



GENERAL MANAGER'S REPORT

13th September 2005

GM5 LOCAL GOVERNMENT REGULATIONS
FILE: * AVB

SUMMARY

To advise Council that the regulations under the Local Government Act 1993 have been consolidated.



Advice has been received from the Department of Local Government that the;

- Local Government (Approvals) Regulation 1999
- Local Government (Elections) Regulation 1998
- Local Government (Financial Management) Regulation 1999
- Local Government (General) Regulation 1999
- Local Government (Meetings) Regulation 1999
- Local Government (Orders) Regulation 1999
- Local Government (Rates and Charges) Regulation 1999
- Local Government (Tendering) Regulation 1999
- Local Government (Water Services) Regulation 1999

have been consolidated into one regulation the Local Government (General) Regulation 2005 as from 1 September 2005. Although the Regulations were subject to a regulatory review process prior to consolidation very little alterations have been made.

Council can't change a regulation. At the Extraordinary meeting held on the 29 August there was some discussion as to the requirement to advertise extraordinary meetings. Section 9(1) of the Local Government Act 1993 states, "A Council must give notice to the public of the times and places of its meetings and meetings of those of its committees of which all the members are Councillors". Clause 5 of the Local Government (Meetings) Regulation 1999 provides;

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- (1) This clause prescribes the manner in which the requirements outlined in Section 9 (1) of the Act are to be complied with.
- (2) A notice of a meeting of a Council or of a committee must be published in a newspaper circulating in the area before the meeting takes place.
- (3) The notice must specify the time and place of the meeting.
- (4) Notice of more than one meeting may be given in the same notice.
- (5) This clause does not apply to an Extraordinary meeting of a Council or committee.

Section 360 of the Local Government Act 1993 states: -

- (1) **(Regulations)** The regulations may make provision with respect to the conduct of meetings of Councils and committees of Councils of which all the members are Councillors.
- (2) **(Adoption of code)** A Council may adopt a code of meeting practice that incorporates the regulations made for the purposes of this section and supplements those regulations with provisions that are not inconsistent with them.
- (3) **(Conduct of meetings)** A Council and a committee of the Council of which all the members are Councillors must conduct its meetings in accordance with the code of meeting practice adopted by it.

Council's Code of Meeting Practise must include the provisions of the Regulation and can supplement those regulations with provisions that are not inconsistent with them. In other words Council cannot delete Section 5(5) of the Regulation nor can it amend its Code by a clause inconsistent with Section 5(5) of the Regulation.

The reason Extraordinary meetings don't have to be advertised is that many Extraordinary meetings, by their very nature, are called at short notice and don't meet the timeframe for advertising.

Council does advertise its extraordinary meetings wherever possible and this practice will continue.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- *Economic (Financial)*

Nil

- *Policy or Statutory*

Nil

RECOMMENDATION:

That the information be noted.

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A V Burgess
GENERAL MANAGER