



GENERAL MANAGER'S REPORT

18th July 2006

GM7	LOCAL GOVERNMENT ACT
FILE: 150	AVB {Folio No. *}

SUMMARY:

To advise Council of recent amendments to the Local Government Act 1993.



DESCRIPTION:

There have been a number of amendments to the Local Government Act 1993 that became effective as from 30th June 2006.

These have been amendments that make it clear that when counting votes at Council Polls and Constitutional Referendums that only formal votes are to be taken into account for the purpose of determining whether a question at a Council Poll or Constitutional Referendum has been carried.

The Act previously allowed for a Councillor to be absent from three or more consecutive meetings with the prior leave of the Council. Where a Councillor was absent at short notice from one or more consecutive meetings the leave may be granted by the Council at any one of its meetings. The amendment to the Act requires that when a Councillor applies for the leave of absence that leave may only be granted by a Council resolution. If a Councillor, to whom the leave of absence has been granted, attends a Council meeting the leave of absence is taken to have been rescinded as regards any future Council meeting. There is nothing to prevent a Councillor from seeking the leave of the Council for a further period of absence. The amended Act also requires a Councillor who wishes to attend a Council meeting while on leave to provide the General Manager, with a minimum of two days notice, of the intention to attend and participate in a meeting of Council.

Under Section 294 of the Act, Councils could apply to the Minister to dispense with a by-election where a casual vacancy occurs in the civic office of a Council six months before a scheduled local government ordinary election. The amendments to the Act extend that period from six to twelve months.

The Local Government (General) Regulation 2005 is amended by inserting a new clause 413A to make it the duty of the General Manager to give timely information to Councillors about any fines or penalty notices from agencies such as the Australian Taxation Office, the Roads and Traffic Authority or the Environmental Protection Authority or where a court or tribunal makes a cost order against a Council.

Council is now able to serve rates and charges electronically as an alternative to the post if a ratepayer elects that mode of service in writing.

Section 124 of the Local Government Amendment (Waste Removal Orders) Act 2006 has been amended to include a new order 22A. That order allows a Council to issue an order to remove or dispose of waste that is on any residential premises or to refrain from keeping waste on those premises. The waste must be, in the opinion of an environmental health officer, causing or likely to cause a threat to public health or the health of an individual. The order is issued to an owner or occupier of the premises.

The order is not to be used where premises are considered merely unsightly.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- ***Policy or Statutory***

Nil

RECOMMENDATION:

That Clause 4.10 of Council's Code of Meeting Practice is amended to provide the new leave of absence provisions.

.....
A V Burgess
GENERAL MANAGER