

**Circular 13  
May 2000**

**MEETING PROCEDURES AND ACCOUNTABILITY REQUIREMENTS FOR  
COUNCILS, COMMITTEES AND SUBSIDIARIES**

The final core set of regulations under the *Local Government Act 1999* ("the Act"), the Local Government (Procedures at Meetings) Regulations 2000, were made on 4 May 2000 and commence on 17 May 2000. They complete the scheme in Chapter 6 of the Act for the meetings of councils and committees of councils.

This Circular is designed to assist councils with the requirements of the Acts and regulations in relation to the accountability, reporting and meetings of councils and their committees and subsidiaries.

The **Local Government (Procedures at Meetings) Regulations 2000** contain three Parts. Part 1 is procedural.

Part 2 applies to meetings of councils, meetings of committees performing regulatory activities, and to meetings of other committees to which a council resolves to apply them (eg major standing committees such as finance).

In specified circumstances the regulations allow councils and key committees to adopt different procedures, consistent with the governing principles of the regulations, by 2/3 majority. Examples are:

- how council deals with petitions (reg 11(3))
- how many times members may speak to a motion (reg 13(19))
- how amendments to motions are handled (reg 14(6))
- the duration of members' speeches (reg 16(6))
- methods for recording of voting and divisions (reg 17(4) & 18(5))
- the handling of adjourned business (reg 20(4))

Any discretionary procedures adopted are to be set out in a publicly available code (reg 7), and could, if it suited councils, be included in the code prepared in relation to access to meetings and documents under section 92 of the Act.

Part 3 of the regulations contains the minimum requirements for the meetings of all other committees (eg community committees managing council property).

This includes enabling the requirements contained in Chapter 6 of the Act for the calling and timing of committee meetings, and the issue of notice to the public, to be varied in ways that are consistent with the nature and purpose of the committee.

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**Chapter 4** of the Act sets out provisions relating to the establishment of committees by councils.

The **Local Government Implementation Regulations 1999** provide that councils have until 1 September this year to determine the reporting and accountability arrangements for committees that existed prior to 1 January 2000, including former section 199 authorities that became committees on that date.

However consideration could be given to these matters ahead of this time, at least for major standing committees, as newly elected councils address their decision making structures.

For each committee, council should consider and record the following matters:

- Name
- Terms of reference
- Membership – elected members and any non elected members
- Register of Interest– decide if this is to apply to any non-elected members
- Delegations
- Reporting arrangements – manner and timing of reporting to council (committees performing regulatory functions must report at least quarterly)
- Accountability – arrangements as appropriate given its nature and purpose
- Meetings – decide how often, or whether committee decides
- Meetings procedures– is it a “key” committee for the purposes of the Meetings Regulations, that is, subject to the more formal procedures in Part 2 of those regulations
- Discretionary meeting procedures - for “key” committees, decide whether it is appropriate to vary any discretionary procedures
- Discretionary notice provisions – for “non key” committees, decide whether to vary the notice provisions in accordance with Part 3 of regulations

**Chapter 4** of the Act also contains provisions related to subsidiaries. On 1 January 2000, former s200 controlling authorities became regional subsidiaries and former s199 authorities became committees. Schedule 2 sets out the detailed requirements for the charter and operations of subsidiaries.

New councils reviewing their decision making structures may decide that it is appropriate for certain of their former s199 authorities that became committees on 1 January 2000 to be incorporated as council subsidiaries.

If approval for this corporate status is obtained from the Minister before 1 September 2000, then transitional arrangements apply so that the rules of the former s199 authority become the charter of the new subsidiary and need not comply with schedule 2 until 1 January 2002.

**Chapter 6** of the Act provides for the frequency, timing and notice of ordinary and special meetings of council and council committees, and the quorum and some procedural requirements for councils. Public access to council and committee meetings and documents, including the requirement for a code, are also covered.

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**This information contained in this Circular is summarised in the attached tables.**

**Do you have any questions not covered by this circular or need further information? For advice or assistance about this circular or the new Local Government legislation please contact us at:**

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**Office of Local Government – In Transition Circular 13 – May 2000**

**MEETING PROCEDURES AND ACCOUNTABILITY REQUIREMENTS FOR COUNCILS, COMMITTEES AND SUBSIDIARIES**

	<b>Reporting &amp; accountability to council</b>	<b>Register of interests</b>	<b>Conflict of interest rules</b>	<b>Notice to members</b>	<b>Meeting times</b>	<b>Public notice of meetings</b>	<b>Procedures at meetings</b>	<b>Public access to meetings</b>	<b>Public access to documents</b>
<b>Full Council</b>	(Not applicable)	Applies (s65-68)	Applies (s73 to 75)	3 days (s 83)	At least monthly (s81)	3 days (s 84)	As per part 2 of regulations. Council to decide if any discretionary procedures apply and publish in code	Applies (s90)	Applies (s91)
<b>Regulatory committees and other key committees</b> (Key committees are those which, in the view of the council, should be subject to the more formal meeting procedures in part 1 of the regulations – likely to be at least the formal standing committees of council)	In establishing, determine reporting and accountability requirements, decide if “key” committee for purposes of the meetings regs (s 41(8))	Decide, based on nature and purpose of committee, if applies to any non elected members (s72(1))	Applies for all members of committee (s73 to 75)	3 days (s 87)	As determined by the council or, if council decides, by the committee (s 87(1) & (2))	ASAP after notice given to members, at principal office (s 88)	As per part 2 of regulations. Council to decide if any discretionary procedures apply and publish in code	Applies (s90)	Applies (s91)
<b>All other committees existing prior to 1/1/00</b> This includes “community committees” and former s199 authorities that became committees on 1-1-00  <b>(See notes over for option of incorporation for former 199 authorities)</b>	Have until 1/9/00 to determine reporting and accountability requirements (s 41(8)), incl. if principal member is ex officio member (s41(6))	Decide if applies to any non elected members by 1/9/00 (s72(1))	Applies for all members of committee (s 73 to 75)	In appropriate form given nature and purpose (reg 23)	As determined by the council or, if council decides, by the committee (s 87(1) & (2))	In places determined by CEO as appropriate, need not be for every meeting (reg 24)	As per part 3 of regulations	Applies (s 90)	Applies (s91)
<b>New committees</b> Includes new committees set up after 1/1/00	In establishing, determine reporting and accountability requirements (s41(8))	Decide, based on nature and purpose of committee, if applies to any non elected members (s72(1))	Applies for all members of committee (s73 to 75)	In appropriate form given nature and purpose (reg 23)	As determined by the council or, if council decides, by the committee (s 87(1) & (2))	In places determined by CEO as appropriate, need not be for every meeting (reg 24)	As per part 3 of regulations.	Applies (s 90)	Applies (s 91)

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	<b>Charter</b>	<b>Register of interests</b>	<b>Conflict of interest rules</b>	<b>Proceedings of board</b>	<b>Public access to meetings</b>
<b>Single council subsidiaries</b> (formerly s199, but obtains approval to become a subsidiary before 1/9/00)	Old s199 rules will be charter, board is current members. Have until 1-1-02 for charter to comply	Decide if applies to any non elected members by 1-1-02, as part of revision of charter (s 72(2))	Applies to all members (s 73 to 75)	In accordance with item 5, schedule 2 and any direction by the council	Applies unless approved charter specifies otherwise
<b>Single council subsidiaries</b> (new after 1/1/00)	Charter to comply with schedule 2	Decide if applies to any non elected members (s72(2))	Applies to all members (s73 to 75)	In accordance with item 5, schedule 2 and any direction by the council	Applies unless approved charter specifies otherwise
<b>Regional subsidiaries</b> (formerly s200)	Old 200 rules will be charter, board is current members. Have until 1-1-02 for charter to comply	Decide if applies to any non elected members by 1-1-02, as part of revision of charter (s72(2) &(3))	Applies to all members (s73 to 75)	In accordance with item 21, schedule 2 and any direction by the councils	Applies unless approved charter specifies otherwise
<b>Regional subsidiaries</b> (new after 1/1/00)	Charter to comply with schedule 2	Decide if applies to any non elected members (s72(2) &(3))	Applies to all members (s73 to 75)	In accordance with item 21, schedule 2 and any direction by the councils	Applies unless approved charter specifies otherwise