

South Australia

## Local Government (Defaulting Council) Proclamation 2019

under section 273 of the *Local Government Act 1999*

### 1—Short title

This proclamation may be cited as the *Local Government (Defaulting Council) Proclamation 2019*.

### 2—Commencement

This proclamation comes into operation on the day on which it is made.

### 3—Interpretation

In this proclamation, unless the contrary intention appears—

*Act* means the *Local Government Act 1999*;

*Council* means the District Council of Coober Pedy.

### 4—Defaulting council

The Council is declared to be a defaulting council.

### 5—Appointment of administrator

Timothy Robert Sandford Jackson is appointed to be the administrator of the affairs of the Council.

### 6—Application of provisions of Acts and regulations

- (1) Subject to this clause, the provisions of the Act (including regulations made under those provisions) and the *Local Government (Elections) Act 1999* are declared to apply while the Council is a defaulting council, subject to the exclusions and modifications set out in Schedule 1.
- (2) The *Local Government (Procedures at Meetings) Regulations 2013* do not apply while the Council is a defaulting council.

## Schedule 1—Provisions of Acts and regulations excluded or modified (section 273(12) of Act)

Provision of Act or regulations	Exclusion or modification to apply
<i>Local Government Act 1999</i>	
Section 38(2) and (3)	Delete "principal member" wherever occurring and substitute in each case: administrator

<b>Provision of Act or regulations</b>	<b>Exclusion or modification to apply</b>
<b><i>Local Government Act 1999</i></b>	
Section 39	Delete "a member" wherever occurring and substitute in each case: an administrator Delete "member's" and substitute: administrator's
Section 56	Delete the section
Section 58(1)	Delete "principal member" and substitute: administrator
Section 59(1)	Delete "a member of a council" and substitute: the administrator of a council Delete "a member of the governing body of the council" and substitute: the administrator of the council Delete "as a person elected to the council—"
Section 61	Delete "A member" and substitute: An administrator Delete "member" wherever occurring and substitute in each case: administrator
Section 62(1) and (2)	Delete "A member" wherever occurring and substitute in each case: An administrator
Section 62(3) and (4a)	Delete "or former member" wherever occurring and substitute in each case: , former member, administrator or former administrator After "a member" insert: or administrator
Section 62(4)	After "member" wherever occurring insert: or administrator
Section 62(5)	After "a person" insert: (other than an administrator or former administrator)

<b>Provision of Act or regulations</b>	<b>Exclusion or modification to apply</b>
<b><i>Local Government Act 1999</i></b>	
Section 73(1) and (2)	<p>Delete "a member" wherever occurring (other than in subsection (1)(c)) and substitute in each case:</p> <p style="padding-left: 40px;">an administrator</p> <p>Delete "discussed" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">considered</p> <p>Delete "A member" and substitute:</p> <p style="padding-left: 40px;">An administrator</p> <p>Delete "the member" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">the administrator</p> <p>Delete "member's" and substitute:</p> <p style="padding-left: 40px;">administrator's</p>
Section 73(3) and (4)	Delete subsections (3) and (4)
Section 74(1)	<p>Delete "a member" and substitute:</p> <p style="padding-left: 40px;">an administrator</p> <p>Delete "discussed" and substitute:</p> <p style="padding-left: 40px;">considered</p> <p>Delete "the member" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">the administrator</p> <p>Delete "inform the meeting of the member's" and substitute:</p> <p style="padding-left: 40px;">inform the Minister of the administrator's</p> <p>Delete paragraph (b)</p> <p>Delete "votes on" and substitute:</p> <p style="padding-left: 40px;">makes a decision on</p>
Section 74(2)	<p>Delete "a member" and substitute:</p> <p style="padding-left: 40px;">the administrator</p> <p>Delete "taking part in the meeting, or being in the chamber where the meeting is being conducted," and substitute:</p> <p style="padding-left: 40px;">making a decision on the matter</p> <p>Delete "the member" and substitute:</p> <p style="padding-left: 40px;">the administrator</p>
Section 74(3)	<p>Delete "a member of the council to take part in the meeting, or to be in the chamber where the meeting is being conducted," and substitute:</p> <p style="padding-left: 40px;">the administrator of the council to make a decision on the matter</p> <p>Delete paragraph (a)</p>

<b>Provision of Act or regulations</b>	<b>Exclusion or modification to apply</b>
<b><i>Local Government Act 1999</i></b>	
Section 74(5)	Delete "a member" and substitute: an administrator Delete "discussed" and substitute: considered Delete "the member's" and substitute: the administrator's Delete "the member" and substitute: the administrator Delete paragraph (c) and substitute: (c) if the administrator made a decision in respect of the matter, under an approval under subsection (3), the fact that the decision was made under the approval.
Section 75	Delete "a member of a council's" and substitute: an administrator's Delete "A member" wherever occurring and substitute in each case: An administrator Delete "the member" wherever occurring and substitute in each case: the administrator Delete "discussed" wherever occurring and substitute in each case: considered Delete "relevant member's" and substitute: administrator's

<b>Provision of Act or regulations</b>	<b>Exclusion or modification to apply</b>
<b><i>Local Government Act 1999</i></b>	
Section 75A	<p>Delete "a member" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">an administrator</p> <p>Delete "the member" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">the administrator</p> <p>Delete "the member must inform" and substitute:</p> <p style="padding-left: 40px;">the administrator must inform persons present at</p> <p>Delete "the member's" wherever occurring and substitute in each case:</p> <p style="padding-left: 40px;">the administrator's</p> <p>Delete "participate in the meeting in relation to the matter" and substitute:</p> <p style="padding-left: 40px;">make a decision on the matter at the meeting</p> <p>Delete subsection (3)</p> <p>Delete "discussed" wherever occurring and substitute:</p> <p style="padding-left: 40px;">considered or decided</p> <p>Delete subsection (4)(d) and (e)</p>
Section 75B	<p>After "as if" wherever occurring insert:</p> <p style="padding-left: 40px;">there were no exclusions of, or modifications to, the provisions of Subdivision 1 or 2 under section 273(12) and as if</p>
Section 80	<p>Delete "every member" and substitute:</p> <p style="padding-left: 40px;">an administrator</p> <p>Delete "a member" and substitute:</p> <p style="padding-left: 40px;">an administrator</p> <p>Delete "members" and substitute:</p> <p style="padding-left: 40px;">administrators</p>
Section 82(1)(a)	<p>Delete "the principal member" and substitute:</p> <p style="padding-left: 40px;">an administrator</p>
Sections 85	Delete the section
Section 86(1)	<p>Delete "principal member" and substitute:</p> <p style="padding-left: 40px;">administrator</p>
Section 86(2) and (3)	Delete subsections (2) and (3)
Section 86(4)	<p>Delete "a majority of the votes cast by the members present at the meeting and entitled to vote on the question" and substitute:</p> <p style="padding-left: 40px;">the administrator</p>
Section 86(5) to (7)	Delete subsections (5) to (7) (inclusive)

<b>Provision of Act or regulations</b>	<b>Exclusion or modification to apply</b>
<b><i>Local Government Act 1999</i></b>	
Section 86(8)	Delete subsection (8) and substitute: (8) Subject to this Act, the procedure to be observed at a meeting of a council will be determined by the council.
Section 252(7)	Delete "principal member" and substitute: administrator
Section 263(1)	After "member" wherever occurring insert: or administrator After "Chapter 5 Part 4" insert: (as modified)
Section 263A	After "member" wherever occurring insert: or administrator
Section 263B(1)	After "that the council" insert: or, in the case of a complaint against an administrator, the Minister
Section 263B(1)(a), (b) and (c)	After "member" wherever occurring insert: or administrator
Section 263B(1)(d)	Before "ensure" insert: in the case of a complaint against a member—
Section 263B(3)	Delete "A council is" and substitute: The Minister and a council are
Section 290(1)	After "signed by" insert: an administrator of a council,
<b><i>Local Government (Elections) Act 1999</i></b>	
Sections 6 to 8	Delete sections 6 to 8 (inclusive)
<b><i>Local Government (General) Regulations 2013</i></b>	
Schedule 2A, clause 2(2)	Delete "principal member" and substitute: administrator

## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal proclamation and variations

	Reference	Commencement
s 273	<i>Gazette 24.1.2019 p272</i>	24.1.2019: cl 2