

South Australia

Local Government (General) Variation Regulations 2007

under the *Local Government Act 1999*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Local Government (General) Variation Regulations 2007*.

2—Commencement

These regulations will come into operation on the day on which section 28 of the *Local Government (Financial Management and Rating) Amendment Act 2005* comes into operation.

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 *Local Government (General) Regulations 1999*

4—Variation of regulation 10—Differentiating factors

- (1) Regulation 10(1)—after the definition of *Development Regulations* insert:

zone means an area defined as a zone, precinct or locality by a Development Plan under the *Development Act 1993*.

- (2) Regulation 10—after subregulation (2) insert:
- (3) 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).

5—Insertion of regulation 13A

After regulation 13 insert:

13A—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), the manner and form of an application will be determined by the council.
- (3) For the purposes of section 182A(3), 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 per cent 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), 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), 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.

6—Insertion of regulation 22A

After regulation 22 insert:

22A—Schedule 4—Annual reports

Pursuant to clause 1(i) of Schedule 4 of the Act, the report required under section 270(8) of the Act is prescribed.

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 25 January 2007

No 2 of 2007

MLG06/0012