than a testamentary trust) of which the prescribed member or a person related to the prescribed member is a beneficiary or trustee (including the name and address of each trustee);

- (c) the address or description of any land in which the prescribed member or person related to the prescribed member has any beneficial interest other than by way of security for any debt;
  - (d) any fund in which the prescribed member or a person related to the prescribed member has an actual or prospective interest to which contributions are made by a person other than the prescribed member or a person related to the prescribed member;
  - (e) if the prescribed member or a person related to the prescribed member is indebted to another person (not being related by blood or marriage to the prescribed member or to a member of his or her family) in an amount of or exceeding \$7 500—the name and address of that other person;
  - (f) if the prescribed member or a person related to the prescribed member is owed money by a natural person (not being related to the prescribed member or a member of his or her 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 of a pecuniary nature of the prescribed member or of a person related to the prescribed member of which the prescribed member 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 a member of an assessment panel.
- (8) A prescribed member is required by this regulation only to disclose information that is known to the prescribed member or ascertainable by the prescribed member by the exercise of reasonable diligence.
  - (9) Nothing in this regulation requires a prescribed member 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 prescribed member.
  - (10) A prescribed member may include in a return such additional information as the prescribed member thinks fit.
  - (11) Nothing in this regulation will be taken to prevent a prescribed member from disclosing information required by this regulation in such a way that no distinction is made between information relating to the prescribed member personally and information relating to a person related to the prescribed member.
  - (12) Nothing in this regulation requires disclosure of the actual amount or extent of a financial benefit or interest.

## 6—Variation of Schedule 5—Requirements as to plans and specifications

Schedule 5, clause 2A(1)—after "by" insert:

or on behalf of

## 7—Variation of Schedule 8—Referrals and concurrences

Schedule 8, clause 2, item 9B—after "clause 2A" insert:

, other than where the development is limited to—

- (a) an internal alteration of a building; or
- (b) an alteration to the walls of a building but not so as to alter the shape of the building

## 8—Insertion of Schedules 26 and 27

After Schedule 25 insert:

### Schedule 26—Register of interest—Primary return

Please read instructions and notes below before completing this return.

SURNAME	OTHER NAMES
OFFICE HELD	
<b>Registrable interests</b>	<b>Details</b>
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, for the purpose of obtaining financial gain (including at some time in the future).
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> .

<b>Registrable interests</b>	<b>Details</b>
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 the name and address of 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 a member of an assessment panel.
10	Provide any other additional information which you think fit.

Signature .....

Date .....

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

**Instructions/notes**

- 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 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 A **beneficial interest** in property includes a right to re-acquire the property.

**Note—**

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

## Schedule 27—Register of interest—Ordinary return

Please read instructions and notes below before completing this return.

SURNAME \_\_\_\_\_ OTHER NAMES \_\_\_\_\_

OFFICE HELD \_\_\_\_\_

<b>Registrable interests</b>	<b>Details</b>
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, for the purpose of obtaining financial gain (including at some time in the future).
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 the name and address of 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 a member of an assessment panel.



<b>Registrable interests</b>	<b>Details</b>
10 Provide any other additional information which you think fit.	
Signature .....	
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 the 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 A *person related to a member* means—
- (a) a member of the member's family;
  - (b) a family company of the member;
  - (c) a trustee of a family trust of the member.
- 3.2 A *family company* of a member means a proprietary company—
- (a) in which the member or a member of the member's family is a shareholder; and
  - (b) in respect of which the member or a member of the member's family, or any such persons together, are in a position to cast, or control the casting or, more than one-half of the maximum number of votes that might be cast at a general meeting of the company.

**Instructions/notes**

- 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 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 A **beneficial interest** in property includes a right to re-acquire the property.

**Note—**

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

**Note—**

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 22 February 2007

No 12 of 2007

MUDP07/002CS