

Message from the Minister

14 December 1999

COMMENCEMENT OF LOCAL GOVERNMENT ACTS  
LOCAL GOVERNMENT IMPLEMENTATION REGULATIONS

1 January 2000 has now been proclaimed as the date upon which the following Acts come into operation:

**Local Government Act 1999**

**Local Government (Elections) Act 1999**

**Local Government (Implementation) Act 1999**

All provisions of the new Local Government Acts are to be brought into force on 1 January 2000, with only one exception. The operation of s. 223(1) (a) and (b) of the Local Government Act, dealing with classes of authorisations or permits for alterations to, or activities on, roads requiring public consultation, is suspended for technical reasons. Regulation 17 of the Local Government General Regulations 1999 sets out specific circumstances in which public consultation is required.

In addition, 1 January 2000 has been proclaimed as the "relevant day" for the purpose of the transitional provisions in Part 4 of the Local Government (Implementation) Act 1999, other than s. 19(3). It is unnecessary to fix a relevant day for the purposes of s. 19(3) because this particular transitional provision, which deals with the filling of casual vacancies under the Local Government (Elections) Act, 1999, is redundant due to the fixing of 1 January 2000, rather than an earlier date, as the commencement date. Under the Local Government (Elections) Act casual vacancies which arise after 1 January 2000 must necessarily be filled at the periodical elections in May 2000.

The proclamations appear in the Government Gazette of 9 December 1999, at page 3113.

**Local Government (Implementation) Regulations 1999 have also been made. These regulations, which were also gazetted on 9 December 1999, at page 3297, will be added to the Office of Local Government web site at [www.localgovt.sa.gov.au](http://www.localgovt.sa.gov.au) as soon as possible.**

The Local Government (Implementation) Regulations make transitional and saving arrangements to provide for a practical staged approach to the implementation of legislation already passed by Parliament and to minimise the impact on processes already under way under the current Act. The regulations are primarily of a technical nature, drafted in response to issues raised by Councils and for their benefit.

Consequential variations to the City of Adelaide (Members Allowances and Benefits) Regulations 1998 and the City of Adelaide (Elections and Polls) Regulations 1998 were made at the same time.

In my previous circular I advised that this set of regulations would be made without delay so that Councils would be able to rely on them in planning for commencement. I would again like to reassure Councils that further regulations can be made for transitional purposes, and, if necessary, backdated to the commencement date, to deal with additional matters raised by Councils.

Councils need not be concerned by several circulars recently issued by the LGA relating to the transfer of Emergency Services Assets. The reason why a transitional regulation about the transfer or lease of land used for emergency services was not included in this set of transitional regulations was that available information suggested that no steps had been taken by Councils, or were likely to be taken before the commencement date, which could form the basis of a proper transitional regulation relating to completing the transfer or lease process. If any agreement to transfer, or decision to lease, the land had been made the transitional regulations would already apply. Few, if any, Councils appear to have formally identified the land as being potentially available for transfer or lease.

The majority of Councils are expected to consider leasing rather than transfer, and such leases could be excluded (by making further General, not transitional, Regulations) from the public consultation requirement that would otherwise apply.

LGA circular 49.10 advises Councils, in relation to this issue, that "further work is now being progressed in a co-operative manner". Since the Government's preparedness to cooperate in finding a practical solution has never been in doubt, I can only take this to mean that the LGA is now prepared to work cooperatively with the Government.

Councils can be proud, as I am, of the reforms that the new legislation brings to Local Government and the benefits that will be experienced by local communities.

I invite you to contact the Office of Local Government, telephone 8207 0600 or Country Freecall 1800 352 224, by E-mail on [localgov@saugov.sa.gov.au](mailto:localgov@saugov.sa.gov.au) if you would like any information, advice or assistance in relation to the new Local Government legislation.

**HON MARK BRINDAL, MP**  
**MINISTER FOR LOCAL GOVERNMENT**  
**MINISTER FOR EMPLOYMENT**  
**MINISTER FOR YOUTH**  
**MINISTER ASSISTING FOR ENVIRONMENT & HERITAGE**