

South Australia

**LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) AMENDMENT ACT 1994**

No. 6 of 1994

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ELIZABETHAE II REGINAE

A.D. 1994

No. 6 of 1994

An Act to amend the Local Government Act 1934.

[Assented to 14 April 1994]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Local Government (Miscellaneous Provisions) Amendment Act 1994*.

(2) The *Local Government Act 1934* is referred to in this Act as "the principal Act".

Commencement

2. This Act will come into operation on a day to be fixed by proclamation.

Amendment of s. 34—The Local Government Association of South Australia

3. Section 34 of the principal Act is amended by inserting "is constituted as a public authority for the purpose of promoting and advancing the interests of local government and" after "The Association" in subsection (3).

Substitution of s. 34a

4. Section 34a of the principal Act is repealed and the following section is substituted:

Local government indemnity schemes

34a. (1) Subject to this section, the Local Government Association of South Australia—

- (a) will conduct and manage the *Local Government Association Mutual Liability Scheme*;
- (b) will continue to conduct and manage a local government workers compensation self-insurance scheme for the benefit of—
 - (i) councils;
 - (ii) the Association;

and

(iii) any other prescribed body;

and

(c) may establish, conduct and manage any other indemnity or self-insurance scheme which is in the interests of local government.

(2) The rules of a scheme under this section must be published in the *Gazette*.

(3) The rules of a scheme must comply with any requirements prescribed by the regulations.

(4) The rules of a scheme cannot be altered except after consultation with the Minister.

(5) The Association may, pursuant to a resolution of the Association passed by an absolute majority of the members of the Association at a general meeting of the Association, transfer the management of a scheme to another body.

(6) The regulations may make any provision of a transitional nature relating to the transfer of the management of a scheme under this section (including the transfer of the management of the *Local Government Association Mutual Liability Scheme* to the Association on the enactment of this section).

(7) A regulation cannot be made for the purposes of this section except at the request of, or after consultation with, the Association.

(8) The enactments and rules of law relating to perpetuities, or imposing restrictions on the accumulation of income, do not apply in relation to any scheme under this section, whether established before or after the enactment of this section.

Amendment of s. 69b—The Local Government Equal Employment Opportunity Advisory Committee

5. Section 69b of the principal Act is amended by striking out from subsection (6) "1994" and substituting "1997".

Amendment of s. 69c—Functions of the Advisory Committee

6. Section 69c of the principal Act is amended by striking out from subsection (2) "1994" and substituting "1997".

Amendment of s. 69e—Draft programme and annual reports to be submitted to Advisory Committee

7. Section 69e of the principal Act is amended by striking out from subsection (3) "1994" and substituting "1997".

Amendment of s. 190—Minimum amount payable by way of rates**8. Section 190 of the principal Act is amended—**

- (a) by striking out from subsection (3) "financial year 1993/1994" and substituting "1995/1996 financial year";
- (b) by inserting after subsection (3) the following subsections:

(3a) If for the 1994/1995 financial year the number of properties in an area subjected to an increase in the amount payable by way of rates because of the fixing of a minimum amount under this section exceeds 35 per cent of the total number of properties in the area subject to the separate assessment of rates, the council for the area must, within 21 days after the declaration of a rate under section 174(1) for that financial year—

- (a) prepare a plan outlining the steps that it proposes to take in order to comply with subsection (3) by the 1996/1997 financial year;
- (b) make copies of the plan available for public inspection at the principal office of the council;

and

- (c) by notice published in a newspaper circulating in the area, inform the public of the preparation of the plan and its availability.

(3b) A council to which subsection (3a) applies must keep the plan referred to in that subsection available for public inspection at its principal office for at least three months.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor