

MESSAGE FROM THE MINISTER
(To Elected Members and CEOs)

STATUTES AMENDMENT (LOCAL GOVERNMENT) BILL 2000

On the 16 November 2000 the Government introduced in to Parliament the Statutes Amendment (Local Government) Bill 2000. As well as repealing some remaining provisions of the Local Government Act 1934 and incorporating them into other appropriate State Acts the Bill rectifies some of the unintended practical consequences of the Local Government Act, 1999.

There is now a risk that the Bill will not be supported by the Labor Opposition and Independent Members of Parliament, which means the costs, confusion and delays the Bill will rectify, will continue.

Currently, Local Government Councils are required to send out a summary of their rating policy with each rates notice, including with each instalment rates notice. This Bill proposes to rectify this so that the requirement only applies to the first rates notice sent to ratepayers each year, thus reducing the cost to Councils.

The current Act also obliges Councils to consult on a wider range of authorisations or permits for activities on roads and footpaths (under Subsections 223(1)a and b). The unintended consequence of this is that before a Council can grant an authorisation or permit for use of a road that (a) confers exclusive occupation or (b) would have the effect of restricting access, it must follow steps set out in its public consultation policy.

The operations of these sections was suspended at the commencement of the 1999 Act when it became apparent that they could be interpreted so broadly that Councils would need to publicly consult on a wide range of authorisations and permits. The Bill proposes to replace the suspended provisions with provisions that are more restricted in application thus reducing public confusion, delays for businesses seeking to exclusively occupy or trade on a road or any part of a road or footpath, and costs to Councils.

During debate in the Legislative Council the Hon Nick Xenophon MLC, supported by the Opposition and other Parties, successfully introduced amendments to the Bill, which the Government opposes on the basis that they seek to **over-ride lawful decisions made by Councils** under s. 359 of the Local Government Act 1934 to restrict traffic in their areas.

The Xenophon amendments are aimed at forcing the re-opening to all traffic of a local government road within the Adelaide City Council area which has been closed to general traffic for eight years, however, its impact will be far more widespread. The amendments were introduced without the benefit of any supplementary research that would indicate the impact on Local Government Councils past decisions, across the State, to close roads to traffic.

If this amendment is supported all previous decisions to restrict traffic on roads which adjoin another council's boundary may legally be required to be returned to an 'open' status.

I urge you and your Council to undertake an audit of the local roads in your area in order to establish whether there are any roads that were closed to traffic, under s.359 of the Local Government Act 1934, which may be forced open if the Xenophon amendments were to succeed.

As a result of these amendments, and the refusal of the Opposition to further debate this Bill before Parliament was adjourned (26 July), the needed Government amendments to the Local Government Acts could not be brought into operation. The Government intends to pursue the finalisation of the Bill when Parliament resumes on the 25 September 2001.

The Local Government sector needs to make the Opposition and other Parties aware of the difficulties and increased costs they are causing to Local Councils by delaying the Bill and supporting the Xenophon amendments.

If you have any specific queries in relation to the Bill please contact Mr Russell Starr at the Office of Local Government on telephone 8207 0609 or email starr.russell@saugov.sa.gov.au.

HON DOROTHY KOTZ MP
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