

South Australia

Local Government (General) Variation Regulations 2016

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 2016*.

2—Commencement

These regulations will come into operation on 24 November 2016.

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 2013*

4—Substitution of regulation 8AAA—Conflicts of interest—ordinary business matters etc

Regulation 8AAA—delete the regulation and substitute:

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.

5—Insertion of regulation 8AB

After regulation 8AA insert:

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.

6—Variation of Schedule 1—Forms

- (1) Form 1—delete the Form and substitute:

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:

- (2) Forms 8 and 9—delete Forms 8 and 9 and substitute:

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*.

7—Variation of Schedule 3—Local government sector employers

- (1) Schedule 3, list of councils—delete "District Council of Yorke Peninsula" and substitute:

Yorke Peninsula Council
- (2) Schedule 3, list of Regional subsidiaries established under section 43 of Act—after "Highbury Landfill Authority" insert:

Limestone Coast Local Government Association
- (3) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Provincial Cities Association of South Australia"
- (4) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "South East Local Government Association Inc"
- (5) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete "Waste Care SA"

- (6) Schedule 3, list of Regional subsidiaries established under section 43 of Act—delete
"Western Region Waste Management Authority"

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 27 October 2016

No 253 of 2016

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