

South Australia

## **Local Government (General) Variation Regulations 2010**

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 2010*.

#### **2—Commencement**

These regulations will come into operation on 15 November 2010.

#### **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 9A—Service rates and charges**

Regulation 9A—after subregulation (2) insert:

- (2a) 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.

### **5—Insertion of regulation 14A**

After regulation 14 insert:

#### **14A—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 conciliator under section 271 of the Act, half of the costs and expenses so incurred is a prescribed matter.

### **6—Insertion of regulation 18AA**

After regulation 18 insert:

#### **18AA—Removal of vehicles**

- (1) For the purposes of section 237(1) of the Act, a prescribed warning notice must be in the form set out as Form 7A.
- (2) For the purposes of section 237(4)(a) of the Act, a written notice must be in the form set out as Form 7B.

## **7—Insertion of regulation 21B**

After regulation 21A insert:

### **21B—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.

## **8—Variation of regulation 22A—Schedule 4—Annual reports**

Regulation 22A—before its present contents (now to be designated as subregulation (2)) insert:

- (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) 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 the commencement of this paragraph).

## **9—Variation of Schedule 1—Forms**

- (1) Schedule 1, Form 3—after item 3 insert:

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3A 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.

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- (2) Schedule 1, Form 4—after item 7 insert:

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7A 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.

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- (3) Schedule 1—after Form 7 insert:

**Form 7A—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 and the place to which it has been removed 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 7B—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:

Place to which vehicle was removed:

Take note—

- (a) your vehicle has been removed to the place stated in this notice;
- (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*.

**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 11 November 2010

No 226 of 2010

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