

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)**

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

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<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)

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

**Provision of Act or regulations**

**Exclusion or modification to apply**

***Local Government Act 1999***

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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	Delete "a member" wherever occurring and substitute in each case: <p style="text-align: center;">an administrator</p> Delete "the member" wherever occurring and substitute in each case: <p style="text-align: center;">the administrator</p> Delete "the member must inform" and substitute: <p style="text-align: center;">the administrator must inform persons present at</p> Delete "the member's" wherever occurring and substitute in each case: <p style="text-align: center;">the administrator's</p> Delete "participate in the meeting in relation to the matter" and substitute: <p style="text-align: center;">make a decision on the matter at the meeting</p> Delete subsection (3) Delete "discussed" wherever occurring and substitute: <p style="text-align: center;">considered or decided</p> Delete subsection (4)(d) and (e)
Section 75B	After "as if" wherever occurring insert: <p style="text-align: center;">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	Delete "every member" and substitute: <p style="text-align: center;">an administrator</p> Delete "a member" and substitute: <p style="text-align: center;">an administrator</p> Delete "members" and substitute: <p style="text-align: center;">administrators</p>
Section 82(1)(a)	Delete "the principal member" and substitute: <p style="text-align: center;">an administrator</p>
Sections 85	Delete the section
Section 86(1)	Delete "principal member" and substitute: <p style="text-align: center;">administrator</p>
Section 86(2) and (3)	Delete subsections (2) and (3)
Section 86(4)	Delete "a majority of the votes cast by the members present at the meeting and entitled to vote on the question" and substitute: <p style="text-align: center;">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: <p style="margin-left: 40px;">(8) Subject to this Act, the procedure to be observed at a meeting of a council will be determined by the council.</p>
Section 252(7)	Delete "principal member" and substitute: <p style="margin-left: 40px;">administrator</p>
Section 263(1)	After "member" wherever occurring insert: <p style="margin-left: 40px;">or administrator</p> After "Chapter 5 Part 4" insert: <p style="margin-left: 40px;">(as modified)</p>
Section 263A	After "member" wherever occurring insert: <p style="margin-left: 40px;">or administrator</p>
Section 263B(1)	After "that the council" insert: <p style="margin-left: 40px;">or, in the case of a complaint against an administrator, the Minister</p>
Section 263B(1)(a), (b) and (c)	After "member" wherever occurring insert: <p style="margin-left: 40px;">or administrator</p>
Section 263B(1)(d)	Before "ensure" insert: <p style="margin-left: 40px;">in the case of a complaint against a member—</p>
Section 263B(3)	Delete "A council is" and substitute: <p style="margin-left: 40px;">The Minister and a council are</p>
Section 290(1)	After "signed by" insert: <p style="margin-left: 40px;">an administrator of a council,</p>
<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: <p style="margin-left: 40px;">administrator</p>

### **Made by the Governor**

on the recommendation of the Minister for Transport, Infrastructure and Local Government  
and with the advice and consent of the Executive Council  
on 24 January 2019

MTIL19/015CS