

Local Government Amendment (Council and Employee Security) Bill 2004

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Local Government Act 1993* so as:

- (a) to enable a local council to apply for a ministerial determination of a percentage by which the council's general income, or its charges for domestic waste management services, may be increased over a period of up to 7 years, and
- (b) to extend the circumstances in which local government elections may be postponed, and
- (c) to extend protections given to staff transferred to the employment of another council to non-transferred staff who were employed by the affected councils at the time of the staff transfer, and
- (d) to provide that staff of a council that is affected by an amalgamation or alteration of boundaries cannot be relocated, within the following 3 years, outside the relevant council boundaries as they existed before the amalgamation or alteration took effect, unless the staff give consent or a relocation would not cause unreasonable hardship because of the distance concerned, and
- (e) to require a council affected by an amalgamation or alteration of boundaries and employing staff at a rural centre to maintain staff numbers (excluding senior staff and certain temporary staff) at the rural centre as far as is reasonably practicable.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent, except for Schedule 3, which is taken to have commenced on 1 January 2004. **Clause 3** is a formal provision giving effect to the amendments to the *Local Government Act 1993* set out in Schedules 1–4.

Schedule 1 makes amendments to the *Local Government Act 1993* for the purpose referred to in paragraph (a) of the Overview. Proposed section 508A sets out the procedure for making a determination for an individual council of the special percentage by which the council's general income, or its charges for domestic waste management services, may be increased over a period of up to 7 years, and provides that, if the general percentage increase for a particular year is larger than the special percentage, the larger percentage applies.

Schedule 2 makes amendments to the *Local Government Act 1993* for the purpose referred to in paragraph (b) of the Overview. Division 2C of Part 1 of Chapter 9 (sections 218G–218K) is replaced by proposed Part 6A of Chapter 10. The new Part 6A allows for the postponement of a council election when an amalgamation proposal or boundary proposal affecting the council is being formulated, is under consideration for formulation, or has been made by or to the Minister, or when the council is the subject of an investigation or public inquiry, or when a matter affecting the boundaries of the council's area is under consideration by the Boundaries Commission.

Schedule 3 makes amendments to the *Local Government Act 1993* for the purposes referred to in paragraphs (c) and (d) of the Overview.

Schedule 4 [1] makes an amendment to the *Local Government Act 1993* for the purpose referred to in paragraph (e) of the Overview.

Schedule 4 [2] and [3] make amendments of a savings or transitional nature.