



SPECIAL CONFERENCE 2022

BUSINESS PAPER



The greatest accolade a council can achieve
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#LGNSWCONFERENCE

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OFFICE BEARERS AND BOARD MEMBERS

Patrons

Bill Bott AM
Ray Donald OAM
Genia McCaffery
Phyllis Miller OAM
Walter (Wally) A Mitchell AM OAM

Mike Montgomery AM
Doug Sutherland AM
John Wearne AM
Peter Woods OAM

President

Cr Darriea Turley AM Broken Hill City Council

Vice Presidents

Cr Khal Asfour City of Canterbury-Bankstown
Cr Scott Ferguson Blayney Shire Council

Treasurer

Cr Jerome Laxale City of Ryde

Board Members

Cr Jamie Chaffey	Gunnedah Shire Council
Cr George Greiss	Campbelltown City Council
Cr Julie Griffiths	Blacktown City Council
Cr Nathan Hagarty	Liverpool City Council
Cr Romola Hollywood	Blue Mountains City Council
Cr Dominic King	Bellingen Shire Council
Cr Karen McKeown OAM	Penrith City Council
Cr Phyllis Miller OAM	Forbes Shire Council
Cr Danielle Mulholland	Kyogle Council
Cr Nuatali Nelmes	Newcastle City Council
Cr Carmelo Pesce	Sutherland Shire Council
Cr Philipa Veitch	Randwick City Council
Cr Cameron Walters	Wollongong City Council

Chief Executive

Scott Phillips

This page is correct at the time of publication

CONFERENCE PROGRAM OVERVIEW

Full Program available: <https://lgnswconference.org.au/program/>

Monday 28 February to Wednesday 2 March 2022
Hyatt Regency Sydney, 161 Sussex Street, Sydney

Monday 28 February

1.30pm – 3pm	Concurrent Workshops: <ol style="list-style-type: none">1. Council involvement in new national agreement on Closing the Gap2. Rural and Regional Health – Issues and Solutions3. Investing in You – Verbal Judo for Councillors4. Domestic Violence prevention – Councils are part of the solution
3pm – 5pm	Meet the Politicians' Forum with Cr Darriea Turley AM , President LGNSW Presentation of the AR Bluett Awards by the Trustees
5pm – 7.30pm	President's Welcome Reception

Tuesday 1 March

9.05am – 9.10am	Conference introduction by Scott Phillips , Chief Executive, LGNSW
9.10am – 9.15am	Welcome to Country on behalf of Metropolitan Local Aboriginal Land Council
9.15am – 5.00pm	Welcome and address by Cr Darriea Turley AM , President, LGNSW Opening of the Federal & State Conferences including demonstration of voting procedure, adoption of standing orders, business sessions and consideration of motions and conference business. 2.20pm – 2.30pm: Address from the Hon. Wendy Tuckerman MP , Minister for Local Government 4pm – 4.05pm: Address from Cr Linda Scott , President ALGA
5pm – 5.30pm	Delegate networking function in the trade exhibition
7.00pm – 10.30pm	Conference Dinner – The Fullerton Hotel, 1 Martin Place, Sydney Cr Darriea Turley AM , President, LGNSW and Elite Sponsor, StateCover Mutual present Outstanding Service Awards to elected members

Wednesday 2 March

7.30am – 8.45am	Australian Local Government Women's Association (ALGWA) Breakfast
9.00am – 9.30am	Keynote address: Economic Outlook 2022-23 and Beyond, Michael Pascoe
9.35am – 10.30am	Panel: Economic Outlook 2022-23 and Beyond, moderated by Michael Pascoe
11.05am – 11.20am	Address from Cr Darriea Turley AM , President, LGNSW on Association Initiatives Country Mayors MOU signing
11.25am – 12pm	Panel: Climate change: the gap between recognition and action
12pm – 12.10pm	Address from the Hon. Steph Cooke MP , Minister for Emergency Services and Resilience
12.10pm – 12.55pm	Panel: Working together to combat the Housing Crisis
2.05pm – 3.05pm	Keynote address: Greig Pickhaver AO in conversation with MC, Ellen Fanning
3.05pm – 3.15pm	Final remarks and Conference close, Cr Darriea Turley AM , President, LGNSW

This program is correct at the time of publication.

FEDERAL CONFERENCE

STANDING ORDERS – FEDERAL

These Standing Orders are made in accordance with rule 27 of the registered rules of Local Government NSW (LGNSW rules).

It is the intention of this Conference, so far as possible, to work towards achieving consensus on the matters before it and, subject to these Standing Orders and the LGNSW rules, the Chairperson and Delegates are to endeavour to achieve this goal.

Quorum

1. The quorum for a Conference shall be fifty per cent of the total number of Delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present (see rule 25 of the LGNSW rules).

Note: for the purposes of the 2022 Special Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEDT) on Sunday, 2 January 2022) was 475. Therefore, the quorum shall be **239**.

[$475/2$] + 1, rounded up to the nearest whole number = 239].

Presiding at the Conference

2. The Conference will be presided over by the President. In the absence of the President, the Conference will be presided over by either Vice President. Should neither the President nor either Vice President be present, a Board member shall preside. The person presiding over the Conference will be addressed by Delegates as the “Chairperson” or the “Chair”.

Conduct of Delegates

3. When the Chairperson speaks, all Delegates will remain silent and maintain order.
4. All Delegates who wish to speak to the Conference shall:
 - a. stand and remain standing unless unable to do so through illness or disability,
 - b. state their name, title, and the member they represent,
 - c. address Delegates through the Chairperson.
5. Delegates shall address the Conference in a manner befitting to the reputation of Local Government and ensure that the reputation of Local Government and the Association is maintained and enhanced throughout proceedings.
6. A Delegate commits an act of disorder if the Delegate, at a session of a Conference:
 - a. moves or attempts to move a motion or an amendment that has an unlawful purpose;
 - b. says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring Local Government and/or the Association into contempt or disrepute;
 - c. assaults or threatens to assault another Delegate or person present at the meeting; or
 - d. insults or makes personal reflections on or imputes improper motives to any other Delegate.

7. The Chairperson may require a Delegate to:
 - a. retract any comment or remark that constitutes an act of disorder;
 - b. apologise without reservation for an act of disorder; or
 - c. withdraw a motion or an amendment that has an unlawful purpose.
8. A Delegate may be expelled from a session of Conference for not complying with standing orders 5, 6 or 7 only by a majority vote of Conference delegates.
9. Mobile phones shall be switched off or switched to silent mode while the business of the Conference is being transacted.
10. Board Members of the Association shall be permitted to speak on any matter before a Conference.

Manner of dealing with Conference Business

11. Conference Business will be dealt with in any order at the discretion of the Chairperson.
12. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

In the case of motions

13. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
14. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded. If there be no seconder after a reasonable opportunity of not less than 10 seconds, the Chairperson may declare the motion lapsed.
15. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
16. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
17. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.
18. The Chairperson may, during the course of debate direct a speaker to confine his or her speech so as to:
 - a. limit repetition of matters addressed by other speakers;
 - b. limit debate about matters or issues not genuinely disputed.

19. Except as otherwise provided herein, it shall not be in order to move that any resolution be immediately put until at least two Delegates, in addition to the mover and the seconder, have had an opportunity to speak on the resolution then before the Conference.
20. A Delegate can, without notice, move to dissent from the ruling of the Chairperson on a point of order. If that happens, the Chairperson must suspend the business before the Conference until a decision is made on the motion of dissent;
 - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
 - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
21. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
22. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
23. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
24. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

New motions from the floor of Conference

25. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(e)).
26. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.
27. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

Motions that reflect existing LGNSW policy

28. Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.

In the case of all other Conference Business

29. All other Conference Business will be dealt with at the discretion of the Chairperson.

Manner of voting

30. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
31. Except as hereinafter provided voting on any matter shall be on the show of cards.
32. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.
33. After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:
 - a. declare the question resolved in the affirmative or negative; or
 - b. if voting cards have been used, call for a new vote using electronic voting.
34. A Division may be called following a vote on the show of cards by no less than 10 Delegates.
35. A Division will be taken by use of electronic voting.

Suspending Standing Orders

36. Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.

Outstanding business

37. In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.

CATEGORY 1 MOTIONS

F1 LGNSW Board

Standing Orders

That the Standing Orders as set out in the preceding pages be adopted.

F2 LGNSW Board

LGNSW (Federal) rules

1. That Local Government NSW, being a registered organisation under the *Fair Work (Registered Organisations) Act 2009* (Cth) (the “**Association**”) amend the Association’s rules as follows:
 - (i) At rule 32 of the LGNSW rules, delete the words “four (4) months” and insert in lieu thereof the words “three (3) months”.
 - (ii) Delete rule 33(b) of the LGNSW rules and insert in lieu thereof the following:
 - “(b) Subject to these rules, where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.
 - (c) If a Special Conference is called for by resolution of the Board, the Board may specify the date(s) on which the Special Conference is to occur, and the Chief Executive shall convene a Special Conference on the date(s) so specified. For the avoidance of doubt, the date of a Special Conference called for by resolution of the Board may be more than four (4) weeks after receipt of the notice calling for the Conference.”
 - (iii) Delete rule 43(d) of the LGNSW rules and insert in lieu thereof the following:
 - “(d) ceases to be eligible under the Rules to hold office as a Director, provided that a Director continues as a Director during the intervening period between the day of a local government general election and the declaration of the results of that election if they are a candidate in the election.”
 - (iv) Delete rule 50 of the LGNSW rules and insert in lieu thereof the following:
 - “50. Subject to rule 43(d), a person ceases to be eligible to hold office as a Director and vacates his or her position as a Director (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.”
2. That in furtherance of 1 above, the Association make application to the Fair Work Commission to amend the Association’s rules.

Note from Board

Local Government NSW is registered as an organisation of employers under the *Fair Work (Registered Organisations) Act 2009* (Cth) (“**LGNSW (Federal)**”). An organisation of the same name is separately registered as an organisation of employers under the *Industrial Relations Act 1996* (NSW) (“**LGNSW (State)**”). The rules of LGNSW Federal (“**LGNSW rules**”) and LGNSW State are substantially the same.

During 2021, the LGNSW Board had regard to the following and resolved to sponsor a motion to the 2022 Special Conference to amend the LGNSW rules:

- The impacts of the COVID-19 pandemic have highlighted that the current requirement under the LGNSW rules to provide members “*at least four (4) months notice before the holding of the Annual Conference*” is unnecessarily restrictive. It is proposed that the notice period be reduced to three (3) months.
- The impacts of the COVID-19 pandemic on the 2021 LGNSW Annual Conference highlighted that the current requirement under the LGNSW rules to convene a Special Conference “*within four (4) weeks after the receipt of the notice calling for the Conference*” is impracticable in some circumstances. It is proposed that the rules be amended to provide a more appropriate period in which to convene Special Conferences that are called by resolution of the Board.

- An ambiguity has been identified in the LGNSW rules concerning the tenure of LGNSW Board members during the intervening period between the day of a local government general election and the declaration of the results of that election. It is proposed that the rules be amended to remove the ambiguity.

The Fair Work Commission (“FWC”) reviewed the proposed amendments in early 2022 and suggested minor changes to avoid an inconsistency in the wording of rules 43 and 50. The FWC’s feedback has been incorporated into the recommended motion.

Amendments to the LGNSW rules require a resolution at a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference (see rule 73 of the LGNSW rules).

Once all necessary amendments to the rules of LGNSW (Federal) are settled and made, the Board of LGNSW (State) will consider amending the rules of LGNSW (State) pursuant to rule 73(b)(ii) to ensure consistency between the two sets of rules.

The proposed amendments to the LGNSW rules, following legal advice and consultation with the Fair Work Commission, are as follows:

(i) Notice period for calling an Annual Conference

Rule 32 of the [LGNSW rules](#) currently requires the giving of at least four (4) months notice of the holding of the Annual Conference.

Having a longer minimum notice period than necessary reduces LGNSW’s flexibility to change (or set) the date of an Annual Conference, and there may be circumstances beyond LGNSW’s control which make it desirable to change the date of an Annual Conference. This was apparent in 2021 when, due to the COVID-19 pandemic, in late July the NSW Government announced that general local government elections (scheduled for 4 September 2021) would be postponed to 4 December 2021. At the time, LGNSW had already provided notice to members that the 2021 LGNSW Annual Conference would be on 28 to 30 November 2021, approximately 4 days prior to the revised date of the general local government elections. The requirement that at least four (4) months notice be given of the holding of an Annual Conference meant that it was not possible to bring the date of the 2021 Annual Conference forward. Postponing the Annual Conference until after the general local government was also not a viable option because the Conference is legally required to be held before 31 December and members would have needed time after the results of the general election are declared to meet and determine who their delegates to the Conference would be. Having a traditional Annual Conference in close proximity of a general local government election may be problematic – voting delegates to the Conference who are also candidates in the local government election may be distracted from the business of the Conference and this may lead to not achieving or maintaining quorum during the Conference (in 2021 the Board decided to hold a short online Annual Conference on 29 November 2021 and a separate Special Conference in 2022 to consider motions).

It is recommended that the minimum notice period for the holding of an Annual Conference be reduced from “four (4) months” to “three (3) months” to increase LGNSW’s flexibility to change (or set) the date of an Annual Conference whilst still providing sufficient time for members to determine who their nominated voting delegates to the Conference will be.

Proposed Amendment

At rule 32 of the LGNSW rules, delete the words “four (4) months” and insert in lieu thereof the words “**three (3) months**”.

(ii) Notice period for convening a Special Conference

Rule 33(b) of the [LGNSW rules](#) currently requires the Chief Executive to convene a Special Conference on a date that is “*not later than four (4) weeks after receipt of the notice calling for the Conference*”.

Due to the COVID-19 pandemic and associated restrictions, it was not possible to hold an in-person Annual Conference in 2021. The postponed general Local Government elections (on 4 December 2021) also meant that it would have been unreasonable to expect councillors to interrupt their election campaigns for the length of time required for an extended online Annual Conference in November 2021. Therefore, the Board resolved (in October 2021) to have a one-hour online Annual Conference on 29 November 2021 (to fulfil LGNSW’s legal obligations), followed by a Special Conference from 28 February to 2 March 2022. A further Board resolution calling for the Special Conference was required in early 2022 (and occurred on 25 February 2022) to satisfy rule 33(b) of the LGNSW rules.

It is recommended that rule 33(b) be amended to provide a more appropriate period in which to convene Special Conferences that are called by resolution of the Board.

Proposed Amendment

Delete rule 33(b) of the LGNSW rules and insert in lieu thereof the following:

- “(b) Subject to these rules, where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.
- (c) If a Special Conference is called for by resolution of the Board, the Board may specify the date(s) on which the Special Conference is to occur, and the Chief Executive shall convene a Special Conference on the date(s) so specified. For the avoidance of doubt, the date of a Special Conference called for by resolution of the Board may be more than four (4) weeks after receipt of the notice calling for the Conference.”

(iii) Tenure of LGNSW Board members during the intervening period between the day of a local government general election and the declaration of the results of that election

The [LGNSW rules](#) provide that a casual vacancy occurs on the Board when a Director ceases to be eligible under the rules to hold office as a Director. The LGNSW rules also provide that it is a prerequisite for any person to be nominated or elected to the Board, or to vote in such an election, that he or she be a Councillor of a Council which is an Ordinary member. Further, section [233\(2\)\(b\)](#) of the *Local Government Act 1993* provides that the office of Councillor “*becomes vacant on the day appointed for the next ordinary election of councillors, or on the occurrence of a casual vacancy in the office*”.

It is usual LGNSW practice for the tenure of LGNSW Board members to continue during the intervening period between the day of a local government general election and the declaration of the results of that election. Further, legal advice is that this practice is not inconsistent with the LGNSW rules. However, it is suggested that a minor amendment to the LGNSW rules is appropriate to remove ambiguity.

Proposed Amendment

Delete sub-rule 43(d) of the LGNSW rules and insert in lieu thereof the following:

- “(d) ceases to be eligible under the Rules to hold office as a Director, provided that a Director continues as a Director during the intervening period between the day of a

local government general election and the declaration of the results of that election if they are a candidate in the election.”

Delete rule 50 of the LGNSW rules and insert in lieu thereof the following:

- “50. Subject to rule 43(d), a person ceases to be eligible to hold office as a Director and vacates his or her position as a Director (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.”

STATE CONFERENCE

STANDING ORDERS – STATE

These Standing Orders are made in accordance with rule 27 of the registered rules of Local Government NSW (LGNSW rules).

It is the intention of this Conference, so far as possible, to work towards achieving consensus on the matters before it and, subject to these Standing Orders and the LGNSW rules, the Chairperson and Delegates are to endeavour to achieve this goal.

Quorum

1. The quorum for a Conference shall be fifty per cent of the total number of Delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present (see rule 25 of the LGNSW rules).

Note: for the purposes of the 2022 Special Conference, the total number of Delegates on the date that the roll of voters closed [midnight (AEDT) on Sunday, 2 January 2022) was 475. Therefore, the quorum shall be **239**.

[$475/2$] + 1, rounded up to the nearest whole number = 239].

Presiding at the Conference

2. The Conference will be presided over by the President. In the absence of the President, the Conference will be presided over by either Vice President. Should neither the President nor either Vice President be present, a Board member shall preside. The person presiding over the Conference will be addressed by Delegates as the “Chairperson” or the “Chair”.

Conduct of Delegates

3. When the Chairperson speaks, all Delegates will remain silent and maintain order.
4. All Delegates who wish to speak to the Conference shall:
 - a. stand and remain standing unless unable to do so through illness or disability,
 - b. state their name, title, and the member they represent,
 - c. address Delegates through the Chairperson.
5. Delegates shall address the Conference in a manner befitting to the reputation of Local Government and ensure that the reputation of Local Government and the Association is maintained and enhanced throughout proceedings.
6. A Delegate commits an act of disorder if the Delegate, at a session of a Conference:
 - a. moves or attempts to move a motion or an amendment that has an unlawful purpose;
 - b. says or does anything that is inconsistent with maintaining order at the Meeting or is likely to bring Local Government and/or the Association into contempt or disrepute;
 - c. assaults or threatens to assault another Delegate or person present at the meeting; or
 - d. insults or makes personal reflections on or imputes improper motives to any other Delegate.

7. The Chairperson may require a Delegate to:
 - a. retract any comment or remark that constitutes an act of disorder;
 - b. apologise without reservation for an act of disorder; or
 - c. withdraw a motion or an amendment that has an unlawful purpose.
8. A Delegate may be expelled from a session of Conference for not complying with standing orders 5, 6 or 7 only by a majority vote of Conference delegates.
9. Mobile phones shall be switched off or switched to silent mode while the business of the Conference is being transacted.
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Manner of dealing with Conference Business

11. Conference Business will be dealt with in any order at the discretion of the Chairperson.
12. Nothing in these Standing Orders shall prevent the Chairperson from dealing with motions concurrently.

In the case of motions

13. The Chairperson, upon coming to a motion set out in the Business Paper, must ask whether there is any dissent to the proposed resolution the subject of the item and, if no dissent be signified, may at any time, declare the motion carried.
14. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded. If there be no seconder after a reasonable opportunity of not less than 10 seconds, the Chairperson may declare the motion lapsed.
15. If the motion is moved and seconded, the Chairperson may, at any time during debate, make such inquiries as to the nature of the dissent so as to confine any debate to the issues genuinely in dispute or to explore amendments to the proposed resolution which satisfactorily accommodate the moving and dissenting Delegates and Delegates generally.
16. Movers of motions shall be permitted two (2) minutes to introduce their proposed resolution into debate and one and a half (1.5) minutes in reply. All other speakers shall each be permitted to speak once for one and a half (1.5) minutes. The Conference may, on application by a speaker, permit that speaker to have one, but only one, further period of one and a half (1.5) minutes in which to speak.
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 - a. limit repetition of matters addressed by other speakers;
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 - a. If a motion of dissent is passed, the Chairperson must proceed with the suspended business as though the ruling dissented from had not been given. If, as a result of the ruling, any motion or business has been discharged as out of order, the Chairperson must restore the motion or business to the agenda and proceed with it in due course; and
 - b. Despite any clause to the contrary, only the mover of a motion of dissent and the Chairperson can speak to the motion before it is put. The mover of the motion does not have a right of general reply.
21. A Delegate may not substitute from the floor of the Conference a new motion for one listed in the Business Paper unless the new motion is substantially the same, and dealing with the same subject matter, as the original motion, and the new motion is accompanied by written evidence that it has the support of the member concerned.
22. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
23. No more than one amendment upon any motion shall be considered unless notice of such further amendment is given before the amendment then under discussion has been dealt with.
24. The mover of an amendment which has been adopted as the motion shall (as in the case of the mover of an original motion) have the right of reply to any further amendments submitted.

New motions from the floor of Conference

25. At least 24 hours' notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(e)).
26. Where a Member seeks to introduce a new motion during the Conference, they shall submit the motion and evidence that the motion has the support of the member concerned, to the Association's Chief Executive (or the Chief Executive's nominee), in writing.
27. The Chief Executive (or the Chief Executive's nominee), upon receiving a new motion submitted during the Conference, shall immediately record the time that they receive the motion and make arrangements for copies of the motion to be provided to Delegates.

Motions that reflect existing LGNSW policy

28. Motions submitted for inclusion in the Business Paper to the Conference which reflect existing LGNSW policy (Category 2 motions) shall remain existing LGNSW policy unless superseded or replaced by a subsequent Conference resolution.

In the case of all other Conference Business

29. All other Conference Business will be dealt with at the discretion of the Chairperson.

Manner of voting

30. Only Members' nominated voting Delegates and members of the Board may debate and vote on motions.
31. Except as hereinafter provided voting on any matter shall be on the show of cards.
32. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.
33. After a show of voting cards or on conclusion of an electronic vote the Chairperson may either:
 - a. declare the question resolved in the affirmative or negative; or
 - b. if voting cards have been used, call for a new vote using electronic voting.
34. A Division may be called following a vote on the show of cards by no less than 10 Delegates.
35. A Division will be taken by use of electronic voting.

Suspending Standing Orders

36. Standing Orders may be suspended by a majority of those present, provided the meeting is in quorum. A motion to this effect shall be open to debate.

Outstanding business

37. In the event that the Conference, having commenced in quorate, subsequently loses a quorum and is unable to consider any item(s) of business properly put before the Conference, they shall be referred to the Association's Board for consideration.

CATEGORY 1 MOTIONS

Association business

1 LGNSW Board

Standing Orders

That the Standing Orders as set out in the preceding pages be adopted.

2 LGNSW Board

LGNSW Fundamental Principles

That the Local Government NSW Fundamental Principles, as set out below, be endorsed:

Economic

- A - Local government must have control of its revenue raising and investment decisions and be fairly funded by the Commonwealth and State/NSW Governments to meet its infrastructure and service responsibilities.
- B – Local government promotes local and regional economic development and employment growth.

Infrastructure

- C – Local government is best placed to plan for, deliver and manage essential local infrastructure.

Planning

- D - Local government is best placed to lead and influence local and regional planning processes according to the needs and expectations of local communities
- E - Our communities' quality of life is a priority of local government planning.

Environment

- F - Local government actions reflect Ecologically Sustainable Development. ESD requires the effective integration of economic, environmental and social considerations in decision making processes and is based on the following principles:
 - Intergenerational equity – today's actions maintain or enhance the environment for future generations
 - Precautionary principle – prevent environmental degradation and manage and mitigate risk
 - Conservation of biological diversity and ecological integrity
 - Improved valuation and pricing of environmental resources – recognising the value of the environment to the community.

Social and Community

- G - Local government is committed to the principles of:
 - Equity – fair distribution of resources
 - Rights – equality for all people
 - Access – to services essential to quality of life
 - Participation – of all people in their community
 - Recognition – of the unique place of Aboriginal people in NSW and the right of Aboriginal people to be involved in all decisions affecting Aboriginal communities
 - Health and Safety – for all in the community.

Governance

- H - Local government must be constitutionally recognised and respected as an equal sphere of government
- I - Local government is democratically elected to shape, serve and support communities
- J - Local government is committed to the principles of good governance.

Accountability

- K - Local government is responsible and accountable to the citizens and the communities it represents, through consultative processes, legislative accountabilities, efficient delivery of services and effective customer service.
- L - Local government is recognised as a responsible and place-based employer.

Note from Board

Delegates are asked to re-endorse LGNSW's Fundamental Principles. These are the overarching principles - determined by our members - that guide LGNSW in its advocacy on behalf of the local government sector.

These Fundamental Principles are not new; they are a consolidation of LGNSW's numerous policies and positions, which were originally endorsed in 2016.

These Fundamental Principles are contained within LGNSW's Policy Platform (www.lgnsw.org.au/Public/Policy/Policy_Platform.aspx). These have been placed in a single document so that members and stakeholders can easily access a single repository of information on the issues that matter to our sector and what we stand for when we speak as one voice.

LGNSW will update this document after each Annual Conference and present the Fundamental Principles to Conference the following year, for members to re-endorse.

It is expected that changes to the Fundamental Principles will be uncommon, given their broad focus and general acceptance among the local government sector. It should be noted that our policy positions, which sit under the Fundamental Principles, will change more frequently as they are more detailed and targeted at specific policy issues of the day.

LGNSW is pleased to present a consolidation of our sector's Fundamental Principles for endorsement by members.

Financial Sustainability

3 LGNSW Board

2022-23 rate peg determination

That Local Government NSW:

1. Implores the NSW Government to urgently intervene and overturn IPART's aberrant base line rate peg determination of 0.7% for 2022-23 to ensure that no council is financially disadvantaged.
2. Notes that this shock determination will have a devastating impact and exacerbate the financial impacts on councils and communities of natural disasters and the ongoing COVID pandemic. The total shortfall in rate revenue is estimated to be \$80-\$100 million in 2022-23, with a compounded impact of up to \$134 million over ten years. This issue goes to the very survival of many councils in NSW and the Government is urged in the strongest manner possible to take immediate action to save the sector from financial ruin.

(Note: This motion covers the following motions set out in small font)

Note from Board

The 0.7% baseline rate peg - the lowest in two decades - is far below reasonable expectations with most councils factoring in at least 2% in their financial projections based on the 2021-22 peg and IPART advice. This will result in a catastrophic misalignment between IPART's determination and the sector's anticipated core revenue stream and actual cost increases.

This will leave councils with a shortfall in 2022-23 of anywhere between \$90,000 for a small council, \$250,000 for a mid-size council and up to over \$2 million for the largest councils. The total shortfall for all councils is estimated to be \$80-\$100 million. It will also require every council to re-cast their

Long-Term Financial Plans given the compounding effect of the loss of income in 2022-23, estimated to be up to \$134 million over ten years.

IPART's determination for 2022-23 is based on cost indices for 2020-21 when the economy was in a pandemic-induced slump. It fails to recognise the current skyrocketing cost of commodities including fuel costs and construction materials and contract and wage increases which will have a major impact on council budgets for 2022-23. It is clearly an anomaly when compared with the CPI for the year to September 2021 of 3% and 3.5% for the year to December 2021. This clearly demonstrates that the 0.7% determination is a gross anomaly and does not reflect the real cost movements facing local government.

In the absence of corrective action all councils will be required to cut planned expenditure on infrastructure, services and jobs. The shortfall equates with up to 1,000 jobs. This is an undesirable outcome for communities, councils and the State Government.

This blow comes on top of the financial impacts on councils of successive natural disasters and the ongoing COVID pandemic. Councils have incurred tens of millions of dollars in increased costs in supporting their communities and lost revenue as the result of the downturn in economic activity.

This problem would not occur if rate pegging was abolished and councils had the ability to set their own rates in consultation with their communities. NSW has the lowest rates per capita of all the States.

Bellingen Shire Council

Review of the IPART determination

That Local Government NSW urges the NSW Government to overturn and undertake a review of the Independent Pricing and Regulatory Tribunal (IPART) determination that properly considers Award and Consumer Price Index increases, in addition to COVID and supply chain impacts.

Note from Council

The rate peg determines the maximum percentage amount by which a council may increase its general income for the year and has been imposed on local government by the NSW Government for around 40 years.

The rate peg is applied by the IPART and for the 2022/23 Financial Year is 0.7% plus a population factor. This is significantly lower than the percentage applied by IPART in recent years and will have a substantial impact on the financial sustainability of local councils.

Newcastle City Council

Remove crippling rate pegging in NSW

That Local Government NSW:

1. Reiterates the long-held position that rate pegging is crippling councils in NSW, and that this problem has been further exacerbated by the recent IPART baseline rate cap of just 0.7% (rising for councils experiencing population growth), which is lowest rate cap in more than 20 years and is a kick in the guts to local councils who are already working hard to help their communities recover from the economic and social impacts of the ongoing COVID-19 pandemic;
2. Notes that City of Newcastle's 1.2% (accounting for population growth) cap, will have significant repercussions on local services to the community and will leave NSW's second largest city with a reduction in compounded income of more than \$15 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel, while further noting that IPART has also decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to council workers for 2022, leaving local councils even further out of pocket as yet more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging include the loss of an estimated \$15 billion in rate revenue, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Writes to the new Minister for Local Government, advocating for the removal of universal rate pegging in NSW, allowing duly elected councils to set rates, in consultation with their communities, noting that the baseline rate cap of just 0.7% in 2022 is set to have a devastating economic and social impact for many local councils and the communities they serve.

Note from Council

<https://www.lgnsw.org.au/Public/News/2021-Media/1213-rate-cap-puts-councils-at-risk.aspx>
https://lgnsw.org.au/Public/Public/News/Articles/2020-media-releases/0821_rate-pegging.aspx

That Local Government NSW advocates to the NSW Government to urgently review and amend the 2022/2023 FY rates cap, raising to a minimum of 2.5% (plus growth allowances), to allow the continuation of services to be maintained to community expectations.

Note from Council

The rates cap imposed by the State does not match the reality we're regulated and expected to operate within, nor the public sector wage rise.

The Integrated Planning and Reporting (IP&R) Framework within the Local Government Act, and the aim of the reporting ratios local government is supposed to adhere to, were designed to align the delivery of services and capital works to match the Community Strategic Plans and good fiscal management, which were born with the introduction of the IP&R in 2009 and was a close relative to Fit for The Future in 2014. Yet the government is doing everything in their power to financially asphyxiate councils which will achieve the opposite. Local government won't have the capacity to deliver the service levels expected, maintain current assets to community expectations, and meet the ratios.

Bega Valley Shire Council

FY2023 rate peg

That Local Government NSW:

1. Reiterates the long-held position that rate pegging is crippling councils in NSW, and that this problem has been further exacerbated by the recent Independent Pricing and Regulatory Tribunal (IPART) baseline rate cap of just 0.7%, the lowest rate cap in more than 20 years, further restricting councils who are already working hard to help their communities recover from the economic and social impacts of natural disasters and the ongoing COVID-19 pandemic;
2. Notes that the rate cap will have significant repercussions on local services to the community with a reduction in compounded income of more than \$3.1 million over the next ten years.
3. Notes that IPART's decision is based on the cost of goods in 2020 and does not recognise the increase in the cost of essential commodities such as fuel. Further noting that IPART has decided to apply the public service wage increase of 1.2%, instead of the 2% guaranteed to council workers for 2022, leaving local councils even further out of pocket as more costs are shifted to local government;
4. Notes that according to the NSW Productivity Commission, cumulative negative impacts of over 40 years of rate pegging, and that the democratic process of local government elections is the most powerful protection against exorbitant rate rises;
5. Calls on the NSW Government to provide councils across NSW an operating grant equivalent to the revenue difference between a 0.7% rate increase and what a 2.5% rate increase would have been, noting this will still not adequately cover the cost increases being experienced by NSW councils

Note from Council

On 13 December 2021, IPART released the rate peg for the 2023 Financial Year of 0.7% plus a population factor. This rate peg is significantly lower than the percentage applied in recent years and will have a substantial impact on the financial sustainability of local councils. Bega Valley is one of 81 councils with a population factor of 0.0%.

4 Blacktown City Council Inadequacy of IPART rate growth formula for growth councils

That Local Government NSW calls on the NSW Government to provide an adequate mechanism for growth funding to growth councils to fund the costs of infrastructure and services in new release areas.

Note from Council

There are significant costs for growth councils providing adequate infrastructure and services in new release areas, particularly those impacted by rapid development activity. Traditionally, councils were able to fund from Section 94 (now Section 7.11) developer contributions a broad range of infrastructure required by new development. Successive reforms to what can be funded from developer contributions has meant growth councils currently have less capacity to fund all of the required infrastructure than was previously the case.

There is also the need to fund supporting infrastructure, such as expanded office accommodation and depot facilities, SES facilities and the like, which cannot be funded from developer contributions. In the case of Blacktown City, these costs would be in the order of \$150 million which, combined with an unpaid Local Infrastructure Growth Scheme liability of \$250.1 million and the inability to now fund community infrastructure, represent a significant impost on Council and shortfall of facilities in new

communities. The NSW Government asked the IPART to carry out a review of the local government rate peg methodology, to allow the rates income of councils to increase to cover the costs of population growth and maintain existing service levels. IPART determined a new methodology that includes a population factor in the rate peg, that is calculated as the change in residential population less any increase in general revenue from supplementary valuations. The change in population is calculated using Australian Bureau of Statistics (ABS) estimated residential population data.

In the case of Blacktown, on annual basis (as now used by IPART to calculate the annual rate peg) the ABS data lags behind the actual rate of population growth in Blacktown City. Furthermore, IPART regards existing levels of general rates income per capita is the best indicator of the future costs of servicing population growth. This is an inherently flawed premise which assumes that efficiencies achieved over time in servicing established areas will be immediately achieved in new release areas. As the review of the rate peg by IPART clearly failed to achieve the promise of the NSW Government that the review would enable growth councils to be better able to cover the costs of supporting rapid growth, the NSW Government needs to itself fund these costs including any shortfalls from the prematurely terminated Local Infrastructure Growth Scheme, Government's policy to not permit levying of developers for community facilities buildings, and all other growth costs.

5 Forbes Shire Council

Financial Assistance Grants

That Local Government NSW urges the Federal Government not to make changes to the methodology of Financial Assistance Grant funding until it is valued back to 1% of Commonwealth tax revenue.

Note from Board

This motion directly conflicts with motions 6 (Kyogle), 7 (Moree Plains), and 8 (Hay). Therefore, if carried, this motion would negate motions 6, 7 and 8 (i.e. they would not be debated).

Note from Council

Financial Assistance Grants (FAGs) provide vital untied funds for local government to upgrade infrastructure appropriate to their local circumstances, and are generally one of the main external sources of funding for rural councils. The relative decline of FAGs over the last 20 years (a 43% decline) coupled with increased cost shifting (for example the recent Emergency Services Levy increases) and rate pegging has meant that many rural councils are struggling to provide the services their communities require.

The federal budget allocation for FAGs is currently sitting at around 0.55% of commonwealth tax revenue, which is a significant decrease from the 1% of commonwealth tax revenue recorded in 1996. This relative reduction in FAGs grants over time seriously impacts the financial viability of smaller rural councils who are highly reliant on grant funding for their financial survival.

Discussion to date in relation to FAGs grants has revolved around a potential redistribution of the current balance between rural and urban councils. This runs the risk of creating undesirable rivalry amongst councils, and does not address the underlying issue, which is the reduction of the total amount of funding from federal government to local government.

6 Kyogle Council

Review of federal Financial Assistance Grants

That Local Government NSW:

1. Calls on the Federal Assistant Minister for Local Government to remove Part 1 Sec 6 2b of the *Local Government Financial Assistance Act 1995* to avoid the mandatory minimum per capita grant amount, as per the resolution passed at the Australian Local Government Associations National General Assembly in 2019.
2. Reviews its policy position on the Federal Government's Financial Assistance Grants to reflect the resolution passed at the ALGA 2019 National General Assembly, and remove the pre-requisite of additional FAGs funding to be provided before any changes in the formula are made, and call on the ALGA to do the same.
3. Calls on the NSW Local Government Grants Commission to do everything within its power to ensure that no Council receives less than their 2020 FAGs allocation in the future, and that there be transitional arrangements put in place to ensure that the FAGs are distributed in accordance with the principles of horizontal fiscal equalisation as outlined in the Local Government Financial Assistance Act should the Australian Government make the proposed changes to remove the minimum per capita grant amount.

(Note: This motion covers the following motion set out in small font)

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

Note from Council

Councils with greatest relative disadvantage are generally rural and remote councils with:

- Small and declining populations
- Limited capacity to raise revenue
- Financial responsibility for sizeable networks of local roads/infrastructure & diminishing financial resources
- Relative isolation

The ongoing challenge for the NSW Grants Commission has been how to allocate a fairer share of the General Purpose Component (GPC) to such councils when a fixed 30% of the GPC grant must be allocated based on population increases/decreases. The above motion was also unanimously resolved at the March 5 2021 meeting of the Country Mayor Association of NSW.

Hay Shire Council

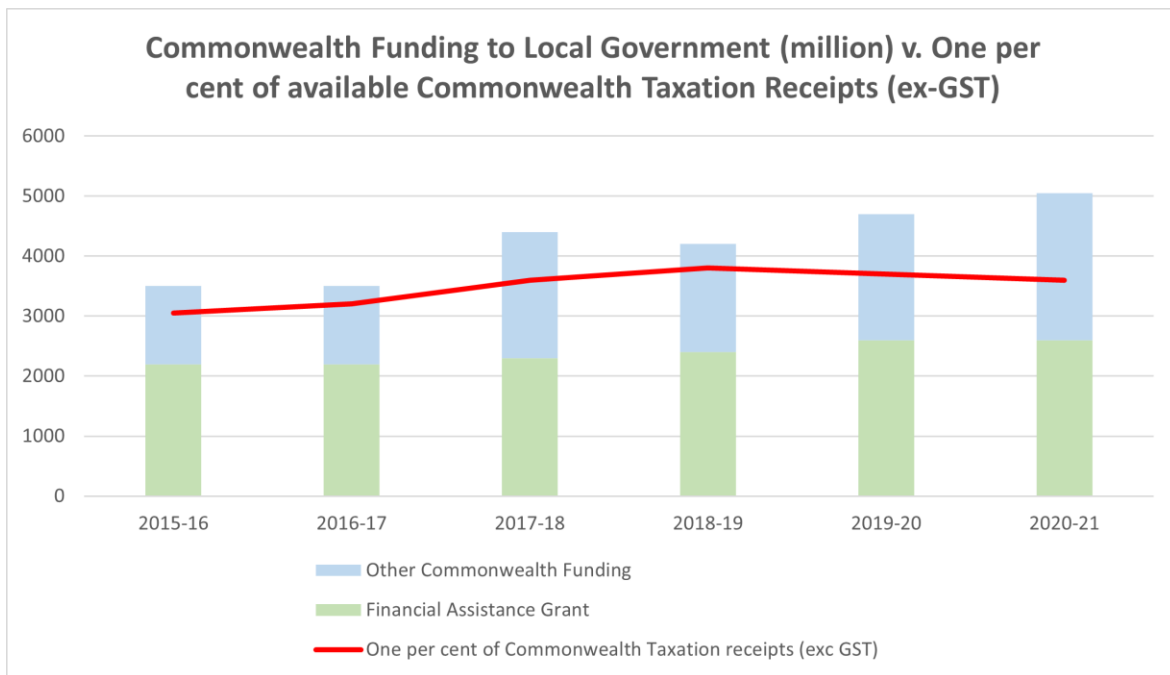
Financial Assistant Grant general purpose minimum per capita allocation

That Local Government NSW:

1. Supports the removal of the per capita minimum grant allocation of the General Purpose Component of the Federal Government's Financial Assistance Grants.
2. Calls upon all Australian state and territory local government associations to support flexibility within the 30% of the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant, and their representative express this view with the Australian Local Government Association.
3. Calls upon the Australian Local Government Association board to support flexibility within the 30% of the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant, and amend legislation to that effect.
4. Calls upon the NSW Minister for Local Government to seek recommendation from the NSW Grants Commission regarding reducing the General Purpose Component of the Federal Government's Financial Assistance Grants allocated as a per capita minimum grant from 30% to 0% to allow the Commission to directly fund those most in need, in an equitable and objective manner as per NSW Government policy objectives.

Note from Council

- LGNSW's current advocacy position is to advocate for FAGs to return to 1% of total Commonwealth revenue, providing more funds to all councils. However as shown in the following graph, other federal funding to local government has increased and that other funding plus FAGs together is increasing and already close to 1.5% of total Commonwealth revenue.



- Rural councils experience a disproportionate total disability expenditure from the imposed costs of governance, compliance, information technology and insurance that is not commensurate with the population of the LGA.
- Rural councils are also expected to provide disproportionate tourism, medical, sport, recreation and culture services and facilities as residents cannot continuously travel large distances to access these resources in larger regional centres.
- Rural councils have a small rate base with limited ability to generate additional income and are reliant on the Federal Government’s Financial Assistance Grants (FAGs). 16 metropolitan councils are allocated a minimum grant and due to their revenue raising capacity would likely consider these funds inconsequential.
- If imposed rural council costs continue to increase without proportionate increases in FAGs they will be in peril within years. As the total tied and un-tied Federal funding to local governments is currently increasing without alleviating imposed financial pressures, rural councils need a greater distribution of untied FAGs by having the minimum grant abandoned.

7 Moree Plains Shire Council

Federal Financial Assistance Grants

That Local Government NSW makes representation to the NSW State and Federal Treasurers, advocating the recommendation that the Financial Assistance Grant provided to Local Government via the States, be varied to include consideration for regional LGA’s productivity gains. In the case of Moree Plains LGA for example, the consistently high income derived from the diverse agricultural production, from which the Commonwealth and consequently the States benefit greatly from in the form of G.S.T. revenue, be reflected in the amount allocated to build and maintain the road network that the freight component of the agricultural supply chain in this region so greatly depends upon.

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

Note from Council

The Australian Government has provided over \$61 billion under the Financial Assistance Grant (FAG) Program to local government since its inception in 1974-5. Local government FAGs are paid to local councils to help them deliver services to their communities. The grants are untied, and councils are free to use these funds at their discretion. In 2018 the Grants Commission implemented refinements consistent with the National Principles and the NSW Government policy allocating additional grant funding to disadvantaged councils; however, little consideration has been given under the current scheme to reward councils who make greater contributions to the National economy. The purpose of this submission is to seek consideration for an amendment to the

distribution of the FAG to include a variation to councils who make a higher contribution. This has been proposed by Councillor G. Smith of Moree Plains Shire Council and endorsed by the Council. Moree Plains Shire Council is one of the country's most highly productive grain producing regions. Yet, this productivity is not currently reflected in the formula for the FAG. Councillor Greg Smith noted, "A good road system is an essential component to transport this huge volume of grain freight from farm gate to market. Unfortunately, in the case of Moree Plains Shire Council, a very high proportion of the 2800km local road system is still unsealed, and the major proportion of that is black soil. A more equitable FAG funding system that considers regional productivity would provide a better opportunity to increase productivity in those regions greatly". Moree Plains Shire Council believes the priority for the Commonwealth Government should be to support councils that can demonstrate economic growth and the development of infrastructure to sustain further economic gains. In a Business-as-Usual scenario, many councils would expect to generate growth aligned with the national GDP increases. However, councils such as Moree Plains Shire Council have the comparative advantages to deliver higher than national GDP expansion if there is investment in infrastructure, notably freight capability; improvements in roads and bridges in Moree Plains Shire will improve efficiencies in freight productivity that will enable higher productivity in irrigated and non-irrigated agriculture. In addition, the comparative advantages of this region are highly fertile soils and high security water.

The barriers and deficiencies in the local freight network are roads that fail or are not passable in low to moderate wet weather events. This inhibits trading of commodities at optimal times and contributes to product spoilage. These transport efficiencies are estimated to cost the sector between 10% and 15% per annum and vary with seasonal conditions. Given agricultural production in this region is approximately \$1Billion per annum, a 10% increase in productivity would yield over \$100,000,000 each year. Approximately \$25,000,000 would be returned to the Commonwealth in taxation revenues, justifying an increase in FAGs to deliver infrastructure that would yield a satisfactory Return on Investment.

Given the Australian Government has a target of growing the agriculture sector to \$100Billion pa, FAGs are a critical tool to invest in the infrastructure that will yield this productivity strategy.

Additionally, all of the region's cotton and around three quarters of the rest of the region's commodities are exported. As a result, the Moree Shire is an important contributor to the Nation's favourable terms of trade. Local freight infrastructure in Moree is export-enabling infrastructure. Moree Plains Shire Council looks forward to Local Government NSW advocating passionately for a FAGs framework that supports productivity and export enhancement local infrastructure.

8 Hay Shire Council Financial Assistance Grants fairer criteria and distribution

That Local Government NSW calls upon the State Government to have the Financial Assistance Grants redistributed to recognise the specific challenges small and rural councils face regarding disability expenditure, such as Emergency Services Levy, disproportionate IT and Insurance costs, and provision of tourism, medical and recreation and culture services when compared with larger regional and metropolitan councils, with limited ability to generate additional income.

Note from Board

If motion 5 (Forbes) is carried, it would negate this motion (i.e. it would not be debated). See Note from Board under motion 5.

Note from Council

Rural councils, particularly those further away from larger regional centres, typically end up having to provide disproportionate services compared to population size such as sporting and culture facilities. They also provide disproportionate tourism facilities, such as visitor staff and centres, toilets and parks, camp areas, and museums to provide economic opportunities for rural towns. Rural councils, with a small rate base and lower socio economic, have limited ability to generate any additional income through charging user fees, parking fees, and general rate income. Typically the Emergency Services Levy increase alone outstrips rate peg increase, as does the Award increase on staff wages. Insurance and IT costs are increasing at 10-15% annually for a number years. Typically rural

councils provide support to medical services such as medical centres, houses and cars to keep doctors in the rural towns. Small rural councils are struggling with increased in governance and compliance not only in terms of cost but also capacity to deliver. The impending Audit, Risk and Improvement Framework will impose inordinate cost and resourcing impacts on rural councils.

9 Hay Shire Council

Cost shifting onto local government

That Local Government NSW calls upon the State Government to undertake an urgent review into the cost shifting from the State to local government, particularly in the areas of emergency services, external audit, crown land management, planning, companion animals, underground petroleum storage systems and now COVID-19 Health Order compliance.

(Note: This motion covers the following motions set out in small font)

Note from Council

The cost of emergency services insurance claims are being passed onto councils via the Emergency Services Levy. Councils' external audit costs have more than doubled now the Audit Office undertakes an audit on top of the already external auditor process. Compliance costs that were once the domain of the State Government are now passed to local government such as asbestos, companion animals, underground petroleum storage systems, planning reforms (ePlanning), and the impending transfer of Crown Lands and the management of these lands.

Bayside Council

Cost burden on local government

That Local Government NSW lobbies the NSW Government to address by way of legislative change or financial recompense for the loss of income and cost shifting to councils due to its decisions impacting local government including but not limited to NSW Planning Portal, infrastructure contributions, compliance levy and the emergency services levy.

Note from Council

Recent reforms have placed cost shifting/and or cost burden on local government and its ratepayers by NSW Government. Recent legislative changes and mandatory requirements have required councils to take on programs or revenue sources have been reduced/eliminated, without providing any corresponding funding or adequate revenue raising capacity to local government. Some of these cost shifting examples include but not limited to following:

- The introduction of *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*. This Bill will have serious impacts on the NSW local government communities, such as a loss of parks, playgrounds, footpaths, pools, and our libraries. The submission highlighted a number of issues including the Bill's reliance on rate peg reform to close the funding gap; the loss of Council revenue from changes to s.7.11 Contributions, s.7.12 Contributions, permanent deferral of contribution payments and the uncertainty surrounding the Regional Infrastructure Contributions. Council's concern is that by reducing the infrastructure contributions for developers and a redirection of this funding source through a rate increase, is shifting the cost of infrastructure from the developer to the existing community.
- Changes to the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 made on 16 July 2021 had the effect of preventing councils from collecting compliance levies after 31 December 2021. This eliminates revenue without any compensating financial redress to local government to fund compliance programs fairly and sustainably. For Bayside, this represents a loss of revenue in the order of \$450,000 annually.
- The NSW Government mandated that all NSW councils must use the NSW Planning Portal for all development applications. Bayside commenced using this system from 1 July 2021. To do so, Council was required to spend its own funds of \$191,250 to align Council's systems with the State Government's Planning Portal. This cost included documentation, training, support, business analysis and implementation. The Planning Portal requires ongoing maintenance and upgrades to the interfaces; these are not supported by the NSW Government. The proposed next upgrade is estimated to cost Bayside Council approximately \$250,000 (software licence and project management).
- The ESL increases annually and erodes Council's budget. Its continuance is not financially sustainable for local government. While the NSW Government has previously recognised the problem of the current system and attempted to remedy it with a broad-based property levy, this was withdrawn before implementation.

This motion calls for LGNSW to lobby the NSW Government to redress the financial impact these decisions are having on local government and cease increasing the financial burden on councils and their ratepayers.

That councils protest the increasing impact of NSW and Federal cost shifting from those levels of government to local government and in this respect highlight but not be limited to the following areas of costs shifting:

- a) superannuation guarantee charge,
- b) library funding,
- c) planning and development statutory fees not allowing full costs recovery by local councils,
- d) increasing costs to local government of pensioner rebates contributions,
- e) rural fire service assets being required to be shown as a local government asset for depreciation, and
- f) large increases in rural the emergency services levy.

Note from Council

As our current budget sessions indicate we are unable to meet our current service commitments as well as proper asset management ratios in large part due to cost shifting from State and Federal Governments. The increasing number of “legislative” requirements being tasked by State and Federal lawmakers to local government including but not limited to new imposts like Performance Improvement Orders (\$1M approx) but also emergency services levy (in order of \$300K to \$400K) with no additional revenue streams to pay for these added services to our community and compliance costs to service higher levels of government require some direct advocacy.

10 Bland Shire Council

Emergency Services Levy

That Local Government NSW calls on the NSW Government to:

1. Postpone further costs to local government entities for the Emergency Services Levy payment increases until clear accountabilities are developed and communicated in accordance with engagement protocols of Resilience NSW Capability Development Framework for NSW Emergency Management Sector.
2. As part of this process, prepare amendments to the *Rural Fire Services Act 1997* to remove Section 119's reference which relates to vesting RFS equipment with councils to remove the conflict of “control”, specifically in accordance with the definition of an asset in Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements.
3. Engage all stakeholders with real or perceived responsibilities for Emergency Service Management and Actions to ensure that determinations are clearly articulated, communicated and relevant in accordance with the context of Resilience NSW Capability Development Framework.

Note from Council

The delay in the introduction of the *Fire and Emergency Services Levy Act 2017* and resultant impact on local councils to meet their obligations to look after the health and wellbeing of frontline emergency services workers and volunteers has been a recipe for disaster. While the creation of a new agency, Resilience NSW, has consolidated the framework for disaster and emergency efforts from prevention to recovery the implementation process has been problematic with regards to the FESL. In early 2020 the former Treasurer now current Premier (Dominic Perrottet) stated “The NSW Government will work with local government, fire and emergency services, the insurance industry and other stakeholders to find a better and fairer path forward” and this may well have been the catalyst for the NSW Government’s funding of increases to the Emergency Services Levy for FY2021-2022 as well as the passage of legislation to separate these levies on Council rates notices. However, it remains unclear as to the areas of responsibility and accountability with much public discussion still centring on the insurance industry’s requirements with little acknowledgement of the role local government plays in supporting emergency services financially.

This lack of clarity is further evident in terminology within legislation as it relates to the Rural Fire Services – specifically with regards to the ongoing anomaly which exists with accounting for RFS Assets and what councils control. The Australian Accounting Standards Board (AASB) Statement of Accounting Concepts 4: Definition and Recognition of the Elements of Financial Statements – has a clear definition of control and it is the opinion of 68 councils across NSW (the majority) that while the assets may be ‘vested’ in the Local Government Authority served by the RFS, the particular assets are well outside a council’s control. The Auditor General has recommended that the OLG should communicate the State’s view that such equipment is controlled by councils and, therefore, should

be properly recorded. It is the contention of the majority of councils such recording would be at odds with the Australian Accounting Standards against which they are audited.

Infrastructure contributions

11 Northern Sydney Regional Organisation of Councils Infrastructure contribution reform

That Local Government NSW reaffirms its position that councils should not be worse off under infrastructure contribution reforms and that this continue to be pursued vigorously with the NSW Government including:

1. Changes to the legislation and policy framework to ensure that councils' capacity to provide infrastructure for their communities is not diminished.
2. Asking that the government demonstrate to each local council how its modelling concludes that that each Council will not be worse off.
3. Requiring the Regional Infrastructure Contribution in the Greater Sydney Region to be spent in the District from which it was collected as defined specifically for the purpose of strategic regional planning in A Metropolis for Three Cities and accompanying District Plans.
4. In regions outside of Greater Sydney, requiring the Regional Infrastructure Contribution to be spent in the Region from which it was collected as defined specifically for the purpose of strategic regional planning in the relevant Regional Plan.

(Note: This motion covers the following motions set out in small font)

Note from Council

Councils require sustainable ongoing funding to deliver the NSW government priorities for open spaces and community placemaking.

In November 2021 some amendments to the proposed infrastructure contribution reforms were agreed between the (then) Minister for Planning and Public Spaces, the Hon. Rob Stokes MP and the (then) President of Local Government NSW (LGNSW). The amendments did little to alleviate concerns that councils will be financially worse off under these reforms.

Financial modelling to assess the impact of the revised reforms on NSROC member councils found that cumulative contributions income is expected to be \$153 million lower than business as usual in the first 5 years after the reforms commence.

NSROC cumulative income if maximum s7.12 rates are levied LGA-wide is expected to be \$81 million lower than business as usual in the first 5 years.

Income losses will be compounded by the proposal to exempt non-demand based development (essentially, alterations and additions, changes of use and fit outs) from s7.12 levies and instead only apply the levy to net additional floor area.

Legislative change is required to ensure that the Minister cannot constrain local councils' capacity to deliver quality services and infrastructure through the imposition of the Essential Works List for all s7.11 Plans, which is currently only temporarily deferred.

The NSW Government must demonstrate to each local council how its modelling concludes that each council will not be worse off. The Government findings are contra to the findings of local councils. The burden of proof should not rest solely on local councils but be shared with the NSW Government.

Penrith City Council

NSW infrastructure reform

That Local Government NSW urgently calls on the NSW State Government to ensure that as a result of its proposed infrastructure reforms, that no Council will incur a shortfall of funding to deliver local infrastructure to support new and growing communities and that this shortfall is not shifted to the existing community.

Note from Council

In March 2021, the NSW Government announced that it had accepted all 29 recommendations from the Productivity Commission's Final Report into Development Contributions in NSW. Subsequent to this announcement IPART has commenced reviews into rate peg reform, essential works lists and benchmarking.

Parallel to these reviews, the NSW Government sought to introduce *Environmental Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021*. This bill was subject to a parliamentary review and has been placed on hold until further regulatory changes to support the bill have been exhibited.

The basis of the Productivity Commission's recommendations was that on balance, councils would have no net impact to the ability to fund local infrastructure, however the NSW Government has not adequately demonstrated to councils that this will be achieved through the proposed reforms.

The NSW Government must work with individual councils to develop an infrastructure contributions framework that provides a sustainable funding source for development contributions, which considers the holistic needs of new and growing communities.

Shoalhaven City Council

Infrastructure contributions reforms

That Local Government NSW calls upon the NSW Government to withdraw the *Environment, Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* and undertake further consultation with the local government sector on the proposed reforms.

Note from Council

NSW councils have called on the NSW Government to withdraw proposed infrastructure contribution rule changes from Parliament which could see the nature of these important contributions change. These contributions by developers help fund critical local infrastructure works associated with new developments where possible. Shoalhaven City Council has concerns about the NSW infrastructure contributions reforms following the NSW Government's introduction of the *Environment, Planning and Assessment Amendment (Infrastructure Contributions) Bill 2021* into the NSW Parliament in June 2021. Local Government NSW is urged to continue advocating to protect local government from any amendments to infrastructure contributions which leave councils and communities exposed to expending ratepayer funds on new infrastructure made necessary by new development, currently the responsibility of developers.

Bland Shire Council

Environmental Planning and Assessment (Infrastructure Contributions) Bill

That Local Government NSW on behalf of all local government authorities in NSW expresses strong opposition to the *Environmental Planning and Assessment (Infrastructure Contributions) Bill* in its current form. That any regulations developed in conjunction with the Bill quarantine the expenditure of development contributions received to the LGA from which they came.

Note from Council

The current Bill is clearly a move to divert critical funds from local communities into the State Treasury coffers. These funds are used by councils to help pay for local infrastructure projects such as playgrounds, sports fields, libraries and parks. Developer levies should be spent where they are raised to ensure new development is accompanied by appropriate investment in the surrounding area and not bundled into a regional "pot" which could see the monies collected spent in areas well away from where it can support local communities.

Our communities rely on councils to deliver the essential facilities and infrastructure needed to support growth as well as to make people's lives and local environments better. This infrastructure includes everything from roads and footpaths, to sports fields, parks and netball courts, to playgrounds, pools and libraries. Expenditure is determined in a strategic planned way in consultation with communities. However, the basis of this bill would see that planning removed from local communities and determined by those well removed and with little understanding of local need.

Greater Hume Shire Council

Infrastructure contributions Bill

That Local Government NSW lobbies the State Government to defer the Infrastructure Contributions Bill until it can be clearly demonstrated that no Council will be worse off and it provides fairness and equity across NSW.

Note from Council

A snapshot of the issues that Greater Hume Council has with the Bill is below: Major concerns include:

- Section 7.11 - Local Infrastructure Contributions – Essential Works List does not allow community infrastructure to be funded. Whilst it is acknowledged the implementation has been deferred for three years if the exclusion of remains then all councils will be worse off.

- Section 7.12 – Local Infrastructure Contributions – It is proposed that the current percentage based levy will be replaced with fixed contributions (e.g. All new homes in regional NSW will pay a fixed contribution for each new dwelling of \$10,000 regardless of whether the home has a construction value of \$1M or \$350,000. This is clearly inequitable.
- Alternative charging units for Solar and Wind Farms – It proposed to cap contributions to \$2,000 per megawatt with a maximum contribution of \$450,000. As an example a small 5 megawatt Solar Farm just approved at Culcairn will pay a section 7.12 Contribution of \$70,000 however under the new charging regime would only be required to pay \$10,000 (5 megawatts x \$2,000).
- Regional Infrastructure Contributions Fund (RICs) – Whilst it is acknowledged that RICs are currently only proposed for four growth areas of Greater Sydney, Central Coast, Illawarra-Shoalhaven and Lower Hunter; RICs; can be introduced for other areas through an amendment to the SEPP without further consultation In Council's view the Infrastructure Contributions Bill falls far short of ensuring that no Council will be worse off and should be deferred until this can be clearly demonstrated to the local government sector.

Liverpool City Council

Proposed changes to developer levies

That Local Government NSW lobbies the NSW Government by:

1. Expressing concern over the impact of these proposed changes to the legislation on local communities;
2. Seeking a guarantee from the NSW Government that contributions levied in a local area will be spent on that community; and
3. Seeking a guarantee from the NSW Government that community consultation and voices of the local community will be given specific importance in the determination of infrastructure spending and delivery.

Note from Council

In 2021, the NSW Government released draft legislation that proposed changes to reduce the type of community projects that could be eligible for funding from developer contributions. This is one component of an overhaul of NSW's infrastructure contributions system, which is due to come into force by July 2022.

However, these changes, if adopted, could shift more of the cost of infrastructure from developers onto ratepayers. It also means there is no guarantees that the money collected as part of these developments would be directed back into projects in the local areas that these levies had been collected.

Liverpool, as part of the south-west growth corridor, is already under significant pressure to meet the infrastructure needs of our fast-growing community. We need to juggle the responsibilities associated with developing infrastructure from scratch in many of the new release areas of our LGA. Furthermore, there is a risk that these changes could result in the NSW Planning Minister having discretion over what these developer contributions are spent on, rather than having extensive input and determination by the local communities that would need and use this infrastructure.

Cumberland Council

NSW Government infrastructure contributions reforms

That the Conference supports calls by communities across NSW that councils are no worse off as a result of the NSW Government's infrastructure contribution reforms.

Note from Council

The NSW Government is pursuing infrastructure contribution reforms that is likely to have a significant financial impact on councils.

With many areas of Sydney and NSW experiencing population growth in recent years, contributions by developers towards growth infrastructure is a fair and equitable way in ensuring that local infrastructure continues to meet community needs.

Draft proposals for infrastructure contribution reforms have been released for public comment.

It is critical that councils are not worse off as a result of these reforms.

The motion calls on the local government sector to continue its advocacy in ensuring that Council receive a fair deal through the reform process, enabling the sector to align local infrastructure needs with population growth.

Willoughby City Council

Infrastructure contributions reforms – No council worse off

That Local Government NSW reaffirms its commitment that no council will be worse off through Infrastructure Contributions reforms, particularly:

- no council will be financially worse off or suffer a financial disadvantage

- there will be no delays or removal of projects from council plans
- there will be no impacts or restrictions to a council's autonomy to allocate infrastructure contributions identified by their local communities
- that the abovementioned conditions / commitments will be enduring (i.e. will not apply for a specific period or be phased out), and
- that these issues will continue to be pursued vigorously with the NSW Minister for Planning and Homes.

Note from Council

The Infrastructure Contributions reforms proposed by the NSW Government add more complexity, limit the capacity of councils to respond to local infrastructure, while shifting the cost from new development to existing communities and councils. These reforms impose significant operational and capital costs to councils at a time when the broader financial climate for local government is bleak.

The State Government, supported by LGNSW, claimed that no council will be worse off as a result of these reforms, yet there is no clarity on how this will be achieved.

The financial impacts are compounded by other impacts which will also contribute to a difficult future for councils where they will be worse off, these factors should also be considered:

- Increased costs to meet the gap in service provision due to a reduction in contributions.
- Extended timeframe for delivery of infrastructure works given the increased gaps in service standards, the reduced developer contributions and councils having to find alternate sources of funding.
- The approach diminishes the role and value the community and councils provide in undertaking local strategic planning to respond to local needs.
- Reduction in transparency of processes, through increased Ministerial powers, and the requirements placed on the State Government for its elements of the new contributions system being much less than those placed on local government.
- Reduction in the service standards and outcomes our communities can expect, one sized infrastructure benchmarks do not enable flexibility for communities to set their own service standards and outcomes they consider appropriate. Costs on existing rate payers will have to be increased if existing standards of service above the nominated benchmarks are to be maintained.

Local government recognition

12 Leeton Shire Council Local government representation on National Cabinet

That Local Government NSW lobbies the Australian Government for permanent local government representation on the National Cabinet.

Note from Council

Including local government in National Cabinet would demonstrate a strong unity of purpose and a combined commitment to promoting partnerships between all levels of government.

The National Cabinet was established on 13 March 2020 to coordinate the national response to the COVID-19 pandemic in Australia. It was decision-making forum composed of the Prime Minister and the premiers and chief ministers of the states and territories. There was no local government representation on National Cabinet when it was established on the basis that its focus was on health.

On 29 May 2020, Prime Minister Scott Morrison announced that the National Cabinet would replace the Council of Australian Governments (COAG) and would meet monthly once the coronavirus crisis has abated.

Councils have been represented by the Australian Local Government Association (ALGA) at every COAG meeting since COAG's inception in 1992. Local government representation was included because all parties recognised that Australia has three levels of government and that local government has the most impact on people's daily lives in terms of the provision of local services and infrastructure.

Decisions about how our Federation works and how it can be improved or reformed require all three levels of government to work together to align their policies and programs.

National Cabinet is looking towards pro-growth policies to lift investment and grow jobs. Local government is best placed to drive locally led recovery. Councils support economic growth through regional development policies and initiatives, strategic and land use planning, targeted investment attraction, prioritisation of local procurement, and focusing their annual investment on infrastructure that serves the community and the economy.

13 City of Canterbury-Bankstown

Local Government Federal Ministry

That Local Government NSW writes to the Prime Minister requesting that the decision to demote the federal Local Government Ministry to an Assistant Ministry be overturned and the position of Minister for Local Government be reinstated in its entirety.

Note from Council

Councils are the closest level of government to the community and are best placed to respond directly on important social issues and during times of crisis. Local governments provide direct leadership, communication, essential services, and support to their respective communities, and have demonstrated this profoundly during the COVID-19 pandemic.

Clearly, local government leaders have been instrumental in the fight against COVID-19, working alongside key stakeholders and community leaders to educate and inform our diverse communities, and importantly driving the need for regular testing as well as the rapid uptake in vaccinations throughout local government areas of concern.

Separately, local government leaders have also played a pivotal part in ensuring our community is heard by the State Government, particularly in terms of applying restrictions in a more equitable and consistent way across all LGAs and directing much needed funding to those most in need. One important example being the fight to lifting curfews placed on certain LGAs throughout NSW. As such, appropriate representation of local government at the national level is crucial and required.

For the first time in almost 50 years, a Local Government Minister will not represent the sector in the federal Ministry nor be held to account during Question Time, inevitably removing local government from a topic of importance at the national level. The decision to dissolve the Local Government Ministerial portfolio and replace it with an Assistant Minister, a position that cannot sit as a Minister in Cabinet or perform any duties in the Legislative Assembly on behalf of Ministers, such as tabling documents or introducing legislation, severely diminishes the impact of local government at the federal level.

Local Government should have a greater role in the Australian federal system, and so the position of Local Government Minister should be reinstated immediately to provide adequate representation.

14 Murrumbidgee Council**Local government remuneration**

That Local Government NSW lobbies the Minister for Local Government to make a special determination in accordance with Section 242 of the *Local Government Act 1993* to set a base rate of fees to be paid to mayors, deputy mayors, councillors, and chairpersons and members of county councils in accordance with the table and then in following years adjusted in accordance with section 241 of the LG Act:

Category		Councillor/Member Annual Fee		Mayor/Chairperson Annual Fee
		Councillor	Deputy Mayor	
General Purpose Councils - Metropolitan	Principal CBD	\$150,986	\$175,472	\$253,006
	Major CBD	\$138,745	\$158,332	\$228,521
	Metropolitan Large	\$106,100	\$122,421	\$179,552
	Metropolitan Medium	\$89,795	\$102,019	\$155,067
	Metropolitan Small	\$61,211	\$73,454	\$122,421
General Purpose Councils – Non-Metropolitan	Major Regional City	\$122,421	\$138,745	\$204,036
	Major Strategic Area	\$122,421	\$138,745	\$204,036
	Regional Strategic Area	\$106,100	\$122,421	\$179,552
	Regional Centre	\$89,795	\$102,019	\$155,067
	Regional Rural	\$61,211	\$73,454	\$122,421
	Rural	\$53,049	\$61,211	\$106,100
County Councils	Water	\$1,820	\$10,140	\$16,660
	Other	\$1,820	\$6,060	\$11,060

Note from Council

The Minister for Local Government has the ability to make a special determination as it relates to remuneration (Section 242 of the *Local Government Act 1993*).

The Minister for Local Government has, on many occasions, stated that the Local Government Remuneration Tribunal is independent, unfortunately the Tribunal identifies every year in their Annual Report and Determination that they must work within legislation. A specific section is 242A:

242A - Tribunal to give effect to declared Government policy on remuneration for public sector staff.

This section 242A, actually hamstrings the Tribunal in its determination, as it cannot be more than that set for the public sector staff, so year in year out there is a 2% increase or 2.5% increase.

As such this section 242A means the Tribunal is not truly independent.

Murrumbidgee Council has requested, with no luck, the Minister delete or suspend section 242A so the Tribunal can be truly independent.

15 Lachlan Shire Council**Amendment to the NSW Local Government Act 1993 clause 248**

That Local Government NSW advocates to the NSW Government to change the NSW *Local Government Act 1993*, Chapter 9, Part 2, Division 5, clause 248 as follows;

“248 Fixing and payment of annual fees for councillors

- 1) A council must pay each councillor a monthly fee which is calculated as one twelfth of the annual fee (subject to point (5) below).
- 2) A council may fix the annual fee and, if it does so, it must fix the annual fee in accordance with the appropriate determination of the Remuneration Tribunal.
- 3) The annual fee so fixed must be the same for each councillor.
- 4) A council that does not fix the annual fee must pay the appropriate minimum fee determined by the Remuneration Tribunal.
- 5) If a Councillor is absent from more than one (1) ordinary meeting of Council in any calendar year, without prior leave of the Council or leave granted by the council at any of the meetings concerned, then the Councillor shall forfeit 75% of their councillor monthly fee for the meetings they were absent.”

Note from Council

The current wording of clause 248 requires councils to pay each Councillor an annual fee. The fee is not reduced if a Councillor misses ordinary meetings, with or without leave having been granted by council, and therefore there is no consequence for frequent or unreasonable absence.

The proposed change would see a Councillor forfeit 75% of their monthly fee for their second and subsequent absence from an ordinary council meeting, in any calendar year, if leave of absence for the Councillor was not granted by the council. The value of 75% is recommended in recognition of the work a Councillor does between council meetings, while highlighting the importance of representing their constituents, and participating in, the formal decision making process at Council meetings.

Elections and democracy

16 Georges River Council Ban on developers & real estate agents serving as councillors

1. That Local Government NSW calls on the Premier of NSW and the Minister for Local Government to genuinely ban developers and real estate agents (and their relatives and close associates) from serving as councillors by closing the existing loopholes in legislation which are currently used by local councillors to avoid being defined as a developer and/or real estate agent.
2. That the NSW government commit to amending all relevant legislation to ensure that broader and more inclusive activities are included in the definition of developer and/or real estate agent such as (but not limited to):
 - a) investors who fund the planning proposal and/or development or developer;
 - b) land owners who contribute property/sites for planning and development applications;
 - c) persons/trusts/companies who hold options on land which they can trade once land values increase due to planning decisions;
 - d) beneficiaries of family trusts which benefit from planning proposals and/or development related decisions;
 - e) beneficiaries of company trusts or similar corporate arrangements;
 - f) shell companies used by persons, builders, councillors and/or companies that conceal involvement in planning proposals and/or development;
 - g) ongoing involvement/benefits that arise from planning proposals and/or development activities that continue post lodgement/approval/completion of a planning proposal and/or development such as bonuses for additional floor space or dwellings or trailing commissions and interest on investments;
 - h) other similar arrangements which can conceal a person's or councillor's involvement to avoid meeting the current definition of developer or real estate agent; and
 - i) relatives and close associates of any of the examples provided.
3. That the penalties for any councillor that makes a false declaration on their candidate nomination form about being a developer or real estate agent (or close associate or relative) be increased to include dismissal, lifetime bans and repaying the costs associated with any subsequent council by-election.

(Note: This motion covers the following motions set out in small font)

Note from Council

Local government is in need of urgent reform to stop those seeking office as Councillors that have no other interest other than their own personal gain. Communities are losing faith in their Councillors as a consequence of repeated examples of Councillors influencing decisions that result in their own, or family and friends, financial benefit. The broad definition of 'property developer' is clearly not sufficient.

We are calling on the NSW Government to take action to prevent this situation where someone can simply claim not to be a developer or have no close association to one, and nominate to be a Councillor. There must be stronger scrutiny and more accountability of those standing for election as

On 22 June 2021 the NSW Legislative Council amended the *Local Government Amendment (Elections) Bill 2021* to include a ban on property developers from holding office as local government councillors, with “property developer” having the same meaning as “property developer” in the NSW Electoral Funding Act.

Newcastle City Council **Property developers and real estate agents in local government**

That Local Government NSW:

1. Notes that in November 2021, the NSW Legislative Council successfully passed a Bill to amend the Local Government Act to disqualify real estate agents and property developers from holding elected positions on local councils;
2. Notes that City of Newcastle supported a motion on 27 July 2021, that endorsed measures to ensure openness, transparency, community participation and probity in local decision making, including by restricting active property developers and real estate agents from holding civic office;
3. Notes that the now NSW Treasurer, the Hon. Matt Kean MP, likened allowing property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank” due to the planning decisions taken by councils;
4. Writes to the Premier, the Treasurer and the Minister for Local Government requesting their support to amend the Local Government Act to prohibit property developers and real estate agents from running for elected local government positions.

Note from Council

The NSW Legislative Council recently passed a bill to disqualify property developers and real estate agents from holding election positions on local councils, with NSW Treasurer, the Hon. Matt Kean MP describing the allowance of property developers to be elected as local Councillors to “putting Dracula in charge of the blood bank”.

In July 2021, City of Newcastle passed a motion supporting Treasurer Kean's position, and endorsed the policy position of prohibiting property developers and real estate agents from holding office as local Councillors in NSW.

Blue Mountains City Council **Prohibition of Election of Property Developers Bill 2021**

That councils at the LGNSW Annual conference support the *Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021* or similar legislation to prohibit property developers from holding office as local councillors in NSW.

Note from Council

Local councils in NSW have a critical role in land use planning and development approval notably in:

- a) Making decisions on our Local Strategic Planning Statement, Local Environment Plan and local planning controls that regulate densities, building height, external design and siting, building materials, open space provisions, and the level of developer contributions required to cover physical and/or community infrastructure costs arising from the proposed development; and
- b) Assessing local development applications, granting approval, with or without conditions, and/or refusing a development application.

In 2020 the NSW Minister for Energy and Environment, and now the Treasurer, Matt Kean MP, likened allowing property developers to be elected as local councillors to “putting Dracula in charge of the blood bank” due to the significance of the planning decisions made by local councils.

Of equal significance in June 2021, the NSW Legislative Council voted to ban property developers from running for local councils because property developers have an innate bias in planning decisions; and property developers serving as local councillors erodes the ability of councils to make independent decisions on planning matters. Based on the definitions of ‘property developers and close associates’ in the *Electoral Funding Act 2018*, the NSW Government should enact legislation to ban those working as property developers, or their close associates, from running as candidates for Local Government elections.

It is vital that councils at the LGNSW conference support the adoption of a policy, which prohibits property developers from holding office as local councillors in NSW. It is equally important that the LGNSW Annual Conference supports the *Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021*, currently before the Parliament, which seeks to prohibit property developers from holding office as local councillors in NSW.

City of Parramatta Council

Ban property developers from running for council

That Local Government NSW calls on the NSW Government to support the *Local Government Amendment (Prohibition of Election of Property Developers) Bill 2021*, which is currently before the Parliament, which seeks to prohibit property developers from holding office as local councillors in NSW.

Note from Council

Councils in NSW have an important role in land use planning and development approval. Some councils assess local development and are able to grant approval, with or without conditions, or refuse an application for development. Local planning controls regulate densities, height, external design and siting, building materials, open space provisions, and the level of developer contribution required to cover physical and/or community infrastructure costs arising from the proposed development. In June 2021, the NSW Legislative Council voted to ban property developers from running for local councils. Property developers have a vested interest in planning decisions, consequently allowing them to serve as local Councillors erodes the ability of councils to make independent decisions on planning matters. The proposed amendments seek to address the inherent conflict of interest of those working as, or close associates of, property developers (as defined in the *Electoral Funding Act 2018*).

17 Northern Beaches Council

Conduct of the 2021 local government election

That Local Government NSW:

1. Formally expresses its concerns to the Minister for Local Government, the Hon. Wendy Tuckerman MP, for the way in which the 2021 NSW local government election was conducted. Specifically but not limited to:
 - a) Inconsistent and incorrect information on how to vote above and below the line given by officials.
 - b) Inconsistent application of rules at pre poll and election day polling booths.
 - c) The significant changes to the electoral rules and processes and communication of these changes.
 - d) Lack of transparent health advice justifying the measures implemented:
 - (i) no 'how to vote' cards handed out within 100m of a booth
 - (ii) setting up corflutes before 7am and not touching them until after 7pm.
 - e) iVote technical issues including its failure on election day; technical issues with the online nomination online management system (NOMS) process of nominations.
 - f) Consistent technical failures during pre-poll.
2. Requests the Minister conduct an urgent and independent review of the recent election to:
 - a) Ascertain the experiences of councils and candidates during the election, particularly their concerns around staffing, process, technology, and communication.
 - b) Consider the best practices of other jurisdictions in conducting elections, including during the pandemic.
 - c) Produce recommendations or suggestions on how to improve the election processes moving forward, including during pandemics.
3. Refers the resolution to the NSW Joint Standing Committee on Electoral Matters.

18 Tweed Shire Council

Local government elections - electronic voting

That Local Government NSW writes to the Minister for Local Government to request consideration of the expansion of criteria for electronic voting (iVote) and postal voting for local government elections.

Note from Council

COVID-19 highlighted the need to expand accessibility to different forms of voting.

19 City of Canterbury-Bankstown

Mayoral representation following LG elections

That Local Government NSW lobbies the NSW Government to amend the *Local Government Act 1993* (NSW) to ensure that mayors elected by councillors continue to hold their position until a new mayor is elected following local government elections.

Note from Council

The *Local Government Act 1993* (NSW) was amended in 2016 to provide different outcomes for mayors elected by councillors following a local government election. As opposed to a popularly elected Mayor whose tenure, which includes powers and duties, remains uninterrupted following an

election, mayors elected by councillors are considered councillors, and will have to vacate their position at midnight on the night of the election, thus ceasing to hold office. Effectively, this will leave more than half of local governments in NSW without mayoral representation for weeks or even months.

In the middle of a COVID-19 pandemic crisis where the community is looking for direct leadership and guidance from councils, having no Mayoral representation can significantly impact upon the community. This difference in Mayoral representation following an election needs to be addressed and the *Local Government Act 1993* (NSW) be amended to ensure that a mayor is in place to represent the community until a successor is elected.

20 Murrumbidgee Council

Councillor term

That Local Government NSW lobbies the Minister for Local Government to amend section 233 of the *Local Government Act 1993* NSW to end the term of the Council to be at the declaration of poll.

The proposed change be as follows:

233 For what period is a councillor elected?

(2) The office of councillor—

Omit - (b) becomes vacant on the day appointed for the next ordinary election of councillors, or on the occurrence of a casual vacancy in the office.

Insert - (b) Concludes on the day of the declaration of the election or when vacated in accordance with section 234

Note from Council

An anomaly different to most every other local government jurisdiction in the world exists in the *Local Government Act 1993* NSW, that is when a councillor term ends.

In NSW, the term of office ends on the day the local government election is held, in other jurisdictions it is when the election is declared.

Council believes the *Local Government Act 1993* NSW needs to be amended to end the councillor term at the declaration of poll. This way will have a continuity of elected representatives, and not a 21 day gap of no elected representatives.

There are many reasons why we should have this continuity, one in my mind that is a stand out is the representative at ceremonial functions of the office. The people voted for the councillor, not the general manager, so they should expect that the people they voted would be present at all ceremonial functions, in their capacity as councillor or mayor.

A mayor who is popularly elected is the mayor until the declaration of poll, S 230 (3) (b).

However, a mayor who is elected by the councillors is no longer the ayor as at the day the election is held.

Simply, the Act needs an amendment to section 233 (2) (b).

21 Lachlan Shire Council

Disqualification from nominating for next general election

That Local Government NSW advocates to the NSW Government to amend the NSW *Local Government Act 1993* to prevent a Councillor who is removed from office, including if a civic office becomes vacant under subsection 234(1)(d) of the *Local Government Act 1993*, from nominating for election at the next local government general election.

Note from Council

Normally if a councillor is removed from civic office the electors in the LGA have the opportunity to determine if the councillor should be re-elected to the council at the next general election. However, when there is a shortage of nominations, a councillor who was previously removed from civic office

may be returned in an uncontested election; potentially to the dissatisfaction of the electorate and other councillors.

22 Newcastle City Council **Re-establishing fixed 4-year terms for local government**

That Local Government NSW:

1. Notes that the current term of council is yet another irregular term and will fall well short of a fixed 4-year term, with the next local government election scheduled to take place in September 2024;
2. Notes that two consecutive council terms have been disrupted due firstly to Council amalgamations and then to the global COVID-19 pandemic;
3. Advocates for the return to a fixed 4-year term for the current council term with the next election to be held in September 2025;
4. Notes that re-establishing a fixed 4-year term would enable local government elections to be held every second year between fixed State Government elections (2 years after the 2023 State Government election), ensuring that voters, and the NSW Electoral Commission, are not fatigued by back-to-back elections, and that local councils are able to fulfill their critical statutory obligation of implementing a full, 4-year delivery program of each council's adopted Community Strategic Plan (CSP);
5. Writes to the new Minister for Local Government, advocating for the re-establishment of a fixed 4-year term, with an amendment to the Local Government Act to enable the next council elections to be held in September 2025, noting the aforementioned benefits of providing a 2-year gap between local and state elections, and the delivery of a full, 4-year delivery program of current adopted CSPs.

Note from Council

[Cost of NSW's long-delayed council elections balloons to \\$146m.](#)

23 Northern Beaches Council **Council referendums**

That Local Government NSW calls upon and writes to the NSW Government to allow councils, in conjunction with the NSW Electoral Commission, to conduct referendums, if a Council has resolved so, on the day of the State Election for such matters prescribed by the Local Government Act (e.g. demergers and popularly elected mayors).

Industrial relations and employment

24 Mosman Council **Senior officer contracts**

That Local Government NSW takes no further action on the proposal to remove senior staff (excluding General Managers) from the *Local Government Act 1993* in order to bring senior staff (excluding General Managers) under the Local Government State Award and re-iterate its commitment to allowing members to have individual discretion to determine whether or not to have senior officer positions, as is currently the case.

Note from Council

In 2021 the Board of LGNSW made a decision to support a proposal to remove references to senior staff from the *Local Government Act 1993* (LGA), with the exception of General Managers.

This would bring those staff off contract and under the Local Government Award. This was stated to be a response to the findings of Operation Dasha although it is not an actual recommendation of Operation Dasha. The concerns this raises include:

- Councillors like being consulted about the appointment or removal of senior staff and it is usually a beneficial process not a corrupt one;
- Being on contract encourages performance and accountability;
- Senior staff member may be 'performance managed' out of the organisation instead of having a respectful termination of contract with adequate compensation;

- The use of contracts allows flexibility for new General Managers to build new teams whilst allowing for reasonable compensation for out-going senior staff;
- It will create conflicts of interest as senior staff have to adjudicate on award benefits and entitlements as well as assist in award negotiations; and
- It does nothing to address the potential for inappropriate political pressure on General Managers which is the more profound concern.

A recent survey conducted by LGNSW of staff on this topic demonstrated a majority (68%) were against the idea. It is understood to be a long standing ambition of the various unions who are a party to the Award however it is worth noting that there are other solutions to addressing the issue of undue political influence on senior staff including:

- Section 332 of the LGA allows individual councils the discretion to determine whether or not to have senior officer positions at all, so at any time an individual member council can resolve to not have any and thus make all staff (other than the General Manager) subject to the Local Government Award.
- An amendment allowing senior officers to access the dispute mechanisms under the award.
- Similar to a Section 11 notification under the ICAC Act, a Duty to notify the Office of Local Government of use of the summary dismissal provision including the reasons and consultation undertaken with the elected Council, to increase transparency of the event.

In December 2021 the General Managers of NSROC wrote to the NSW Department of Planning, Industry and Environment voicing concerns that the decision of the Board was neither representative nor consultative.

In January 2022 the Group Deputy Secretary of Planning, Delivery and Local Government responded by stating that whilst aware of the proposal 'no decision has been made to progress it'.

Housing

25 Ballina Shire Council

Royal Commission into affordable housing

That Local Government NSW develops a campaign seeking support for the establishment of a Royal Commission into the affordability and future of housing in Australia.

Note from Council

Housing affordability remains a significant and growing problem throughout Australia, particularly for key workers, low to moderate income households and groups vulnerable to homelessness.

As outlined in the University of NSW report 'Housing: Taming the Elephant in the Economy' (June 2021), the factors underlying housing affordability reach well beyond the scope of planning and local housing supply and include policy settings relating to finance, taxation, superannuation and workplace relations as well as the structure and regulation of housing markets.

The need to address this issue is urgent and the failure to do so has the potential to undermine the prosperity of Australia, deepen economic inequality and threaten social cohesion for future generations.

Having regard to the above and to the need to address the systemic issues underlying housing affordability, Council requests your support for the establishment of a Federal Royal Commission into the future of housing in Australia.

26 Byron Shire Council

Stamp duty recycling for housing investment

That Local Government NSW lobbies the NSW Government to:

- a) secure the 'recycling' of transfer duty and land tax revenue into local government areas experiencing house price inflation and homelessness, housing shortage and rental stress to invest in new housing stock for essential workers, lower income and vulnerable members of the community and;
- b) use 'stamp duty recycling' as a mechanism for equalising the social housing stock across the state so that local government areas that are behind the state average can catch up over the next decade.

Note from Council

Well-off owners investing in LGAs like Byron Shire generate significant transfer duty – and land tax – income for the State Government. Total stamp duty revenue is anticipated to be over \$11bil this financial year. At the same time homelessness rates in Byron Shire are estimated to be the highest outside Sydney. In addition, social housing stock in Byron Shire at around 2% of overall housing stock is well below the state average which is around 6%.

Gentrification is a general process that occurs across the country and especially in our cities however its impacts can be managed by targeted and nuanced fiscal policy. State Government can 'recycle' the stamp duty generated in Byron and other communities by investing in homes for our lower income members of the community in social housing and innovative projects such as community land trusts that disconnect from the private market to ensure access to housing at a manageable rate for local residents, in particular essential workers, single parents and older residents on lower incomes.

We are seeing significant issues for skilled employees in aged care and health care (including paramedics, nurses) who cannot afford to live within a commutable distance in regional areas. The lack of housing can undermine the delivery of these core social services (including for example not offering beds in aged care due to staffing shortages).

27 Shoalhaven City Council

Impact of holiday homes

That Local Government NSW asks the NSW Government to consider legislative tools to assist councils with the impact of short-term rental platforms on local communities with respect to long-term rental availability.

Note from Council

Local rental markets are being challenged by the growth of short-term accommodation platforms such as Airbnb and HomeAway, with long-term housing stock for residents being repurposed as holiday homes. A 2018 research project commissioned by the Australian Coastal Councils Association, Planning responses to online short-term holiday rental platforms, found that coastal localities require support to respond to the proliferation of short term holiday rentals, which account for a median of 4% of all housing stock, with rates in popular localities as high as 17%. The Government is requested to help provide more tools that councils can apply to address these issues, as recommended by the Australian Coastal Councils Association study. The Government could also consider undertaking a study into how short-term rentals impact on the economic recovery of local commercial centres. Councils also recognise the importance of being "open for business" and proportionate regulation.

28 Shoalhaven City Council

Social and affordable housing models

That Local Government NSW requests that the State Government investigate different models for social and affordable housing, such as equity share and covenant housing.

Note from Council

The NSW Government is called upon to act, including regulatory reforms, to facilitate innovative housing types that demonstrably improve affordability. These housing types include but are not necessarily limited to shared equity homebuyer schemes (appropriately targeted/means tested for low-moderate income groups); covenant housing (below-market rate homes with land title restrictions

making housing affordable in perpetuity – e.g. through restricting capital gain profits/mandating below-market rents etc); subsidised key worker housing; tiny house developments; meanwhile uses; build-to-rent with mandated affordability; rent-to-buy schemes; net-zero carbon and passive design homes (to reduce ongoing costs of housing); housing co-operatives and capped profit development models.

Innovative housing models such as those described above could be tested in the form of pilot projects, design competitions and demonstration projects to evaluate affordability outcomes and facilitate appropriate supporting regulation.

29 Wollongong City Council

Affordable housing: caravan parks and manufactured home estates

1. That Local Government NSW works with the Department of Planning and Environment, NSW Fair Trading, Office of Local Government and the Affiliated Residential Park Residents Association (ARPRA) to:
 - a) Explore options to ensure and secure that caravan parks and manufactured home estates are recognised as providing affordable housing options for many people, including retirees, pensioners, and people on low incomes;
 - b) Highlight the need for secure tenancy for long term residents of caravan parks and manufactured home estates;
 - c) Prioritise the rights of residents of caravan parks and manufactured homes estates against becoming homeless, or the threat of becoming homeless, due to owners who refuse and/or vacillate in the renewal of lease agreements with councils.
2. NSW councils accept and affirm the need to protect the right for residents currently living in caravan parks and manufactured home estates to be provided with housing security, especially where they have valid leases with park owners and have purchased their homes in goodwill.

Note from Council

According to NSW Fair Trading, there are around 500 land lease communities including caravan parks and manufactured home estates in NSW, accommodating about 34,000 residents. They offer a variety of services, facilities and financial arrangements. Some cater only to permanent home owners. Others have a mixture of tourists, tenants and long-term casual occupants. There are also different types of operators within the industry, ranging from large corporations to small family businesses.

Under the *Local Government Act 1993*, Council must assess and determine whether a caravan park or manufactured home estate can operate in a safe, appropriate manner and consistent with development approval for the use of the land. It is apparent that many residents are exposed to tenuous arrangements for permanent leasing which only come to their notice when compliance issues and licensing arrangements are being negotiated.

The commercial arrangements between homeowners and operators fall under the responsibility of *NSW Fair Trading and the Residential (Land Lease) Communities Act 2013*.

30 Liverpool City Council

Pandemic safe housing and development

That Local Government NSW advocates for a national consultation process to be held to enable governments at all levels, the opportunity to re-assess and implement new planning controls that will ensure the delivery of future pandemic safe housing and development.

Note from Council

It is now clear that the new NORM will include the necessity to learn from the COVID pandemic in ways that effect the type of housing and governing planning instruments including LEPs, SEPP's and BASIX so that future housing provisions address the need to provide more COVID safe appropriate housing.

Governments at all levels need to re-address the development and planning controls to develop and include possible pandemic mitigation that will provide pandemic safe developments and housing for the future.

Social and affordable housing planning controls need to be re-assessed in particular where small living quarters are designed for sleeping only, with expectation that other daily requirements are met through the provision of shared quarters and amenities. Air flow through dwellings must be maximised and private outside access should be re-evaluated for possible inclusion as well as the possible need for home office space, issues that would necessitate Federal Government intervention to ensure the economic viability of affordable and social housing.

Planning

31 Blacktown City Council

NSW Planning Portal

That Local Government NSW calls on the NSW Government to:

1. Offset the additional and unnecessary costs being borne by local government to implement the Planning Portal, by paying compensation to councils in recognition of the additional costs and workloads being imposed on them to make the Planning Portal functional.
2. Work with local government to develop a customer driven strategic direction, underwritten by a formal written agreement:
 - a) to guide the development and implementation of the Planning Portal over time
 - b) comprising service levels with local government, based on a mutually agreed clear and unambiguous implementation plan with milestones and financial penalties – to be paid to local government in the event that milestones are not achieved by NSW Government agencies.

(Note: This motion covers the following motion set out in small font)

Note from Council

The NSW Planning Portal is a NSW State Government initiative intended to provide a single centralised point for the recording and management of strategic planning, development assessment and related matters.

Despite its commendable objectives, the Planning Portal has and continues to present significant challenges to local government in relation to:

- The general under achievement of the initiative, when compared to what would be possible if a more strategic and collegiate approach had been and was adopted in relation to its initiation and ongoing development
- The lack of a customer driven strategic direction to guide the development and implementation of the Planning Portal over time
- The lack of any enduring formal commitment by the State Government to develop and maintain the Planning Portal on an enduring basis
- Its ongoing lack of integration with related local government software systems
- Continuing frequent Portal system upgrades resulting in outages of up to a week in duration, impacting both local government and applicants The resulting need for councils to develop work arounds involving extra staff, the double entry of data and the manual processing of information.

All of which is at a substantial extra cost to local government – in an environment where the compounding effects of State Government rate caps and cost shifting are presenting ever-increasing challenges to the ability of councils across the State to service the real and immediate needs of their communities.

Murray River Council

NSW E-Planning Portal

That Local Government NSW requests the NSW State Government to conduct an independent review of the E-Planning Portal system and engaging with all NSW councils for its overall performance, streamlining

Development Applications processes, reducing turnaround times on applications and reinstating the requirement for Mandatory Documents to be submitted prior to the system allowing acceptance of any application.

Note from Council

On 1 July 2021, the then Premier of NSW as part of the NSW Government's planning reform agenda mandated the submission of Development applications and post-consent certificate via the ePlanning Portal online Platform. Since this time, councils' Planning and Building Services staff have raised a number of fundamental issues with the functionality of the new system, which has resulted in an estimated 30% increase in workload for most councils across NSW.

As it stands, the major flaw in the system is the lack of filtering ability for the required documents and a consistent approach for applicants to submit the mandatory documents as outlined in the Environmental Planning and Assessment Regulations 2000 with no discretion. Currently the system allows the applicant to select any documents they wish to submit from a drop-down box, that does not relate to their particular application type. Therefore, councils are unfairly challenged by consultants and applicants daily, where there are disputes between applicants and Council staff as to what documents are required for individual application types.

32 Lane Cove Council Development and planning fees and compliance levy fee

That Local Government NSW advocates to the NSW State Government and NSW Department of Planning and Environment to:

1. Review the fees prescribed for development applications, planning proposals and other planning instruments to ensure proper cost recovery by councils.
2. Reinstatement the development application compliance levy fee removed on 1 January 2022.
3. Annually index the prescribed fees in line with CPI each financial year.

(Note: This motion covers the following motion set out in small font)

Note from Council

Planning and development related statutory fees are set by the NSW State Government. Historically, these statutory fees have remained the same for many years and increases have generally only been very minor. Council believes the statutory fees should be indexed each year by CPI (or some other relevant index) to ensure reasonable cost recovery.

The recent removal of the development application building compliance levy is not only unjustified but has had a major adverse impact on councils income projections. The community often raises concerns about the lack of regulatory enforcement as it relates to development, stating that councils need to be more active in this area. This levy has historically been used to resource enforcement activities to meet community expectations. In the absence of a substitute fee, Council calls on the NSW State Government to reinstate the levy to ensure regulatory enforcement is resourced to the level the community expects.

Liverpool City Council

Environmental Planning & Assessment Amendment (Compliance Fees) Regulation

That Local Government NSW lobbies the NSW State Government requesting the Government reverse the decision to prohibit council from collecting compliance levies from 31 December 2021, or in the alternative, for the State Government to implement (at least) a 2 year moratorium on the removal of the levy for high growth councils to enable a transition to any new scheme.

Note from Council

On Friday 16 July 2021, Council was notified by the Chief Executive of LGNSW of the passage by the NSW State Government of the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 (NSW). Liverpool City Council is one of 29 councils in NSW which charges compliance levies to support council development and compliance activities.

Earlier this year, while Council was finalising its 2021/2022 budget, the Government announced it intended to prohibit the ability of councils to charge a compliance levy from 1 July 2021. Following strong advocacy from LGNSW and councils, the Government announced it would defer this imposition on councils so it could consult with the sector and introduce a new compliance funding regime.

Regrettably, in the absence of any consultation and despite ongoing advocacy by LGNSW, the Environmental Planning and Assessment Amendment (Compliance Fees) Regulation 2021 was published on Friday 16 July 2021 with the effect of prohibiting councils from collecting compliance levies. For those councils that currently collect compliance levies, this prohibition now took effect from 31 December 2021.

This regulation was made in the same month the Government saw the passage of new legislation which facilitates 'compliance levies' for the NSW Building Commissioner's Office. Councils will be required to collect the new compliance levies for the Building Commissioner's Office and remit the funds but won't be able to collect compliance levies to fund their own development and compliance activities.

LGNSW considers this an outrageous impost on councils. LGNSW will be strongly responding to the Government's action and has requested Council's assistance by providing information about the financial impacts of this change.

For Liverpool City Council, the compliance levy has raised, on average, \$3 million per year (since the levy was introduced in FY 2015/16). This Council has previously resolved that all revenue from the levy be used to fund council development and compliance activities. Removing the ability for councils to collect a compliance levy will result in at least a \$3 million shortfall in Council's operational budget position in future years (potentially more depending on the level of development activity in the LGA) and will significantly affect our capacity to deliver the level of compliance activities expected by the community.

For high growth councils like Liverpool, the Compliance Levy is an opportunity to ensure adequate oversight and resourcing of our regulatory responsibilities. Coming on top of changes to the contributions planning framework, the removal of the compliance levy is yet another cut to local government funding without any reduction in demand.

The State Government should reverse this decision or implement, at least, a 2-year moratorium on the removal of the levy for high growth councils like Liverpool to enable a transition to any new scheme. This would enable a transition to alternative budget arrangements for future financial years without impacting so significantly on service delivery over the short term.

33 Blacktown City Council

Concept development application (DA) fees

That Local Government NSW consults relevant ministers and authorities as appropriate to seek the removal of Clause 256B from the Environmental Planning and Assessment Regulation 2000 which prevents local government from recovering its costs from processing concept development applications.

Note from Council

- Concept development applications are permitted by Division 4.4 of the *Environmental Planning and Assessment Act 1979*.
- A concept development application is a development application that sets out concept proposals for the development of a site, and for which detailed proposals for the site or for separate parts of the site are to be the subject of the subsequent development application or applications.
- The fees for a concept development application are set out in Clause 256B of the Environmental Planning and Assessment Regulation 2000. This clause states as follows: "The maximum fee payable for a concept development application in relation to a site and for any subsequent development application for any part of the site, is the maximum fee that would be payable as if a single development application was required for all the development on the site."
- This clause in effect only permits councils to collect the fee only once for the concept plan DA only with all subsequent detailed DAs being processed free of charge.
- This is a completely unequitable approach considering the following factors:
 1. Concept DAs are for extremely complex projects and the detailed DAs have to be fully reassessed against the concept plan approval and prevailing controls. The amount of assessment work done by the council officers initially for the concept DA and each detailed DA after that must be paid for by the applicant.
 2. The concept DA and each subsequent detailed DA are not the same thing. They each have to be assessed individually and then be individually reported to a panel which takes up council officers' time.

the real state significance of the developments listed in this Schedule and to hand back to council what is deemed will only have a local or at best regional significance.

35 Hawkesbury City Council Refining post-disaster planning approval processes

That Local Government NSW works with the NSW Department of Planning, Industry and Environment (DPIE) and affected local councils to create a more refined approvals process, including multi-agency cooperation, for people who are seeking approval to rebuild after natural disasters. Alternatively that DPIE and the NSW Government support recovery and approval by paying for place-based planning documents that consider the issues affecting disaster-affected properties so that individual land owners can use these documents as part of the approvals process.

Note from Council

In March 2021, the Hawkesbury LGA experienced flood damage on over 600 properties, including loss of homes, businesses and complete devastation of some properties.

While there was discussion of a “fast track” approvals process similar to that which followed the 2019-20 bushfires, this did not eventuate.

Council has held pre-lodgement meetings with some property owners and many have reacted strongly to the quantum of information required for development applications to be submitted to the Planning Portal for assessment, including flora and fauna, Asset Protection Zone, fire and flood, and koala habitat assessments. It should be noted that these are replacement structures, on sites with previous approvals.

Due to the now arduous and expensive nature of the approvals process, Council is aware that some property owners have chosen to undertake works without approval.

In fact, some are saying that the cost of works and the potential fines are still less than the cost of preparing a DA.

This undermines planning protections and creates significant ill-will between Council and its residents, as well as exacerbating dangers on the floodplain and long-term costs for all levels of government, communities and insurers as poorly engineered works may not withstand future flood events. A way is needed to address planning requirements that enable people to get back into their homes safely and lawfully, and without excessive costs.

Either the State Government and DPIE must provide the extensive studies the approvals process requires, which are out of the financial reach of many disaster-affected property owners, or the process for reestablishment approvals must be refined.

While this issue was highlighted by the significant flood event in the Hawkesbury LGA in 2021, other local government areas were also affected by that event. Natural disasters, particularly fires and floods, occur frequently and at times impact large parts of the state covering many local government areas, for example the fires of 2019/2020.

36 Lane Cove Council State Government’s proposed changes to clause 4.6 variations

That Local Government NSW lobbies the NSW State Government not to proceed with the removal of Clause 4.6 variations from all Local Environmental Plans (LEP).

Note from Council

In March 2021, the NSW Independent Commission Against Corruption (ICAC) released their final report entitled ‘Investigation into the Conduct of Councillors of the former Canterbury City Council and others’.

The report made a total of 23 recommendations, 7 of which relate to the broader application, consideration and determination of development applications, in particular the use of Clause 4.6 variations under a Local Environmental Plan (LEP).

It is proposed that current clause 4.6 exclusions be removed. This was not a recommendation of the ICAC report. In fact, the report recommended that the State Government “considers the circumstances in which the application of both maximum height of building development standards and maximum floor space ratio (FSR) development standards should be mandatory in LEPs”.

The retrospective dilution of Council’s planning work in the LEP by removing the clause which prohibits the use of Clause 4.6 is not appropriate and erodes Council’s planning powers. As there are a number of councils that utilise this clause, it is therefore appropriate to seek the support of LGNSW to ensure this element of the review does not proceed.

37 City of Canterbury-Bankstown

Environmental Planning and Assessment (Statement of Expectations) Order 2021

That Local Government NSW lobbies the NSW Government to:

1. Revoke the Environmental Planning and Assessment (Statement of Expectations) Order 2021
2. Consult with councils to identify a suitable and workable policy approach to improve the timeliness of decision making specific to development applications, planning proposals and rezoning, and broader strategic planning
3. Ensure policy alignment with broader planning reforms that are currently underway.

Note from Council

The recent introduction of the Environmental Planning and Assessment (Statement of Expectations) Order 2021 presents significant implications for council, namely the erosion of a fair, transparent and efficient development assessment service to the community. This Order will not only redirect scarce Council resources away from core planning and assessment functions toward an increase in Land and Environment Court appeals across the State, it will also draw on additional resources of councils and applicants to settle matters. An outcome in direct contrast with the intent of the Order.

The creation of faulty policy like this Order, highlights the importance of consulting local government on planning systems that will impact on the sector directly. This blunt instrument was introduced with no consultation and no savings provisions for existing applications, impacting not only on larger development organisations but ‘mums and dads’ looking to build their dream home.

Consultation with local government to determine what constitutes an effective and efficient planning system would have prevented the inclusion of deficiencies, such as unrealistic timeframes, clearly evident in the current Order. It is therefore imperative that this Order be revoked, and necessary consultation of the local government sector be initiated, so as to create a planning system suitable for councils, community, and industry.

38 Murray River Council

Building surveyors

That Local Government NSW advocates immediately and requests that the Federal Government and relevant State Governments immediately relax the cross-border accreditation requirements for building surveyors to operate nationally under the Australian Building Code. Further to this that Federal Government introduces a rural/regional specific accreditation to ease the burden on regional councils.

Note from Council

The building certification industry nationally is significantly under pressure due to the events of high-profile events such as the Opal Tower and failed cladding that occurred in recent years in large cities and high-density developments.

Unfortunately this has led to a comprehensive response from Fair Trade to increase the requirements for building certifiers in terms of accreditation points of currency and increases the time for accreditation to approximately 12-18 months to be accredited in a different state (i.e. Victoria to NSW).

Regional council building certifiers are required to do additional training almost on a monthly basis to keep their accreditation.

As cross border councils are not able to access interstate building certifiers of interstate accreditation as this is not recognised, private certifiers in cross border areas are choosing to operate in Victoria for simplicity and commercial arrangements. Councils have to pay large sums of money to contract in services from private certification companies due to a shortage of building surveyors and high insurance costs.

Social and community

39 Byron Shire Council

First Nations Voice to Council

That Local Government NSW develops an advisory body model for a First Nations Voice to Council for local Indigenous communities based on the vision in the Uluru Statement from the Heart; with the structure, terms of reference and membership for the First Nations Voice to Council to be determined by consultation with local Indigenous community stakeholders including Local Aboriginal Land Councils, native title holders and elders in conjunction with local councils.

Note from Council

The Uluru Statement from the Heart sets out a clear vision for Indigenous Australia to play an active consultative and advisory role in our government.

The Statement says: 'We call for the establishment of a First Nations Voice enshrined in the Constitution'. Federal and State governments are yet to implement this transformative, inclusive innovation, perhaps because of the aspiration to change the federal constitution, a typically complex and contested process. However, there has been some movement on treaty proposals and negotiations especially at local government level.

Local councils with their immediate community engagement and responsibility for land use are uniquely well positioned to facilitate the better integration of Indigenous communities into our processes of government.

The model could be designed so that it operates as an advisory body or consultative committee. Nevertheless, this model, operating at the grass roots, could encourage long term constitutional change. Remember that the Statement says: 'We seek constitutional reforms to empower our people and take a rightful place in our own country. When we have power over our destiny our children will flourish. They will walk in two worlds and their culture will be a gift to their country'.

The First Nations Voice to Council could be consulted on all policies and decisions likely to affect the local indigenous community.

Councillors would need to consider the recommendations made by the Voice to Council and respond to questions raised.

Membership of the Voice to Council could for example have 3 representatives from the local Indigenous community including representatives from the Land Council, native title holders and community members with professional expertise that could assist in analysing council proposals and projects.

40 City of Parramatta Council

Prevention of Aboriginal deaths in custody

That Local Government NSW calls on the NSW Government to implement all cross-jurisdictional reform recommendations contained within the Royal Commission into Aboriginal Deaths in Custody report that seek to prevent Aboriginal deaths in custody and the resultant family trauma.

Note from Council

The Royal Commission into Aboriginal Deaths in Custody (the Commission) (1987 – 1991), was appointed by the Australian Government in October 1987 to Federal Court judge James Henry Muirhead, QC. The terms of reference for the Commission were to inquire into and report on the deaths of Indigenous people in police or prison custody or in any other place of detention between 1 January 1980 and 31 May 1989. There had been 99 deaths in custody in the reference period. The Commission's Final Report was issued in April 1991 and made 339 recommendations across a wide range of policy areas. The largest number of recommendations relate to policing, criminal justice, incarceration and deaths in custody. The Commission also made recommendations relating to health, education and self-determination in recognition of the breadth of factors leading to the high rates of incarceration of Aboriginal and Torres Strait Islander people, particularly for young people. A review in August 2018 found that across all recommendations for all jurisdictions, only 64% had been implemented in full.

At the time of the final report Aboriginal people's rate of incarceration was 14.3% (as a percentage of all prisoners). As at June 2020, Aboriginal and Torres Strait Islander people made up 29% of all prisoners across Australia (Australian Bureau of Statistics, Prisoners in Australia). In addition to this doubling of the incarceration rate, in the 30 years since the report of the Royal Commission until August 2021, 478 Aboriginal people have died in custody. Nine of those deaths took place in 2021 alone, and six of these were in NSW. The community impacts of disproportionate incarceration and Aboriginal deaths in custody are whole of community issues. The communities that local government represents will directly benefit from the implementation of recommendations by the NSW Government.

41 Lake Macquarie City Council

Support for Afghan refugees

That Local Government NSW works with councils, the State Government, refugee and culturally and linguistically diverse non-government agencies, and the Federal Government to ensure that all Afghan citizens who assisted Australia during the Afghan intervention, or who are at risk as a result of that intervention, are smoothly and efficiently provided with refugee status, and settled in Australia.

Note from Council

The tragedy of the re-emergence of Taliban control of Afghanistan affects many Afghans who provided assistance to Australian soldiers, or who were encouraged to participate more fully in Afghan life. It is incumbent upon Australia, as part of the coalition of countries responsible for the intervention in Afghanistan, to ensure that it fulfils its moral obligation to provide support and resources to ensure that those put at risk by that intervention are properly looked after.

42 Leeton Shire Council

Safeguarding the welfare of Seasonal Worker Programme workers

That Local Government NSW calls on the Australian Government to modify the implementation of the Seasonal Worker Programme (SWP) to improve welfare outcomes for workers to ensure councils are informed of worker arrivals and departures so that they can monitor their living conditions and welfare while they are in residence.

Note from Council

The Seasonal Worker Programme (SWP), which commenced on 1 July 2012, is a Federal Government-initiated effort to improve economic opportunities for nationals of participating countries, while providing seasonal labour to Australia's agriculture and accommodation sectors.

- Primarily run by the Department of Education, Skills and Employment (DESE), the SWP is a wholly managed government programme. The SWP enables employers in the agriculture and accommodation sectors to cover vacancies unmet by Australian labour for periods of up to 9 months.
- Fiji, Kiribati, Nauru, Papua New Guinea, Samoa, Solomon Islands, Vanuatu, Tonga, Tuvalu and Timor-Leste are SWP participating countries.
- The SWP Portability Pilot allows approved employers operating in the Wimmera Mallee (Victoria), Sunraysia (Victoria/NSW), Goulburn/Murray (Victoria) and Riverina (NSW) regions to share workers. Under this pilot, employers have greater flexibility to move seasonal workers

between farm placements during their visa period without prior approval by the department. The timeframe for this pilot has recently been extended and may, at some point, be expanded.

- Some SWP workers are reported to have been living in cramped quarters, despite paying very high rents. ABC reporter Norman Herman told a story of nine workers paying a weekly rent of \$1,350 to share a four-bedroom house.
- The Fair Work Ombudsman discovered a farm that was incorrectly compensating workers.
- Councils have an obligation to be connected to the programme through the appointed regional SWP Coordinator. However, councils are not being informed about worker arrivals and departures. This means they are unable to monitor the living conditions and welfare of workers residing in their local government areas.
- To improve the welfare outcomes of workers involved in the SWP, strengthen Australia's standing across the Pacific region and build trust between nations, it is recommended that the SWP and relevant councils sign a Memorandum of Understanding formalising:
 1. A close working relationship between councils, regional SWP Coordinators, and SWP dedicated Welfare and Wellbeing Support Persons
 2. SWP notification to councils of the movement of SWP workers between Local Government Areas
 3. Council officer attendance at arrival and departure briefings
 4. Improved implementation of the SWP Assurance Framework characteristics: Prevention, Deterrence, Detection and Correction
 5. The involvement of councils in monitoring the welfare of workers involved in the SWP, specifically in relation to the provision of suitable housing
 6. The preparation of an SWP stakeholder communication plan aimed at delivering regular relevant communication to stakeholders.

43 Leeton Shire Council

Work rights for bridging visa holders and amnesty for undocumented workers

That Local Government NSW calls on the Australian Government to improve the welfare of migrants and resolve the labour shortages affecting businesses and industries in rural and regional Australia by:

1. Revising the visa regime to grant work rights to all bridging visa holders
2. Granting amnesty to undocumented workers, specifically undocumented farm workers.

Note from Council

- A revision of the visa regime to grant work rights to bridging visa holders would enable willing migrant workers to take up employment opportunities. This would benefit both the migrants themselves and the communities in which they reside. In most cases these migrant workers would fill labour shortages that would otherwise not be filled.
- An amnesty or "status resolution" for undocumented farm workers would see them transition to a one or two-year visa would improve welfare outcomes for these workers, reduce the likelihood of them being exploited by unscrupulous labour hire companies, and support businesses and industry by providing them with a more stable and secure workforce.
- Bridging visas are transitory visas which permit immigrants to remain in Australia for a certain period of time. They are generally granted to allow time for new visa applications to be processed after previous visas have expired.
- According to the Department of Home Affairs, there were 336,453 people on bridging visas in Australia on 31 December 2020 and the number is growing.
- There are six classes of bridging visa which have different permissions with regards to travel, work and study. Some visas do not grant work rights.
- It is estimated that in some local government areas around 20% of temporary migrants are on bridging visas, seldom with attendant work rights. It is a situation that frustrates local recruitment drives, with ready and willing job seekers unable to take up employment due to work right restrictions.
- Australia is facing labour shortages and is highly reliant on transient seasonal workers. Attracting domestic workers to seasonal work is difficult
- A shortage of overseas workers, induced by the COVID-19 pandemic, is presenting a major challenge for farmers and horticulturists during harvest times.

- It is estimated that there are 100,000 undocumented workers in Australia. About two-thirds (75,000) of them work in agriculture.
- Undocumented workers are people who don't have a visa, have the wrong kind of visa (including bridging visas), or whose visas have expired.
- According to Dr Joanna Howe, a senior lecturer of law at the University of Adelaide, undocumented workers are susceptible to exploitation, including underpayment, by unscrupulous labour hire companies. The National Agricultural Labour Advisory Committee also indicated that undocumented workers are at highest risk of exploitation.
- Recommendation 25 of the National Agricultural Labour Advisory Committee's National Agricultural Workforce Strategy: Learning to excel, which was released in December 2020 is that the Australian Government allow a one-off regularisation of undocumented AgriFood workers.

44 Blue Mountains City Council

Gender Equity

1. That the LGNSW conference notes that representation of women in elected roles and in senior leadership positions in local government remains persistently low. This is despite many years of strong advocacy from the Australian Local Government Women's Association and its NSW Branch to encourage women to join local government and support gender equity;
2. That the LGNSW conference notes that setting policy and targets to improve gender representation including public reporting and accountability on outcomes helps drive change. However, only a small number of councils have developed a Gender Equity Strategy (these Councils include City of Sydney, Ryde and Blue Mountains); and
3. That the LGNSW calls on the NSW Government to introduce legislation, such as exists in Victoria through its *Gender Equity Act 2020*, to require the public service and local councils to "plan, implement strategies and report on gender equality in the workplace", and that the NSW Government provides funding to enable local councils to develop their Gender Equity Strategy in consultation with local communities.

Note from Council

Gender equality is when people of all genders have equal rights, responsibilities and opportunities. Everyone is affected by gender inequality - women, men, trans and gender diverse people, children and families. It impacts people of all ages and backgrounds.

Gender equality prevents violence against women and girls. It is essential for economic prosperity. Societies that value women and men as equal are safer and healthier. Gender equality is a human right. Everyone benefits from gender equality.

This motion will:

- Promote, encourage and facilitate the achievement of gender equality and improvement in the status of women;
- Support the identification and elimination of systemic causes of gender inequality in elected roles, senior leadership, policy, programs and delivery of services in workplaces and communities;
- Recognise that gender inequality may be compounded by other forms of disadvantage or discrimination that a person may experience on the basis of Aboriginality, age, disability, ethnicity, gender identity, race, religion, sexual orientation and other attributes;
- Redress disadvantage, address stigma, stereotyping, prejudice and violence, and accommodate persons of different genders by way of structural change;
- Enhance economic and social participation by persons of different genders
- Further promote the right to equality set out in the Charter of Human Rights and Responsibilities and the Convention on the Elimination of All Forms of Discrimination against Women; and
- Promote the importance of a Gender Equity Strategy in Local Government.

A change to legislation would promote gender equality by:

- Requiring the NSW public sector, local councils and other aligned industries to take positive action towards achieving workplace gender equality. Requiring these organisations to consider and promote gender equality in their policies, programs and services.

That Local Government NSW advocates to the NSW Government for:

1. The NSW Government to assign a key agency responsible for ensuring food security within the population both during and following emergency events
2. A more coordinated response to food insecurity and emergency food relief to be developed by the NSW Government
3. Greater resourcing to be provided by the NSW Government for emergency food relief supplies
4. Greater consideration to be given to providing culturally appropriate emergency food relief supplies
5. Greater support and resourcing to be provided to councils supporting local food relief efforts.

Note from Council

Recent emergency events such as flooding, bushfires and the COVID-19 pandemic have exacerbated existing socio-economic vulnerability in communities. This vulnerability often manifests as food insecurity at the household level. Local government has played an important role in identifying these issues on the ground and coordinating local community services and state agencies to respond. However, recent periods of prolonged COVID-19 lockdown have demonstrated how the scale of household food insecurity issues is beyond the capacity of local government and local community services to manage. Greater support is needed from the NSW Government to respond to food insecurity both during and following emergency events.

Residents have been impacted by the recent COVID-19 pandemic in a range of ways, with many experiencing job or income losses. Referrals for emergency food relief have increased dramatically in response, both from COVID positive households and those impacted more broadly by the pandemic due to financial instability or the loss of regular social support networks. Impacts have been particularly great for those with existing vulnerabilities, such as low income families, those with chronic health conditions, people from non-English speaking backgrounds, those without reliable access to transport and socially isolated people.

Councils have played an important role in supporting local services and state agencies to manage this increasing demand. However, in NSW, there remains a gap in terms of a key agency responsible for the coordination of food relief and ensuring the population has adequate access to healthy food. There have also been challenges in ensuring people from culturally and linguistically diverse backgrounds can access appropriate food supplies. Councils, and local community organisations, are not resourced to respond to issues of food security at the rate in which the demand is increasing.

Given that poor access to fresh and healthy food can contribute to a range of poor health and social outcomes for our communities, we suggest the NSW Government take a more proactive role in ensuring people have adequate access to food, both during emergencies and day to day. As the issue is complex and widespread, we propose food security is taken up as a key portfolio area of a NSW Government agency to ensure a more coordinated response in the future.

We request that Local Government NSW advocate to the NSW Government for the following:

- The NSW Government to assign a key agency responsible for ensuring food security within the population both during and following emergency events
- A more coordinated response to food insecurity and emergency food relief is developed by the NSW Government
- Greater consideration is given to providing culturally appropriate emergency food relief supplies
- Greater support and resourcing to be provided to councils supporting local food relief efforts

A centralised state agency responsible for food security would provide much needed oversight and coordination of resources at both the state and local government levels.

46 Warren Shire Council Emergency planning for natural disasters like mice plagues

That Local Government NSW requests that the NSW Government through Resilience NSW, instigate the development of the necessary emergency planning in preparation for natural disasters such as mice plagues and other similar natural disasters to ensure that appropriate co-ordination and timely support is provided to affected residents, business owners and farmers in those areas that experience such natural disasters.

Note from Council

The mice plague of 2020 and 2021 in Western NSW saw a poorly timed and co-ordinated response from the NSW Government in providing assistance to residents, business owners and farmers in the areas affected. Emergency planning needs to be put in place to ensure that future support responses to natural disasters like mice plagues become timely and co-ordinated and achieve positive outcomes for affected communities. This work needs to be co-ordinated by Resilience NSW with all other relevant NSW Government agencies.

47 City of Canterbury-Bankstown Strengthening early learning and childcare advocacy

That Local Government NSW formalises its support of Thrive by Five on behalf of the local government sector and their campaign to advocate for high-quality, universally accessible and affordable early learning and childcare across Australia.

Note from Council

Councils are leading providers of early education delivering essential services such as long day care, family day care, occasional care, preschools, playgroups, vacation care and outside-of-school-hours care to the community. Canterbury-Bankstown Council acknowledges the advocacy efforts and achievements of LGNSW in achieving successful legislative and funding outcomes to date, however, acknowledges the opportunity for LGNSW to extend the collective partnership and join the Thrive by Five campaign.

Thrive by Five is an initiative of Minderoo Foundation and is campaigning to make Australia's early learning childcare system high quality and universally accessible.

The Thrive by five campaign requests the National Cabinet implement five key actions to reform the early learning and childcare system to establish a universal, affordable, high quality early learning system. The five actions are:

1. Agree to a new national agreement to deliver universal three year old preschool across the country to match the partnership agreement in place for four year old preschool.
2. Lift the childcare subsidy to 95% for all children and set agreed fee caps.
3. Make the childcare subsidy available to all children regardless of the setting and the income or work status of the parents.
4. Start workforce planning for a universal system and fund appropriate pay and conditions for educators to end the problem of skill shortages, high vacancy rates and high staff turnover rates across the sector.
5. To achieve these outcomes, we ask that early education and childcare become a part of the National Cabinet reform agenda to deal with complexities of the system and build a true national universal system.

48 Albury City Council Mental health crisis for children and young people

That Local Government NSW advocates that the NSW and Australian Governments address the mental health crisis for children and young people and ensure adequate access to emergency and specialist treatment, intervention, acute and inpatient services, including consistency of access across rural, regional and metropolitan NSW.

Note from Council

Australia wide (Mission Australia Youth Survey Report 2020) Young People aged 15 to 19: identified equity and discrimination, COVID-19 and mental health as the 3 most important issues in Australia today.

In addition, the 2021 Australian Institute of Health and Welfare (AIHW) report has shown that experiences of severe psychological distress among young people aged 18–24 increased from 14% in February 2017 to 22% in April 2020.

Overall, results indicate young people have experienced higher rates of psychological distress, job loss, and educational disruption during the pandemic.

Additional advocacy and support is needed to address the mental health challenges facing our children and young people. Council has a strong role to play in advocacy to support our health and service providers to ensure provision of, and consistency of access across rural, regional and metropolitan NSW for the broad spectrum of mental health services required to support and build healthy communities.

49 Armidale Regional Council **HEPA filters and ventilation to reduce COVID risk**

That Local Government NSW calls on the NSW Government to reduce the risk of COVID infections by installing HEPA (high-efficiency particulate air) filters and investigating ways to improve ventilation in schools and other public buildings (including council buildings), similar to the strategy already adopted in Victoria.

Note from Council

In Victoria, the Department of Education and Training is installing air purifiers in each public school classroom as part of its safe return-to-school plan. The Minister for Education in Victoria, James Merlino MP, said, "I know Victorian families can't wait to see their kids back in the classroom — but we need to keep them safe once they're there, and we're delivering ventilation devices to prevent as much transmission on school sites as possible. The efficacy of portable air purifiers has been independently verified by University of Melbourne research and published in [The Journal of Infection Control and Hospital Epidemiology](#).

Additional information: <https://www.hospitalhealth.com.au/content/clinical-services/news/vic-to-use-air-purifiers-as-part-of-safe-return-to-school-plan-1033643348>

Norman Swan: "[Australian 'expert' advice was seriously wanting for far too long. They too denigrated the people who actually knew what they were talking about, calling them miasmatisists. Some of them still resist the facts.](#)"

50 Greater Hume Shire Council **Rural Financial Counselling Service funding**

That Local Government NSW lobbies the NSW Government to continue to provide on-going funding to the Rural Financial Counselling Service that will allow it to continue to provide on-ground, face-to-face services to farming enterprises and families in NSW.

Note from Council

It would appear that the NSW State Government are intending to redirect State funding into a Farm Business Resilience Program from the Rural Financial Counselling Service (RFCS). The Farm Business Resilience Program is a business planning, coaching and networking program that is also supported by the Federal Government. The coaching part of the Program is limited to 150 participants and costs \$1500, participating farmers work one-on-one with a consultant.

Should this be the case then RFCS on-ground staff will reduce by 25%.

The RFCS has played a key role in rural NSW through droughts, bushfires and other natural disasters, particularly in the aftermath of 2019/2020 Black Summer Bushfires with many of these communities still in recovery mode.

Maintaining funding for the RFCS is essential for rural NSW and should not be directed to other programs.

51 Campbelltown City Council

Heritage funding for local councils

That Local Government NSW requests the NSW Government to significantly increase the amount of funding available to local councils to assist in the protection, ongoing maintenance and enhancement of heritage buildings, heritage structures and heritage sites in their local government areas.

Note from Council

Many LGAs including Campbelltown are fortunate to have many significant publicly and privately owned items of State and Local heritage across their local government area. This includes sites and structures that hold significant Aboriginal and non-Aboriginal cultural and heritage value to the people of the land, the State and the wider local government area.

The value of the heritage of the land is of great significance to councils and the people they represent, and as such, councils continue to plan for and protect their valuable items of heritage, through policy and advocacy, but have limited ability to assist with ongoing and relatively expensive maintenance needs.

Heritage items are considered to be important contributors to the sense of place and storytelling, a community's civic pride, education and the well-being of the community, and as such it is considered appropriate that a higher level of financial assistance is provided to those who have the responsibility to protect and maintain our various and vast items of heritage.

As such it is requested that NSW Government significantly increase the amount of funding available to local councils to assist in the protection, ongoing maintenance and enhancement of heritage buildings, heritage structures and heritage sites in their local government areas.

Environment

52 Liverpool City Council

Climate Action Plan

That Local Government NSW advocates to the Australian Government to meet our international obligations under the United Nations Framework Convention on Climate Change by strengthening the 2030 emissions reduction target to 50% and implement policy and programs to achieve this target and the 2050 net zero emissions target.

Note from Council

The Climate Council of Australia states as follows:

2020 was the second hottest year on record, cementing the last decade as the hottest on record globally, as climate change continues to accelerate. The National Oceanic and Atmospheric Administration (NOAA) has confirmed global average temperature for 2020 was +0.98C above the 20th century average, and only 0.02C shy of the previous record set in 2016.

"It's remarkable that despite La Nina conditions, 2020 was the second hottest year on record", said Climate Council expert Professor Will Steffen.

"What it's telling us is that climate change is driving very rapid warming trends and worsening the impacts of natural variability events. This sets off yet another alarm bell to the climate change siren", he said

Campaigns for actions in relation to climate change have focussed on the younger generations, who have the most at stake, and local government because it is easier to find local governments who promote themselves as innovators and early and nimble movers than other levels of government and of course local government is the tier of government closest to and most likely to reflect, on a ground up basis, the wishes of the communities they represent.

Liverpool City Council is moving towards the creation of an evolving, overarching centralised policy document styled in terms of a Climate Action Plan which sets ambitious but realistic explicit goals in terms of measuring and attaining carbon neutral status for its own operations.

Council wherever possible advocates in terms of the contents of this motion and supports other councils and/or local government units who have taken positive action on climate change, and further supports and joins various coalitions, networks and conferences created (or supported) by local governments addressing the issue of climate change.

53 Dubbo Regional Council

Gas decarbonisation roadmap

That Local Government NSW advocates that the NSW Government urgently develops a gas decarbonisation roadmap.

(Note: This motion covers the following motion set out in small font)

Note from Council

On 13 October 2021, the NSW Government released its 'NSW hydrogen strategy' to fast-track green hydrogen production and to "pave the way for a net zero emissions future while driving economic growth."

Hydrogen can be used in a range of applications that would diminish demand for natural gas in NSW by 2030, including as an input into industrial processes and for on-demand electricity generation.

Other applications of hydrogen include:

- as a replacement for petrol and diesel in transport applications;
- as an input into industrial processes, including ammonia production;
- for injection into gas distribution networks;
- as part of a blend with natural gas for use in heating and cooking;
- for on-demand electricity generation; and
- for overseas export (www.energy.nsw.gov.au/renewables/renewable-generation/hydrogen).

The NSW Government should be recognised for many Net Zero Emissions policy settings such as the Renewable Energy Zones, renewable gas certification, Electricity Infrastructure Roadmap, the NSW Hydrogen Strategy and the Net Zero Plan Stage 1 -2020-2030.

Our regions stand to benefit significantly from this energy transition. With an ongoing commitment to planning and investment, NSW can continue to electrify and decarbonise, safeguarding jobs in important manufacturing and export industries whilst growing new industries.

Lismore City Council

Energy roadmap

That Local Government NSW lobbies the NSW Government:

1. noting that our net zero carbon emissions by 2030 plan will be achieved by purchasing 100% renewable energy, phasing out gas and switching to electric vehicles, whilst ensuring ongoing energy efficiencies;
2. noting that in 2019 a number of NSW councils declared a state of climate and biodiversity emergency acknowledging that urgent collaborative action at all levels of government is necessary to protect our environment and community for future generations. expressing our support for a rapid reduction in the use of gas in the NSW economy;
3. requesting that the NSW Government urgently develop a gas decarbonisation roadmap so NSW can be a leader by setting business, industry and households up to be resilient and sustainable in a decarbonising world, while safeguarding jobs in important manufacturing industries.

Note from Council

The gas industry is responsible for 19% of Australia's Greenhouse Gas emissions.

Recent modelling of decarbonisation targets by CSIRO and ClimateWorks' for Australian Energy Market Operator has projected "a substantial reduction in demand for natural gas" under three scenarios consistent with strong action towards Australia's net zero by 2050 target.

New analysis by Dr Saul Griffith and The Australia Institute demonstrates that by 2030 Australian families could be saving \$5,000 per year by replacing their current cars with electric vehicles, switching their natural gas heating systems (water heating, space heating, or kitchen) to electric heat pumps, and furnishing their electricity with solar from their rooftops.

A July 2021 study by Northmore Gordon and companion report from the Climate Council illustrates a potential pathway for NSW to reduce its gas consumption by 25% within 5 years, 70% in 10-15 years, and entirely eliminate gas use by mid-century.

The Northmore Gordon report provides a decarbonisation roadmap for NSW which, if adopted, would mean there would be no need for gas from Santos' Narrabri project. Current gas demand in NSW is around 113PJ (petajoules) per annum, just under half of which (~55PJ) is large and small industrial facilities. NSW homes use 30% of the state's gas. This demand can be eliminated by the early 2030s with straightforward appliance upgrades and replacements. This includes reducing or eliminating gas use in the manufacture of timber and pulp, brick works, food and beverages, and in the heating of homes and suburban pools. NSW can be a leader by setting business and industry up to be resilient and sustainable in a decarbonising world and eliminate the justification for drilling coal seam gas wells in the beautiful Pilliga forest and surrounding farmland. With foresight, planning and investment, NSW can electrify and decarbonise, while safeguarding jobs in important manufacturing industries. NSW already has a Net Zero Industry program - with more ambition and funding they can accelerate that to deliver on this roadmap.

The Victorian Government is developing a Gas Substitution Roadmap throughout 2021 to provide a strategic framework for decarbonising natural gas in Victoria.

54 Blacktown City Council Enabling funding mechanisms to respond to climate change

That Local Government NSW calls on the NSW Government to enable a special purpose 1% increase in local government rates to fund increases in the use of renewable energy, accelerate carbon neutrality and adapt to climate change impacts, especially increases in urban heat.

Note from Council

We welcome NSW Government's recent initiatives to increase canopy cover, support the transition to renewable energy, strengthen resource efficiency requirements for buildings and support the uptake of zero-emission vehicles. However, local government needs additional resourcing to help implement the targets and outcomes required.

The NSW rate pegging system offers little flexibility to allow for the types of innovations required to assist in climate change mitigation and adaptation.

Such innovations typically yield longer-term financial savings but have higher upfront implementation costs compared to similar work undertaken in previous years.

Yet the rate pegging system is based on changes over the past year for goods, materials and labour listed in the Local Government Cost Index, and consideration of a productivity factor.

This Index is designed to measure the average change in prices between a fixed 'basket' of goods and services and the previous year's costs for these items.

Because this financial model is based on past costings, the system seems to dissuade innovation and makes it difficult for local councils to meet any significant, emerging challenge. The need for climate change mitigation and adaptation will not recede and we require the capacity to pay for the necessary actions over the longer-term. A rate-pegging system allowance for climate change innovation would assist to provide this capacity.

55 Ballina Shire Council Investments - Fossil fuel divestment

That Local Government NSW:

1. encourages councils to place their investments and loans with non-fossil fuel aligned financial institutions,
2. requests that the Australian Local Government Association and other state local government associations also adopt this position, and
3. requests TCorp make available the information and options required for councils to invest and borrow in line with this position.

Note from Council

Numerous councils across Australia have made commitments in respect to climate change and net zero emission targets, as well as moving away from a reliance on fossil fuels. Unfortunately, the major banks, who have the safest risk ratings and where the majority of council funds are invested, continue to lend to fossil fuel industries. Some banks are taking steps to improve their environmental credentials, and with local government investing funds in the billions of dollars each year, a campaign to support non-fossil fuel aligned institutions, may help to encourage other financial institutions to more rapidly progress their climate change goals and targets. Through a unified approach, we may be able to help influence the decision making of the major banks, where they will start to implement corporate climate change goals and targets, that are compatible with a sustainable future.

56 Lake Macquarie City Council

Supporting the circular economy

That Local Government NSW requests that the NSW Government provides funding and resources for circular economy capability building and supports the development of Circular Economy Action Plans and precinct development by local government.

Note from Council

The development of a Circular Economy offers significant potential economic, environmental and social benefits to NSW. In a Circular Economy, waste and pollution are designed out, products and materials are kept in their highest use for as long as possible, and natural systems are regenerated. Support and commitment for the transition to the Circular Economy in Australia continues to grow. Regulatory actions are beginning to enable circular initiatives and supply chains, and the development of dedicated precincts offers further opportunity to encourage innovation and collaboration in this emerging field.

The conference calls on the NSW Government to support local government-led initiatives that bring together industry, government, academia, social enterprises and the community to investigate Circular Economy solutions and establish supply chains and service markets.

57 Forbes Shire Council

Rebates for use of crumbed rubber bitumen in roads

That Local Government NSW lobbies the NSW Government to implement a rebate system of 40 cents per litre for the use of S45R crumbed rubber bitumen in asphalt, construction seals and reseals.

Note from Council

Twenty million tyres are disposed of and end up in landfill across Australia, every year. The current situation is that the vast majority of councils are required to manage huge stockpiles of tyres that are growing every year. This creates a large environmental problem that will continue to grow unless a suitable and economically viable use for these tyre is mandated.

Presently, there is limited opportunity for the reuse of tyres as the demand for crumbed rubber matting for playgrounds, equestrian centres and other uses does not meet the supply of rubber. There is the possibility of recycling rubber to oil, steel and carbon, but again the demand does not meet the supply.

The use of crumbed rubber in road bitumen is readily available and provides a superior bitumen product that is more durable and lasts much longer than standard grades of bitumen. The S45R crumbed rubber bitumen specification is not as extensively used as it could be because S45R bitumen currently costs around 40c per litre more than standard grade bitumen, such as C170 or C240 bitumen. The benefits of crumbed rubber bitumen include:

- Improved aggregate adhesion in highly stressed areas;
- Superior rheology for seals subject to traffic and environmentally induced cracks;
- Higher adhesive strength to withstand stripping action of high speed traffic;
- Higher viscosity at elevated temperatures combats bleeding of binder.

The composition of S45R is 15% crumbed rubber by weight. S55R bitumen is 20% crumbed rubber by weight and S60R is 25%. To generate demand, a market must be created for the use of crumbed rubber in asphalt works, bitumen construction seals and bitumen reseals by road authorities across Australia. The solution to create a market.

A rebate system, similar to the diesel fuel rebate, would provide a mechanism for gaining acceptance of the use of crumbed rubber by providing a financial incentive to users. The rebate system would provide councils and other road authorities with a financial incentive based on a rebate of 40 cents per litre of the use of S45R bitumen in asphalt, construction seals and reseals. A typical rural council will spray between 600,000 litres and 800,000 litres per year.

This rebate will solve a looming environmental disaster by providing sustainable reuse of tyres with the added bonus of a superior product. Ensuring the rebate is untied will allow participating road authorities to build their cash reserves for general purpose use within their organisations. This solution has the potential to use around 70,000 tonnes of crumbed rubber each year, across Australia.

58 Leeton Shire Council Weeds management plan for Fleabane (*Conyza* spp.)

That Local Government NSW calls on both the NSW Government and the Federal Government to develop and implement a weed management plan to protect agricultural land from incursions of Fleabane (*Conyza* spp.) in order to maintain the productivity of agricultural land and ensure the sustainability of regional communities by acknowledging that:

- Fleabane is widespread across agricultural land and is having a negative impact on the productivity of agricultural land
- Fleabane is resistant to standard registered herbicides including Glyphosate
- Limited state and federal funding is provided for the control of Fleabane under the *Biosecurity Act 2015* through the General Biosecurity Duty
- the NSW Government Weed Action plan is focused on new and emerging weed varieties, and that Fleabane does not meet this criteria and therefore attracts no state or federal funding for its management as a species.

Note from Council

It is vital that productive agricultural land continues to be sustainable and viable for both the interest of the nation and in particularly regional communities. The incursion of weeds species which negatively impacts the productivity and yield of agricultural land, will have a profound effect on the sustainability of regional communities throughout Australia.

While state and federal funding is available for the management of new and emerging species of weeds, limited funding is available for the management of weed incursions of species that are widespread and have impacted the productivity of agricultural land over an extensive period. In ensuring agricultural land productivity is maintained, sufficient Federal and State funding must be provided into both research and the effect management of such well-established and widespread weed species, particularly Fleabane.

Our agricultural producers and farming communities make a vital contribution to producing reliable and affordable food for the nation. If agricultural land were to become less productive with lower yields due to weed incursions, these agricultural and farming communities will become unsustainable for future agricultural output.

Fleabane (*Conyza* spp.) is difficult to control with available registered herbicides and is more tolerant to glyphosate than most other annual weeds.

Fleabane does not meet the criteria for either state or federal funding under the NSW Weed Action plan due to it not being in the classification of "new or emerging weed".

That Local Government NSW:

1. Calls on the NSW Minister for Local Government and NSW Minister for Agriculture to increase funding of the NSW Weeds Action Program to allow for greater promotion of landholder responsibilities under the *Biosecurity Act 2015*.
2. Calls on the NSW Minister for Local Government and Minister for the Public Service and Employee Relations, Aboriginal Affairs, and the Arts to liaise with the NSW Aboriginal Lands Council to develop appropriate mechanisms as part of the Joint Management and Co-management for parks or reserves protocols to adequately address identified and emerging biosecurity weeds issues.

Note from Council

The implementation of the *Biosecurity Act 2015* and subsequent repeal of the Noxious Weeds legislation brought with a change in terminology and categorisation which, on the surface, would appear to be quite confusing for those who are aware of their responsibilities under the Act, let alone those who were unaware of the same. Specifically, in most cases plants previously categorised as 'weeds' are now a 'pest' for the purpose of the Act with all 'pests/weeds' considered as biosecurity matter. Although Council's are the Local Control Authority under the Biosecurity Act, there have been changes to the way the legislation is operated at a local level which are not fully understood by individual landholders. An education program that targets both those obliged to implement the requirements of the Biosecurity Act on responsibilities and classifications would assist in addressing this issue which impacts Local Government across NSW.

That Local Government NSW calls on the Australian, State and Territory Governments to mandate their nationally agreed policy framework within the Australian Government's National Water Quality Management Strategy, so that all Australian governments and other industries, organisations and institutions effectively manage the quality and supply of water that is fit for purpose.

Note from Council

Council can consider its single, highest risk is access to adequate supply of quality water for both town and industry supply. The NSW Water Quality Objectives were developed for all major freshwater catchments across NSW in consultation with local communities and are the agreed environmental values, uses and long-term goals people want protected in their waterways. The National Water Quality Management Strategy (NWQMS) is to develop and maintain a nationally coordinated framework to facilitate water quality management in accordance with the values, uses and long-term goals outlined in the NSW Water Quality Objectives. The NWQMS consists of policies, guidelines and tools agreed to by the Australian, state and territory governments to assist these governments, water authorities and industry to develop local or regional water quality management plans to maintain and improve water quality within their jurisdiction and deliver water that is fit for purpose. The NWQMS guideline documents provide values, targets and actions relating to drinking water, effluent management, fresh and marine water quality, groundwater, recreational water, recycled water, rural land uses, sewerage systems and urban stormwater management that are not mandatory. These nationally agreed guidelines reduce unnecessary duplication and inconsistencies across regions and borders while providing the best available science to support decision making with flexibility to tailor the information to local conditions. The NWQMS is best practice in the complex management of water resources for human and environmental needs and the framework should be mandated to inform policies and regulations.

61 Hay Shire Council

Murray-Darling Basin wide river monitoring

That Local Government NSW calls on the NSW Government:

- a. To engage an independent authority to prepare a public report detailing:
 - i. The current river monitoring performed in the Murray-Darling Basin, its distribution and data accuracy and timeliness;
 - ii. The benefits of a basin-wide consistent approach to enhanced and comprehensive river monitoring data, and its opportunities and challenges.
- b. Following the outcomes of the report to initiate and install competent river monitoring infrastructure and programs to provide enhanced river data and analysis to support water managers improve water policy, planning, management and operations to improve and maintain water quality and supply in the Murray-Darling Basin.

Note from Council

Sustainable water management can only be realised with rigorous evidence-based decision making that requires a solid information base of reliable river data. The Murray-Darling Basin (MDB) encompasses nearly 29,000km of river system where users have expressed frustration at inadequate river monitoring data, despite the urgency to fix water management problems.

Hay Shire Council believes the current river monitoring arrangements are insufficient as a precursor to effective management of water supply and quality for our towns and industries. The Murrumbidgee River at Hay experiences rapid extremes in height fluctuation and flow affecting water supply, access and riverbank integrity while regularly experiencing toxic levels of blue green algae posing risk to human and livestock health and reducing tourism economy.

Council recognises their river management issues are not unique and that effective river management to control these issues requires a whole-of-basin approach. Council acknowledges that the availability and access to adequate river monitoring data to enhance water information and improve water policy, planning, management and operations is a major challenge that requires careful planning and sensible investment but will advance diligent execution of the MDB Plan.

The MDB Authority has been accused of seriously flawed water management resulting in significant negative economic, social and environmental outcomes. River data can provide an objective basis upon which to answer vital water assessment, evaluation, operations, fore-sighting, design, accountability and education concerns. River data parameters concerning water, groundwater, water storage, quality and pollutant can be aligned with meteorological data to assist future management practices with a feedback loop for continuous improvement.

River monitoring data that is openly shared, accurate, timely, comprehensive and consistent will encourage objective decision making and is an essential, strategic investment in managing our most vital resource.

62 Armidale Regional Council

World Health Organization (WHO) Clean Air Guidelines

That Local Government NSW endorses the calls by Australian health advocates including Asthma Australia, the Australian Lung Foundation and Doctors for the Environment Australia, for the updated World Health Organization (WHO) Clean Air Guidelines to be adopted by all relevant authorities.

Note from Council

The Australian Lung Foundation reports that the WHO released updated and stronger guidelines overnight drawing on the latest body of epidemiological research on the health risks of air pollution, the costs of which are estimated at around \$16 billion annually for Australia. Air pollution is estimated to cause between 2,616 and 4,884 premature deaths annually in Australia. "Each state and territory has the legal power to make health-based pollution standards, regardless of the national standard". "The good news is that by tackling air pollution, we can not only protect health now but reduce the causes of climate change."

- [WHO factsheet](#)
- [Australian Lung Foundation media release.](#)

63 Blacktown City Council **Timely EPA action on odour issues that affect residents**

That Local Government NSW calls on the NSW Environment Protection Authority to fine corporations which allow malodorous emissions to adversely affect residential communities while the residents are being affected by the odours.

Note from Council

Under the Protection of the Environment Operations Act, the EPA has the power to address odour issues.

However, as it currently stands, the EPA can refrain from taking enforcement action against an offending corporation for the time period allowed by the Statute of limitations, currently 3 years.

This means that for up to 3 years, there may be no incentive or requirement for the corporation to address the odour issue impacting residents.

There needs to be immediate consequences for corporations causing odours that impact residents. The EPA could take initial, immediate action to incentivise and pressure the corporation to stop the odour while its longer-term investigations into the matter could, if needed, extend to the time allowed by the Statute of limitations.

64 Blacktown City Council **Enhancing illegal dumping enforcement powers**

That Local Government NSW calls on the NSW Environment Protection Authority to introduce additional offence codes and categories to enable councils to issue fines for an expanded range of illegal dumping types, including dumped waste on nature strips in residential areas or parks.

Note from Council

Councils across NSW are tasked with managing, inspecting and investigating illegal dumping within their areas. Illegal dumping commonly occurs on nature strips in residential areas.

The fines which authorised officers can issue for illegal dumping and littering are enabled under the NSW Protection of the Environment Operations Act. Fines related to illegal dumping can only be issued for waste which has been transported by a vehicle and dumped.

Authorised officers are only able to rely on \$250 littering fines when issuing infringements for most types of illegal dumping because there are no relevant offence categories within the NSW Protection of the Environment Operations Act.

Small fines do not act as a deterrent to dumpers. By introducing a new suite of illegal dumping offence codes and categories, authorised officers will be able to issue fines to match the incidents and volume of waste. These new fines will act as a greater deterrent and will help us to better manage illegal dumping.

65 Murray River Council **Animal Welfare Code of Practice**

That Local Government NSW advocates the NSW Government to strengthen:

1. the Code of Practice for Breeding Cats and Dogs and
2. the planning legislation assessment requirements for breeding facilities, so that both align with requirements for puppy farms in Victoria.

(Note: This motion covers the following motion set out in small font)

Note from Council

Over the past 3 years, Murray River Council has received a number of enquiries for medium-large puppy farms in our Council area, as a direct result of the tightened legislation and regulations in Victoria from Oscars Law. The NSW Planning system is limited as to what our planning department can consider in relation to Development Application approvals under the *Environmental Planning and Assessment Act 1979*, especially any direct links to the Animal Welfare Code of Practice for breeding

cats and dogs, and the *Prevention of Cruelty to Animals Act 1979*. Therefore, a number of large-scale puppy farms have been legally approved in our Council area.

Murray River Council has corresponded with relevant NSW State Government agencies and officials that are responsible for the legislation and has provided numerous submissions in relation to this issue. Council was told that a new code of practice was being produced as well as tougher penalty points in relation to cruelty acts against animals in order to address this issue. However, the new code of practice and legislation amendments has not changed any circumstances in the how a puppy farm application is assessed under the NSW planning system.

Orange City Council

Mass dog breeding facilities

That Local Government NSW calls on the State Government to urgently review the issue of large scale mass dog-breeding facilities in NSW, including the need for legislative reform and greater oversight by the Government to overcome the issues that councils currently face when considering development applications for such facilities.

Note from Council

Mass dog breeding facilities, also known as puppy farms, are a growing issue in NSW. This follows the introduction of tougher regulations to stop the overbreeding of dogs in Victoria and Western Australia, which has reportedly resulted in puppy farms relocating to NSW because of this state's weaker animal protection laws. There are significant animal welfare issues with puppy farms due to the lack of exercise and pressure on the body of female dogs to produce repeat litters. Many breeding dogs suffer from painful health conditions such as eye infections, ear infections, mammary tumours, hip dysplasia and skin infections. Puppy farms can also have significant financial implications for the Companion Animals functions of councils, due to increased demands on council to monitor their operations and address complaints.

66 Blacktown City Council

Exemption from un-desexed animal ownership fee

That Local Government NSW consults relevant Ministers and authorities as appropriate to amend the requirements for un-desexed animals incurring a fee if un-desexed after the age of 16 weeks, to allow owners to apply to delay the invoicing of the permit fee if the animal is desexed within 3 months of new ownership.

Note from Council

There is an oversupply of cats in the community and this is largely due to persistent and uncontrolled breeding of domestic cats. We must legislate to encourage people to ensure that all cats are desexed by breeding age and not have any road blocks to this. The introduction of the \$80 fee for cats that are not desexed rightfully penalizes people who are at risk of allowing their cat to contribute to the overpopulation.

There is an aspect to this that may in fact, prevent the desexing of cats if people who recently obtain the cat and, at no fault of their own, have been unable to desex their newly acquired cat. In order to eliminate any likelihood of a person not wanting to register their cat, lest it incur the additional fee, an exemption must be possible. This exemption allows owners to not incur a fee by way of an extension whereby they need to show evidence of desexing, by way of a desexing certificate, within three months of the date of registration. In some instances, a veterinarian may refuse to desex an animal by 16 weeks. If a veterinarian requests that the desexing is to be delayed past 16 weeks of age, an owner may apply for the 3 month extension and provide a signed copy of a statement for delaying desexing from the vet and the desexing certificate within 3 months of new ownership.

67 Wollongong City Council

Request to phase out shark nets

That Local Government NSW calls on the NSW Government to phase out of the use of shark nets and replace them with a combination of alternative shark mitigation strategies (such as drone surveillance, personal shark deterrents, education and SMART drumlines) that more effectively protect the beach without damaging marine wildlife.

Note from Council

The NSW Shark Meshing Program (SMP) involves using nets along 51 beaches from Newcastle to Wollongong, where the majority of people in NSW swim and surf. There are 8 local government

areas with beaches that have shark nets. 7 of these Councils have previously raised objections to the use of shark nets.

Shark nets are not a barrier to the open water with research showing that 40% of sharks are caught on the inside, or beachside, of the nets.

Furthermore, the nets come at great cost to marine wildlife with nearly 3000 animals caught, and over 1600 killed since 2012. The bycatch is predominantly comprised of harmless and threatened species, including rays and endangered turtles. In 2021 the NSW Government's conducted a review of the Shark Management Strategy, but then failed to take on board feedback from councils and residents wish to discontinue to use of shark nets.

Governance and accountability

68 Lismore City Council Code of Conduct investigator reports review by independent panel

That Local Government NSW requests the Office of Local Government amend the Code of Conduct in order that the recommendations of a third party investigation into a breach of the Code be adopted or rejected by an independent panel and not Councillors.

(Note: This motion covers the following motion set out in small font)

Note from Council

Many Councillors feel very conflicted about judging or sanctioning their peer upon an investigator's recommendation. Having the recommendations adopted or refused by an independent panel would strengthen the independence and impartiality of the process.

Shoalhaven City Council

Code of Conduct procedures

That Local Government NSW requests the State Government to amend the Model Code of Conduct Procedures to remove the current role of the elected Council in determination of sanctions arising from conduct investigations.

Note from Council

The current Model Code of Conduct Procedures includes at Part 7 provision for a report being presented to the Council when an independent investigator determines that the conduct of a councillor investigated constitutes a breach of the Code of Conduct. The role of the Council in this regard under the procedures is to consider the investigation report and determine a sanction which should be applied to the Councillor.

It is proposed that the determination of sanctions is best made by an independent authority, rather the elected council. Given the political and/or factional nature of some councils, the current procedure may permit situations where the determination of a sanction against a Councillor is based on other factors and not reflect community and procedural expectations.

69 Lachlan Shire Council Amendment to NSW Local Government Act 1993 clause 234(1)(d)

That Local Government NSW advocates to the NSW Government to change the NSW *Local Government Act 1993*, Chapter 9, Part 2, Division 3, clause 234(1)(d) as follows:

"234 When does a vacancy occur in a civic office?

(1) A civic office becomes vacant if the holder—

- (d) is absent from 3 ordinary meetings of the council in any calendar year (unless the holder is absent because he or she has been suspended from office under this Act or because the council has been suspended under this Act or as a consequence of a compliance order under section 438HA) without—
 - (i) prior leave of the council, or
 - (ii) 'leave granted by the council at any of the meetings concerned..."

Note from Council

Under the current wording of clause 234(1)(d) a vacancy in civic office only occurs if a Councillor misses 3 consecutive ordinary meetings of the council without the prior leave of Council, or leave granted by the Council at any of the meetings concerned. This permits a Councillor, who is so inclined, to attend as few as 4 council meetings per year without consequence.

The suggested changes to remove the word "consecutive" and insert the words "in any calendar year" will not restrict a Council's ability to grant leave in genuine circumstances. It may however encourage more frequent attendance at, and participation in, Council meetings.

70 Armidale Regional Council

End of Term Report

That Local Government NSW urges the NSW Government to continue to require councils to submit the end of term report to the final meeting of the outgoing council.

Note from Council

The end of term report is tabled at the last meeting of the outgoing council and included in the annual report due 30 November in year in which an ordinary election is held. It reports on the council's progress in implementing the Community Strategic Plan over the previous four years and outcomes achieved for the council and community.

71 Hay Shire Council

Rural Council Model

That Local Government NSW calls upon the State Government to reintroduce the Rural Council Model as proposed under the Fit For The Future process.

Note from Board

The idea of a Rural Council Model (RCM) was a proposed option developed during the Fit For The Future process during 2013-15. It was seen as a possible alternative to amalgamations for small rural councils. One of the features of the RCM was streamlined governance, regulatory, reporting and administrative requirements.

Note from Council

The Joint Organisations (JOs) have not been able to deliver governance support to smaller councils as had been anticipated during the FFF process. For example, JOs now have another level of external auditing imposed on councils where less governance and oversight by the State Government was proposed.

72 Snowy Valleys Council

Boundaries Commission

That Local Government NSW calls on the NSW Government to clarify and expedite the matters relating to the Boundaries Commission independent statutory review announced on 20 July 2021:

1. The Terms of Reference (ToR) for the Boundaries Commission be placed on Public Exhibition and the Minister's intent on the purpose and role be made clear in an attached briefing paper;
2. The Minister include a section in the ToR relating to the evaluation of de-amalgamation under Section 218C and that this be at no cost to the ratepayers of the Council making the request;
3. The Minister expedite the finalisation of the ToR once public exhibition is complete;
4. The Minister immediately seeks expressions of interest for members for the Boundaries Commission and fill any vacancies with persons suitably qualified to fulfill the roles expected under the ToR.

Note from Council

The amendment to the Local Government Act provides a process for councils constituted within the last 10 years to submit a business case with supporting reasons to the Minister for a de-amalgamation of the area.

For the Council to fully consider the options available to them under Section 218C of the Local Government Act, the finalised Terms of Reference for the Boundaries Commission and the Office of Local Government Guideline for the process would have to be known.

73 Inner West Council

De-amalgamation of LGAs

That the NSW Government pay 100% of the costs of de-amalgamation of local government areas forced to amalgamate where a referendum of residents has chosen to reverse the forced amalgamation.

Note from Council

Amendments to the Local Government Act in May 2021 are the first real sign that State Government is taking notice that mergers in NSW have not worked.

The amendments provide a path for affected councils to express their concerns and the concerns of their communities.

The amendments outline options for addressing where mergers are not working; as well as funding by State Government.

This is a real and rare opportunity for councils such as the Inner West Council to address concerns with mergers and to take advantage of the amendments to the Local Government Act in the interests of their community.

74 Hilltops Council

Increased funding by State Government - Amalgamated councils

That Local Government NSW calls on the NSW Government to provide increased funding to amalgamated councils, to counteract initial underfunding for ongoing financial stability of amalgamated councils.

Note from Council

Increased funding is required to counteract initial underfunding that is impacting ongoing financial stability of amalgamated councils.

75 Lane Cove Council

Performance of forced and non-forced amalgamated councils

That Local Government NSW commission a report that:

1. compares the qualitative and non-qualitative projections outlined in the 2015/16 KPMG options report of each amalgamated council to the actual data from their financial statements and other available data sources;
2. compares the KPIs included in the financial statements of both amalgamated and non-amalgamated NSW councils to compare the overall performance of NSW councils against the KPIs established by the State Government;
3. analyses the rating revenues of all NSW councils since 2015; and
4. based on the results, provides recommendations on the suitability of the ongoing use of the KPIs established by the State Government.

Note from Council

Lane Cove Council along with a number of councils fought and won against the failed policy of forced amalgamations promoted by the State Government. One of the issues encountered was the absence of relevant data of previous amalgamations that would have provided a business case for council's arguments to rebut the proposals.

It is noted that some councils in NSW are currently seeking to de-amalgamate, and this information would also be of assistance in supporting any business case to de-amalgamate.

The State Government's business case at the time was based on reports prepared by consultants KPMG, which were not evidence based, and used flawed theoretical modelling which included qualitative and non-qualitative projections over a 20-year period.

To ensure any future government State Government cannot use the same approach, Local Government NSW should commission a report that compares the qualitative and non-qualitative projections outlined in the KPMG reports of each amalgamated Council to the actual data from their financial statements and other available data sources data. The report should also include a

comparison of the key performance ratios included in the financial statements of both amalgamated and non-amalgamated NSW councils to compare the overall performance of NSW councils against the KPI's established by the State Government, and an analysis of the rating revenues since 2015. Finally, given there has been no review of the ongoing suitability of the KPI indicators, these should be reviewed to determine their ongoing relevance to the local government sector.

Infrastructure, transport, land and utilities

76 Penrith City Council **Western Sydney City Deal and tri-governance framework**

That Local Government NSW advocates to the Federal Government to continue its support for the Western Sydney City Deal. With the Western Sydney City Deal set to be reviewed this year, there is an opportunity for the Australian Government to reconsider how to further reinforce the governance framework to strengthen local government's ability for better strategic collaboration.

Note from Council

The Department of Infrastructure, Transport, Regional Development and Communications is responsible for the implementation of all City Deals across Australia. The Western Sydney City Deal is a partnership between the Australian Government, NSW Government and the eight councils of western Sydney (known as the "Western Parkland City").

Aligning jobs growth, transport and social infrastructure to the fastest growing suburbs in Greater Sydney to create a polycentric city with multiple activity hubs is critical for the continued liveability and productivity of the nation's capital city.

A critical component of the Western Sydney City Deal is the governance framework it establishes.

The governance framework involves all three levels of government, signifying the importance of involving local government as an equal partner together with State and Federal Government. It recognises that governance, decision-making and collaboration mechanisms must be established and maintained to successfully deliver shared priorities and outcomes.

It is critical that the Australian government works closely with state and local governments to improve planning approaches, strengthen decision-making and seek to further improve the way collaborate so we can make the most of our shared investments and improve liveability.

With unprecedented growth forecast for Greater Sydney, we call upon on all levels of government to further strengthen the importance of local government in the Western Sydney City Deal. Whilst the enduring tri-governance framework has delivered strategic collaboration, there is room for improvement through further strengthening the role of local government in the framework. Improving existing governance arrangements will allow greater involvement in city shaping decision-making by communities living in the eight Western Parkland Region council areas, representatives of three tiers of government and local businesses.

77 Bland Shire Council **Regional headquarter locations**

That Local Government NSW advocates to the NSW Government, specifically the Premier and Minister for Police and Emergency Services to give greater consideration to geographic centrality with the determination of locations when establishing regional service and administration centres for State departments and services.

Note from Council

The location of service and administration centres for State departments and services has been on the State Government agenda for many years with a goal to have 100,000m² of government office space out of the CBD and into regional centres by 2021. While progress on this goal has been impacted by departmental changes within the State Government, the concept of Decentralisation to increase local decision making and participation of regional communities has merit. It provides opportunities for infrastructure to increase productivity and build the capacity of regional economies

to grow as well as provide the right priorities and the best value for local areas from the NSW Budget. The location of departments and services in regional areas requires significant planning and consultation to ensure the location of such services allows for timely and cost effective on the ground delivery. By ensuring facilities are established in a location which is geographically central to the regions which they serve, the State Government will ensure equitable access is available to the broader community.

78 City of Canterbury-Bankstown Funding increase for road safety initiatives

That Local Government NSW calls on the NSW Government to support funding equivalent to 0.1% of the rate revenue of an individual council to allow councils to adequately develop tailored public education programs on road safety.

Note from Council

A recent pilot study undertaken by Canterbury-Bankstown Council on road safety outside local schools with a high traffic volume, produced some positive results. Parents did consider alternatives to car drop offs, including car pooling and walking if they lived close to the school. However, more is needed to financially support local government led initiatives on road safety, particularly around schools. While there is substantial funding available for structural responses to road safety issues, through the Blackspot Program and Safer Roads Program for example, the funding available through the Local Government Road Safety Program (LGRSP) is insufficient.

As owners of the greatest proportion of the road network, at approximately 90% by network length councils have a crucial role to play in the road safety space and should be adequately resourced to do so. The local government sector must be adequately funded to develop and deliver behavioural change programs if NSW is to achieve its Towards Zero targets. This is particularly notable for Canterbury-Bankstown, as it must factor cultural and language considerations in its community road safety programs and relevant road safety responses.

79 Broken Hill City Council Childcare centres and long day-care centres speed zones

That Local Government NSW lobbies the Minister for Transport and Transport NSW to re-introduce reduced speed zones around all NSW childcare centres and long day-care centres to ensure the safety of families and young children attending the centres.

Note from Council

Council received a request from Transport NSW to remove the 40km/hr speed zone signs from Preschools. Preschools do not fall under the same legislation as schools zones because children must be accompanied by an adult in order to enter and leave the premises. It is acknowledged the removal of school zone speed limit signs is a legal requirement as preschools have more mobility with operating hours than school zones. However, given the high number of pedestrians that access these facilities throughout the day, and in general circumstances preschools are closely located to sporting or recreational facilities with high utilisation, we are requesting that these areas be posted as regular 40km/h zones.

80 Blacktown City Council Plans of Management for community land

That Local Government NSW calls on the NSW Government to amend the requirements for Plans of Management under the Local Government Act, so that when an additional parcel of community land is added to an existing Plan of Management, the addition be exhibited and submissions on that additional parcel of land only be received for a minimum of 14 days, and that no public hearing be required.

Note from Council

The Local Government Act requires that when an amendment is made to a plan of management (POM) for community land it must go through the process as if it were a new POM. ("A council may amend a plan of management adopted ... by means only of a plan of management so adopted.") The process of adopting a POM requires exhibiting the draft POM for 28 days and receiving submissions for 42 days. If the draft POM proposes changes to the categorisation of land, a public hearing is also required.

Thus, when adding additional land to a generic POM the existing POM is opened up to scrutiny again, even though it has previously been appropriately adopted.

For councils in growth areas such as in western Sydney, councils are increasing their community land by acquisition or dedication on a significant scale. (e.g. in the 2 years to December 2021, Blacktown City Council increased its community land holdings by 9% or 131 hectares in 103 separate parcels.) Thus, it is a substantial and on-going administrative burden for councils to amend or prepare new POMs when additional land is added. To reduce this administrative burden, we recommend that the requirements for POMs under the Local Government Act be amended so that when an additional parcel of community land is added to an existing POM, that the addition be exhibited and submissions on that additional parcel of land only be received for a minimum of 14 days, and that no public hearing be required. This will avoid the provisions of an existing POM, appropriately adopted in the past, being opened up for further amendment from submissions. Where a new POM is proposed, or the provisions of an existing POM are proposed to be amended (other than by the inclusion of additional parcels of land) then the existing provisions of the Local Government Act should apply.

81 Blacktown City Council

Compulsory and hardship land acquisitions

That Local Government NSW calls on the NSW Government to repeal the requirement under the *Land Acquisition (Just Terms Compensation) Act 1991* for the Minister's approval to issue a proposed acquisition notice (PAN) for compulsory acquisition of land by a council, and pending a change to the Local Government Act, the Minister to delegate to councils his power to approve the issue of a PAN.

Note from Council

A council may not give a proposed acquisition notice (PAN) under the *Land Acquisition (Just Terms Compensation) Act 1991* without the approval of the Minister administering the Local Government Act (cl 187(2) LG Act). This encompasses compulsory acquisitions initiated by a council and acquisitions initiated by land owners under "hardship" provisions.

Where the council is identified as the acquiring authority for public land within an environmental planning instrument, a rigorous process of justifying the need for the land to be acquired for public purposes and consulting with the community and other stakeholders has already been carried out. By making the environmental planning instrument, such as a local environmental plan, the Minister administering the Environmental Planning and Assessment Act has already endorsed the proposed acquisition.

The requirement for a council to obtain the Minister's approval to issue a PAN is redundant and incurs additional time and expenses, and unneeded administration for both the Council and the Minister's Office.

We recommend that this be addressed by repealing the requirement for the Minister's approval to issue a proposed acquisition notice (PAN) under the *Land Acquisition (Just Terms Compensation) Act 1991*. Pending a legislative change to the Local Government Act, we recommend the Minister delegate to councils his power to approve the issue of a PAN.

82 Georges River Council

Asset management - Creating a level playing field (financial statements)

That Local Government NSW advocates to the NSW Government (specifically the Audit Office of NSW) to ensure the sustainability, transparency and intergenerational equity of community infrastructure (transport assets, stormwater, buildings, open space) across NSW by establishing consistent guidelines that include but are not limited to:

- a) Standardised and accurate useful lives for community infrastructure, for use by all NSW councils, and;
- b) Consistent classifications and naming conventions for all classes of infrastructure for use by all NSW councils.

Note from Council

Councils are responsible for planning and maintaining their assets to ensure long term sustainability. A consistent sector wide approach to community infrastructure in NSW is needed to ensure Section 8B of the *Local Government Act 1993*, principles of sustainability and intergenerational equity supported by sound financial management, can be achieved.

Standardised guidelines will create a level playing field across councils to enable transparent financial reporting and reveal the true financial stability of the sector.

Councils are grappling with how to adequately account for population increases, the demand for an expanding number and quality of services and rising community expectations towards asset quality and design. This is occurring against the backdrop of rapidly aging infrastructure that needs to be maintained and renewed within a constrained financial environment, at a much faster rate than originally planned.

Currently, councils set their own useful life for asset classes, leading to assets being depreciated over a much longer time period, in some cases well beyond the actual useful life of the asset.

Assets subsequently need to be disposed of (or written off) much earlier than originally accounted for, which is impacting the ability to plan and deliver new assets. This distorts the financial position of the sector as a whole.

To rectify this issue, LGNSW needs to advocate for the establishment of a 'useful life' range for community infrastructure assets as well as consistent classifications and naming conventions. This will allow councils to reset, and accurately plan for our current and future community needs.

It will also allow the NSW Government to monitor the financial performance of councils, as councils reporting will be consistent and transparent. This will avoid situations arising such as those experienced at Central Coast Council.

83 Yass Valley Council

Street lighting - Advocacy program

That Local Government NSW commit to leading and resourcing an advocacy program on street lighting across the State.

(Note: This motion covers the following motions set out in small font)

Note from Council

The structural, regulatory and funding frameworks for streetlights in NSW are complex and councils typically do not have the resource or knowledge needed to navigate them. Streetlights in NSW are owned by the three Distributed Network Service Providers (DNSPs); Essential Energy, Endeavour Energy and Ausgrid.

There is a long back story to this structural arrangement where streetlights were swept up in the State asset strip of County Councils in the 1990s and have become the "orphan child" of DNSPs; typically poorly managed and resourced. There are approximately 163,000 lights in the Essential Energy footprint covering 84 councils.

Being regional and rural, near 100% of these councils do not have the resources to manage advocacy. All these councils are having LED upgrades. Few understand the process and indeed Essential Energy have a poor understanding of their own asset. Costs and risks to councils are significant through this period of change.

Given the rate of change and the potential of streetlights in smart city/community upgrades arguably Essential Energy will manage its risk through adding a premium in any billing arrangement.

Street lighting continues to be a contested and expensive issue for many councils.

A collective approach to addressing this issue through LGNSW would be beneficial to regional and rural councils in NSW.

Wingecarribee Shire Council

Better street lighting outcomes

That Local Government NSW leads, and resources, advocacy for better outcomes in street lighting for member councils - in particular to assist smaller regional councils to share information and more effectively manage arrangements with Distributed Network Service Providers.

Note from Council

The ownership of streetlights in NSW are shared between three Distributed Network Service Providers (DNSPs) - Essential Energy, Endeavour Energy and Ausgrid. The maintenance and operational costs of the streetlight network are funded by local councils, with the relevant DNSP invoicing Council according to the unit rates managed through the Australian Energy Regulator (AER). Although Wingecarribee Shire Council enjoys a collaborative relationship with our DNSP Endeavour Energy, it is understood that this is not necessarily the case for our neighboring rural councils. The Canberra Region Joint Organisation (CRJO) has therefore identified that local councils could benefit if LGNSW was to lead and resource advocacy for the seeking of better outcomes in streetlighting for member councils.

This benefit would be realized through:

- A strengthened submission from local councils when the AER is reviewing the pricing framework for DNSP charges
- Comprehensive review of the NSW Public Lighting Code – which sets the performance standard for DNSPs.
- Heightened quality assurance in the billing from DNSPs.

It is therefore recommended that LGNSW lead, and resource, advocacy for better outcomes in streetlighting for member councils - in particular to assist smaller Regional Council's to share information and more effectively manage arrangements with DNSPs.

Snowy Valleys Council

Streetlighting review

That Local Government NSW calls on the NSW Government to facilitate a comprehensive review of the structural, regulatory and funding frameworks for streetlighting including:

1. A review of the pricing framework;
2. A review of the current code for the provision of public lighting;
3. Support for progressing smart innovation and new technologies;
4. Quality assurance for billing to eliminate discrepancies and errors;
5. A review of the current ownership and maintenance arrangements for street lighting across the State, noting the complexities of the existing arrangements and the cost and resource liabilities currently imposed on local councils associated with the management of these assets.

Note from Council

The structural, regulatory and funding frameworks for streetlights in NSW are complex and councils typically do not have the resource or knowledge needed to navigate them.

Streetlights in NSW are owned by the three Distributed Network Service Provider (DNSPs), Essential Energy, Endeavour Energy and Ausgrid.

DNSPs are not incentivized to innovate or reduce the energy consumption of streetlights. Councils pay for infrastructure at the direction of DNSPs. Costs are managed through the Australian Energy Regulator.

Continued discussions across the region indicate that streetlighting continues to be a contested and expensive issue for many councils and so a new approach to collaboration is sought.

84 Warren Shire Council

Betterment for flood and other natural emergency restoration works

That Local Government NSW petitions both the NSW Government and Federal Government to develop, establish, implement and properly fund Betterment Programs to rebuild essential public infrastructure damaged in floods and other natural emergencies to a more resilient standard that ensures that the infrastructure and communities are less vulnerable to the impacts of flood and other emergencies.

Note from Council

The provision of funding for the betterment of infrastructure affected by floods and other natural emergencies allows councils and State Agencies to rebuild essential public assets to a more resilient standard to help them withstand the impacts of future natural disasters.

For example, a floodway on a State Highway leading to Warren has had to be reconstructed following the 1990, 1998, 2000, 2010, 2016 and 2021 flood events along the Macquarie River.

Had that causeway been replaced with a concrete surface, no reconstruction costs would have been required and access to Warren would not have been affected in the subsequent floods.

85 Cessnock City Council Review of the NSW Stormwater Management Services Charge

That Local Government NSW calls upon the NSW State Government to review the pricing and associated guidelines for the NSW Stormwater Management Services Charge.

Note from Council

The NSW Stormwater Management Services Charge (also known as the NSW Stormwater Levy) was introduced in 2006 to raise funding specifically for local government drainage and floodplain management programs.

The charges levied have remained fixed since 2006.

The cost of delivering stormwater services now far exceeds sustainable expenditure on council stormwater services and that the levy has not been keeping pace with CPI increases.

Sydney Water, Hunter Water and Gosford City Council have stormwater services charges set by IPART that are between three to five times higher than the NSW Stormwater Levy.

A review of Stormwater Levy is required to address the sustainability of pricing and update the guidelines on how levy is calculated and can be spent and being indexed in line with increases given to water authorities.

86 Clarence Valley Council Power of entry to construct and maintain flood mitigation works

That Local Government NSW lobbies the NSW Government to amend Section 59A and 191A of the Local Government Act to give councils power of entry to construct and maintain flood mitigation works.

Note from Council

Following the adoption of the new Local Government Act in 1993, there was no provision for access to sewer, water and drainage infrastructure located on private property without an easement which had existed in the 1919 Act. This was remedied in 2002 by the addition of Section 191A: 191A Power of entry—construction and maintenance of water supply, sewerage and stormwater drainage works (1) Without limiting section 191, a council employee (or other person) authorised by a council may enter any premises to carry out water supply work, sewerage work or stormwater drainage work on or under the premises (being work that the council is authorised by this or any other Act to carry out). (2) Subsection (1) does not apply to premises that comprise a National Parks and Wildlife reserve.

Section 191A had bipartisan support, and [the then Minister's Second Reading speech](#) also made a reference to the floodplain easements: The total cost to councils to acquire easements for water and sewerage works is estimated at \$1.275 billion. This estimate does not include the costs of acquiring easements for stormwater drainage or flood mitigation works. This expense is a major disincentive to councils to carry out maintenance and repair works. Any delay caused by landowner objection would also lead to further disadvantage of the wider community.

Section 59A also gives Council ownership of water supply, sewerage and stormwater drainage works located on private property without easements. Notwithstanding the then Minister's reference in the second reading speech to flood mitigation works, they were not included in the legislation and to ensure power of entry to maintain such works councils need to acquire easements over existing

floodplain infrastructure. While acquisition of easements is eligible for financial assistance under the NSW Floodplain Management Grant program (2:1 grants), the grant funding (and the 33% Council contribution) would be better utilised on works that improve flood resilience rather than on acquiring easements over existing infrastructure. In the case of Clarence Valley Council, tens of thousands of dollars have been expended on acquiring easements over floodplain infrastructure. This motion seeks to remove this unnecessary expense by giving the same power of entry to councils for floodplain works as they currently have for water, sewer and drainage works, which will enable scarce funding for floodplain works to be used to improve flood resilience.

87 Warren Shire Council

Dam storage capacity increase

That Local Government NSW requests that the NSW Government instigate the investigation and implementation of the use of existing dam airspace currently set aside for flood mitigation purposes to increase the storage capacity of dams.

Note from Council

Increased water storage improves supply and reliability over the longer term, bringing a degree of drought proofing that benefits towns, the environment and local economies.

Burrendong Dam is an example dam where storage capacity can be increased using the existing flood mitigation airspace particularly as the dam engineering is sound and safe and water inflow monitoring systems are sufficiently mature to enable safe control of flood mitigation zones.

Higher levels of water storage will increase the level of drought proofing of communities downstream, provide increased high security water for towns, the environment and for economic development particularly during times of drought.

During the 2021 flood along the Macquarie River, Burrendong Dam was managed at up to 145% of capacity.

The dam was managed in a similar way during the 2010 and 2016 floods along the Macquarie River.

Total flood mitigation availability is 162% of capacity or full supply level.

Given the history of structural integrity and safety of the dam and natural inflow monitoring systems, it is sensible to use this mostly unused capacity more wisely in capturing and storing major inflows during wetter periods.

88 Blacktown City Council

Leases for telecommunications facilities on community land

That Local Government NSW calls on the NSW Government to amend legislation such that:

- a) The approval process for telecommunications facilities on community land be simplified by only requiring a development application, and not requiring a separate notification of a proposal to lease community land.
- b) Councils not be required to tender leases for telecommunications facilities on community land.

Note from Council

The approval of new telecommunications facilities on community land involves two separate approval and notification processes:

1. A development application under the Environmental Planning and Assessment Act and
2. A separate notice of a proposal to lease community land for telecommunications facilities under the Local Government Act These separate and often sequential processes result in inefficiencies, time delays and confusion for the public, without any identifiable benefits. A development application may be determined by the consent authority, usually the Council, considering any submissions. However, if there are objections to the proposal to lease under the Local Government Act, the proposal must be referred to the Minister for Local Government for their consent before Council may grant the lease. This adds considerable time and administrative burden for the Council and the Minister with little appreciable benefit. We recommend the approval process for telecommunications facilities on community land be simplified by only requiring a development application, and not requiring a separate notification

of a proposal to lease community land. If a development application is not required, the Council would need to post a notice of a proposal to lease community land for telecommunications facilities under the Local Government Act. To lease community land for a telecommunications facility, Council must go to tender under the Local Government Act where the lease term exceeds 5 years.

Telecommunications companies usually approach Council initially to establish their telecommunications facilities on community land. This is often to remedy “black spots” in their communications network which are generally unique to that particular company. Thus, tendering the lease in line with the Local Government Act is very unlikely to result in more than one tender and merely adds delay to the process.

We recommend councils not be required to tender leases for telecommunications facilities on community land.

89 Warren Shire Council	Improvement of transmission networks for solar energy development
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That Local Government NSW petitions both the NSW Government and Federal Government to provide funding programs to incentivise the upgrading of electricity transmission lines in rural and remote areas where it is most suitable to have solar energy developments and are supported by the local community.

Note from Council

The rural and remote areas west of Dubbo are most suitable in relation to solar energy and many of the communities are most accepting of the solar farm industry.

However, the limiting factor is the condition and level of the main transmission lines in the area.

These lines need to be upgraded under an incentive scheme from 133 kv to 330 kv, also reducing the level of brown outs along the transmission lines to the west of the state.

Mining and agriculture

90 Lake Macquarie City Council	Adaptive reuse of mining lands
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That Local Government NSW requests that the NSW Government works with councils and industry to support the diversification of coal-reliant economies by investigating legislative and procedural change that will better facilitate adaptive reuse of former mining lands.

Note from Council

NSW legislation requires mining lands to be rehabilitated after the life of a mine has expired, and mining companies pay a rehabilitation security bond to ensure rehabilitation objectives and criteria are met. However, an alternative process may be preferable where disused mining lands are suitable for adaptive reuse that will stimulate local economies.

One of the four key actions in the NSW Government’s Strategic Statement on Coal Exploration and Mining in NSW (The Statement) is to support diversification of coal-reliant regional economies to assist with the phase-out of thermal coal mining. Adaptive reuse of mining lands for purposes such as tourism, commercial or industrial development promotes the creation of new-generation jobs and industries that can help communities transition to a more varied and resilient economic mix.

The Statement also commits the Government to facilitating beneficial uses of coal mining land once mining has ended. Developing a clearer regulatory pathway to allow councils to consider applications for adaptive reuse of mining lands, and land owners to satisfy for their consent obligations, would support outcomes that provide economic, social and environmental benefits.

That Local Government NSW writes to the NSW Mining Minister calling for urgent review of the Mine Subsidence Act to better protect and assist landowners affected by mining and mine subsidence. Noting in particular that the current review process should be assessed by an independent body.

Note from Council

To assist in its community advocacy role, Council would like to see more support available for people effected by mining and mine subsidence, as subsidence damage to residential properties is extremely stressful for residents.

Council understands that subsidence review may take time, but living for years with damage is not an ideal outcome for residents affected by subsidence in the Wollondilly. Council has received representation from residents who have felt the process has not assisted them in a meaningful way and are concerned that the compensation process is slow, and difficult to understand.

Council would like to see that there is an improvement to the subsidence process and the support provided to residents as well as the establishment of an independent assessment and review process. The current process for the review of mine subsidence compensation claims is overseen by Subsidence Service (SS) NSW. Mining companies have been observed to carry out consultation with potentially affected landowners as part of the planning and undertaking of mining operations.

A resident, when seeking compensation to damage viewed as attributable to mining, lodges an application with SS NSW who assesses the application, facilitates interaction between the claimant, assessor and mining company and engages an independent engineer. Following the review of the application SS NSW notify the applicant of the outcome and arrange for compensation if approved.

There is not a statutory mechanism in the current framework where an applicant can obtain an independent review of the decision of the compensation.

That Local Government NSW calls on the Australian Government to support the goals of the '2030 Roadmap: Australian Agriculture's Plan for a \$100 billion industry' but make a principle-based commitment to ensure the plan is realistic, optimises water use, and supports existing regional and rural communities and industries by maintaining and promoting agricultural diversity that builds resilience into our economies and helps rural communities thrive. Success cannot only be measured by increased prices at the farm gate.

Note from Council

- The '2030 Roadmap: Australian Agriculture's Plan for a \$100 billion industry' has been endorsed by the Federal Government and presents some positive initiatives to expand national agricultural growth. However, in the pursuit of this growth plan, we must also acknowledge and support the existing agricultural diversity, industries and infrastructure inherent in rural Australia to ensure the future health and sustainability of our long-established rural communities.
- Rural and regional communities are committed to working together with all tiers of government and agencies to ensure national growth and the sustainability of our communities and industries.
- Rural communities make a vital contribution to the nation's economy, food security and social fabric.
- Diversity in agricultural production and value-adding industries is our strength, creating job growth and building resilience in our rural communities and economies.
- In the implementation of this plan, actions must be realistic and achievable without adverse impacts on agricultural diversity and associated industries and the prosperity and wellbeing of long-established rural communities.
- In pursuing national agricultural growth initiatives, water efficiency needs to be a key consideration. Every drop of water must be used responsibly and be consistently optimised.
- Striving for a diverse agricultural sector and resilient communities affords greater success overall than blindly assuming that water flowing to the highest value crop is in the nation's best interest.

- Achieving the right balance requires considered, intelligent policy and should not rely solely on market forces.

93 Tweed Shire Council **Regenerative landscape management**

That Local Government NSW writes to the NSW Premier and the NSW Minister for Agriculture to request significant investment in research and development of regenerative agriculture to position NSW to become a world leader in best practice landscape management to sustain future food security and farm viability, and to harness the vast potential for economic recovery through our regional areas.

94 Leeton Shire Council **Protect food security/sustainability of regional irrigation communities**

That Local Government NSW calls on the Australian Government to protect national food security and the sustainability of regional irrigation communities by:

1. acknowledging irrigation communities were purposefully built by governments to feed and drought proof the nation
2. acknowledging the unintended adverse impacts on regional communities as a result of certain water policy decisions and the operation of water trading markets
3. acknowledging that the nation's primary producers are adept at using water efficiently and responsibly through on-farm practices and infrastructure
4. providing enhanced water access for general security water holders in regional communities who depend on the availability of this water for their livelihoods and employment
5. ensuring decisions foster diversity in agriculture and value adding industries as diversity is our strength and builds resilience in our communities and economies
6. reviewing and adjusting timelines for the completion of Murray-Darling Basin projects and plans such as the Murray-Darling Basin Plan Sustainable Diversion Limit Adjustment Measures (SDLAM) Projects and Water Sharing Plans to be more realistic, achievable and prevent any adverse third-party impacts
7. ensuring better water transparency on environmental water holdings, the trading of environmental water and the outcomes of efficiency projects
8. ensuring water conveyance losses are recognised and are properly costed and accounted for
9. acknowledging that annual crops grown close to the source of our water supplies are key to maintaining resilience in our relatively dry and inconsistent climate.

Note from Council

Regional irrigation communities were established by our governments more than 100 years ago to feed and drought-proof the nation. Water remains the lifeblood of these communities.

A clear, realistic and integrated approach to water policy and management needs to be urgently adopted and maintained by governments. This is vital to ensuring balanced social, economic and environmental outcomes can be achieved from water use while protecting long-established regional communities and water-related industries who make a vital contribution to the nation's economy, food security and social fabric.

It is in the nation's interest to preserve and optimise purposely built irrigation schemes and communities that were established over 100 years ago as key nation building initiatives.

Our producers, industries and communities make a vital contribution to producing diverse, safe, reliable and affordable food for the nation. Diversity in agriculture and value adding industries is our strength and builds resilience in our communities and economies. Where there is water there is healthy and prosperous communities.

Many regional irrigation communities are under significant stress due to zero or low general security allocations. Water policy exacerbated by drought is pushing many communities and industries to a tipping point. If we lose them, they will not recover, and our communities will be decimated. A decline in mental health and community wellbeing is being seen. General security water holders in regional irrigated communities need more certainty.

The commoditisation of water has also led to many problematic outcomes for communities. Producers and their families, who have a long history of requiring water to produce crops and food, are being placed at a major disadvantage. There are flow-on effects on businesses, industries and communities who depend on diverse irrigated agriculture and water for their employment and livelihoods.

Irrigated regional communities have made significant investments such as on-farm works and industry infrastructure to use water responsibly. It is in the nation's interest to protect regional assets, investments and community entrepreneurship.

Governments too have invested heavily in schemes to optimise economic, social and environmental outcomes from water use. For example, in recent years, the Australian Government funded a \$347.6M Private Irrigation Infrastructure Operators Program in the MIA (Murrumbidgee Irrigation Area) for works aimed to improve the efficiency and productivity of water use and management of private irrigation networks to deliver savings for the environment.

In developing measures to manage environmental water, governments must carefully consider social, economic and environmental impacts. Better water transparency on environmental water holdings, the trading of environmental water and the outcomes of efficiency projects is critical.

Unintended outcomes from the likes of the Murray-Darling Basin Plan and water trading policies are eroding the underlying principles of Australia's water reform agenda to achieve balance economically, socially and environmentally. Consequently, the vision of other local and other government initiatives to ignite investment, create jobs, grow population and facilitate resettlement opportunities in the regions is being impeded.

Water trading rules should optimise agricultural endeavour and the use of established on and off-farm infrastructure to ensure the sustainability of these schemes and the most efficient application of available water for agricultural production.

X2 Leeton Shire Council**Constitutional recognition of local government**

That Local Government NSW calls on the Australian Government to hold a referendum to amend the Constitution to recognise local government as an important, legitimate and essential element in Australia's system of government.

Note from Council

Local government contributes significantly to the nation's economic, social and environmental wellbeing. For Federal and Local Government to work effectively in partnership and for funding to flow efficiently between the Federal Government and local councils, local government must be recognised in the Constitution. This can only happen lawfully through amendment to section 96 of the Constitution.

Federal Governments must be able to directly fund local governments. The recent bushfire emergency demonstrated the frustrating and unnecessary delays and bureaucracy created through the requirement for Federal funding to be distributed via State Governments.

Note from LGNSW

This motion aligns with existing LGNSW policy, specifically Fundamental Principle H of the LGNSW Policy Platform which calls for local government to be constitutionally recognised as an equal sphere of government.

X3 Tweed Shire Council**Councillor remuneration**

That Local Government NSW writes to the Minister for Local Government to request that NSW local government councillors be fairly remunerated based on the fiscal, legal and community responsibilities of their roles and the time required for representation of the relevant population base.

Note from Council

Councillor remuneration should take into consideration the fiscal, legal and community responsibilities of their roles and the time required for representation of the relevant population base.

Note from LGNSW

This motion aligns with existing LGNSW policy, and specifically position statement 18 in the LGNSW Policy Platform which calls for fair and reasonable fees for councillors and mayors. LGNSW regularly advocates for increased remuneration for councillors and makes an annual submission to the Local Government Remuneration Tribunal.

X4 Byron Shire Council**Template governance tools**

That Local Government NSW advocates to the NSW Government that it works with councils and funds the development of template governance tools to enhance transparency and performance reporting including:

- a) A dashboard summary reporting tool tracking progress against objectives as set out in key planning documents - community strategic plan, financial plan and budget, residential land use and other strategies etc; and
- b) A consolidated State Government relationship reporting tool tracking all 'live' issues and projects between an LGA and State Government across all portfolio areas including grant applications, policy / project proposals, state government- initiated projects etc.

Note from Council

Council websites include an abundance of plans, reports, and data, which are invaluable for councillors, staff, consultants and other stakeholders. For most residents and rate payers the information provided on performance and progress against objectives could be collated and summarised. The core business of councils is common and a template could provide useful summary data against objectives (targets) on revenue and surpluses, housing approvals, financial ratios, road works, sewerage and water, visitor numbers etc.

The reporting tool would complement existing reports to residents and ratepayers on how rates are spent with a snapshot of how council spends money and performs at a macro level.

The relationship between councils and state government is fundamental to local government. Reporting on that relationship tends to be project based or piecemeal. Local government is a statutory creation of state government and can be seen as an extension of it. Residents and rate payers are aware of the interaction between state and local government but perhaps not its full depth or significance. Projects, funding decisions and changes to law or policy tend to be reported 'one-off'. Most residents and rate payers would benefit from receiving an integrated picture of the relationship between their local council and state government.

The use of a consolidated reporting tool can also assist decision makers in adopting a more holistic approach to decision-making seeing the 'cross-portfolio' connections between issues, for example housing, transport and tourism.

Note from LGNSW

This motion is operational and LGNSW will seek the NSW Government's support to develop these tools. The Office of Local Government's Your Council website (yourcouncil.nsw.gov.au) already provides key data on councils' demographic, socio-economic, financial sustainability, infrastructure, expenditure, rating, community leadership and core council services. This website could be further expanded to meet this motion's objectives.

ECONOMICS AND INFRASTRUCTURE

X5 Hay Shire Council

Fairer grant system for small and rural councils

That Local Government NSW advocates to the Australian and State Governments on a fairer grant system for small and rural councils, to ensure they are not disadvantaged compared to better resourced councils in terms of ability to provide co-contributions to either comply with the grant conditions or to be competitive against other submissions.

Note from Council

Most of the larger grants require 50% cash co-contribution (i.e. Building Better Regions, Remanufacture NSW, Crown Reserves Improvement Fund), or suggest a contribution to be made to have the best chance of success (i.e. Fixing Local Roads). Small and rural councils do not have the cash reserves or the ability to generate the cash reserves to provide co-contributions for grants. Small and rural councils should be either be exempt or require much smaller co-contributions to be competitive. Game changing or development opportunities for rural communities rely of grant funding, however small and rural councils typically do not have the resources to be progressive despite the wealth of talent and creative ideas.

Note from LGNSW

This motion aligns with existing LGNSW policy, and specifically position 4.8 of the LGNSW Policy Platform: Increased funding for rural communities, including a strengthening of needs-based funding in the distribution of grants to local government. The motion is also consistent with past Conference resolutions including 2019 Annual conference resolution 16 on grant funding.

X6 City of Canterbury-Bankstown Council

Mandatory pensioner rate rebates

That Local Government NSW calls on the NSW Government to fully reimburse councils for the total cost of providing mandatory pensioner rate rebates as is the case with all other state and territory governments across Australia and cease the cost shifting of mandatory pensioner rate rebates onto local government to allow councils to spend the money saved on other services and infrastructure for the community.

Note from Council

Cost shifting from State Government to Local Government diverts councils' income away from other crucial local services and projects to meet demands placed on them by other tiers of government. One driver of this cost shifting is mandatory pensioner rate rebates. NSW Councils are the only councils in Australia to not be financially reimbursed by their respective State Government for mandatory pensioner rate rebates.

The NSW State Government contributes 55% of the mandatory \$250 pensioner rate rebate concessions, however, councils are required to fund the remaining 45%. The most recent data indicates that this cost shifting approach has seen metropolitan councils lose over \$27 million through the NSW Government's reluctance to fully reimburse councils for mandatory pensioner rate rebates. Given that pensioner rebates are a welfare measure, the State Government should assist local councils by fully reimbursing councils for mandatory pensioner rate rebates. This would allow councils to allocate funds saved on other important services, and infrastructure projects.

Note from LGNSW

This motion is consistent with long standing LGNSW policy and has been the subject of resolutions over decades. LGNSW maintains the position that pensioner rate rebates should be fully funded by State and Federal Governments.

X7 Shoalhaven City Council

Extending bushfire grant funding

That Local Government NSW advocates to the NSW Government amend the criteria for Bushfire Grant Funding to enable councils to continue to repair damaged infrastructure in severely affected areas.

Note from Council

The 2019-2020 Black Summer bush fires continue to have a significant impact in many local government areas, with infrastructure still in need of replacement or repair. Councils are highly appreciative of the assistance already provided, in particular from the Bushfire Local Economic Recovery Fund. However, not all grant opportunities are aimed at longer-term rehabilitation of damaged areas that needs to continue after the disaster. It is requested that the NSW Government broaden the criteria for bushfire recovery grants to allow for damaged infrastructure to be replaced.

Note from LGNSW

The motion is consistent with LGNSW disaster recovery assistance advocacy. LGNSW can action this without a vote at conference by making representations to the Minister.

X8 Armidale Regional Council

Depreciation

1. That Local Government NSW urges the NSW Government to review current depreciation rates to accurately reflect the life of council assets.
2. That a model template is developed to translate the official audited accounts into a format that is more easily understood by ordinary people. This could include summaries of recurrent and capital income (including external funding received, but not spent in the reporting year, and funding spent in the reporting year but received in previous years), as well as recurrent and capital expenditure (including employee costs for capital projects) and transfers to and from restricted and unrestricted reserves.

Note from Council

Depreciation rates are an important criterion used to assess councils' financial sustainability. It is therefore important that they accurately reflect the life of councils' assets. Many residents find it difficult to understand the official audited accounts. A template to translate the information into a summary of what matters to residents would therefore be invaluable to residents and councillors who have to explain this information to residents.

Note from LGNSW

This motion is operational rather than a policy position, and will be actioned by LGNSW without a vote at Conference.

X9 Greater Hume Shire Council

Introduction of an Emergency Services Property Levy

That Local Government NSW lobbies the State Government to recommence the introduction of a property based Emergency Services Property Levy as a separate and identifiable line item on the Annual Rates and Charges Notice.

Note from Council

As delegates will recall from 1 July 2017, the NSW Government planned to abolish the Emergency Services Levy (ESL) on insurance policies and replace it with an Emergency Services Property Levy (ESPL), paid alongside council rates.

Unfortunately the introduction of a property based ESPL was abandoned by the State Government at the eleventh hour in May 2017. It was promoted as a fairer model for funding fire and emergency services as the burden of funding these services would no longer just fall only on those with property insurance, but all landowners.

Council contends that it is still a much fairer model and also had added benefit of being a separate and identifiable line item that would clearly indicate to ratepayers the cost of maintaining emergency services in NSW. Greater Hume Shire Council seeks that LGNSW lobby the NSW State Government to reconsider the introduction of an ESPL. Note: Council does not want the motion to be grouped with motions with a broader scope

Note from LGNSW

This motion is consistent with existing LGNSW position 1.9 which calls for the introduction of a broad-based property levy to replace both the Emergency Services Levy on insurance policies and the 11.7% Emergency Services Levy on local government.

X10 Lismore City Council

Red fleet

That Local Government NSW writes to Premier The Hon Dominic Perrottet, Treasurer The Hon Matt Kean MP, Minister for Emergency Services The Hon David Elliott MP and the Auditor General outlining concerns that recognising assets councils have no control over, rural firefighting equipment, including red fleet vehicles, will place an unfair financial burden on councils.

Note from Council

It has come to the attention of Northern Rivers Councils and the Northern Rivers Joint Organisation that this unquantifiable financial impost is being placed on regional and rural councils. We expect consultation on this matter and resources to assess the impact on our budgets and ensure appropriate and ongoing funding is made available from the State Government.

The audit of our financial statements suggested that rural fire-fighting equipment, specifically the red fleet vehicles, is controlled by the Council and should be recognised in financial statements. This is supported by the requirements of the Rural Fires Act 1997 and service agreements between councils and the RFS.

The Department of Planning, Industry and Environment (inclusive of the Office of Local Government) confirmed in the 'Report on Local Government 2020' (tabled in Parliament on 27 May 2021) its view that rural firefighting equipment is not controlled by the NSW Rural Fire Service.

Note from LGNSW

This motion aligns with previous resolutions and is subject to ongoing LGNSW advocacy. Resolution 32 of 2017 called for all Rural Fire Service, State Emergency Service and Surf Life Saving Club assets to be removed from council asset registers and for the responsibility be taken back by the RFS, SES and SLSCs.

X11 Murray River Council

Rural Fire Service assets

That Local Government NSW request the NSW Government provide certainty to local governments by confirming that local governments will not be required to carry the RFS assets in their financial statements, on the basis that local governments do not fund these assets, have no control whatsoever over the use of these assets, and do not benefit from these assets in any way and such assets do not meet the criteria identified in the accounting standards for inclusion in the financial statements.

Note from Council

The Audit Office of NSW has been maintaining the position that RFS assets should be included in the financial statements of local government entities, despite the fact that, for the reasons contained in the proposed resolution, the assets do not meet the criteria identified in the accounting standard for inclusion in the financial statements.

As a result of this position taken by the Audit Office, it has identified a High Risk audit finding in its Management Letter to Council with regard to the audit of the financial statements for the financial year 2020-21.

Note from LGNSW

This motion aligns with previous resolutions and is subject to ongoing LGNSW advocacy. Resolution 32 of 2017 called for all Rural Fire Service, State Emergency Service and Surf Life Saving Club assets to be removed from council asset registers and for the responsibility be taken back by the RFS, SES and SLSCs. Further, 2018 Category 2 motion called for only those assets where council has both control and receives the future economic benefits of the the asset, as defined by SAC4, AASB1 16 and the 'Framework for the Preparation & Presentation of Financial Statements', be recognised as assets in council financial statements.

X12 Hilltops Council

Computer system suitable for all NSW councils

That the Office of Local Government (OLG) investigate, research, develop and trial an appropriate computer system suitable for all councils in the state.

- This program would provide a resource that would suit all the common activities of councils in NSW;
- The system would be ready for installation within 5 years;
- OLG would provide support and training during its installation;
- Further development and improvements would be responsible the responsibility of OLG over time;
- The system would be provided free to all councils;
- The development would take into account the current and potential future computer resources of councils.

Note from Council

The cost of maintaining discrete nonuniform computer systems is a large cost to all councils. A uniform computer system maintained by the State Government would enable all councils to have the most up to date legislative requirements imbedded in the universal software. It would also assist comparability of all data across local government.

Note from LGNSW

This is an operational request rather than a policy position and LGNSW will action this by raising this matter with the Office of Local Government.

X13 Blacktown City Council**Termination of Local Infrastructure Growth Scheme**

That Local Government NSW call on the NSW Government to honour its promise to the communities of growth areas, and fully pay councils all of the monies owed as a result of NSW Treasury prematurely terminating the Local Infrastructure Growth Scheme in 2021, to cover the difference between capped Section 7.11 contributions which commenced in 2011 and the full contribution.

Note from Council

Funding for this difference in contributions had been provided under the Local Infrastructure Growth Scheme (LIGS). This was conditional on Section 7.11 contributions plans being assessed and approved by IPART and the Minister for Planning and Public Spaces.

However, due to delays by those parties in assessing contributions plans and other factors, Blacktown City (and to our understanding a number of other growth councils) were not able to claim all of the funding owed to us before the scheme closed.

All of our contributions plans are now fully assessed and approved but, to date, the NSW Government has not committed to providing the funding we are owed. Government officers refer to the Scheme being administered as a program of grants, for which there was never an ongoing Government commitment, despite Ministerial announcements that the scheme would ensure that councils were paid so that they would not be adversely affected by Government's policy change in 2011. If this funding is not received, the shortfall in revenue we will need to subsidise by general funds or another funding source is \$250.1 million as we are required to provide all the local infrastructure in its North West Growth Area listed in our Section 7.11 contributions plans.

Note from LGNSW

This motion aligns with LGNSW's existing positions, specifically past resolution 26 of 2019 which calls on the NSW Government to guarantee funding to councils in designated Local Infrastructure Growth Scheme transition areas.

X14 Blacktown City Council**Indexation of scheduled and regulated fees**

Local Government NSW call on the NSW Government to index all statutory or regulated local government fees and charges by the higher of either the CPI or a rate equivalent to changes in salaries under the NSW Local Government Award, such that the value of such income to councils is not reduced over time and that such indexation be backdated to the time of the last increase of each such fee.

Note from Council

Existing LGNSW policy recognises the need for fees and charges to be regulated where they are imposed by legislation, and can only be obtained from a monopoly service provider, as is the case with many of the services provided by local government (and other government agencies).

Local government by statute has a range of regulated fees in areas including planning and development, public health, community law enforcement and environmental levies. Only some of these fees and charges (such as companion animal fees) have an annual mechanism for adjustment.

While the levying of regulated fees and charges remains an important component of both local government's regulatory role, and of the financial sustainability of its services, all such fees should be appropriately indexed to ensure their purpose and value is maintained.

Regulated fees and charges otherwise erode the link between revenue and expenditure.

Note from LGNSW

This motion aligns with LGNSW's ongoing advocacy and existing positions, specifically position 1.2 of the LGNSW Policy Platform which states that LGNSW advocates for greater autonomy in determining fees and charges.

X15 Hilltops Council**Rate pegging**

That the State Government as a matter of urgency consider the removal of rate-capping so that councils can appropriately respond to their communities needs and future priorities. Rate pegging limits councils' ability to provide local services and maintain the community's infrastructure.

Note from Council

Rate pegging limits councils' ability to provide local services and maintain the community's infrastructure.

Note from LGNSW

This motion aligns with longstanding LGNSW positions and advocacy, specifically position 1.1 of the LGNSW Policy Platform which calls for the removal of rate pegging and reform of the NSW local government rating system.

X16 Wagga Wagga City Council**IPART use of Local Government (State) Award for rate peg**

That Local Government NSW advocates to the State Government and IPART, that IPART use the Local Government (State) Award instead of the public service index which IPART currently uses and which is unrelated to the actual increase required to be paid by Councils, when determining the range Councils can increase rates in any year under the rate peg system.

Note from Council

There are many concerns about the IPART rates review process especially in regard to the recent impact of COVID such as supply chain issues and increase in commodity prices, as well as other impacts.

Regardless of these issues IPART strangely continue to factor in wage increases not associated with the Local Government (State) Award used by NSW councils but instead uses the public service index. Advocacy for IPART to use relevant date in their consideration would help alleviate some of the concerns raised every time they announce the rate review.

Note from LGNSW

This motion is consistent with current LGNSW positions and advocacy. LGNSW's advocacy is evidenced in IPART's 2022-23 Rate Peg Determination (refer IPART Information Paper) which states: 'LGNSW raised a concern about using ABS Wage Price Index (WPI) to determine the increase in employee costs. LGNSW noted the majority of local government employees' rates of pay and allowances were increased by 1.5% under the Local Government (State) Award 2020.'

X17 Snowy Valleys Council**Long term sustainability of local councils**

That Local Government NSW calls on the NSW Government to acknowledge the long term financial sustainability challenges of local government, and to specifically address:

1. The detrimental impacts on council financial sustainability as a result of cost shifting to local government by both the Federal and NSW Governments, such as:
 - (a) The transfer of the emergency services levy to Councils
 - (b) The requirement to provide concessions (eg. pensioner concessions) without adequate compensation payments
 - (c) The failure to provide appropriate indexation for fees and charges prescribed under State legislation
 - (d) The vesting of Rural Fire Service assets in council, leaving councils to bear the cost burden of depreciation
 - (e) The transfer of management of Crown Lands to local councils without appropriate compensation to alleviate the financial and resource burden on councils for the development of Plans of Management
2. The antiquated rating system and its restrictions on council's ability to raise appropriate levels of revenue to fund the provision of an increasing range of services to their communities
3. The lack of ongoing operational funding for new and upgraded assets once they are commissioned under a capital funding stream
4. The inequity of taxation distribution among the 3 tiers of Australian government, including the reduction of the Financial Assistance Grants Scheme grant as a percentage of total taxation revenue

Note from Council

Snowy Valleys Council's aim is to achieve financial sustainability delivering a balanced budget over the long-term while maintaining adequate funding of asset renewal. Council has been investigating asset disposals, service reductions, outsourcing of services and raising fees and charges as well as a possible Special Rates Variation to achieve financial sustainability. An independent review to inform Council and community engagement has been undertaken with options for actions to achieve financial sustainability and Council has effected savings through reductions in staffing levels and service levels and will now apply to IPART for a 35% special rate variation. It is noted that the review and consideration of financial sustainability has been found to be unrelated to the 2016 merger, rather, a result of external influences, legislative restrictions, and rising community expectations.

Councils cannot ignore financial sustainability problems. The Local Government Act requires councils to apply sound financial management principles of being responsible and sustainable in aligning income and expenses, infrastructure investment, and effective financial and asset management performance management.

Note from LGNSW

This motion aligns with longstanding LGNSW positions and advocacy, specifically position statement 1 of the LGNSW Policy Platform on financial sustainability.

X18 Glen Innes Severn Council**Communication infrastructure**

That Local Government NSW lobbies for immediate action to address the extremely poor quality communication infrastructure that leaves the Glen Innes Severn Local Government Area and many other rural communities in Australia with intermittent internet connection and mobile phone service.

Note from Council

Rural and regional Australia still has significant telecommunications issues to deal with which significantly affects their ability to attract and retain professionals in the bush.

The extremely poor internet and mobile telephone coverage is significantly hampering the ability of rural and regional Australia attracting these professionals even when the current pandemic has demonstrated the ability for staff to work remotely.

Note from LGNSW

This motion aligns with LGNSW's existing advocacy and positions, as outlined in [LGNSW's September 2021 submission to the Australian Government Regional Telecommunications Review 2021](#).

X19 Blacktown City Council**NSW Government failure to meet commitments to councils**

That Local Government NSW seeks from all members specific examples where the NSW Government has not honoured its commitments to councils, and approach the relevant Ministers to seek appropriate response.

Note from Council

The intergovernmental agreement signed in between local government through LGNSW and the NSW State Government was to provide a robust framework for both levels of government to identify and meet their respective commitments to communities. Despite these assurances, and the ongoing advocacy of LGNSW and councils, there are numerous recent examples of NSW Government failure to meet specific commitments to councils and their communities. Some examples are provided below of commitments not met to metropolitan Sydney's growing communities. LGNSW should be armed by specific information from its members to redouble its advocacy efforts, supported by each council experiencing such government failures.

Failed commitments relating to Sydney's North West Growth Area include:

- Building Bandon Road between Richmond Road, Marsden Park and Windsor Road, Vineyard as part of the North West Growth Centre Road Network Strategy, promised at 25% development.
- The Government's North West Land Use and Infrastructure Implementation Plan (May 2017) identified various infrastructure upgrades required to support new homes in the North West Growth Area. The following upgrades have failed to deliver the intended outcomes:
 - (R5) Richmond Road upgrade stage 3 by 2018.
 - (R20) South Street West – Richmond Road to Glengarrie Road by 2023.
- NSW Government delay in completing the Planning Proposal for the Riverstone Town Centre, according to its own timeframes.
- Government agencies delay and frustration of the required planning for the Marsden Park Strategic Centre.

Note from LGNSW

This motion is operational rather than a policy position, and will be actioned by LGNSW without needing a vote at Conference.

X20 Blacktown City Council**Funding of essential community infrastructure**

That Local Government NSW calls on the NSW Government to allow councils to levy developer contributions to fund public amenities and services, such as parks, public swimming pools and recreation facilities, libraries and community centres that have been excluded for funding from developer contributions in accordance with the NSW Government's 'Essential Works List', and noting that as a consequence of the recent 'Review of the rate peg to include population growth' by IPART these items cannot be adequately funded from rates revenue.

Note from Council

While the NSW Government has asked the Independent Pricing and Regulatory Tribunal (IPART) to review the Government's 'Essential Works List', it narrowed the terms of reference for the review to not allow IPART to consider including the capital cost of public amenities and services, such as parks, public swimming pools and recreation facilities, libraries and community centres as essential works.

This is part of the Government's larger infrastructure funding reform package that shifts the capital funding of community infrastructure from developer contributions to rates revenue.

The NSW Government also asked IPART to review the rate peg for growth to accommodate this funding. IPART has set the 2022-23 rate peg for councils at between 0.7% and 5.0%, depending on its population factor. IPART's 2022-23 rate peg does not allow for the funding of essential community infrastructure.

Note from LGNSW

This motion is consistent with LGNSW's existing policy and ongoing advocacy, including most recently [LGNSW's December 2021 submission to the IPART Review of the Essential Works List and Benchmarking](#).

X21 Forbes Shire Council

Property insurance and demolition of derelict sites

That Local Government NSW makes representation to the State Government and Insurance Council of Australia to lobby for property insurance policies to retain a compulsory nominated amount to ensure the satisfactory demolition of the structure to better protect the public from ongoing derelict sites.

Note from Council

Currently, when a property is burnt down, owners are able to walk away with their insurance pay out, leaving councils to chase the land owner to adequately demolish, clean up and make good sites which can be mired for years in bureaucratic process, the effect of this is derelict eyesores dotted around the town.

The inclusion of a compulsory demolition reserve (based on a reasonable market cost for demolition works) within a property's insurance policy would help to ensure the timely clean up and remediation of fire damaged buildings. Whilst councils can always rely on the orders provisions as listed in the Environmental Planning & Assessment Act 1979, a system such as has been suggested would see sites potentially cleaned up much quicker post emergency incident without the need to flex any regulatory muscles for compliance.

Note from LGNSW

This motion aligns with existing LGNSW positions, and specifically resolution 32 of the 2019 Annual Conference which called for increased legislative powers to manage derelict sites. This 2019 resolution also covered another motion which called for LGNSW to make representations to the Insurance Council of Australia to request that its membership provides as a standard part of building insurance policies cover for site clearance in the absence of proposed reconstruction of a building. LGNSW has made representations to the Insurance Council of Australia (ICA), Australian Prudential Regulatory Authority, Australian Financial Complaints Authority and the Federal Treasurer, and also made a submission to the financial services Royal Commission on this issue. As a result of these representations, LGNSW recently secured agreement from the ICA to meet and work with councils to resolve the issue. Discussions with ICA are expected to occur in early 2022 and LGNSW will continue to advocate in line with this position.

ENVIRONMENT

X22 City of Canterbury-Bankstown

Development controls for external finishes and roofing materials

That Local Government NSW advocates to the NSW Government to investigate mandating development controls on external finishes and roofing materials to minimise heat retention in new developments in urban areas.

Note from Council

Urban overheating has emerged as one of the major problems in the built environment. Increasing high temperatures pose a risk to our communities and to infrastructure, evident with a rise in heat-related morbidity and mortality. Roofing materials play an important role in addressing the effects of urban heat. Recent research from the University of New South Wales (UNSW) showed that by removing dark roofing across Sydney, the city's summer ambient temperature will be lowered by 2.4 degrees. Further, new build materials that reflect rather than absorb solar energy can reduce peak temperatures across cities by up to 4 degrees.

Surfaces that reflect solar energy tend to stay cooler themselves, release less heat into the surrounding air and allow for night time cooling in a city. Choosing the right materials and colours help prevent solar radiation (heat) from being absorbed and transferred into the building, improving energy efficiency. Sustainable development is very important to the future of Canterbury Bankstown as well as to greater Sydney, there's an increasingly urgent need to educate the community about ways to reduce the impact of urban heat and to encourage greater uptake of appropriate roofing materials.

Note from LGNSW

This motion is consistent with current LGNSW position 10.6 of the LGNSW Policy Platform which calls for State Environmental Planning Policies that achieve improvements in liveability and sustainability of housing to ensure developments and precincts include measures to alleviate the urban heat island effect. LGNSW will continue to advocate on this position.

X23 Orange City Council**Solar system for schools**

That Local Government NSW calls on the NSW Government to develop a program that builds on and complements the Solar my School program and supports schools to lower their energy costs, as well as decrease CO2 emissions, through installation of solar systems that meet their specific needs in a cost-efficient and effective manner.

Note from Council

Schools are ideal sites for solar power because they have large often-unshaded rooves, high daytime energy demand and long tenure. Despite these advantages, solar uptake by schools has been relatively low. The Solar my School program was developed to address this low uptake. The program leverages councils' role as a trusted independent advisor in local communities, facilitating the installation of solar power on public and private schools. It has been jointly run by Waverley, Randwick and Woollahra Councils since 2016 and has expanded to other council areas across Sydney and more recently into some regional areas. However, not all councils are willing or able to join the program for a variety of reasons, including because of insufficient staffing or budget capacity. The State Government should play a role in filling this gap, as an important contribution to expanding renewable energy uptake on State-owned facilities and lowering their CO2 emissions.

Note from LGNSW

The motion meets the Board endorsed criteria and is consistent with LGNSW position 10.2 of the LGNSW Policy Platform, which calls for ambitious but realistic policies and practices that promote council, community, industry and government commitment to renewable energy, energy conservation and energy efficiency. LGNSW can action this without a vote at conference by advocating to the Department of Planning and Environment (DPE) via letters to the Minister and DPE, and direct advocacy through our regular liaison meetings with DPE.

X24 Blacktown City Council**Electrification of council vehicle fleets**

That Local Government NSW calls on the NSW Government to work with local government to develop appropriate assistance to councils for the electrification of their vehicle fleets in order to respond to climate change.

Note from Council

Corporate and government fleets have the potential to drive the electric revolution in Australia, making up approximately 50% of annual new vehicle sales. Commitments to fleet electrification are important, as they can demonstrate vehicle demand to carmakers, are an important source of supply to the second-hand market and provide impetus for the roll out of charging infrastructure. We welcome the NSW Government's nation-leading Electric Vehicle Strategy, released in 2021. Recognising that electrification of fleets is a shared aspiration of the Government and of local government, and noting that electric vehicles come with a significantly higher capital cost that will impact on all councils, the Government should now work with the local government sector to develop appropriate funding assistance to advance this ambition.

Fleet electrification offers many benefits.

- Environment: fleet decarbonisation shows a commitment to sustainable practices and dedication to action on climate change. It is also a way to meet sustainability commitments such as the 2015 Paris Agreement on Climate Change and states' individual net zero emission targets.
- Economy: total cost of ownership calculations improves the business case for electric vehicles due to their lower operating costs.
- Society: electric vehicles can lead to improved driver experiences and reduced driver fatigue as a result of less noise, fumes and vibrations.
- Corporate Responsibility: fleet electrification demonstrates an ethical and forward-thinking organisation that is on top of emerging technologies.

Note from LGNSW

This motion is consistent with current LGNSW position 10.12 of the LGNSW Policy Platform which calls for action to enable the uptake of zero and low carbon technologies including electric vehicles.

That Local Government NSW lobbies the NSW Government to amend the Biodiversity Offset Scheme making the scheme better suited to enable development in Rural and Regional NSW.

Note from Council

The scheme is designed to minimise impacts of clearing on the biodiversity value of the land by either paying a financial value of the credit obligation created when applying the Biodiversity Assessment Methodology (BAM) to the NSW Government or by buying equivalent plant community/species credits on the open market or creating a stewardship site on your own to offset the credit obligation being generated. Whilst this seems a reasonable outcome, the problem exists when the BAM calculator has incorrect land economics values applied as a broad-brush approach across the State. The calculator must be amended to consider that the value of a credit in smaller Rural NSW towns is much less than those credits in developing areas with extremely higher land values and greater land disturbance like in Western Sydney.

Another problem exists when the proposed credit trading scheme doesn't supply enough credits on the open market to trade or to trade at a reasonable market value with the market values being excessively inflated due to lack of competition. This effectively prohibits the developer buying credits due to the unavailability of credits or what credits are available are grossly overvalued. An additional problem exists when large scale infrastructure projects consume any available credits on the open market and smaller developers don't have capacity to pay the inflated values or generate stewardship sites.

The final problem with the scheme is that it is encouraging landholders to create stewardship sites but landholders are looking to create stewardship sites on land that is already remnant vegetation and highly unlikely to ever be developed due to the natural constraints that exist in the land, eg flooding, topography etc. So the intent of the scheme is not achieving the results of regenerating previous disturbed land or creating increased biodiversity values. It is just paying landholders to lock up remnant vegetated land which would otherwise only stay a remnant vegetated land, so no net biodiversity gain.

The fundamentals of the scheme have merit but the economics of the scheme to Rural and Regional NSW is not in keeping with regional economics. The scheme prohibits development in our regions thus causing willing rural communities to be impacted. Developers who would otherwise develop in NSW are looking to other States to grow their business at the expense of regional/rural NSW. Councils are not seeking to disregard legislation and in fact see ourselves as good environmental citizens of the State of NSW but the basic fundamentals of the scheme are failing regional and rural NSW and must be amended.

Note from LGNSW

This motion is consistent with LGNSW's current positions and ongoing advocacy, including most recently [LGNSW's September 2021 submission to the Parliamentary Inquiry into the integrity of the Biodiversity Offsets Scheme](#).

That councils at the Local Government NSW Special Conference:

1. request LGNSW, as the peak body for local government, advocate alongside the peak animal welfare organisation, NSW RSPCA, to the Office of Local Government for a comprehensive review and updating of the cat management clauses of the NSW Companion Animal Act 1998 to ensure cat management in NSW reflects current best practice national cat management practices including cat containment; and
2. Support amending the cat management clauses of the NSW Companion Animal Act 1998 to require the containment of domestic cats to the properties of their owners at all times.

Note from Council

The clauses of the NSW Companion Animal Act 1998, which regulate the management of domestic cats in NSW are weak, ineffective and do not align with current best practice national cat management practices. The current cat management clauses, which essentially allow domestic cats to roam freely with minor caveats, fail to ensure the welfare of domestic cats, protect public health and safety, adequately address neighbourly nuisance concerns, protect native wildlife from domestic cat predation or provide local government with effective cat management powers. The NSW RSPCA, the peak NSW animal welfare organisation, supports cat containment and updating the cat management clauses of the Act to mandate this requirement and is actively advocating for change through its 'Keep your Cats Safe at Home' program.

A comprehensive review and updating of the cat management regulations of the NSW Companion Animal Act 1998 is required to ensure cat management in NSW keeps pace with changing community expectations and

reflects current best practice national cat management practices including the containment of domestic cats to their owners properties at all times.

Note from LGNSW

This motion aligns with LGNSW's existing position, established through resolution 83 of 2019, which called for the NSW Government to change the Companion Animals Act so that domestic cats are no longer free to wander and are confined to the house of their owner and/or an appropriate meshed cat run.

X27 Warren Shire Council Telecommunications facilities in rural, regional and remote Australia

That Local Government NSW petition the NSW Government and Federal Government to instigate meaningful policies and funding programs that allow the provision of telecommunication services to regional, rural and remote areas of Australia in accordance with legislative requirements for the telecommunications carriers to ensure that the same level and standard of mobile telephone and data services is provided to that of the metropolitan areas of Australia.

Note from Council

Telecommunications plays a key role in supporting the productivity and well being of regional, rural and remote Australia. However, if you drive 7 kms out of the Warren township without an expensive booster system on your motor vehicle, your smart phone does not work. If you travel to either of the villages of Nevertire or Collie, your Telstra connected mobile phone does not work or you may find for a fleeting moment one bar of five and not have much of a conversation. On the farms in between or as you follow the Macquarie River within Warren Shire, there is again intermittent mobile telephone coverage at best. This situation is in a community that is only 120 km by road from the major regional centre of Dubbo, only 500 km from Sydney.

It would be suggested that at least 50% or more of the 11,000 km² Warren Shire Local Government Area is a mobile telephone black spot in the year 2022. The community, both residents and business have been affected by poor telecommunications within the Warren Shire, even with two major highways being the Mitchell and Oxley Highways traversing the area.

Council for many years has written to all concerned advising of the lack of mobile telephone coverage. We seem to be falling on deaf ears. Many of us can remember the analogue era when the mobile telephone coverage using CDMA telephones provided almost a 100% coverage of the Warren Shire Local Government Area. The digital age came along and we lost most of the mobile telephone coverage.

Warren Shire like all other rural communities, particularly after the Covid-19 pandemic would like to attract city dwellers who are looking for a tree change and a different style of living. However those same people will require the same type and level of services that they are currently receiving in the larger cities of Australia, particularly telecommunications. The financial pressures of typical Local Government infrastructure and services will never allow a Council like Warren Shire Council to contribute to telecommunication facilities. Provision for these programs have to be borne by higher levels of government on behalf of the whole community.

Note from LGNSW

This motion aligns with LGNSW's existing advocacy and positions, as outlined in [LGNSW's September 2021 submission to the Australian Government Regional Telecommunications Review 2021](#).

CROWN LAND

X28 Lake Macquarie City Council Issue of Native Title Certificates for Crown Land

That Local Government NSW calls on the NSW Government to enable the issuing of Native Title Certificates for Crown land managed by councils, where appropriate, in line with the Crown Land Management Act 2016.

Note from Council

The Crown Land Management Act 2016 (CLM Act) came into effect on 1 July 2018. This legislation identifies clear responsibilities for councils managing Crown land as Crown Land Manager to ensure compliance with the Native Title Act 1993 (NT Act).

The majority of dealings and works that councils undertake on Crown land are validated under the Future Acts regime of the NT Act. If no subdivision of the Future Acts regime can be used to validate the proposed activities, then the proposed activities should not occur unless native title is determined to be extinguished.

Councils have been advised they do not have the capacity to determine if native title is extinguished and this can only be determined by the Federal Court. Under section 8.4 of the CLM Act, the Minister has the capacity to issue Native Title Certificates where proposed activities cannot be validated under the NT Act. These certificates are only issued where the State Government believes native title has been extinguished.

Lake Macquarie City Council has three Crown land sites where specific activities cannot be validated under the Future Acts regime, but where it believes previous activities have extinguished native title, which would therefore allow Native Title Certificates to be issued on those sites. Council has approached the Department of Planning, Industry and Environment in regard to the issuing of Native Title Certificates for these sites for over two years, but has been advised on a number of occasions that the State Government is still working through the guidelines on issuing Native Title Certificates. This has significantly hampered Council's ability to use these reserves as they have been previously used, for the benefit of the wider community.

Note from LGNSW

This motion is operational rather than a policy position, and LGNSW will action this without a vote at conference by writing to the NSW Government asking that it finalise its process for issuing Native Title Certificates, which have been provided for under the Crown Land Management Act since 2018, but are just without an administrative process to actually apply for them.

ROADS

X29 Leeton Shire Council Review of consultation process and criteria for setting speed limits in NSW

That Local Government NSW renews calls on Transport for NSW (TfNSW) to review the criteria for setting speed limits and the process of consulting with Councils when setting and/or modifying speed limits and speed zones in NSW.

Note from Council

- The practice of extending 50km speed zones well outside town limits makes a mockery of the reason for establishing 50km speed zones in the first place.
- It defies common sense to routinely introduce 80km speed zones for all railway crossings on highways instead of assessing the need for speed limits on a case-by-case basis in response to individual risk management plans. The setting of speed zones without regard to specific risk management plans has the potential to unnecessarily hamper traffic flow and expose drivers to increased risk of incurring traffic infringements.
- More weight should be given to the feedback provided by Councils during consultation regarding the establishment and modification of speed limits/zones.

Note from LGNSW

This motion aligns with existing LGNSW positions, specifically resolution 49 of the 2019 Annual Conference which called for the NSW Government to a) review the NSW Speed Zoning Guidelines (specifically the definition of built up areas to ensure the focus remains on public safety in built-up areas), and b) ensure that the adopted RMS criteria for 50 kilometre per hour zones are uniformly and appropriately applied across NSW without variation in order to preserve their value as a road trauma reduction tool in built-up areas only.

X30 Lane Cove Council

Accessible parking - education program

That Local Government NSW advocates to the NSW State Government for an education program in NSW to inform the community that taxi or share ride providers are permitted to pick-up or drop-off a fare paying passenger in a disabled persons parking space or area who is in possession of Mobility Parking Scheme Permit.

Note from Council

Council has received feedback from local residents in Lane Cove about the ability of a taxi and/or share ride service provider to pick-up or drop-off a fare paying passenger in a disabled persons parking space or area based on it being a NSW Parking Offence to stop or stand in a disabled persons parking space.

The schedule of NSW Parking Offences states that standing or stopping in a disabled persons parking space or area can result in a fine of up \$581 and one demerit point. Residents have advised Council that disabled persons parking spaces are often located in close proximity to their departure point or destination point. Taxi or share ride services are reluctant to stop or stand in a disabled persons parking space which causes significant challenges and difficulties for a person who does not have independent mobility.

Council has discovered that there appears to be a lack of awareness and/or understanding in the community that a taxi or share ride is permitted to pick-up or drop-off a fare paying passenger in a disabled persons parking space or area if that passenger is in possession of Mobility Parking Scheme Permit.

Note from LGNSW

This motion is operational rather than a policy position. LGNSW can action this without a vote at conference by writing to NSW Government to request an education or communications program be implemented to inform the community that taxi or rideshare providers are permitted to pick-up or drop-off a fare paying passenger in a disabled persons parking space or area if that passenger is in possession of Mobility Parking Scheme Permit.

HOUSING AND HOMELESSNESS

X31 Shoalhaven City Council

Funding for social and affordable housing

That Local Government NSW requests the NSW Government provide increased assistance to councils for additional funding for social and affordable housing.

Note from Council

The Shoalhaven local government area is currently experiencing a crisis situation with respect to housing availability, social housing availability and general housing affordability in our community. This crisis is shared with many other councils across the state. A whole-of-government approach is advocated to address the housing affordability crisis in New South Wales. It is proposed that the Association request urgent funding for increased provision of social and affordable housing to meet the needs of a growing number of residents in housing stress, particularly those marginalised by the current private housing market. See: [Shoalhaven Affordable Housing Strategy \(Judith Stubbs and Associates\)](#) adopted by Council 11/12/2017, and [Shoalhaven Affordable Housing Background Report \(Judith Stubbs and Associates\)](#).

Note from LGNSW

This motion is consistent with existing LGNSW position 8.1 of the LGNSW Policy Platform which calls for NSW and Australian governments to address housing affordability and access to public housing, and provide funding for councils to deliver initiatives at the local level. LGNSW continues to advocate in line with this position.

X32 Hilltops Council

Homelessness/Housing issues

That Local Government NSW calls on the NSW and Australian Governments to significantly increase investment in subsidised or public housing.

Note from Council

A severe shortage in availability of affordable rental accommodation, is leading to increased risk of homelessness in communities. All residents should have a safe space to call home. The current housing crisis makes this almost impossible.

There is enormous pressure on the supply and affordability of homes locally and across Regional NSW. House prices have risen 16% in Regional NSW over the 12 months to April 2021 and we seek assistance in overcoming planning barriers to housing supply and affordability, and advice on ways to deliver more housing. We require a solutions-based approach that outlines ways to unlock land and encourage the building of new and affordable housing.

The issue of affordable housing is one that cannot be overcome without support of the State and Federal Governments. It is vitally important that affordable housing providers should be afforded the opportunity to work with the State Government to improve housing affordability across the state. Councils are unable to fund housing but are keen advocates for any improvements that can be made in this area with State Government assistance.

Note from LGNSW

This motion is consistent with current LGNSW position 8.1 of the LGNSW Policy Platform which calls on the NSW and Australian governments to address housing affordability and access to public housing, as well as ongoing LGNSW advocacy, most recently in the [LGNSW 2022 Budget Submission](#).

X33 Bellingen Shire Council

Housing and community facilities

That Local Government NSW urge the Federal and NSW governments to urgently invest in basic community needs in rural and regional areas in terms of access to housing and community facilities and services, noting that many vulnerable people are already in crisis and any reduction in services and construction of related infrastructure, as a result of continued rate pegging, will be devastating.

Note from Council

Rural and regional communities are experiencing a peak in disadvantage not seen since World War 2. Our communities, particularly vulnerable people and groups of vulnerable people such as older and Aboriginal people, youth, and people with disabilities and chronic health issues, are increasingly reaching out to local government for support and services and unfortunately also increasingly falling through the cracks. We in small rural councils are very worried for the welfare and safety of our residents.

This isn't just the hardships resulting from COVID and the associated economic and political decisions, but the timing of these social and economic impacts from this pandemic. These impacts have come immediately after the extreme climate events of prolonged drought, catastrophic bushfires, and severe storms and flooding, as well as decades of declining investment in the basics of community infrastructure, from housing to libraries to swimming pools to roads to footpaths. These are the things that communities need right now to help us recover and we need them urgently.

The timing is most crucial in areas such as Bellingen Shire Council, a small rural council with a very small rate base, as we are the retirement destinations from our metro counterparts and already our ability to support our aging populations to age in place is compromised. We are extremely concerned about our capacity across a range of services and across much of our infrastructure to support our diverse communities and that demographic shift with the retirement of the baby boomers. We see this occurring rapidly and urgently seek support to do what we do best.

Note from LGNSW

This motion is consistent with the LGNSW Policy Platform, including positions 8.1 (NSW and Australian governments to address housing affordability and access to public housing), 4.4 (New models for rural and regional infrastructure, service delivery, health and mental health care, including consideration of council coordination and/or implementation that avoids cost shifting) and 4.8 (Increased funding for rural communities, including a strengthening of needs-based funding in the distribution of grants to local government). LGNSW continues to advocate in line with this position.

X34 Lake Macquarie City Council

Supporting solutions for homelessness

That the NSW Government supports councils to work directly with stakeholders and support organisations in their communities to provide solutions to address homelessness.

Note from Council

Homelessness is increasing across the State and was on the rise prior to the COVID-19 pandemic, as reported by the NSW Parliamentary Research Service, Homelessness NSW and local service providers. According to ABS Census Data between 2011 and 2016, NSW recorded the largest increase in homelessness out of Australia's states and territories from 40.8 to 50.4 persons per 10,000.

Since the COVID-19 pandemic, a rental market availability of less than 1% and an increase in unemployment rates has further exacerbated the issue (SQM Data and NSW Parliament 2021). Equity Economics reported that due to the COVID-19 recession, an additional 9000 people will be experiencing homelessness in NSW in 2021 (a rise of 24%), while some areas, including Lake Macquarie City, are expected to have a 40.5% rise in homelessness. While State Government has primary responsibility of service delivery in this area, local government has an important role to play in responding to the issue of homelessness. Evidence-based approaches to ending homelessness have shown success can be found through collaboration of all levels of government, community services, businesses, those with lived experience, and persons with compassion for the issue.

Councils can contribute to solutions for homelessness in a number of ways, including using their networks to strengthen partnerships between advocacy groups, service providers and other stakeholders, monitoring public sleeping areas and investigating partnerships to support the provision of affordable housing. Greater funding and resourcing from State Government would support these actions at local government level.

Note from LGNSW

This motion is consistent with current LGNSW position 8.1 of the LGNSW Policy Platform which calls on the NSW and Australian Governments to address homelessness, the housing affordability crisis and access to public housing in metropolitan, regional and rural areas, including through providing funding for councils to deliver initiatives at the local level. LGNSW continues to advocate in line with this position.

X35 Armidale Regional Council**Homelessness and affordable housing in regional areas**

That Local Government NSW lobby the NSW government on the issue of homelessness and affordable housing in regional areas and ensure funding measures and stimulus mechanisms are activated to keep affordable housing supply at pace with regional economic development.

Note from Council

The recent complaints from Guyra residents that ordinary rental accommodation, in vicinity of \$250 to \$300 per week for a cottage is no longer available as market forces are creating high demand for rental accommodation for tomato farm seasonal workers is driving total rents for such accommodation up to about \$600 per week plus a "key money" per occupant fee of some \$100 per week, meaning that with six to eight workers per cottage the average rental income for a modest three bedroom cottage has shifted from say \$300 per week to between \$1200 to \$1400 per week. The result is that permanent residents of Guyra many of whom play an important part in the social and community fabric of the Guyra community (volunteer fire brigade members, children enrolled in local schools, trades people servicing on going needs of the Guyra community) are being forced to leave the region as there is no affordable housing for single or dual income families left after tomato farm seasonal workers' accommodation needs are met, with their much higher ability to pay the more expensive total rent for similar premises. The increase in occupation of small cottages by large (6-8 persons) groups of adult seasonal workers is being observed by residents as the tomato farm runs mini buses collecting and delivering workers to and from their accommodation in Guyra and the tomato farms and the numbers of seasonal workers alighting and boarding these buses at each address is evident to onlookers.

Note from LGNSW

This motion aligns is consistent with current LGNSW position 8.1 of the LGNSW Policy Platform which calls on the NSW and Australian governments to address housing affordability and access to public housing, as well as ongoing LGNSW advocacy, most recently in the [LGNSW 2022 Budget Submission](#).

SOCIAL AND COMMUNITY POLICY**X36 Orange City Council****Social and affordable housing**

That Local Government NSW calls on the NSW Government to ensure that regional communities benefit equitably from the recently announced \$183 million for 1,400 new social and affordable homes, along with any future social and affordable housing initiatives, to help address the very real housing affordability issues that communities across regional NSW are experiencing.

Note from Council

Housing affordability is an important issue for Orange as it is for cities across the state. Housing prices, rental costs, availability of rental stock, and the provision of designated social and affordable housing are all dimensions of what is a complex issue. In the first half of 2021, both the median purchase price and median rental price in Orange increased by 10%. At the same time, there was an 18% reduction in properties for sale and a 35% reduction in properties for rent. Some of the reduction in rental properties can be attributed to the rapid expansion of the non-hosted Short Term Rental Accommodation market. Mental health professionals in Orange are expressing concern about the lack of affordable housing and the impact that this is having on the long-term recovery of people living with mental health conditions. While recent government announcements in the area of housing affordability are welcomed, it is uncertain whether they are of a sufficient scale and urgency to equitably address the crisis that many communities are currently experiencing.

Note from LGNSW

This motion is consistent with current LGNSW position 8.1 of the LGNSW Policy Platform which calls on the NSW and Australian governments to address housing affordability and access to public housing in metropolitan, regional and rural areas, as well as ongoing LGNSW advocacy, most recently in the [LGNSW 2022 Budget Submission](#).

X37 Warren Shire Council**Equality of drought and COVID-19 pandemic support**

That Local Government NSW continues to petition the Federal Government to ensure equality of financial support for drought impacted individuals, families, producers and service providers on the same basis as that it was provided to employees, families, the unemployed and business during the Covid-19 Pandemic and that the government:

1. Immediately address the inequity that exists between the drought response and that to the Covid-19 crisis.
2. Develop strategies for future droughts that reflect the importance of the regions and that values them accordingly.
3. Focus on primary criteria and actions that relate to loss of income and protecting people in drought when they are most vulnerable.
4. Safeguard and protect our human resources and vital Australian food and fibre production capacity and its security.

Note from Council

Warren Shire Council is supportive of the Federal and State Governments' rapid response to the COVID-19 pandemic in attempting to minimise the economic fallout occurring as a result of measures put in place to slow the spread of the virus. This support has prevented millions of people from losing their jobs. Similarly, many if not all rural families and rural businesses were impacted by drought 2016-2019.

We request the Federal Government implement a payment scheme during drought periods that allows rural families and rural businesses to meet their day to day needs in a similar manner to that which has occurred during this COVID-19 response.

Note from LGNSW

This motion is consistent with existing LGNSW Positions, including resolution 13 of the 2020 Annual Conference which dealt with the same matter.

HEALTH**X38 Warren Shire Council****Improvement of rural and remote health services and GP recruitment**

That Local Government NSW petition both the NSW Government and Federal Government to instigate meaningful policies, practices and funding programs that improve rural and remote health services and general practitioner recruitment to ensure that health outcomes of rural and regional Australia are improved to the same standard as in the larger cities of Australia.

Note from Council

The community of Warren Shire expects the same level of health services within the Shire as our metropolitan counterparts can access. The current situation in Warren Shire is that we simply do not have enough permanent/full time General Practitioners and we are finding it hard to attract doctors who will live in Warren. This has created the situation where residents cannot get an appointment at the medical centre and they may not see a doctor at the hospital. At present, Warren does not have a Doctor on duty most weekends. The Shire has many young families and if we do not have adequate health services, we will lose this valuable asset and we will find it very hard to attract people into our community.

Warren Shire is an economically vibrant community, an attractive area for a tree change with access to a large regional centre, good educational and recreational facilities, home to the Macquarie Marshes and a positive culture.

Access to face to face health services is far more beneficial for good health outcomes than travelling outside our area and the current trend towards telehealth is not always suitable for some members of our community. No doctor, means no medical practice, then no real hospital, then no chemist and then no-one wants to live in a country town, when it could be a fantastic place to live. Ten years ago, there were over 800 rural General Practitioners working in remote and rural NSW. Today there are fewer than 200 and over half of these are aged over 55 and are starting to prepare for retirement planning. Rural and remote health is in crisis.

The NSW Government and Federal Government need to instigate meaningful policies, practices and funding programs to improve rural and remote health services and General Practitioner Recruitment. Suggestions are:

- Long term incentives to work rurally that don't just increase the cost of locum General Practitioners;
- Proper bonding of medical students who are prepared to work in rural and remote areas;
- Ensure that Rural Clinical Schools produce medical graduates who want to become General Practitioners and work in rural areas;

- Consider making rural generalist a speciality to attract students to become Rural General Practitioners in community-based rural practices;
- Increase the number of visas for overseas doctors;
- Adequately support clinical training for overseas doctors when they arrive;
- Change the Distribution Priority Areas (DPA) to not include cities;
- Development of Rural Medical Schools and to ensure that students do not require the highest grades for entry;
- Determination and support of Rural Primary Health Networks and financial support of these networks to attract doctors;
- Provide funding for rural practices to release doctors to undertake supervision of trainee doctors as a way of bringing more permanent doctors into rural and remote communities;
- Properly fund Rural Primary Health Networks to cover administration, program delivery and special funding to target health outcomes and fund services in the bush, not administration services in the city;
- Improve relationships between rural General Practitioners, the Local Health Districts and Hospitals so the Visiting Medical Officer (VMO) system works and does not deter doctors from undertaking VMO work;
- Provide dedicated funding to support the development of General Practice Clinics in rural and remote areas that are modern, hygienic and functional;
- Consolidate funding for health and social assistance to address the funding problems;
- Review of data to determine which Universities are achieving positive outcomes for rural and remote communities such as training doctors going to rural and remote areas, why and how the processes can be duplicated;
- Development of local training programs to ensure local hospitals and allied health clinics have skilled health workers and sufficient staff to cover those attending training and mentoring; and
- Improve the education of rural communities on what allied health outcomes are available to be used.

Note from LGNSW

This motion is consistent with existing LGNSW positions, including resolution 85 of the 2019 Annual Conference which called for a joint task force representing local, state and federal governments be formed to formulate a model for improving the provision of medical services in rural and regional areas, and funding financial relocation packages for the engagement of doctors in rural towns. LGNSW has also undertaken extensive advocacy on this matter including two submissions ([October 2021](#) and [December 2020](#)) to the ongoing Parliamentary Inquiry into access to health outcomes and access to health and hospital services in rural, regional and remote NSW.

X39 Warren Shire Council

Nonresident COVID-19 cases

That Local Government NSW petition the NSW Government (NSW Health) to change the criteria of the address of a person who has contracted a disease such as COVID-19 to their actual residential address and not that listed on their motor vehicle licence.

Note from Council

Warren Shire during the second wave of COVID-19 was fortunate to have one of the highest vaccination rates in Regional NSW. The community was strong in the support of each other. Concern was shown when COVID cases were listed in the Warren Shire who were persons who no longer lived within the Shire, but still had a Warren Shire address on their motor vehicle licence. This gave a false impression to the Warren Shire community and to others particularly with the need for university students travelling back to university. NSW Health needs to change the address criteria of persons to where they are actually residing.

Note from LGNSW

This motion is operational and aligns with LGNSW's ongoing engagement with the NSW Government around COVID-19 related communications and data. LGNSW will action this by writing to the NSW Government on this matter.

X40 Leeton Shire Council

Funding for increased drug and alcohol treatment and rehabilitation

That Local Government NSW calls on the Australian Government to dedicate funds to increase drug and alcohol treatment and rehabilitation options in rural and regional areas as a matter of priority.

Note from Council

The Australian Institute for Health and Welfare recognises that the use of alcohol and other drugs is major health issue in Australia and that the use of such substances is associated with a number of harms, both physical and social. These harms include chronic disease, mental illness, injury, premature death and dependence. There are also significant impacts on families and communities.

Evidence suggests that Australians living in regional and remote areas are significantly more likely to use substances such as methamphetamines and often experience worse health outcomes than those living in metropolitan areas. Despite this evidence, there are far fewer alcohol and other drug treatment agencies in regional and remote areas.

The Australian Government has recognised the inequality in the provision treatment agencies as an issue, identifying the enhancement of “access to evidence-informed, effective and affordable treatment and support services for the whole population” as a priority issue under the 2017–2026 National Drug Strategy (Department of Health 2017). The National Drug Strategy has also identified methamphetamines and other stimulants as priority substances.

Methamphetamines, amphetamines and MDMA (ecstasy) are a category of synthetic psychostimulant drugs. Crystal methamphetamine (ice) is the purest form of methamphetamine and supplies the most intense high, as well as the most intense comedown. It also has the highest potential for dependence and chronic physical and mental problems. In 2019, 50% of Australian meth/amphetamine users reported that crystal methamphetamine was the main form used in the previous 12 months (National Drug Strategy Household Survey 2019 conducted by the Australian Institute of Health and Welfare (AIHW)).

People in remote and very remote areas are 2.5 times as likely to use amphetamines and methamphetamines as those in major cities. Similarly, cannabis use and the use of pharmaceuticals are higher in remote and very remote areas than in major cities. Mission Australia, one service provider in this field, delivers alcohol and drug services in most states and territories, and helped about 12,000 clients through their 23 alcohol and drug services in 2016–2017. The organisation’s submission into the provision of drug rehabilitation services in regional, rural and remote NSW identified the need “to invest in more drug rehabilitation services, early intervention, detoxification facilities and aftercare supports in regional, rural and remote NSW”.

People living in regional and remote areas face:

- poorer health outcomes than residents of metropolitan areas
- limited access to alcohol and other drug services
- socioeconomic disadvantage
- geographic isolation
- having to leave their family and community support to access residential rehabilitation and withdrawal facilities

The impacts of amphetamine-type stimulants (ATS) use on users and their families, which then impact on their communities, include:

- decline in physical and mental health
- stress
- trauma
- loss of employment and financial strain
- relationship breakdown
- isolation
- homelessness
- involvement with the criminal justice system
- child neglect
- unwanted/unplanned pregnancy
- pressure of added caring responsibilities (caring for the user or their children)
- exposure to violent behaviour
- financial strain.

Note from LGNSW

This motion aligns with LGNSW's ongoing advocacy (including in the [LGNSW 2022 State Budget Submission](#) which called for the NSW Government to commit \$15 million over four years to establish two new drug and alcohol rehabilitation centres in regional NSW) and is consistent with existing positions including a covered motion under motion 85 at the 2019 LGNSW Annual Conference which called for greater drug and alcohol rehabilitation services in regional NSW.

X41 Glen Innes Severn Council

Rural health resources

That Local Government NSW lobbies the State and Federal Governments for immediate assistance in rural health resources in order to attract health professionals to the town of Glen Innes and other regional areas in Australia that are significantly affected by the lack of health care professionals.

Note from Council

Rural and Regional Australia are at a significant disadvantage when it comes to attracting and retaining medical professionals. This also significantly impacts on these communities attracting and retaining other professionals and families.

Adequate healthcare is a significant factor that families and professionals weigh up when considering relocating from the cities to the bush. If this is not addressed in the near future, families and professionals will be forced to leave these rural and regional communities.

The community of Glen Innes has been selected as a pilot program for Attract, Connect, Stay. This is an initiative for the community to employ a health professional recruiter to attract general practitioners and other health professionals to come to work, live and enjoy our town.

Note from LGNSW

This motion is consistent with existing LGNSW positions, including resolution 85 of the 2019 Annual Conference which called for a joint task force representing local, state and federal governments be formed to formulate a model for improving the provision of medical services in rural and regional areas, and funding financial relocation packages for the engagement of doctors in rural towns. LGNSW has also undertaken extensive advocacy on this matter including two submissions ([October 2021](#) and [December 2020](#)) to the ongoing Parliamentary Inquiry into access to health outcomes and access to health and hospital services in rural, regional and remote NSW.

FEDERAL RULES

(142N: Incorporates alterations of 30 March 2021 [R2020/230])
Replaces rulebook dated 12 March 2019 [D2018/8]

I CERTIFY under section 161 of the Fair Work
(Registered Organisations) Act 2009 that the pages
herein numbered 1 to 42 both inclusive contain a
true and correct copy of the registered rules of the
Local Government NSW.

DELEGATE OF THE GENERAL MANAGER
FAIR WORK COMMISSION

[IMPORTANT: Enquiries about these rules or other rules relating to this organisation which are currently in force may be directed to any office of the Fair Work Commission.]

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Rules of the Local Government NSW

CONSTITUTION

1. (a) The name of the Organisation shall be Local Government NSW (the “Association”), but may also be known as “the Local Government and Shires Association of New South Wales”.
- (b) The registered office of the Association is situated at Level 8, 28 Margaret Street, Sydney, New South Wales.

PREAMBLE – AMALGAMATION COMPACT

2. (a) These Rules form part of the scheme of amalgamation for the amalgamation of the Local Government Association of New South Wales (“LGA NSW”) and the Shires Association of New South Wales (“SA NSW”) to form the Association.
- (b) These Rules are intended to reflect the compact between the LGA NSW and the SA NSW that their respective membership constituencies (that is, Metropolitan/Urban councils and Rural/Regional councils respectively) would, post the amalgamation, each have an approximately equal voice in the governance of the Association.
- (c) The principal means by which this compact is implemented in these Rules is through the composition of conferences of the Association and the Committee of Management (“Board of Directors”), and arrangements for alternative access to the office of President from the two different constituencies.

INTERPRETATION

3. (a) Unless the context otherwise requires:

“Aboriginal Land Council” or “the ALC” means the New South Wales Aboriginal Land Council as constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Act” or “the Act” means the Fair Work (Registered Organisations) Act 2009 (Cth).

“Administrator” means an Administrator appointed in accordance with the Local Government Act 1993 (NSW) or Division 2 of Part 11 of the Aboriginal Land Rights Act 1983 (NSW).

“ALC Region” mean a Region constituted under the Aboriginal Land Rights Act 1983 (NSW).

“Amalgamation” or “the Amalgamation” means the amalgamation between LGA NSW and SA NSW, each of which were organisations registered under the Act immediately prior to the amalgamation date.

INTERPRETATION

“Amalgamation date” means the date fixed by Fair Work Australia as the date upon which the Amalgamation and these Rules takes effect, being such date as Fair Work Australia determines but being no earlier than 1 March 2013

“Associate member” means a member who is not an Ordinary member.

“Association” means the Local Government and Shires Association of New South Wales, the Association governed by this Constitution.

“Badge” means all those records, signs and facilities that allow a person to be identified as and discharge the functions of a Delegate at a Conference.

“Board” or “the Board” means the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“Calculation date” means the first day of March last occurring prior to a Conference.

“Chief Executive” means the most senior employee of the Association, whose position and general responsibilities are specified in Rule 70.

“Conference” means the Annual Conference or a Special Conference of the Association as provided by these Rules.

“Constitution” or “this Constitution” means these Rules as they provide from time to time.

“Council” means a council constituted under the Local Government Act 1993 (NSW) and the ALC but does not include a County council.

“Councillor” means a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator.

“County council” means a County council established under Part 5 of Chapter 12 of the Local Government Act 1993 (NSW).

“Director” means a member of the Board including an Office Bearer (unless the contrary intention appears from the context).

“Delegate” means an elected member of a council or a member of the Board of the ALC, the LHIB, the NIRC or RLGB or an Administrator who are by virtue of this Constitution entitled to vote at a Conference.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

INTERPRETATION

“LGA NSW”, means the Local Government Association of New South Wales, an organisation of employers registered under the Act until the Amalgamation Date.

“LHIB” means the Lord Howe Island Board as constituted under the *Lord Howe Island Act 1953* (NSW).

“Member” means a Council, County council, the ALC, the LHIB, the NIRC or a RLGB that is a member of the Association, whether as an Ordinary member or as an Associate member.

“Metropolitan/Urban County council” means a County council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban County council.

“Metropolitan/Urban council” means a council which is identified in Schedule A attached to these Rules as a Metropolitan/Urban council.

“NIRC” means the Norfolk Island Regional Council as constituted under the *Norfolk Island Act 1979* (Cth).

“Office” has the same meaning as defined by section 9 of the Act, but to avoid doubt includes the office of Director.

“Office Bearer” means the President, Immediate Past President, Vice President (Metropolitan/Urban), Vice President (Rural/Regional) and/or Treasurer of the Association.

“Officer” has the same meaning as defined by section 6 of the Act, but to avoid doubt includes a Director.

“Ordinary member” means a member that obtains and retains ordinary membership pursuant to Rule 6 of these Rules.

“Political objects” means the expenditure of money:

- (i) on any contribution to the funds of, or on the payment of any expenses incurred directly or indirectly by, a political party;
- (ii) on the provision of any service or property for use by or on behalf of any political party;
- (iii) in connection with the registration of electors, the candidature of any person, the selection of any candidate or the holding of any ballot in connection with any election to a political office;
- (iv) on the maintenance of any holder of a political office; or

- (v) on the holding of any conference or meeting by or on behalf of a political party or of any other meeting – the main purpose of which is the transaction of business in connection with a political party (including any expenditure incurred in connection with the attendance of delegates or other participants).”

“Related local government body” or “RLGB” means an association, body corporate or body politic that is controlled by:

- (a) one or more Councils; or
- (b) An entity constituted under a law of the state of New South Wales to perform the functions of a council, other than a Council or County council.

In this definition:

- (i) A “related local government body” is controlled by a Council if that Council has the capacity to determine the outcome of decisions about the body’s financial and operational policies, and is controlled by more than one Council if those Councils concerned, acting jointly, have that capacity;
- (ii) In paragraph (b), the expression “the functions of a council” means those functions that are of a kind conferred on a council by the *Local Government Act 1993*, even if the entity concerned has other functions.

“Roll of Voters” shall mean all those members of the Association who are, by virtue of these Rules, entitled to vote in the election of members of the Board.

“Rural/Regional County council” means a County council in the State of New South Wales other than a Metropolitan/Urban council.

“Rural/Regional council” means a council in the State of New South Wales which is a council in the said State which is other than a Metropolitan/Urban council.

“SA NSW” shall mean the Shires Association of New South Wales, an organisation of employers registered under the Act (until the Amalgamation Date).

- (b) Unless the contrary intention appears:
- the singular shall include the plural and vice versa, and a reference to one gender shall include a reference to the other gender;
 - headings are for convenience and do not affect meaning;

- schedules shall form part of these Rules; and
- a reference to any particular statute or regulation shall include any successor to or substitute legislation or regulation, as the case may be.

OBJECTS

4. The objects of the Association shall be in New South Wales and elsewhere:
- (a) to encourage, promote, protect and foster an efficient and effective autonomous, democratic system of Local Government elected by and responsible to local communities with its position constitutionally guaranteed and with adequate resources including revenue from State and Commonwealth Governments;
 - (b) to promote, maintain and protect the interests, rights and privileges of Local Government in New South Wales and of the constituent members of the Association;
 - (c) to encourage and assist Local Government to seek out, determine, assess and respond to the needs and aspirations of its constituents;
 - (d) to encourage, assist, promote and foster the achievement and maintenance of the highest level of integrity, justice, competence, effectiveness and efficiency of Local Government;
 - (e) to develop, encourage, promote, foster and maintain consultation and co-operation between councils and Local, State and Commonwealth Governments and their instrumentalities;
 - (f) to develop, encourage, promote, foster and maintain the financial and economic well-being and advancement of Local Government and for such purposes to undertake, establish, acquire, conduct or dispose of any business, enterprise, undertaking or venture which in the opinion of the Association is necessary, desirable or convenient;
 - (g) to represent the members of the Association and Local Government generally in their dealings with State and Commonwealth Governments, with statutory and other corporations, with the media and with the public;
 - (h) to promote, support and encourage Local Government at a State and national level;
 - (i) to provide an industrial relations service to members including:
 - (i) representing the interests of members in industrial matters before courts and tribunals;
 - (ii) assisting in negotiations relating to the settlement of disputes between members and their employees;

- (iii) representing the interests of members in negotiating the establishment of and/or variation of industrial awards and agreements;
- (iv) promoting training programs aimed at enhancing the performance of Local Government.
- (j) to undertake or promote any activity which the Board determines to be for the benefit and/or interest of members and local government in New South Wales.

POWERS

5. The Association is empowered:

- (a) to purchase, take on lease or in exchange, hire, invest in and otherwise acquire any real and personal property and any interest therein and any rights or privileges and in particular any land, buildings, easements, machinery, plant, shares, debentures, mortgages and securities;
- (b) to enter into with any council or government or statutory authority, or any incorporated or unincorporated body or any association of persons, any arrangement, joint venture, union of interest or field of co-operation intended directly or indirectly to advance the interests or objects of the Association;
- (c) to apply for, promote and obtain any statute, order, regulation, ordinance or other authorisation or enactment which may seem calculated directly or indirectly to benefit the interests or objects of the Association and to oppose any bills, proceedings or applications which may seem calculated directly or indirectly to prejudice the Association's interests or objects;
- (d) to construct, improve, maintain, develop, manage, carry out or control any buildings and other works intended directly or indirectly to advance the Association's interests and to contribute to, subsidise or otherwise assist or take part in the construction, improvement, maintenance, development, working, management, carrying out or control thereof;
- (e) to invest, deposit, lend, pay out, grant, donate and deal with money of the Association in such manner as may from time to time be thought fit but subject to legislative requirements;
- (f) to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, bills of lading and other negotiable or transferable instruments;
- (g) to borrow or raise or secure the payment of money in such manner as the Association may think fit and to secure the same or the repayment or performance of any debt, liability, contract, guarantee or other engagement incurred or to be entered into by the Association in any way and in particular by charges upon all or any of the Association's property (both present and future) and to redeem or repay any such securities;

- (h) to sell, improve, manage, develop, exchange, lease, dispose of, turn to account or otherwise deal with all or any part of the property and rights of the Association;
- (i) to do all such other things as are incidental or conducive to the attainment of the objects, the furtherance of the interests and the exercise of the powers of the Association.

MEMBERSHIP

- 6. (a) Membership of the Association shall be open to Councils, County councils in the State of New South Wales, the ALC, the LHIB, the NIRC and RLGB's.
- (b) Membership of the Association shall be limited to:
 - (i) Ordinary members; and
 - (ii) Associate members.
- (c) Any Council shall be eligible for Ordinary membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions.
- (d) County councils and the ALC (each of which is referred to in this sub rule as an "entity") shall be eligible for Ordinary membership or Associate membership of the Association, at the election of the entity concerned, provided that:
 - (i) the original application for membership made by such entity complies with the requirements of Rule 7 and the prescribed subscription is paid in accordance with the requirements of Rule 13;
 - (ii) the election as to the category of membership that such entity wishes to make is communicated to the Chief Executive at the time of application for membership or, in the case of renewal of membership, not later than 21 days after the date upon which notice is given to the member by the Chief Executive pursuant to Rule 13 (c);
 - (iii) any such election shall remain in force for not less than 3 (three) financial years; and
 - (iv) where an entity that has made an election pursuant to this sub Rule is entitled to exercise a further election, a failure to exercise that election will be regarded as an election to remain in that entity's existing category of membership.

- (e) RLGB's, the LHIB and the NIRC shall be eligible for Associate membership of the Association subject to compliance with the requirements of Rule 7 and payment of the prescribed annual subscription in accordance with Rule 13, Annual Subscriptions. Where a RLGB covers or relates to a geographic area that falls within one or more Metropolitan/Urban councils and one or more Rural/Regional councils, that RLGB shall be included in the category of councils that is most appropriate by reason of the area of the State or the population of the State or of the category of councils it covers, or any combination of those factors, as determined by the Board. A RLGB may at not less than three (3) yearly intervals following commencement of its membership apply to the Board for reconsideration of its category allocation.
 - (f) Associate Membership of the Association confers on the Associate Member the right through its delegates to attend, participate and vote on resolutions proposed at conferences of the Association, and to participate in or receive such benefits or services as the Board shall deem appropriate for provision to Associate Members from time to time, but does not confer any right to have its delegates stand for or vote in elections for any office within the Association.
7. (a) An application for membership of the Association, whether as an ordinary member or as an associate member, shall be in writing, signed by the General Manager, to the Chief Executive.
- Upon receipt of an application for membership the Chief Executive shall inform the applicant in writing of:
- (i) the financial obligations arising from membership; and
 - (ii) the circumstances, and the manner, in which a member may resign from the Association.
- (b) Any application for membership of the Association shall be promptly submitted to the Board which may either approve or reject the application, but may only reject the application if it is not in accordance with these Rules or does not comply with the Act.
8. A member of the Association may resign from membership of the Association by written notice addressed and delivered to the Chief Executive. A notice of resignation from membership of the Association takes effect:
- (a) where the member ceases to be eligible to become a member of the Association:
 - (i) on the day on which the notice is received by the Association; or
 - (ii) on the day specified in the notice, which is a day not earlier than the day when the member ceases to be eligible to become a member;

whichever is the later; or

- (b) in any other case:
 - (i) at the end of two (2) weeks, or such shorter period as is specified in the Rules of the Association, after the notice is received by the Association; or
 - (ii) on the day specified in the notice;

whichever is the later.

- 9. A member shall cease to be a member in the following circumstances:
 - (c) the member resigns in accordance with Rule 8;
 - (d) the member is a council that is dissolved;
 - (e) the member fails to pay all or any monies due and payable to the Association pursuant to these Rules (whether by way of annual subscriptions or special levies or otherwise) for a period in excess of six (6) months after the due date;
 - (f) by order of a court in accordance with the Act.
- 10. When a member of the Association merges with another council or when a member is to be dissolved such member shall notify the Association of the change.

REGISTER OF MEMBERS

- 11. The Chief Executive shall keep or cause to be kept a Register of Members in which shall be recorded the name and address of every member of the Association and whether the member is an Ordinary Member or an Associate Member of the Association. Such Register of Members may be inspected during the ordinary office hours of the Association in accordance with any relevant provisions of the Act.
- 12. An entry of the name of a member in the Register of Members shall be evidence of membership of the Association.

ANNUAL SUBSCRIPTIONS

- 13.
 - (a) All members must pay an annual subscription of such an amount as may be determined by the Board from time to time.
 - (b) The Board may determine the amount of subscriptions to be paid by members and in doing so may determine different subscriptions for different classes of members as it sees fit.
 - (c) The Chief Executive must give written notice to each member specifying the amount of its subscription.

SPECIAL LEVIES

- (d) A member's subscription is payable within thirty (30) days after notice of the amount of its subscription has been given to it. A member who is in arrears of subscriptions for more than thirty (30) days shall be regarded by the Association as an unfinancial member until such time as subscriptions are paid.
- (e) While soever a member is an unfinancial member that member shall not be entitled to any of the benefits or privileges of membership, including voting at any meeting, conference or election conducted within or by the Association, and shall be precluded from having any delegate or councillor stand for office in the Association.
- (f) Should a member join the Association after more than half of the financial year has expired then the subscription for the remaining period of that financial year shall be fifty (50) percent of the annual fee as may be determined by the Board.
- (g) Notwithstanding the above, the payment by a member or applicant for membership to the Local Government and Shires Association of New South Wales being an organisation registered under the *Industrial Relations Act 1996* (NSW) (the "State organisation") of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.
- (h)
 - (i) In circumstances of hardship, a member may make a request to the Board to have their annual subscription reduced in part.
 - (ii) The Board may consider any such request and grant the member a partial waiver of their annual subscription at the Board's discretion.
 - (iii) Notwithstanding rules 13(d) and (e), a member that is granted a partial waiver of their annual subscription and who pays the revised annual subscription is entitled to such benefits or privileges of membership as may be determined by the Board.

SPECIAL LEVIES

- 14.
 - (a) The Board may make a levy or levies on members from time to time to establish a fund or funds to defray any extraordinary expenditure (incurred or to be incurred) in carrying out a matter to further the objects of the Association.
 - (b) The Board may determine, in respect of any particular matter, the amount of levy to be paid by members and in doing so may determine different levy amounts for different classes of members as it sees fit.
 - (c) No levy is to be imposed on members for political objects and no donations or other payment for political objects is to be made out of amounts levied by the Association.
 - (d) Where a special levy is made under this Rule, the Chief Executive shall give written notice to each member specifying:
 - (i) the amount of the special levy payable by it; and

- (ii) the purpose for which such special levy is made.
- (e) Nothing in this Rule shall be taken to reduce, qualify or abridge the power of the Board to make arrangements with all, some or a group members for voluntary levies for particular purposes determined by the Board to be in the interests of the Association or some members of it.

DISBURSEMENT OF MONIES RAISED BY LEVY

15. Disbursements of monies raised by levy must be for the purpose for which the levy is made.
16. If the purpose for which a levy is made or completed or exhausted, and monies raised by levy remain unexpended, those monies must be reimbursed to members in proportion to the respective amounts of levies paid by members.

CONTROL AND GOVERNANCE OF THE ASSOCIATION

17. The Scheme for control and governance of the Association prescribed by these Rules is in summary form as follows:
 - (a) a Conference of all ordinary and associate members of the Association, which conference shall be the supreme policy making body of the Association;
 - (b) a Board of Directors which shall be responsible for the governance of the Association between Conferences, subject to the resolutions of any Conference from time to time;
 - (c) a Senior Executive Group to assist and make recommendations to the Board in relation to that Committee's responsibilities under these Rules;
 - (d) the President, who shall have the role of representing the Association between conferences and meetings of the Board, shall chair meetings of the Board and the Senior Executive Group, and may act on behalf of the Association between these meetings provided that all such action is consistent with the objects of the Association, any relevant resolutions of conferences and the Board and where there is any such resolution for the purpose of carrying out any such resolution;
 - (e) the Vice Presidents shall participate in Board and Senior Executive Group meetings, chair meetings where the President is unavailable (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable) and undertake such other duties as are conferred on those office by these Rules; and
 - (f) the Treasurer shall, subject to the responsibility of the Board under Rule 62, have overall responsibility for the financial administration of the Association, together with such specific duties as are conferred on that office by these Rules.
18. A Conference of the members shall be the supreme policy making body of the Association, and while a Conference is sitting the Conference shall have the control and governance of the Association, such that it may take any action or make any decision(s) for the furtherance of the objects of the Association as it may think fit, subject to compliance with these Rules provided that a Conference may not appoint or dismiss staff of the Association.
19. The Board is the Committee of Management of the Association for the purposes of the Act, and shall have the control and governance of the Association in between Conferences, such that it may take any action or make any decision during this time as it thinks fit for the furtherance of the objects of the Association in accordance with these Rules, provided that any such action or decision:

- (a) is consistent with any relevant policy decision of the members at a Conference; and
- (b) may be reviewed, amended or quashed by the members at a Conference, except in relation to the appointment or dismissal of staff.

Without limiting the generality of the foregoing the powers of the Board extend to the appointment and dismissal of the Chief Executive (see Rule 70), and to the appointment, constitution and dissolution of committees to investigate for and/or make recommendations to the Board in relation to particular matters falling within the objects of the Association. Any such Committee may, with the consent of the Board, co opt suitably qualified persons to assist the Committee with its work.

20. (a) The Senior Executive Group shall consist of :
- (i) the President, the Immediate Past President (if applicable) the two Vice Presidents and the Treasurer,
 - (ii) two directors chosen by and from the seven (7) directors representing Metropolitan/Urban members of the Association elected in the immediately preceding elections, and
 - (iii) two directors chosen by and from the seven (7) directors representing Rural/Regional members of the Association elected in the immediately preceding elections
- (b) The method of selection of the members of the Senior Executive Group other than the Office bearers shall be determined by the respective college (that is, as specified in paragraphs (20(a)(ii) and 20(a)(iii)) from which they are to be chosen.
- (c) No business shall be transacted at any meeting of the Senior Executive Group unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Senior Executive Group shall be fifty percent of the total number of Senior Executive Group members, plus one.
- (d) The Senior Executive Group shall have the following functions:
- (i) to make a recommendation to the Board as to who it ought appoint as Chief Executive;
 - (ii) to monitor the management of the Association by the Chief Executive, in accordance with and subject to all or any directions prescribed by the Board from time to time;
 - (iii) to develop service standards of the Association and priorities for it, and to monitor its performance;
 - (iv) to recommend to the Board the annual budget of the Association and to provide regular reports to the Board on financial performance;

CONFERENCES

- (v) to invest the funds of the Association in accordance with the policy determined from time to time by the Board;
 - (vi) to recommend to the Board the remuneration and/or allowances to be paid to the President, other office bearers and other directors;
 - (vii) to recommend to the Board any expenses policies for the Association;
 - (viii) to undertake such other functions as may be delegated to the Group by the Board provided that such functions are subject to supervision and directions for their exercise by the Board.
- (e) A member of the Senior Executive Group shall attend at all meetings of the Senior Executive Group unless granted leave of absence by or having reasonable excuse acceptable to the Senior Executive Group. A failure by a director to attend three consecutive meetings of the Board, the Senior Executive Group or a combination of both without leave shall be deemed to constitute a breach of the duties of a director under these Rules.
21. The President of the Association shall have, in addition to such powers as are specifically conferred on him or her by these Rules, the power to act on behalf of the Association between meetings of the Board, provided that such action(s):
- (a) are consistent with any resolution(s) of the Board, and
 - (b) are for the purpose of carrying out the objects of the Association,

PROVIDED THAT any such actions are consistent with any relevant policy decision(s) of a Conference of the members.

- 21A. (a) The Association shall establish an Industrial Advisory Committee to assist and make recommendations to the Board in relation to industrial relations issues that concern or are likely to concern more than one of the members of the Association either currently or in the future.
- (b) The Industrial Advisory Committee's terms of reference, size and composition shall be determined by the Board, provided that the Committee shall at least include Directors from the Board and general managers of member organisations (or their representatives).
- (c) The Board shall consider recommendations of the Industrial Advisory Committee when making relevant decisions.

CONFERENCES

General

- 22 A Conference shall consist of Delegates from all Members of the Association provided that the Member must be financial on both the calculation date and on the date that the roll of voters closes as provided for in Schedule B. Where an Annual Conference does not involve

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elections for the Board, the roll of voters (for voting on motions) shall be deemed to close eight weeks prior to the first business day of the Annual Conference.

23. The voting delegation to which any Member of the Association is entitled at a Conference of the Association is determined in accordance with the following formula.

STEP 1

Determine the number of delegates for each member (other than the ALC), by applying the latest population statistics for each council area either published by the Australian Bureau of Statistics (ABS) in ABS publication 3218.0 entitled 'Regional Population Growth Australia' or, where that publication does not contain population statistics for a Member, the latest such statistics as can be obtained from the ABS for that Member (even if on an estimate basis only) as at the calculation date for those Members that were financial on the calculation date, using the following scale:

Group No. (Councils other than County councils)	Population	Delegates
(1)	Up to 10,000	1
(2)	10,001 - 20,000	2
(3)	20,001 - 50,000	3
(4)	50,001 - 100,000	4
(5)	100,001 - 150,000	5
(6)	Over 150,000	7
County councils		
	each Metropolitan/ Urban County council	2
	each Rural/ Regional County council	1
LHIB		1
NIRC		1
Related local government bodies	Each RLGB	1

STEP 2

- (a) If the ALC is a member of the Association at a time when the formula in this Rule is to be applied, allocate the ALC 9 delegates.
- (b) The 9 delegates from the ALC shall consist of one delegate from each of the 9 ALC Regions constituted under the Aboriginal Land Rights Act 1983 (NSW), each such delegate being a member of the Board of the ALC.

- (c) Treat each such ALC Region as being a Rural/Regional council for the purpose of the Table in Step 1 above, except for the Region for Sydney/Newcastle, which Region shall be treated as a Metropolitan/Urban council for the purpose of that Table.
- (d) The ALC shall notify the Association in writing not later than 28 days prior to the relevant Conference as to allocation of the nine ALC Regions between the nine members of the ALC Board, identifying which ALC Region is to be represented by which ALC Board member.

STEP 3

Determine the total voting strength of the Metropolitan/Urban Councils and the Rural/Regional councils as follows.

1. Determine the total number of delegates from Metropolitan/Urban councils and County councils and the total number of delegates from Rural/Regional councils and County councils resulting from the application of Steps 1 and (if applicable) 2.
2. Then add to the total number of delegates from Metropolitan/Urban councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30 and add to the total number of delegates from Rural/Regional councils so determined the additional votes given to directors who are delegates from those councils pursuant to Rule 30.
3. Then add to the total number of delegates from Metropolitan/Urban councils so determined the number of delegates from any RLGB covering the geographic area of Metropolitan/Urban councils (if applicable), and add to the total number of delegates from Rural/Regional councils so determined the number of delegates from any RLGB covering the geographic area of Rural/Regional councils (if applicable).
4. Then add to the total number of delegates from Rural/Regional councils a vote for the delegate from the LHIB and NIRC (if applicable).

STEP 4

If as a result of Steps 1 – 3 there is a greater number of delegates from the Rural/Regional category than the Metropolitan/Urban category, increase the total number of delegates from the Metropolitan/Urban category, so that that total number is the same as the total number of delegates from the Rural/Regional category, then distribute that additional number of delegates among the Metropolitan/Urban councils (except for the Sydney/Newcastle ALC Region and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

If as a result of Steps 1 – 3 there is a greater number of delegates from the Metropolitan/Urban category than the Rural/Regional category, increase the total number of delegates from the Rural/Regional category, so that that total number is the same as the total number of delegates from the Metropolitan/Urban category, then distribute that additional number of delegates among the Rural/Regional councils (except for the ALC, the LHIB, the NIRC and any RLGB), by attributing to each such council additional delegates in accordance with that council's proportion of the total population of all these councils, rounded off to the nearest whole number.

STEP 5

If the adjustment required to be undertaken in Step 4 results arithmetically in a Metropolitan/Urban council or Rural/Regional council being entitled to more than 15 delegates, that council's delegation is capped at 15 delegates.

STEP 6

Except in the case of the ALC, where any member that has less councillors holding office than the total number of votes to which that member is entitled pursuant to the application of the formula for determining votes under this Rule, the Council affected shall nominate the delegate (or delegates if applicable) who shall be allocated an extra vote . In the case of the ALC, the formula in Step 2 only shall apply.

Example: If a member is entitled to 10 votes but has only 8 councillors holding office, the Council affected will nominate in writing which 2 of those 8 councillors will have an extra vote each, the ultimate outcome being that 6 of the councillors will have 1 vote each and 2 of the councillors nominated by the Council will have 2 votes each.

STEP 7

On each anniversary of the amalgamation date, carry out steps 1, 3 4, and 5 by reference to the population for each Council area published by the Australian Bureau of Statistics in that edition of ABS publication 3218.0 Regional Population Growth Australia last published prior to that anniversary.

[NOTE: the voting entitlement of Ordinary members in elections is dealt with in Rule 37.]

24. A Conference shall be presided over by the President, and in his or her absence by one of the Vice Presidents. Should neither of the Vice Presidents be present, a Director shall preside.
25. The quorum for a Conference shall be fifty per cent of the total number of delegates to the Conference, plus one. The business of a Conference shall not be conducted unless a quorum is present. In the event of the Conference not having a quorum:
 - (a) A record of the names of voting delegates that are present at the time be taken on return of the electronic handset and voting card.
 - (b) Each constituent council be provided with advice on which of their voting delegates were present and which were not at the time the meeting became inquorate.

CONFERENCES

- (c) That all constituent councils be provided with a report detailing which councils had voting delegates who were not present at the time the meeting became inquorate.
26. Subject to Rule 73 (Amendment), any question to be determined by a Conference shall be the subject of a resolution, and a resolution shall be regarded as adopted if it is supported by a majority of the delegates present who vote on the resolution, where the Conference is quorate in accordance with Rule 25.
27. (a) A Conference shall be conducted in accordance with Standing Orders.
- (b) Standing Orders do not form part of these Rules and may be varied by a resolution of Conference.
28. (a) The Association may establish groupings of members (“divisions”) which may consider and place motions before a Conference.
- (b) The Board may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or actioning.
- (c) A Member may bring any matter falling within the objects of the Association before a Conference of the Association for opinion or action by forwarding a statement to the Chief Executive not less than twenty eight (28) days prior to the first day of the Conference and the Chief Executive shall, subject to any direction from the Board of the Association, place such business upon the Business Paper for the consideration of Conference;
- (d) Where the Chief Executive receives a statement from a Member that it wishes to bring a matter before a Conference and less than twenty eight (28) days notice has been given, the Board may allow the matter to be considered by the Conference as a late item;
- (e) A Conference may, should a majority of the members present so approve, consider any business not introduced as provided for by the foregoing paragraphs, subject to at least 24 hours notice thereof being given;

PROVIDED THAT the Board may exclude any business so proposed if the Board determines that such business concerns a matter not falling within the objects of the Association.

29. Subject to these Rules:
- (a) each Delegate shall be entitled to one vote only;
 - (b) except in an election for Office Bearers and Directors, the person presiding over a Conference shall in the case of an equality of votes have a casting vote.

30. Office Bearers of the Association shall be entitled to speak on any matter before a Conference and furthermore any Director (whether an Office Bearer or not) shall be entitled to vote on any matter before a Conference, and in that regard have one vote as a Delegate and an additional vote as a consequence of being Director. In the case of a person presiding over a Conference, the right to a casting vote shall be in addition to the vote as a delegate and the vote as a Director.

ANNUAL CONFERENCES

31. The Annual Conference of the Association shall be held each year at a time and place to be determined by the Board provided that no more than eighteen (18) months shall expire between successive annual general meetings.
32. The notice of the holding of an Annual Conference shall be forwarded to members at least four (4) months before the holding of the Annual Conference. The business paper shall be forwarded to members prior to the Annual Conference.

SPECIAL CONFERENCES

33. (a) A Special Conference of the Association may be convened:
- (i) by the President; or
 - (ii) by resolution of the Board; or
 - (iii) by a petition signed by at least 10% of the member councils of the Association.
- (b) Where a Special Conference is called for under sub-rule (a) of this Rule the Chief Executive shall convene a Special Conference for a date not later than four (4) weeks after the receipt of the notice calling for the Conference.

DELEGATES TO A CONFERENCE

34. (a) Each member shall nominate its Delegate(s) to a Conference by such date as the Chief Executive may specify. Thereafter no alteration to the list of delegates shall be permitted other than as hereinafter provided.
- (b) **Substitution of voting delegates for voting on motions**
If it is desired to change the nomination of a delegate for voting on motions written notice shall be given to the Chief Executive or his or her nominee of the name of the delegate being replaced and the name of the substitute delegate. Such notification shall be signed by either the Mayor (or Deputy Mayor with the Mayor's written delegated authority) or the General Manager of the Council (or Acting General Manager with the General Manager's written delegated authority), or in the case of the ALC, the LHIB, the NIRC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge and/or voting card of the delegate being replaced shall be surrendered to the Chief Executive or his or her nominee before a fresh badge and/or voting card is issued to the incoming delegate.

35. (a) Subject to clause 16 of Schedule B, a Delegate may not appoint a proxy to attend or vote at a Conference.
- (b) Nothing in sub-rule (a) of this Rule shall prevent the appointment of substitute delegates in accordance with Rule 34.

BOARD OF DIRECTORS

36. (a) The Board of the Association (which may be referred to as “the Board of Directors”) is the Committee of Management of the Association and shall consist of a President, the Immediate Past President (where applicable under Sub Rules(b) hereof) two Vice-Presidents (one from a Metropolitan/Urban council and the other from a Regional/Rural council), a Treasurer and 14 Committee members (7 from Metropolitan/Urban councils and 7 from Regional/Rural councils).
- (b) The office of Immediate Past President that was established as part of the Rules of the Association that took effect on the Amalgamation Date shall cease upon the date that the current incumbent ceases to hold that office.
- (c) All Directors, whether Office Bearers or not, are required to give proper and diligent attention to their duties to the Association, whether such duties are prescribed by these Rules or by the Act or any other law.
- (d) Without limiting the foregoing provisions of this Rule, a Director, whether an office bearer or not, is under a duty to the Association to comply with the provisions of the Association’s “Code of Conduct – members of the Board” as such Code provides from time to time.
37. (a) It shall be a prerequisite for any person to be nominated or elected to the Board of the Association, or to vote in such an election, that he or she be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person who is suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, shall not be eligible.

- (b) An Administrator of a Council that is an Ordinary member shall not be eligible for nomination or election as a member of the Board nor be entitled to vote in any such election.
 - (c) Each Council which is an Ordinary member shall be entitled to a maximum voting delegation for Board elections equal to the delegation to which such Council is entitled for voting at Conferences, as prescribed by the formula in Rule 23, and to avoid doubt each of the 9 delegates from the ALC Regions shall be entitled to cast only one vote each.
 - (d) In addition to the foregoing, a Director (whether an office bearer or not) shall have a right to vote in elections for the Board next occurring, in addition to any right to vote in such elections arising from being a delegate for a member.
38. Commencing from the Annual Conference first conducted after the Amalgamation Date, Directors shall be elected, or declared elected in the case of a secret postal ballot, biennially at an Annual Conference.
39. (a) As part of the compact between LGA NSW and SA NSW, referred to in Rule 2 of these Rules, it is intended that, so far as practicable, the office of President should alternate regularly between eligible candidates from Metropolitan/Urban councils and Rural/Regional councils. The following provisions of this Rule shall be interpreted in the light of that intention.
- (b) Subject to the limitations provided in the following provisions of this Rule, all Councillors for Ordinary members, or members of the Board of the ALC if it is an Ordinary member, are eligible to nominate for any election for the office of President. In this Rule, such person(s) shall be referred to as “eligible candidates” or “eligible candidate”.
 - (c) The electorate for the election of the President shall be Delegates of Ordinary members who are entitled to vote at a Conference.
 - (d) The term of office for the office of President shall be two years, commencing at the conclusion of the annual Conference in each alternate year, and concluding at the conclusion of the annual Conference in each alternate year thereafter. To avoid doubt, if such conferences should be more than two (2) years apart due to conference scheduling or venue arrangements, the President shall, subject to these rules, continue to hold office until the conclusion of the conference in the relevant alternate year.
 - (e) The eligible candidate elected as President may stand for re-election for President at the following election for President but may only serve two consecutive terms. This does not preclude that eligible candidate standing again for the office of President at a subsequent election for that office, if otherwise eligible.

- (f) If an eligible candidate from a Metropolitan/Urban council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Metropolitan/Urban council is eligible to nominate for the office of President at such election.
 - (g) If an eligible candidate from a Rural/Regional council holds the office of President and, being eligible, nominates for a second term in that office, no other eligible candidate from a Rural/Regional council is eligible to nominate for the office of President at such election.
 - (h) If an eligible candidate has held the office of President for two consecutive terms (and thus may not nominate to the office of President for a third consecutive term) the only eligible candidates eligible to nominate for the next election for President are eligible candidates from the other category of councils to that from which the retiring President was an eligible candidate.
 - (i) If an eligible candidate holding the office of President vacates that office for any reason, the casual vacancy thereby occurring shall be filled in accordance with the provisions of Rule 44 and (if applicable) Rule 49. In such a case, the eligible candidate elected or appointed to fill the vacancy will be treated as having completed one term in that office, for the purposes of determining eligibility for re-election as prescribed by sub-Rule (e), unless the balance of the term of office after the occurrence of the vacancy is less than one year.
- 40
- (a) The office of Vice President (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC who is the delegate for the Sydney/Newcastle ALC Region. The persons entitled to stand for such office are Councillors from Metropolitan/Urban Councils that are Ordinary members and, where the ALC is an Ordinary member, the member of the board of the ALC for the Sydney/Newcastle Metropolitan Region.
 - (b) The office of Vice President (Rural/Regional) shall be filled by election by an electorate that shall consist of those Delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members and, if the ALC is an Ordinary member, the members of the Board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of Rule 23.
 - (c) The electorate for the election of the Treasurer shall be those delegates of Ordinary members who are entitled to vote at Conferences, together with the members of the board of the ALC if the ALC is an Ordinary member. The persons entitled to stand for such office are Councillors from Councils that are Ordinary members together with members of the Board of the ALC if it is an Ordinary member.

- (d) The various offices of other Directors (Metropolitan/Urban) shall be filled by election by an electorate that shall consist of those delegates entitled to vote at a Conference from Metropolitan/Urban councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region. The persons entitled to stand for such offices are Councillors of Metropolitan/Urban Councils that are Ordinary members and, if the ALC is an Ordinary member, the member of the Board of the ALC for the Sydney/Newcastle ALC Region.
- (e) The various offices of other Directors (Rural/Regional) shall be filled by an electorate that shall consist of those delegates entitled to vote at a Conference from Rural/Regional councils that are Ordinary members, and, if the ALC is an Ordinary member, the members of the board of the ALC who are the delegates from those ALC Regions that are treated as Rural/Regional councils for the purpose of Step 2 of Rule 23. The persons entitled to stand for such offices are Councillors from Rural/Regional councils that are Ordinary members, and if the ALC is an Ordinary member, the members of the board of the ALC who are delegates from those ALC Regions that are treated as Rural/Regional Councils for the purpose of Step 2 of rule 23.
- (f) The term of office for Vice Presidents, Treasurer and the other Directors shall be the same as that for the President, as prescribed by Rule 39 (d), *mutatis mutandis*. All delegates holding these offices are eligible for re-election without limitation.

ELECTION PROCESS FOR MEMBERS OF THE BOARD

GENERAL

- 41. Elections for Directors (including the Office Bearers) (hereafter “the elections”) shall be conducted by a Returning Officer appointed or authorised under the Act.

ELECTION ARRANGEMENTS

- 42. Subject to rule 42A, elections shall be conducted in accordance with the requirements of Schedule B.
- 42A. If, in the opinion of the Board, it is not possible to hold an in-person Annual Conference in a Board election year due to circumstances beyond the Association’s control, the Board may determine that the elections for Directors (including Office Bearers) be by secret postal ballot conducted in accordance with the requirements of Schedule C.

CASUAL VACANCIES

- 43. A casual vacancy on the Board of the Association occurs when a Director
 - (a) dies;
 - (b) resigns the position by notice in writing delivered or sent by post to the Chief Executive, and such resignation be accepted;
 - (c) is removed from office as a Director in the manner provided for in Rule 50; or

SUSPENSION FROM OFFICE

- (d) ceases to be eligible under the Rules to hold office as a Director.
44. Subject to Rule 48, a vacancy in the office of President shall be filled as follows:
- (a) if the former President came from a Rural/Regional council the Vice-President (Rural/Regional) shall succeed to the office of President;
 - (b) if the former President came from a Metropolitan/Urban council the Vice-President (Metropolitan/Urban) shall succeed to the office of President.

If there be no such Vice-President then in office, the position shall be filled by the Board by the election thereto of a member of the Board.

45. Subject to Rules 48 and 48A, a vacancy in the office of Vice President or Treasurer shall be filled by the Board by the election thereto of a member of the Board.
46. (a) Subject to Rule 48, a vacancy in the office of a Board member shall be filled by the Board by the appointment thereto of the candidate at the most recent election for the Board from the appropriate category of councils for the vacancy who polled highest of the unsuccessful candidates at that election within that category of councils.
- (b) If there be no such candidate as contemplated by sub-rule (a) of this Rule, the position shall be filled by the Board by the election thereof of a person then qualified to hold such position.

[Note: this Rule can be applied to multiple vacancies – see the first dot point at the foot of Rule 3.]

47. A casual vacancy shall be filled within ninety (90) days of the occurrence of such vacancy provided, however, that non-compliance with this Rule shall not invalidate or otherwise prejudicially affect the proceedings of business carried out or performed by the Board during the continuance of any such vacancy beyond the said period of ninety (90) days.
48. Subject to rule 48A, where a casual vacancy or further casual vacancy is to be filled for so much of the part of the term as exceeds three quarters of the term of the office the vacancy shall be filled by way of secret postal ballot in accordance with the provisions appropriate to the election for the vacant office in Schedule C.

SUSPENSION FROM OFFICE

- 48A. Notwithstanding any other provision of these Rules, where a casual vacancy occurs more than six months after the commencement of the term of the office concerned because a Director ceases to hold office by reason only of being suspended from office under the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be, that vacancy shall not be filled unless that person subsequently becomes eligible to be elected a director by reason of the said suspension ceasing during the balance of the term of the relevant office. In such event the person so removed shall fill the vacancy, provided that person is otherwise eligible for such appointment. No other person will be eligible to fill that vacancy.

REMOVAL FROM THE BOARD

49. (a) The Board may remove from the Board any Director if the person has been found guilty, under the Rules of the Association, of:
- (i) misappropriation of the funds of the Association; or
 - (ii) a substantial breach of the rules of the Association; or
 - (iii) gross misbehaviour or gross neglect of duty.
- [Note: See Rule 36 and Rule 51: Failure by a member of the Board to attend three consecutive meetings of the Board, without leave, constitutes a breach of Rule 51 and gives rise to liability in the director to expulsion from office under (ii) or (iii) above.]
- (b) If a person is believed by the Board to be guilty of any of the offences specified in sub-rule (a) of this Rule the Board shall call on such person to appear before the next meeting of the Board to show cause why that person should not be expelled from his or her position on the Board.
 - (c) The person called to show cause pursuant to this Rule shall be given at least fourteen (14) days notice of the time and place of the meeting to which that person is called. The notice calling such person shall also specify the ground or grounds upon which it is proposed to consider such removal.
 - (d) The Board shall give to any person so called an opportunity to show cause why that person should not be removed from the Board.
 - (e) The Board may proceed to hear and determine the matter under this Rule notwithstanding the absence of the person called if due notice of the hearing has been given in accordance with this Constitution.
 - (f) Where the Board expels a person from the Board in accordance with these Rules, such expulsion shall operate from the date of the decision of the Board.
50. A person ceases to be a Director and vacates his or her position on the Board (by operation of this Rule and without any further action) upon him or her ceasing to be a Councillor of an Ordinary member, or otherwise ceasing under these Rules to be eligible to be a Director.

BOARD MEETINGS

51. The Board of the Association shall meet at least four (4) times each calendar year but shall meet at such additional times as may be required by the President or by requisition in writing to the Chief Executive signed by not less than five (5) directors. The meetings of the Board shall take place at such times and places as may be determined by the Board, and upon not less than forty eight (48) hours notice to its members. Wherever practicable, notice of any meeting of the Board shall be in writing and shall specify the nature of the business to be conducted at the meeting. Without limiting the generality of Rule 36, a director shall attend at all meetings of the Board unless granted leave of absence by or having reasonable excuse acceptable to the Board. A failure by a director to attend three consecutive meetings of the Board without leave shall be deemed to constitute a breach of the duties of a director as referred to in Rule 36.
52. Where the President or a majority of the Office Bearers of the Association believe that business should be considered by the Board before a scheduled meeting, the Board may meet by telephone or videoconference, or a combination of these forms of meeting or communication. Where any such meeting is conducted other than by way of all of the participants being present in person, such meeting shall be as valid as if all participants had met in person provided that:
- (a) wherever practicable all directors are given at least seven (7) days notice of the time, date and agenda for the meeting; and
 - (b) a quorum of directors participate in the meeting by the chosen electronic means or in person.
53. Meetings shall be presided over by the President or, in his or her absence, by one of the Vice Presidents (with the Vice President to chair any such meeting being that Vice President who is from the same group of councils as the President, unless that Vice President is also unavailable); should neither of these be present, the Board may elect a chairperson.
54. The President or person so presiding over a Board meeting shall have control of the meeting and shall call upon members to speak. The person so presiding shall have an original and, in the case of an equality of votes, a second or casting vote.
55. (a) No business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time. The quorum for a meeting of the Board shall be fifty percent of the total number of Board members then holding office, plus one.
- (b) Subject to sub-rule (c), no business shall be transacted at any meeting of the Board unless a quorum is present in person or by telephone or video-conference or a combination of these forms at the same time.
- (c) Where in the opinion of the President a matter requires the urgent consideration of the Board before a scheduled Board meeting, the Board may be consulted in writing (including electronic means) by flying minute. A motion put before the members of the Board by way of flying minute shall become a resolution of the Board as at the date set for return of responses, provided that the motion is supported by at least fifty

AUDITOR

percent of the total number of Board members, plus one. A resolution passed by way of flying minute shall be reported to the next Board meeting.

56. (Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
57. (a) The Directors must cause minutes to be made of:
- (i) all appointments of Directors and officers;
 - (ii) the names of the Directors present at each meeting of the Directors;
 - (iii) all orders made by the Directors;
 - (iv) all declarations made or notices given by any Director (either generally or specifically) of their interest in any contract or proposed contract or of their holding of any office or property whereby any conflict of duty or interest may arise; and
 - (v) all resolutions and proceedings or all general meetings and meetings of Directors and retain the minutes in a minute book.
- (b) The minutes of a meeting must be signed by the chairperson of the meeting or the chairperson of the next meeting.
- (c) In the absence of evidence to the contrary, contents of the minute book that is recorded and signed in accordance with this Sub Rule (d) is evidence of the matters shown in the minute.
58. The Board may exercise any of its powers, duties and functions by itself or by direction to staff or agents of the Association.

AUDITOR

59. (a) The Board shall appoint one or more auditors. Any person appointed as an auditor by the Board must be a registered auditor under the Act.
- (b) The position of auditor becomes vacant on the following grounds:
- (i) the written resignation of the appointed auditor; or
 - (ii) a resolution by the Board passed at a meeting of the Board by an absolute majority of its members on one or more of the following grounds:
 - A. the service is executed to an unprofessional standard; or
 - B. the auditor's costs are considered excessive; or
 - C. if the person ceases to be a registered company auditor.
 - (iii) at the expiration of the term of appointment.

60. The Board may not remove a person as auditor during the person(s) term of appointment without each director and the auditor having been given fourteen (14) days notice of the intention to remove the auditor from office, and may not so remove the auditor(s) without giving the person(s) a reasonable opportunity to make oral submissions on the matter at a meeting of the Board.

FINANCE

61. The sources from which the Association's funds may be derived are as follows:
- (a) amounts of entrance fees, subscriptions, fines, fees, levies or commissions received by the Association;
 - (b) interest, rents or dividends derived from investments of the Association's funds;
 - (c) the proceeds of any disposal of parts of the funds;
 - (d) any monies or credits received in pursuance of the Association's Objects, as defined in Rule 4, or in the exercise of Powers, as defined under Rule 5 of this Constitution.
62. (a) All moneys received for and on behalf of the Association shall be placed to the credit of the Association at such bank or such other financial institution(s) the Board shall direct and all cheques, promissory notes, draft bills of exchange and other negotiable instruments and all receipts and moneys paid to the Association shall be signed, drawn, accepted, endorsed or otherwise executed as the case may be in such other manner as the Board may determine.
- (b) A loan, grant or donation must not be made by the Association unless the Board has approved the making of the loan, grant or donation and has satisfied itself:
- (i) that the making of the loan, grant or donation would be in accordance with these Rules; and
 - (ii) in the case of a loan - that, in the circumstances, the security proposed to be given for the repayment of the loan is adequate and the proposed arrangements for the repayment of the loan are satisfactory.
63. The Board shall have management of the Association's property and investment of funds.
64. The Association's funds shall only be expended on the objects of the Association.
65. The Association shall develop and implement policies and procedures relating to the expenditure of the Association.
66. (Contents of Rule 66 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)

68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
69. In respect of each financial year of the Association the accounts and financial statements required to be prepared by the Association shall be prepared, audited, and presented to the Board and a Conference of the members (either Annual or Special as may be required) in accordance with the requirements of the Act, and without limiting the generality of the foregoing:
- (a) as soon as practicable after the end of each financial year, the Association shall cause to be prepared a General Purpose Financial Report, to be prepared in accordance with the Australian Accounting Standards, from the financial records kept by the Association in relation to the financial year concerned;
 - (b) as soon as practicable after the end of each financial year, the Association shall cause to be prepared an Operating Report in relation to that financial year, the preparation of which Report shall be the responsibility of the Treasurer and staff of the Association acting under his or her instructions and directions;
 - (c) the Association's Auditor must audit the financial records of the Association for each financial year and must furnish to the Board his or her report in relation to that year within a reasonable time of having received the General Purpose Financial Report;
 - (d) the Association shall provide, free of charge to its members, either a full report in relation to each financial year (consisting of a copy of the Auditor's Report, the General Purpose Financial Report and the Operating Report) or if the Board so resolves, a Concise Report for the said financial year in accordance with the requirements of the Act;
 - (e) the Report in relation to a financial year to be presented to members as referred to in the preceding sub-Rule shall be provided to members not less than 21 days before the Auditor's Report, the General Purpose Financial Report and the Operating Report are presented to a Conference of the members following the end of the relevant financial year of the Association;
 - (f) the Auditor's Report, the General Purpose Financial Report and the Operating Report in respect of each financial year, shall be presented to a Conference of the members of the Association not later than six (6) months after the end of the relevant financial year or such longer period as may be allowed by a Registrar in accordance with the Act;
 - (g) a copy of the Auditor's Report, the General Purpose Financial Report, the Operating Report and any Concise Report in respect of any financial year, shall be lodged with the Office of the Industrial Registrar not later than fourteen (14) days after the presentation of the said reports to a general meeting of the members of the Association.

CHIEF EXECUTIVE

70. The Chief Executive shall be appointed by the Board, which shall be responsible for determining the terms his or her conditions of employment and, if found necessary, the termination of the employment of the Chief Executive. In the exercise of these powers the Board will be guided by, but not bound by any relevant recommendations of the Senior Executive Group.

The Chief Executive shall be responsible for the day to day administration of the affairs of the Association and shall give effect to all directions given to him or her by the Board or, where the Board has authorised the Senior Executive Group or the President to give such directions, the Senior Executive Group or the President, as the case may be. The Chief Executive shall at all times act in accordance with and subject to such directions as are given to him or her pursuant to this Rule.

COMMON SEAL

- 70A. (a) The Association shall have a common seal which shall clearly include the words “Local Government NSW”.
- (b) Subject to any resolution of the Board, the common seal is to be kept in the custody of an employee designated by the Board.
- (c) The common seal shall only be affixed to a document in the presence of at least two members of the Board who attest to the affixing of the seal by signing the document.

ACCESS TO RECORDS

71. (a) Except as provided under Rule 62, all records, books, documents, and securities relating to the management and governance of the Association shall be in the custody of the Chief Executive.
- (b) A member of the Association may access the records of the Association in accordance with and subject to the limitations for such access prescribed from time to time by the Act.

PATRON OF THE ASSOCIATION

72. (a) In order to recognise outstanding service to Local Government and to the Association, the position of ‘Patron of the Association’ is created, such position to be honorary only. It shall be open to serving or former elected members, including former Presidents of the Association, the LGA NSW or the SA NSW.
- (b) In the case of serving or former elected members, the Annual Conference shall determine such appointment(s) on the recommendation of the Board.
- (c) In the case of former Presidents, the Board shall determine such appointment(s).

AMENDMENT

73. (a) Subject to sub-rules (b) and (c) of this Rule, no alteration, amendment or rescission shall be made to this Constitution unless by resolution of a Conference adopted by a majority of the voting delegates and members of the Board in attendance at any such Conference.
- (b) The Board may make such amendments to the Rules of the Association as it deems fit, on the recommendation of the Fair Work Commission or the advice of the Association's legal advisors, for the following purposes:
- (i) to ensure that the Rules comply with the Act or any other law; or
 - (ii) to ensure that the Rules remain consistent with the Rules of the industrial organisation of the same name registered under the *Industrial Relations Act 1996* (NSW); or
 - (iii) to correct minor clerical and/or administrative errors,
- and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.
- (c) The Board may make such amendments to Schedule A of the Rules as it deems necessary to remove the names of councils and county councils that have been dissolved and to include the names of new councils and county councils that have been established as a result of the amalgamation of councils/county councils and/or the alteration of council/county council boundaries and any such amendments shall be taken to be validly made if adopted by resolution at a duly convened meeting of the Board.

NOTIFICATION OF DISPUTES

74. Any industrial disputes may be notified to the appropriate court or tribunal under the Act by the Chief Executive or such other employee(s) of the Association that have the Chief Executive's delegated authority.

DISSOLUTION

75. In the event that the Association is dissolved or wound up:
- (a) a member shall not be required to contribute to the payment of the debts and liabilities of the Association or the costs, charges and expenses of the dissolution or winding up in an amount which is more than 10% of the member's annual subscription for the financial year in which the dissolution or winding up takes place; and
 - (b) any surplus funds remaining after the dissolution or winding up shall be paid to the members of the Association in the proportion which each member's subscription for the year in which the dissolution or winding up occurred bears to the total amount of subscriptions collected for that year.

SCHEDULE A

METROPOLITAN/URBAN COUNCILS AND COUNTY COUNCILS

See Definition in Rule 3

Metropolitan/Urban councils

Bayside; Blacktown; Burwood; Camden; Campbelltown; Canada Bay; Canterbury-Bankstown; City of Parramatta; City of Sydney; Cumberland; Fairfield; Georges River; Hawkesbury City; Hornsby; Hunters Hill; Inner West; Ku-ring-gai; Lane Cove; Liverpool; Mosman; Northern Beaches; North Sydney; Penrith; Randwick; Ryde; Strathfield; Sutherland Shire; The Hills Shire; Waverley; Willoughby; and Woollahra.

NOTE: The Sydney/Newcastle region of the ALC is treated under the Rules as being a Metropolitan/Urban Council – see Rule 23, Step 2, paragraph (c).

Metropolitan/Urban County councils

Hawkesbury River

End of Schedule A

SCHEDULE B

**RULES FOR CONDUCT OF ELECTIONS IF EXEMPTION IS APPROVED BY FAIR WORK
COMMISSION/ INDUSTRIAL REGISTRAR**

General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate at the election. [NB: under Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of ordinary members entitled to vote in the election of members of the Board.
3. The Roll of Voters is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls nominations for an election pursuant to these Rules.
4. The Board may determine the form of any nomination form(s) subject to the requirements of the Act.
5.
 - (a) The Returning Officer shall cause an election notice inviting nominations for the office of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members to be published in the Association's official journal and sent to each Ordinary member council by post at least seven (7) weeks prior to the first business day of the Annual Conference in an election year. Such notice shall prescribe the time and date prescribed by these Rules for the closing of nominations.
 - (b) Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
 - (c) Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.
6. The persons proposing and seconding a nomination for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must be elected members of any Council, as defined in Rule 2, which is an ordinary member of the Association. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. A candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.

SCHEDULE B

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning Officer at least four (4) weeks prior to the first business day of the Annual Conference in the relevant year.
9. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
10. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
11. Details of nominations that have been accepted shall be placed before constituent councils before the Annual Conference.
- 11A. The Returning Officer shall conduct a public draw to determine the order of candidates on the ballot paper.
12. Material (e.g. pamphlets, brochures, notices) which is intended or likely to affect voting in an election may not be distributed unless it contains the name and address of the person who authorised it and the name of the relevant political party.
13.
 - (a) In the event that for any office or position to be filled the number of nominations does not exceed the number of persons to be elected then the persons nominated shall be elected to those positions.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.

Conduct of Elections at the Annual Conference

14.
 - (a) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted at the Annual Conference by way of a secret ballot using the standard preferential system of voting. Voters must mark a preference for all candidates.

Where two or more candidates have an equal number of votes, the candidate who is successful or is to remain in the count at an exclusion shall be the candidate first drawn by lot.

(b) In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted at the Annual Conference using the proportional system of voting, as described below.

Voters must mark a preference for all candidates.

To be elected, except as provided in the last paragraph of this Rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.

The ballot papers are sorted according to the first preference on each paper.

If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.

The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.

The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.

If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.

Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.

To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.

Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.

Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

15. (a) Where an election is required at the Annual Conference, the voters in such an election shall be the Delegates who are by virtue of Rule 37 of the Association's Rules entitled to vote in such election.
- (b) The Returning Officer shall issue the ballot paper(s) to the voters, such ballot paper(s) to include:
 - (i) the Returning Officer's initials;
 - (ii) the name of each candidate for the office/position to be filled, including the candidates declared registered political party membership(s);
 - (iii) such other information as the Returning Officer deems appropriate.
16. If a delegate of a member or a member of the Board cannot for any reason be present at the Conference to vote in any election (hereafter referred to as "the absentee"), the absentee may by notice in writing signed by the absentee and delivered to the Returning Officer before 5pm on the business day immediately prior to the first business day of the Conference appoint another delegate from the same member to exercise the absentee's right to vote in the election.
17. Where required, the ballots shall be conducted in the following manner, to the extent practicable:
 - (a) the ballot for the office of President shall be conducted first;
 - (b) after the completion of the ballot for President, the ballot for the office of Treasurer shall be conducted next;
 - (c) the ballots for the offices of Vice President (Rural/Regional) and Vice President (Metropolitan/Urban) shall be undertaken after the ballot for the office of Treasurer;

SCHEDULE B

- (d) the ballots for Board members shall be conducted after all previous elections are completed.

Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

Scrutineers

18. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer.
19. Every scrutineer shall, so far as is possible having regard to the time of their appointment, have the following rights and duties:
- (a) to be present with the Returning Officer when the ballot papers are being handed out to voters and to watch the interests of the person whom they represent; and
 - (b) to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom they represent, but no election shall be vitiated by reason of the fact that a scrutineer did not exercise any or all of their rights or duties if they had a reasonable opportunity to do so.
20. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper but the decision of the Returning Officer shall, subject to the Act, be final.
21. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule B

SCHEDULE C

RULES FOR CONDUCT OF ELECTIONS BY SECRET POSTAL BALLOT

General

1. The Board shall appoint a Returning Officer not being the holder of any other office in and not being an employee of the Association, and who shall not be a candidate in the election. [NB: under the Act the Returning Officer for such elections will be an officer of either the Australian Electoral Commission or the State Electoral Commission, as the case may be, unless exemption is obtained under such legislation.]
2. The Returning Officer shall notify the Chief Executive that he or she is required to deliver a list of Ordinary members entitled to vote in the election.
3. The Roll of Voters for the election is to be determined by the Association in accordance with the requirements of Rule 37 and must be closed seven (7) days prior to the date upon which the Returning Officer calls for nominations for an election pursuant to these rules.
4. The Returning Officer may determine the form of any nomination form(s) subject to the requirements of the Act and these rules.
5.
 - (a) The Returning Officer shall cause an election notice inviting nominations for the office(s) subject to an election to be published in the Association's official journal and sent to each Ordinary member by post at least seven (7) weeks prior to the opening of the ballot.
 - (b) A nomination form shall be enclosed with the election notice when sent by post.
 - (c) The election notice shall:
 - (i) prescribe the time and date for the closing of nominations;
 - (ii) require voting members to advise the Association of the names and postal addresses of their nominated voting delegates (who are to be issued ballot papers in the election) at least two (2) weeks prior to the opening of the ballot; and
 - (iii) contain such other information as the Returning Officer deems appropriate.
6. The persons proposing and seconding a nomination for the vacant office must be either a Councillor of a Council which is an Ordinary member of the Association or if the ALC is an Ordinary member, a member of its Board, provided that any such person must not be suspended from office under either the *Local Government Act 1993* or the *Aboriginal Land Rights Act 1983*, as the case may be. Nominations shall be signed by the proposer and seconder, and consented to in writing by the candidate.
7. Where the nominee is a member of a political party that is registered with either the NSW Electoral Commission (for State or Local Government elections) or the Australian Electoral

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Commission (for Federal elections) the nominee shall declare the name(s) of such registered political party membership(s) on the nomination form.

8. Nominations must be lodged with the Returning Officer, which may be done by electronic means, before the time and date specified for receipt of nominations.
9. In the event of multiple offices being filled in the same postal ballot, a candidate may nominate for more than one office or position that is subject to an election however, election to the offices of President, Treasurer, Vice President (Rural/Regional) or Vice President (Metropolitan/Urban) shall automatically exclude the candidate so elected from election to any other office or position on the Board.
10. Nominations for election must reach the Returning Officer at least four (4) weeks prior to the close of the ballot.
11. A nomination for election may be withdrawn by a candidate, provided that notice of withdrawal in writing is received by the Returning Officer no later than seven (7) days before the holding of the ballot.
12. If the Returning Officer should receive a nomination that is defective, the Returning Officer shall not immediately reject the nomination but shall instead give the candidate concerned written notice of the defect and where practicable at least seven (7) days to remedy the defect.
13.
 - (a) If there be no more candidates than the number required to be elected those nominated shall be declared to be elected and if there be more candidates for any office than required to be elected an election by secret ballot shall be held. Pending the declaration of the result of any such election the persons holding office shall retain office.
 - (b) Where the nominations received are insufficient to fill all vacancies, the Board at its first meeting after the Annual Conference at which it was elected shall determine whether the number and type of vacancies are such as to require that the vacancies be filled and if it so determines, request the Returning Officer to conduct a further election by way of a secret postal ballot of members to fill such vacancies. Such secret ballot shall be conducted in accordance with the requirements of these Rules for the conduct of elections, so far as they can apply to a secret ballot.
14. The Returning Officer shall, for each office/position to be contested, conduct a public draw to determine the order of candidates on the ballot paper.
15. The Association shall provide to the Returning Officer the names and postal addresses of nominated voting delegates at least one (1) week prior to the opening of the ballot.
16. The Returning Officer shall make such arrangements for absent voting as will ensure that any voting delegate not able to vote by way of secret postal ballot may be able to vote on an absentee basis.
17. The Returning Officer shall issue the required number of ballot papers, a declaration envelope(s) and a prepaid envelope(s), in the form prescribed by the Act, to be handed or

SCHEDULE B

posted to each voting delegate not less than fourteen (14) days before the closing of the ballot. The ballot paper shall include:

- (a) the Returning Officer's initials;
 - (b) a description of each office/position to be filled, including the number of offices/positions to be filled;
 - (c) the name of each candidate for each office/position to be filled, including the candidates declared current registered political party membership(s);
 - (d) instructions on how to complete the ballot paper;
 - (e) the name and address of the Returning Officer to whom the ballot paper(s) shall be returned, the closing date and the time for receipt of votes and instructions that the ballot papers shall be placed in the declaration envelope and returned to the Returning Officer in the prepaid envelope; and
 - (f) such other information as the Returning Officer deems appropriate.
18. The ballot papers shall be placed in the declaration envelope and returned in the prepaid envelope to the Returning Officer on or before the closing date fixed for voting.
 19. The non-receipt of a ballot paper by a member entitled to vote, or the non-return of a ballot paper or the return of a ballot paper improperly filled in or not enclosed in a sealed envelope, shall not invalidate the ballot.
 20. No voter shall vote for a greater or lesser number of candidates than the number directed on the ballot paper and any vote or ballot paper contrary to this provision or otherwise improperly filled in shall be informal.
 21. The Returning Officer shall arrange for the use of a post office box or other receptacle to which ballot papers may be returned to him/her and arrange for the same not to be opened by any other person.
 22. The Returning Officer shall count the votes indicated upon the ballot papers which are properly marked. The candidates who receive the greatest number of votes shall be progressively elected until all offices required to be filled are filled.
 23. The Returning Officer shall arrange for votes to be counted and shall within three (3) days after the closing date for voting declare the result of the ballot to the members of the Association by post or in such manner as the Board may from time to time prescribe and the candidate or candidates declared elected shall assume office from the date that the Returning Officer declares the result of the election.
 24. Every person concerned in the ballot shall ensure as far as practicable that no irregularity occurs in the ballot.

SCHEDULE B

Elections for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban)

25. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of President, Treasurer, Vice President (Rural/Regional), or Vice President (Metropolitan/Urban), the election shall be conducted using the standard preferential system of voting. Voters must mark a preference for all candidates.
26. Where two or more candidates have an equal number of votes, the candidate who is first drawn by lot by the Returning Officer shall be declared elected.

Elections for the offices of other directors

27. In the event of the Returning Officer receiving nominations in excess of the number of positions to be filled in any election for the offices of other directors the election shall be conducted using the proportional system of voting, as described below.
 - (a) Voters must mark a preference for all candidates.
 - (b) To be elected, except as provided in the last paragraph of this rule, a candidate needs to gain a certain proportion (or quota) of the formal votes. The quota is calculated by dividing the total number of formal first preference votes in the count by one more than the number of officers to be elected; and adding one to the result, disregarding any remainder.
 - (c) The ballot papers are sorted according to the first preference on each paper.
 - (d) If a candidate receives more first preference votes than the quota, they are immediately elected and, unless all vacancies have been filled, their surplus votes are passed on to the continuing candidates listed on the ballot paper; based on the voter's next available order of preference.
 - (e) The transfer value of the surplus votes is calculated by dividing the elected candidate's total of surplus votes by the total number of the candidate's votes, and is applied to each of the ballot papers of the elected candidate. The result is taken to the fourth decimal point.
 - (f) The number of votes to be transferred, disregarding any fraction, shall be added to the continuing candidate(s)' votes.
 - (g) If any of those candidates who received the surplus votes now have more than the quota they are elected. Their surplus votes are transferred to the candidate listed as the next preference on all of the ballot papers. This is done by dividing the surplus votes by the total number of ballot papers the candidate has received (first preferences plus transferred ballot papers). This process continues until there are no more candidates with enough votes to be elected.

- (h) Where, on the counting of the first preference or on any transfer, more than one candidate has a surplus, the largest surplus shall be dealt with first.
- (i) Where two or more surpluses are equal, the surplus of the candidate who was the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be dealt with first, and, if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide by lot which candidate's surplus shall be dealt with first.
- (j) To fill any remaining places not filled by the above process, the candidate with the smallest number of votes is excluded and votes for this candidate are transferred to the remaining continuing candidates. This is done at the value at which the votes were received by the candidate to be excluded. When the transfer of these preferences gives a candidate a quota, that candidate is elected.
- (k) Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide by lot which candidate's votes shall be distributed.
- (l) Where the contest for the last seat is close, it is common for the final two continuing candidates to both have less than a quota. In this case, the continuing candidate with the highest number of votes is elected.

Scrutineers

- 28. Each candidate at any election shall have the right, if he or she so desires, to appoint a scrutineer to represent him or her in the ballot, and shall give notice of any such appointment of a scrutineer in writing to the Returning Officer. The Association may appoint an employee of the Association to scrutineer for it at any election by giving notice in writing of such appointment to the Returning Officer,
- 29. Every scrutineer shall, so far as is possible having regard to the time of his/her appointment have the right to be present with the Returning Officer when the ballot papers are opened and when the votes are counted and to watch the interests of the person whom he/she represents, but no election shall be vitiated by reason of the fact that a scrutineer does not exercise any or all of his/her rights or duties if he/she has a reasonable opportunity to do so.
- 30. Scrutineers shall have the right to question the inclusion or exclusion of any ballot paper and the decision of the Returning Officer shall, subject to the Act be final.
- 31. Scrutineers may not remove, mark, alter or deface any ballot paper or other documents used in the ballot.

End of Schedule C

***END OF RULES**



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