5 REVIEW OF LOCAL GOVERNMENT ACT AND CITY OF SYDNEY ACT

EXECUTIVE SUMMARY

- In August 2012, the Minister for Local Government announced that the legislative framework for local government in NSW is to be rewritten and modernised. The Minister also appointed a Local Government Acts Taskforce to lead the process.

- The Taskforce has now completed an initial round of workshops across NSW and heard from councillors and council officials who work within the industry. The Taskforce has also invited submissions from interested parties in response to five questions posed in the Taskforce’s “Preliminary Ideas Paper”. The questions are designed to gather information and ideas that will assist the Taskforce to develop a framework for the new legislation.

- Council was represented at the Taskforce’s Willoughby workshop by the General Manager and Deputy General Manager, Corporate Support who passed on any comments which had been received from Councillors and Managers in respect of the questions posed in the “Preliminary Ideas Paper”.

- As Council’s responses to the questions have already been recorded by the Taskforce in the notes that were taken at the Willoughby workshop, it is not proposed to submit a formal submission at this stage. It is noted, however, that there will be a further opportunity for Council to make a submission in April/May 2013 following the Taskforce’s release in March 2013 of a “Discussion Paper” on its findings from the review process.

RECOMMENDATION

THAT the contents of Deputy General Manager’s Report No. CS33/12 be received and noted.
PURPOSE

The purpose of this Report is to provide Council with details of the review of the Local Government Act which is being undertaken by a Taskforce established by the Minister for Local Government.

BACKGROUND

In August 2012, the Minister for Local Government, the Hon Don Page MP, announced that the legislative framework for local government in NSW is to be rewritten and modernised.

The Minister appointed the Local Government Acts Taskforce to consult with stakeholders and the public to make recommendations for a new Local Government Act that is responsive to the current and future needs of the community. The Act applies to the operations of general purpose councils and county councils across the vast majority of NSW. The Taskforce brief also includes a review of the operation of the City of Sydney Act 1988 which applies to Sydney City Council’s area.

The Taskforce members are Mr John Turner (Chair), Mrs Gabrielle Kibble AO, Dr Ian Tiley and Mr Stephen Blackadder. The Taskforce is supported by staff from the Division of Local Government in the Department of Premier and Cabinet.

DISCUSSION

General

The Local Government Acts Taskforce has now completed an initial round of workshops across NSW and heard from councillors and council officials who work within the framework of the Local Government and City of Sydney Acts on a regular basis. The workshops were held to allow the Taskforce to gather ideas about:

- What principles should underpin a new Local Government Act
- What in the current Local Government Act works well and what needs to be changed or removed from the Act
- How new legislation could enable councils to better deliver services and infrastructure efficiently

In addition to the workshops, the Taskforce has invited submissions from interested parties in response to five questions posed in the Taskforce’s “Preliminary Ideas Paper” (copy attached). In this regard, the Taskforce is required to ensure that new legislation:

- Meets the current and future needs of local government
- Is streamlined and designed so as to strengthen local government so that it can deliver to its community in an efficient and effective manner
- Is modern and written in plain language, and while providing a comprehensive framework, unnecessary red tape is avoided
- Recognises the diversity of local government in NSW

General Meeting

19 December 2012
• Provides greater clarity on the role and responsibility of local government

The questions from the “Preliminary Ideas Paper”, which are listed below, are designed to gather information and ideas that will assist the Taskforce to develop a framework for the new legislation, following which a more detailed examination of the content of the new legislation will occur:

• What top five principles should underpin the content of the new Local Government Act?

• What is currently working well in the Local Government Act and why, and should be retained in the new Act?

• Are there areas in the Local Government Act that are working well but should be moved to another Act or into Regulations, Codes or Guidelines?

• What is not working well in the Local Government Act (barriers and weaknesses) and should either be modified or not carried forward to the new Act?

• Should the City of Sydney Act be retained and if so, how can it be improved?

Council’s Approach to the Review

When Council received advice about the establishment of the Taskforce, the release of the Preliminary Ideas Paper and the scheduling of workshops, advice was provided to Councillors (via the Councillors’ Weekly Communication) and to ExCo and Branch Managers across the organisation indicating the opportunity to attend a workshop and/or to provide comments in respect of the questions posed by the Taskforce in the Preliminary Ideas Paper. The comments received from Councillors and Managers were subsequently provided to the Taskforce by the General Manager and Deputy General Manager, Corporate Support when they attended the Taskforce’s workshop which was held at Willoughby on 14 November 2012.

As no further comments have been forthcoming from Councillors or Managers since the workshop, and as Council’s responses to the questions have already been recorded by the Taskforce in the notes that were taken at the workshop, it is not proposed to submit a formal submission. It is noted, however, that there will be a further opportunity for Council to make a submission in April/May 2013 following the Taskforce’s release in March 2013 of a “Discussion Paper”.

(N.B. The Taskforce advised on 7 December 2012 that the notes taken at all of the workshops across the State will be posted to the Taskforce’s website in the near future – refer www.dlg.nsw.gov.au. When this occurs, details will be provided to Councillors.)

CONSULTATION

In the preparation of this Report, there has been consultation with members of the Local Government Acts Taskforce.

BUDGET

There are no budgetary implications associated with this Report.
POLICY

There are no policy implications associated with this Report.

CONCLUSION

Council’s consideration of this Report ensures that it is up to date with the deliberations of the Local Government Acts Taskforce in respect of the review of the Local Government and City of Sydney Acts.

RESPONSIBLE OFFICER

The officer responsible for the preparation of this Report is the Deputy General Manager, Corporate Support – Mr Gary Bensley - who can be contacted on 9847-6605.

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Attachments:
1. Preliminary Ideas Paper

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