

MESSAGE FROM THE MINISTER
(To Elected Members and CEOs)

LOCAL GOVERNMENT ACTS

The new Local Government Acts will have been in operation for 1 year at the end of this month. By that time a number of transitional provisions would have ceased to apply and Councils should have put in place most arrangements required of them by the *Local Government Act 1999*.

In particular there are a number of public accountability and compliance requirements expressed in the new Local Government Acts which Councils are either required to undertake, put in place, and/or make publicly available. In addition, some documents are required, under the *Local Government Act 1999*, to be placed on the Internet where practicable.

The range of administrative and financial accountability provisions, and the compliance requirements expressed in the new Acts, are part of the twin aims of flexibility and accountability which has been enhanced by the structural, legislative and functional reforms taking place in Local Government in South Australia.

A list of most of these arrangements, documents and undertakings are attached as a guide to Councils and serve as an indication of the potential range of matters that could be considered in any compliance check. My Ministerial Statement on Local Government Registers of Interest given to Parliament on 4 October 2000, which was circulated to all Councils, advised of my intention to ensure compliance with all aspects of the new Local Government Acts early in the new year.

A list is also attached of some remaining time related transitional provisions that will continue to apply after 31 December 2000.

Should you require any assistance or advice in relation to the Local Government Acts, I encourage you to contact either the Office of Local Government (telephone 8207 0600 or country freecall 1800 352 224), or the Local Government Association (telephone 8224 2000).

HON DOROTHY KOTZ MP
MINISTER FOR LOCAL GOVERNMENT
MINISTER FOR ABORIGINAL AFFAIRS

Checklist for Local Government

List of documents or arrangements that should be in place or undertakings completed under the Local Government (LG) legislation by 1 January 2001

Document, arrangement or undertaking	Publicly available*	Comment
Information statement and summary	Y	These are documents prepared under the freedom of information provisions, ss. 65r & 65s LG Act 1934. The information summary must also be published at least annually in a newspaper circulating in the area of the Council.
Reporting and accountability requirements for Council committees		Reporting and accountability requirements must be determined for new committees since 1 January 2000 when established (s. 41(8) LG Act 1999) and for pre-existing committees, including former s199 controlling authorities under the 1934 Act, by 1 Sept 2000, (Reg 4 of the LG (Implementation) Regulations 1999).
Record of delegations	Y	Required under s. 44 LG Act 1999. Note 1: Delegations must be reviewed at least once every financial year. Note 2: S. 15 LG (Implementation) Act 1999 also applies.
Contract and tender policies	Y / I	Required under s. 49 LG Act 1999 and must have been in place by 1 July 2000 (s. 36 LG (Implementation) Act 1999).
Public consultation policies	Y / I	Required under s. 50 LG Act 1999 and must have been in place by 1 July 2000 (s. 37 LG (Implementation) Act 1999).
Council Member declaration		Required under s. 60 LG Act 1999.
Code of conduct for elected members	Y / I	Required under s. 63 LG Act 1999 and must have been in place within 6 months of the conclusion of the May 2000 elections (s. 38 LG (Implementation) Act 1999), ie late November 2000 for most Councils.
Member Register of Interests	Y	Required under ss. 68 & 70 LG Act 1999. Note 1: This also included primary returns for persons who were re-elected at the May 2000 elections (s. 16 LG (Implementation) Act 1999). Note 2: Adelaide City Council is governed by ss. 36 & 37 of the City of Adelaide Act 1998. Note 3: This requirement may also apply to committee and subsidiary members (s. 72 LG Act 1999).
Rates of allowance for Members		Council may set rate under s. 76 LG Act 1999. Note 1: S. 17 LG (Implementation) Act 1999 also applies. Note 2: Rates are to be reviewed on an annual basis.
Policy for the reimbursement of members' expenses	Y	May be made under s. 77 LG Act 1999.
Register of Allowances and Benefits	Y	Required under s.79 LG Act 1999.
Notice and agenda for meetings of the council, council committees and electors	Y / I	Required under ss. 84, 88 & 93 LG Act 1999.
Minutes of meetings of the council and council committees, including: <ul style="list-style-type: none"> • documents and reports • recommendations adopted by resolution of the council • budgetary or other financial statements adopted by the council. 	Y / I	Required under s. 91 LG Act 1999. Note 1: Minutes must be placed on public display within 5 days. Note 2: Public access does not include those documents ordered to be kept confidential. Note 3: S. 132(3) LG Act 1999 refers to internet access to the minutes only.

Meetings code of practice - access to meetings and documents	Y / I	Required under s. 92 LG Act 1999. Note 1: Code has to be reviewed at least once every financial year. Note 2: Reg 8, LG (Implementation) Act 1999 also applies.
Meetings code of practice - discretionary procedures	Y / I	Required if Council chooses to vary prescribed procedures under Reg 7 LG (Procedures at Meetings) Regulations 2000
Register of Salaries	Y	Required under s. 105 LG Act 1999.
Code of conduct for employees	Y / I	Required under s. 110 LG Act 1999 and must be in place by 1 January 2001 (s. 39 LG Implementation Act 1999).
Staff Register of Interests		Required under s. 116 LG Act 1999. Note: Reg 14, LG (Implementation) Regulations 1999 may also apply.
Annual budget, including annual statement	Y	Required under s. 123 LG Act 1999. Note: Reconsideration of budget must also occur at least 3 times within a financial year (Reg 7, LG (Financial Management) Regulations 1999).
Internal control policies		Required under s. 125 LG Act 1999. Auditor considers these policies Reg 14, LG (Financial Management) Regulations 1999
Financial statements and auditing	Y	Required under s. 127 LG Act 1999. Note 1: Prescribed material needs to have been prepared by 8 September 2000 (Reg 12, LG (Financial Management) Regulations 1999). Note 2: Audited financial statements need to have been sent to prescribed bodies by 30 November (Reg 13, LG (Financial Management) Regulations 1999). Note 3: A previous appointment of an auditor for an indeterminate period ceases on completion of the 1999/2000 audit (Reg 9, LG (Implementation) Regulations 1999). Note 4: S. 21 LG (Implementation) Act 1999 may also apply.
Annual report	Y	Note 1: See reference to Annual report in next table. Note 2: Councils constituted or formed between 25 October 1994 and 1 July 1997 (inclusive) must include prescribed information in its annual reports for the 1999/2000 financial year (s. 41 LG (Implementation) Act 1999).
Review of investments		Required at least once every year under s. 140 LG Act 1999.
Declaration of rates	Y	Must be published in the Gazette and in a newspaper circulating in the area within 21 days of the declaration (s. 170 LG Act 1999).
Rating policy, including a business impact statement	Y / I	Required at the same time as rates declaration under s. 171 LG Act 1999.
Assessment record	Y	Required under ss. 172 & 174 LG Act 1999. Note: S. 22 LG (Implementation) Act 1999 also applies.
List of fees and charges	Y / I	Must be on public display (s. 188 LG Act 1999).
Register of by-laws	Y / I	Required under s. 252 LG Act 1999 if the council has made or adopted any by-laws.

Policies in relation to orders	Y / I	A council must take reasonable steps to prepare and adopt policies concerning the operation of Part 2, Chapter 12 & s. 299, LG Act 1999 (ss. 259 & 299 LG Act 1999). Note: Expiry of certain by-law making powers on 31 Dec 2000 (under Reg 13(2) LG (Implementation) Regulations 1999) will mean that councils will no longer have access to specific by-law powers to deal with matters now covered by order making powers under s. 254 LG Act 1999.
Procedures for the review of council decisions (Chapter 13 Part 2)	Y / I	Required under s. 270 LG Act 1999 and must have been in place within 6 months of the conclusion of the May 2000 elections (s. 43 LG (Implementation) Act 1999), ie late November 2000 for most Councils.
Charter for subsidiaries established by the council or for which the council is a constituent council	Y	Required under clauses 3 & 19, Schedule 2, LG Act 1999. Note: Charters of former controlling authorities must comply with the requirements of Schedule 2 of the LG Act 1999 by 1 January 2002 (ss. 24 & 25 LG (Implementation) Act 1999).
Business plan for subsidiaries established by the council or for which the council is a constituent council		Business plans must be prepared within 6 months of the subsidiary being established (clauses 8 & 24, Schedule 2, LG Act 1999), or by 1 July 2000 for previous joint controlling authorities which continued on as regional subsidiaries (s. 25 LG (Implementation) Act 1999). Note: Business plans must be reviewed annually.
Annual budget for subsidiaries		Required under clauses 9 & 25, Schedule 2, LG Act 1999. Note: Reconsideration of budget must also occur at least 3 times within a financial year (Reg 7, LG (Financial Management) Regulations 1999).
Voters roll	Y	Required to be maintained in a form for updating within 3 weeks of supply of information from the Electoral Commissioner (s. 15 LG (Elections) Act 1999).
Campaign donations returns (for all candidates)	Y	Required to be kept under s. 87 LG (Elections) Act 1999. Note: Reg 16, LG (Implementation) Regulations 1999 may also apply.

* Y = must be publicly available (under specified provision &/or Schedule 5 LG Act 1999).
I = must be on the Internet where practicable (s. 132(3) LG Act 1999).

Transitional arrangements that continue to apply after 31 December 2000

Document, arrangement or undertaking	Publicly available*	Comment
Strategic management plans	Y	Although required under s. 122 LG Act 1999, councils are not required to have one in place until 1 July 2002 (s. 40 LG (Implementation) Act 1999). Note: Clause 3(4), Schedule 2 LG Act 1999 also applies.
Annual report	Y	Although required under s. 131 LG Act 1999, Councils are not required to comply with the requirements of these provisions until the annual report for the 2000/2001 financial year (s. 41 LG (Implementation) Act 1999). Note 1: Schedule 4 lists material which must be included in an annual report. Note 2: Copies of the annual report must also be sent to both Houses of Parliament and the SA LG Grants Commission by 31 December (Reg 9, LG (General) Regulations 1999).
Quarterly payment of rates		Required to offer equal quarterly rate instalment payments from the 2001/2002 financial year (s. 181(14) LG Act 1999).
Management plans for community land	Y	Where required (s. 196(1) LG Act 1999), plans must be prepared by 1 Jan 2005 (s. 196(7) LG Act 1999) for land owned by or under control of the council prior to 1 Jan 2000 (excluding Adelaide Park Lands for which the deadline is 1 Jan 2003).
Register of community land	Y	Although required under s. 207 LG Act 1999, councils are not required to have one in place until 1 Jan 2003 (Reg 12(1) LG (Implementation) Regulations 1999).
Register of public roads	Y	Although required under s. 231 LG Act 1999, councils are not required to have one in place until 1 Jan 2002 (Reg 12(2) LG (Implementation) Regulations 1999). Note: S. 34(8) LG (Implementation) Act 1999 may also apply.
Report on rate rebates for retirement villages	Y	First report required to be submitted to Parliament 31 December 2001 (s. 23(4) LG (Implementation) Act 1999).
Accounting standards to be applied to financial reports	Y	Required to prepare financial reports according to a full cost attribution basis on the 2002/2003 and subsequent financial years (Reg 8(4) LG (Financial Management) Regulations 1999).
Charters of subsidiaries that were joint controlling authorities under the 1934 Act.		Charters of former controlling authorities must comply with the requirements of Schedule 2 of the LG Act 1999 by 1 January 2002 (ss. 24 & 25 LG (Implementation) Act 1999).

* Y = must be publicly available once produced, even if before deadline (under specified provision &/or Schedule 5 LG Act 1999).