

South Australia

## **Local Government (General) (Miscellaneous) Amendment Regulations 2022**

under the *Local Government Act 1999*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement

#### **Part 2—Amendment of *Local Government (General) Regulations 2013***

- 3 Substitution of regulations 7 and 8
    - 7 Integrity provisions
    - 8 Register of Interests
  - 4 Amendment of regulation 8AAA—Conflicts of interest—ordinary business matters etc
  - 5 Repeal of regulation 8AAB
  - 6 Amendment of regulation 8AA—Training and development
  - 7 Insertion of regulation 8ABA
    - 8ABA Suspension—member of council subject to intervention order
  - 8 Repeal of regulation 8A
  - 9 Amendment of regulation 9—Register of interests—officers
  - 10 Repeal of regulation 33
  - 11 Amendment of regulation 35—Schedule 4—Annual reports
  - 12 Amendment of Schedule 1—Forms
  - 13 Repeal of Schedule 2A
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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Local Government (General) (Miscellaneous) Amendment Regulations 2022*.

#### **2—Commencement**

These regulations come into operation on the day on which section 26 of the *Statutes Amendment (Local Government Review) Act 2021* comes into operation.

## **Part 2—Amendment of *Local Government (General) Regulations 2013***

### **3—Substitution of regulations 7 and 8**

Regulations 7 and 8—delete the regulations and substitute:

#### **7—Integrity provisions**

- (1) The requirements prescribed by this regulation are integrity provisions for the purposes of section 62(4e) of the Act.
- (2) A member of a council must not exercise, perform or discharge, or purport to exercise, perform or discharge, a power, duty or function relating to the office of member of a council that the member is not authorised to exercise, perform or discharge.
- (3) A member of a council must not use council resources, including the services of an employee of a council, for private purposes, unless—
  - (a) the member is legally or properly authorised to use the resources; and
  - (b) if appropriate, the member makes a payment for the use of the resources.
- (4) A member of a council must, in the performance and discharge of official functions and duties where the member considers that written communication is appropriate, use a written communication facility or service provided by the council.

#### **8—Register of Interests**

For the purposes of section 68(3b) of the Act, the prescribed period is 12 months.

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

- (1) Regulation 8AAA, heading—delete "ordinary business matters etc" and substitute:  
exemptions
- (2) Regulation 8AAA(1)—delete "sections 74(6) and 75A(6)" and substitute:  
section 75A(1)(d)(i)
- (3) Regulation 8AAA(2)—delete subregulation (2)

### **5—Repeal of regulation 8AAB**

Regulation 8AAB—delete the regulation

## 6—Amendment of regulation 8AA—Training and development

- (1) Regulation 8AA—before subregulation (1) insert:
  - (a1) For the purposes of section 80A(2)(b) of the Act, a training and development policy of a council must incorporate the training requirements for council members that are expressed to be mandatory requirements in the LGA training standards (*prescribed mandatory requirements*).
- (2) Regulation 8AA—after subregulation (1) insert:
  - (1a) For the purposes of section 80A(2f) of the Act, the prescribed period is 12 months.
  - (1b) For the purposes of section 80A(2h) of the Act, a register relating to training and development of members of a council must include the following information in respect of each member:
    - (a) the member's name;
    - (b) in respect of training and development required to be completed by the member—
      - (i) the name (if any) and subject of the training or development; and
      - (ii) the date by which the training or development is required to be completed by the member; and
      - (iii) the date on which the training or development was completed by the member.

## 7—Insertion of regulation 8ABA

After regulation 8AA insert:

### **8ABA—Suspension—member of council subject to intervention order**

For the purposes of section 80B(9) of the Act, the prescribed period is 12 months.

## 8—Repeal of regulation 8A

Regulation 8A—delete the regulation

## 9—Amendment of regulation 9—Register of interests—officers

- (1) Regulation 9(1)— delete "Division 2 of Part 4 of Chapter 7" and substitute:

Chapter 7 Part 4 Division 1 Subdivision 2
- (2) Regulation 9(4)—delete subregulation (4)
- (3) Regulation 9(5)—delete "under section 65 of the Act is set out in Form 5" and substitute:

is the form determined by the Minister

- (4) Regulation 9(5)(a)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (5) Regulation 9(6)—delete "set out in Form 6" and substitute:  
the form determined by the Minister
- (6) Regulation 9(6)(a)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (7) Regulation 9(6)(c) to (e)—delete paragraphs (c) to (e) (inclusive)
- (8) Regulation 9(7)(a)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (9) Regulation 9(7)(b)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (10) Regulation 9(7)(c)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (11) Regulation 9(7)(d)—delete "person related to the officer" wherever occurring and substitute in each case:  
designated person or entity in relation to the officer
- (12) Regulation 9(7)(e)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (13) Regulation 9(7)(e)—delete "related by blood or marriage to the officer or to" and substitute:  
a relative of the officer or
- (14) Regulation 9(7)(f)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (15) Regulation 9(7)(f)—delete "related to the officer or a member of the officer's family by blood or marriage" and substitute:  
a relative of the officer or a member of the officer's family
- (16) Regulation 9(7)(g)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (17) Regulation 9(11)—delete "person related to the officer" and substitute:  
designated person or entity in relation to the officer
- (18) Regulation 9(12)—delete "gift,"

## **10—Repeal of regulation 33**

Regulation 33—delete the regulation

## **11—Amendment of regulation 35—Schedule 4—Annual reports**

- (1) Regulation 35—before subregulation (1) insert:
- (a1) For the purposes of Schedule 4 clause 1(d) of the Act, the following information is required:
    - (a) the total number of contraventions of Chapter 5 Part 4 Division 2 of the Act by members of the council during the relevant financial year;
    - (b) the total costs incurred by the council relating to dealing with complaints alleging that a member of the council has contravened or failed to comply with Chapter 5 Part 4 Division 2 of the Act and any referrals of such complaints to the Behavioural Standards Panel during the relevant financial year.
  - (a2) Subregulation (a1) does not apply in respect of an annual report for the financial year ending on 30 June 2022.
- (2) Regulation 35—after subregulation (2) insert:
- (2a) For the purposes of Schedule 4 clause 2(f) of the Act, the following matters are prescribed:
    - (a) the total number of contraventions of section 75G of the Act by members of the council during the relevant financial year;
    - (b) the total costs incurred by the council relating to dealing with complaints alleging that a member of the council has contravened or failed to comply with section 75G of the Act and any referrals of such complaints to the Behavioural Standards Panel during the relevant financial year.
  - (2b) For the purposes of subregulations (a1)(b) and (2a)(b), the total costs incurred by a council relating to dealing with complaints—
    - (a) will be taken to include any legal costs and costs of engaging persons as consultants or for the purposes of dispute resolution in respect of complaints; and
    - (b) will be taken to exclude any costs associated with the use of administrative resources of the council or council staff in respect of complaints.

## **12—Amendment of Schedule 1—Forms**

Schedule 1, Forms 3 to 6—delete Forms 3 to 6 (inclusive)

## **13—Repeal of Schedule 2A**

Schedule 2A—delete the Schedule

### **Editorial note—**

As required by section 10AA(2) of the *Legislative Instruments 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**

after consultation with the Local Government Association and with the advice and consent of  
the Executive Council  
on 17 November 2022

No 96 of 2022