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## OFFICE BEARERS AND BOARD MEMBERS

### Patrons

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Bill Bott AM</td>
<td></td>
</tr>
<tr>
<td>Austin JA Mack OAM</td>
<td></td>
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<tr>
<td>Ray Donald OAM</td>
<td></td>
</tr>
<tr>
<td>Genia McCaffery</td>
<td></td>
</tr>
<tr>
<td>Phyllis Miller OAM</td>
<td></td>
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<tr>
<td>Walter (Wally) A Mitchell AM OAM</td>
<td></td>
</tr>
<tr>
<td>Col Sullivan OAM</td>
<td></td>
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<tr>
<td>Doug Sutherland AM</td>
<td></td>
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<tr>
<td>Chris Vardon OAM</td>
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<tr>
<td>John Wearne AM</td>
<td></td>
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<tr>
<td>EH Woods MBE</td>
<td></td>
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<tr>
<td>Peter Woods OAM</td>
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### President

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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</thead>
<tbody>
<tr>
<td>Cr Keith Rhoades AFSM</td>
<td>Coffs Harbour</td>
</tr>
</tbody>
</table>

### Vice Presidents

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Cr Lindsay Brown</td>
<td>Eurobodalla</td>
<td></td>
</tr>
<tr>
<td>Cr Bill Pickering</td>
<td>Ryde</td>
<td>(3 June 2016 – 9 September 2017)</td>
</tr>
</tbody>
</table>

### Treasurer

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
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<tbody>
<tr>
<td>Cr Scott Bennison</td>
<td>Lane Cove</td>
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</tbody>
</table>

### Board Members

<table>
<thead>
<tr>
<th>Name</th>
<th>Location</th>
<th>Notes</th>
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<tbody>
<tr>
<td>Cr Zoe Baker</td>
<td>North Sydney</td>
<td>(7 – 24 October 2016)</td>
</tr>
<tr>
<td>Cr Michael Banasik</td>
<td>Wollondilly</td>
<td></td>
</tr>
<tr>
<td>Cr Ruth Fagan</td>
<td>Cowra</td>
<td></td>
</tr>
<tr>
<td>Cr Christine Forster</td>
<td>City of Sydney</td>
<td></td>
</tr>
<tr>
<td>Cr Lesley Furneaux-Cook</td>
<td>Burwood</td>
<td></td>
</tr>
<tr>
<td>Cr Alice Glachan</td>
<td>Albury</td>
<td></td>
</tr>
<tr>
<td>Cr Mazhar Hadid</td>
<td>Liverpool</td>
<td></td>
</tr>
<tr>
<td>Cr Raymond Harty</td>
<td>The Hills</td>
<td>(As of 3 February 2017)</td>
</tr>
<tr>
<td>The late Cr Leo Kelly OAM</td>
<td>Blacktown</td>
<td>(to 23 January 2017)</td>
</tr>
<tr>
<td>Cr Yvonne Keane</td>
<td>The Hills</td>
<td>(1 July 2016 – 9 September 2017)</td>
</tr>
<tr>
<td>Cr Rod Kendall</td>
<td>Wagga Wagga</td>
<td></td>
</tr>
<tr>
<td>Cr Karen McKeown</td>
<td>Penrith</td>
<td>(As of 27 October 2016)</td>
</tr>
<tr>
<td>Cr Phyllis Miller OAM</td>
<td>Forbes</td>
<td></td>
</tr>
<tr>
<td>Cr Denise Osborne</td>
<td>Greater Hume</td>
<td></td>
</tr>
<tr>
<td>Cr Linda Scott</td>
<td>City of Sydney</td>
<td></td>
</tr>
<tr>
<td>Cr Darriea Turley</td>
<td>Broken Hill</td>
<td></td>
</tr>
</tbody>
</table>

### Chief Executive

<table>
<thead>
<tr>
<th>Name</th>
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<tbody>
<tr>
<td>Donna Rygate</td>
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This page is correct at the time of printing
CONFERENCE PROGRAM

Local Government NSW Annual Conference 2017
Monday 4 – Wednesday 6 December 2017

Main conference venue is Hyatt Regency Sydney, 161 Sussex Street, Sydney

This program is correct at time of printing. Speakers and program may have changed due to unforeseen circumstances.

Monday 4 December

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.00 pm – 7.00 pm</td>
<td>Registration opens in foyer entrance to main ballrooms</td>
</tr>
<tr>
<td>3.00 pm – 4.00 pm</td>
<td>Two optional concurrent briefing sessions:</td>
</tr>
<tr>
<td></td>
<td>1. Coming together post-amalgamation: lessons and next steps facilitated by</td>
</tr>
<tr>
<td></td>
<td><strong>Cr David West</strong>, Mayor, MidCoast Council with case studies presented by</td>
</tr>
<tr>
<td></td>
<td><strong>Peter Tegart</strong>, CEO, Queanbeyan Palerang Regional Council, <strong>Gail</strong></td>
</tr>
<tr>
<td></td>
<td><strong>Connolly</strong>, General Manager, Georges River Council and <strong>Mike Eden</strong>,</td>
</tr>
<tr>
<td></td>
<td>Former Administrator, Federation Council; or</td>
</tr>
<tr>
<td></td>
<td>2. Elected life and good governance: building your capabilities. A session for</td>
</tr>
<tr>
<td></td>
<td>new councillors presented by <strong>Susan Benedyka</strong>, Managing Director, The</td>
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<td></td>
<td>Regional Development Company</td>
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<tr>
<td>4.00 pm – 5.00 pm</td>
<td>Sessions repeated above</td>
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<tr>
<td>5.00 pm – 7.00 pm</td>
<td>President’s Opening Reception; Grand Ballroom and Maritime Ballroom in</td>
</tr>
<tr>
<td></td>
<td>the trade exhibition, sponsored by Service NSW</td>
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Tuesday 5 December

**Business Session Day 1 – Grand Ballroom / Maritime Ballroom**

<table>
<thead>
<tr>
<th>Time</th>
<th>Activity</th>
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<tbody>
<tr>
<td>7.30 am – 5.00 pm</td>
<td>Registration opens</td>
</tr>
<tr>
<td>8.00 am – 9.00 am</td>
<td>Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors (voting for all positions at the one time) in Wharf 3, 4 and 5 (rooms)</td>
</tr>
<tr>
<td>8.15 am – 9.00 am</td>
<td>Distribution of voting materials and electronic handsets</td>
</tr>
<tr>
<td></td>
<td>Trade exhibition opens in Maritime Ballroom</td>
</tr>
<tr>
<td>9.15 am – 9.45 am</td>
<td>Address from <strong>The Hon Gladys Berejiklian MP</strong>, Premier of NSW</td>
</tr>
<tr>
<td>9.45 am – 11.00 am</td>
<td>Address from <strong>Cr Keith Rhoades AFSM</strong>, President, LGNSW</td>
</tr>
<tr>
<td></td>
<td>Opening of the Federal Conference, chaired by <strong>Cr Keith Rhoades AFSM</strong></td>
</tr>
<tr>
<td></td>
<td>including demonstration of voting units, adoption of standing orders,</td>
</tr>
<tr>
<td></td>
<td>presentation of the auditor’s report, general financial report and</td>
</tr>
<tr>
<td></td>
<td>operating report to members, business session and consideration of motions</td>
</tr>
<tr>
<td></td>
<td>Opening of the State Conference, chaired by <strong>Cr Keith Rhoades AFSM</strong></td>
</tr>
<tr>
<td></td>
<td>including adoption of standing orders, presentation of the auditor’s report,</td>
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<td></td>
<td>general financial report and operating report to members, business session</td>
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<td></td>
<td>and consideration of motions</td>
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<tr>
<td>11.00 am – 11.30 am</td>
<td>Morning tea in trade exhibition area, sponsored by Local Government Super</td>
</tr>
<tr>
<td></td>
<td>Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors</td>
</tr>
</tbody>
</table>
11.30am – 1.00pm  Consideration of Conference business continued, chaired by the President

1.00pm – 2.00pm  Lunch in trade exhibition area, sponsored by Local Government Super
Voting for LGNSW Board President, Vice Presidents, Treasurer and Directors

2.00pm – 3.30pm  Consideration of Conference business continued, chaired by the President

3.30pm – 4.00pm  Afternoon tea in trade exhibition area, sponsored by Local Government Super
Voting closes for LGNSW Board President, Vice Presidents, Treasurer and Directors

4.00pm – 5.30pm  Consideration of Conference business continued, chaired by the President
Collection of all electronic handsets and motions voting cards
Conference business session closes

5.30pm – 6.30pm  Delegate networking function in trade exhibition area, sponsored by Place Design Group

6.30pm  Trade exhibition closes
Free night for delegates

### Wednesday 6 December
**Business Session Day 2 – Grand Ballroom / Maritime Ballroom / Wharf rooms**

7.30am – 5.00pm  Registration opens

7.30am – 8.45am  Australian Local Government Women’s Association (ALGWA) Breakfast
Special guest speaker, **Rhoda Roberts**, Head of First Nation Programming, Sydney Opera House, Festival Director Boomerang, will speak on Accessing and Creating Relationships with Your Local Community

8.00am – 4.30pm  Trade exhibition opens in Maritime Ballroom

9.00am – 9.05am  Introduction by **Ellen Fanning**, Master of Ceremonies

9.05am – 9.20am  Address from **The Hon Gabrielle Upton MP**, Minister for Local Government
9.20am – 9.35am  Facilitated questions from the Conference to the Minister

9.35am – 10.05am  Keynote: **Dr Jonathan Carr-West**, Chief Executive, Local Government Information Unit UK presents on Transforming Local Government

10.05am – 10.30am  Morning tea in trade exhibition area, sponsored by NSW Environment Protection Authority

10.30am – 10.45am  Address from **The Hon Peter Primrose MLC**, Shadow Minister for Local Government
10.45am – 11.00am  Facilitated questions from the Conference to the Shadow Minister

11.00am – 11.15am  Address from **The Hon Melinda Pavey MP**, Minister for Roads, Maritime and Freight

11.15am – 11.30am  Address from **Carolyn McNally**, Secretary of the Department of Planning and Environment, on Housing Affordability and Partnerships with Councils

11.30am – 11.40am  MC to facilitate Q and A to both speakers
11.40am – 12.10pm Address from Stuart Reeve, Managing Director, Micromex Research and Consulting on Community Perceptions of Local Government

12.10pm – 12.30pm Presentation of the AR Bluett Awards

12.30pm – 12.40pm Address from Cr Keith Rhoades AFSM, LGNSW President, on Association Initiatives

12.40pm – 12.50pm Treasurer’s Report

12.50pm – 1.40pm Lunch in the trade exhibition area, sponsored by NSW Environment Protection Authority

General Managers Lunch sponsored by StateCover: a short update from StateCover, Local Government Super and Local Government Procurement

1.40pm – 3.10pm MOVE TO CONCURRENT SESSIONS

1.40pm – 3.10pm CONCURRENT SESSION 1 – Environment and Planning, facilitated by Sarah Gardner, Executive Director Waste and Resource Recovery, NSW Environment Protection Authority

- Dianna Watkins, Group Director Policy Legislation Performance and Consultation, Biosecurity and Food Safety, Department of Primary Industries on the biosecurity framework and shared responsibilities
- Phoebe Ashe, Unit Head, Container Deposit Scheme Implementation Team, Environment Protection Authority on Introducing a Container Deposit Scheme
- Tom Celebrezze, Director Biodiversity Policy, Office of Environment and Heritage on Biodiversity reforms and Local Government

1.40pm – 3.10pm CONCURRENT SESSION 2 – Infrastructure and Economics, facilitated by Ruth Frettingham, Principal Strategic Planning, Place Design Group

- Greg Dyer, Chief Executive Officer, City of Parramatta, Case study on the Redevelopment of Parramatta Square
- Susie Matthews, Director Small Business Engagement, NSW Department of Industry on night-time economies
- Sean Gordon, Chief Executive Officer, Darkinjung Local Aboriginal Land Council on building local economies and the economic development of Aboriginal lands

1.40pm – 3.10pm CONCURRENT SESSION 3 – People and Communities, facilitated by Ellen Fanning

- Jody Broun, Director NSW/ACT, Red Cross on Disaster Preparedness – councils building resilience with their communities in times of natural disaster or accident
- Shabnam Bhana, Community Development Worker, Liverpool City Council, and Cr Greg Conkey, Mayor, Wagga Wagga City Council, on Refugee Resettlement
- Mary Barry, Chief Executive Officer, Our Watch on the national framework for preventing violence against families and women
3.10pm – 3.35pm  RETURN TO PLENARY SESSION AND CLOSE OF CONFERENCE

3.35pm – 4.00pm  Keynote: **Annabel Crabb**, Walkley Award winning journalist

4.00pm – 4.30pm  Afternoon tea and delegate networking function in trade exhibition area, sponsored by NSW Environment Protection Authority

**7.30pm – 11.00pm  Conference Dinner** – Grand Ballroom, Hyatt Regency (in the conference room)

7.30pm  Doors open

7.45pm  Delegates seated and entrée served

8.00pm  LGNSW President introduces Elite Sponsor, StateCover Mutual Limited

8.10pm  LGNSW President and Elite Sponsor present the Outstanding Service Awards and Executive Certificates for Elected Members

8.35pm  Main course served

9.35pm  Entertainment and dancing

11.00pm  Function finishes

CLOSE OF CONFERENCE
FEDERAL CONFERENCE
STANDING ORDERS – FEDERAL

These Standing Orders are made in accordance with clause 27 of the registered rules of the Local Government and Shires Association of New South Wales (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 clause 25 of the LGNSW rules).

Note: for the purpose of the 2017 Conference, the total number of Delegates on the date that the roll of voters closed (9 October 2017) was 488. Therefore a quorum shall be 245. 

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, Council 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.

**In the case of motions**

12. 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.

13. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.

14. 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.

15. 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.

16. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.

17. 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.

18. 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, shall have had an opportunity to speak on the resolution then before the Conference.

19. 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.

20. 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.

21. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
22. 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.

23. 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

24. At least 24 hours’ notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).

25. 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.

26. 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.

In the case of all other Conference Business

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

Manner of voting

28. Only Members’ nominated voting Delegates and members of the Board may debate and vote on motions.

29. Except as hereinafter provided voting on any matter shall be on the show of cards.

30. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.

31. 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.

32. A Division may be called following a vote on the show of cards by no less than 10 Delegates.

33. A Division will be taken by use of electronic voting.

Suspending Standing Orders

34. 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

35. 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.
MOTIONS FOR CONSIDERATION BY CONFERENCE – FEDERAL

F1 Board

That the Standing Orders as set out on the preceding pages 9 to 11 be adopted.

[ Procedural Note: Presentation of Financial Reports to Members ]

1. ASSOCIATION BUSINESS

F2 Board

That the Local Government and Shires Association of New South Wales, being a registered organisation under the Fair Work (Registered Organisations) Act 2009 (Cth) (the “Association”):

1. Amend the Association’s rules in the terms proposed below.

2. In furtherance of 1 above, make application to the Fair Work Commission to amend the Association’s rules.

Board note

The Fair Work (Registered Organisations) Amendment Act 2016 (“RO Amendment Act”) amended the Fair Work (Registered Organisations) Act 2009 (“RO Act”) with effect from 1 May 2017. The amendments to the RO Act mean that it is necessary to amend the Association’s Constitution (the “rules”) to ensure that they remain consistent with the RO Act. In particular, it is proposed that provisions relating to “financial transparency”, which are now in the RO Act, be removed from the rules to avoid inconsistency, confusion and uncertainty.

The following explains the proposed amendments to the rules.

The Local Government and Shires Association of New South Wales is registered as an organisation of employers under the Fair Work (Registered Organisations) Act 2009 (Cth) (“LGNSW Federal” or the “Association”). 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 and LGNSW State are substantially similar.

On 1 May 2017, the provisions of the RO Amendment Act came into force. Specifically, the RO Amendment Act:

(i) introduced a requirement that rules of a registered organisation require the keeping of minute books;

(ii) repealed the provisions requiring the rules of an organisation to deal with ‘financial transparency’ matters;

(iii) introduced a new Part in the RO Act prescribing a more extensive and onerous regime concerning ‘financial transparency’ matters; and

(iv) introduced a new system for the registration, supervision, rotation and removal of auditors of industrial organisations.

The Association has obtained legal advice from Carroll & O’Dea Lawyers in relation to the statutory changes. The legal advice proposes a number of amendments to the Association’s rules (“proposed amendments”), including the deletion of the ‘financial transparency’ provisions in the existing rules to avoid future confusion and uncertainty now that the relevant obligations are enshrined in statute.

The legal advice also notes that the rules of the state counterpart organisation (LGNSW State) are not directly affected by the amendments to the RO Act, but it may be necessary to undertake
consequential amendments to the LGNSW State rules to avoid confusion, complexity and uncertainty that might arise for members, officers and staff if the rules of the two counterpart bodies become significantly different. Once all necessary amendments to the Association’s rules are settled and made, consideration can be given as to which of the LGNSW State rules ought also be amended, pursuant to the power of the Board under Rule 73(b)(ii) of the State rules, to ensure consistency between the two sets of rules.

The Regulatory Compliance Branch of the Fair Work Commission (“FWC”) has undertaken a pre-application assessment and reviewed the proposed amendments.

Amendments to the Association’s 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 Association's Rules).

Below are the proposed amendments to the Association’s rules:

Proposed amendments:

1. Amend Rule 3 as follows:-
   (i) Delete the definition of “approved training”
   (ii) In the definition of “Board” delete the words “,except in Rule 66”
   (iii) Delete the definition of “board”
   (iv) Delete the definition of “declared person or body”
   (v) Delete the definition of “Disclosure period”
   (vi) Delete the definition of “Financial duties”
   (vii) Delete the definition of “General Manager”
   (viii) Delete the definition of “Non-cash benefit”
   (ix) Delete the definition of “Peak council”
   (x) Delete the definition of “Related party”
   (xi) Delete the definition of “Relative”
   (xii) Delete the definition of “Relevant non-cash benefits”
   (xiii) Delete the definition of “Relevant remuneration”
   (xiv) Delete the definition of “Remuneration”

2. Delete Rule 56 in its entirety and insert in it instead the following note:-

   “(Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)”

3. Amend Rule 57 by deleting from Paragraph (v) of sub rule (a) thereof all words after “minute book”.

   (Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)
4. Amend Rule 59 by deleting the words “Neither a director nor an employee of the Association shall be eligible for the appointment of auditor.” Insert in its stead the words:

“All person appointed as an auditor by the Board must be a registered auditor under the Act.”

5. Delete Rule 66 in its entirety and insert in its stead the following note:-

“(Contents of Rule 66 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)”

6. Delete Rule 67 in its entirety and insert in its stead the following note:-

“(Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)”

7. Delete Rule 68 in its entirety and in its stead insert the following note:-

“(Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)”

See Attachment: Marked-up copy of the Association’s rules showing the proposed amendments – Page 15
Attachment: Marked-up copy of the Association’s rules showing the proposed amendments
I CERTIFY under section 161 of the Fair Work (Registered Organisations) Act 2009 that the pages herein numbered 1 to 39 both inclusive contain a true and correct copy of the registered rules of the Local Government and Shires Association of New South Wales.

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 and Shires Association of New South Wales

CONSTITUTION

1. (a) The name of the Organisation shall be the Local Government and Shires Association of New South Wales (the “Association”) but may also be known as “[Local Government NSW]”.

(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.
“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.

“Approved training” means training approved by the General Manager pursuant to Section 154C of the Act.

“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, except in Rule 66, the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a board of directors (other than the Board).

“calculation date” means the first day of March last occurring prior to a Conference, except for the purpose of calculating the voting entitlement of each member of the Association at the 2017 Annual Conference and in the 2017 elections for office at that Conference, where the provisions of Rule 76 shall apply.

“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).
“Declared person or body” — A person is a declared person or body if:

(i) an officer of the Association has disclosed a material personal interest under Rule 56; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Association that the officer no longer has the interest.

“Disclosure period” — For the purpose of these Rules means the financial year unless a shorter period is specified.

“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 duties” means duties that relate to the financial management of the Association.

“Financial year” means the period from July 1 in one year to 30 June in the following year.

“General Manager” means the General Manager of Fair Work Commission.

“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).

“Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.
“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.

“Peak council” has the same meaning as defined by section 12 of the Fair Work Act 2009 (Cth).

“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:
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;

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.

“Related party” has the same meaning as defined by section 9B of the Act.

“Relative” in relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

“Relevant non-cash benefits” in relation to an officer of the Association for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Association or by a related party of the Association.

“Relevant remuneration” in relation to an officer of the Association for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Association by the officer under Rule 66 during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer of the Association;

“Remuneration”:

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) does not include a non-cash benefit; and

(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

“Roll of Voters” shall mean all those Delegates of 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.
SPECIAL LEVIES

(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.

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.

**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;

(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.

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 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:

<table>
<thead>
<tr>
<th>Group No. (Councils other than County councils)</th>
<th>Population</th>
<th>Delegates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) Up to 10,000</td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>(2) 10,001 - 20,000</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>(3) 20,001 - 50,000</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>(4) 50,001 - 100,000</td>
<td></td>
<td>4</td>
</tr>
<tr>
<td>(5) 100,001 - 150,000</td>
<td></td>
<td>5</td>
</tr>
<tr>
<td>(6) Over 150,000</td>
<td></td>
<td>7</td>
</tr>
</tbody>
</table>

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.

(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) 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;

(c) 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;

(d) 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.

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) If it is desired to change the nomination of a delegate prior to the first day of the Conference 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 the General Manager of the Council, or in the case of the ALC, the LHIB, the NAIC or a RLGB, by the Chairperson or Chief Executive Officer of that entity. The badge of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.

(c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge 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).
Upon the election of a new President of the Association, the person who immediately preceded in office as the President shall assume the office of “Immediate Past president”, provided that a President who resigns or is removed during his term shall not assume the office of Immediate Past President.

A person who assumes the office of Immediate Past President in accordance with this Sub Rule shall continue in that office for a maximum period of two (2) years. If after that period there is no new Immediate Past President (ie because the successor President is elected as President to serve an additional 2-year term), then the office of Immediate Past President shall lapse until a different person is eligible to assume the office of Immediate Past President.

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.

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.

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.

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.

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.

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.

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.

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.
(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. The elections shall be conducted in accordance with the requirements of Schedule B.

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
(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.

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.

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 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. (Sub Rules (a) to (e) deleted. Contents of Rule 56 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)

(a) Each officer of the Association shall disclose to the Association any material personal interest in a matter that:

   (i) the officer has or acquires; or

   (ii) a relative of the officer has or acquires;

    that relates to the affairs of the Association.

(b) The disclosure required by sub-rule (a) shall be made to the Association:

   (i) as soon as practicable after the interest is acquired; and

   (ii) in writing.

(c) The Association shall disclose to the members of the Association any interests disclosed to the Association pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:

   (i) in relation to each financial year;

   (ii) within six months after the end of the financial year; and

   (iii) in writing.

(e) At a meeting of the Directors at which there is considered any contract or proposed contract or arrangement in which the Director has a direct or indirect material personal interest, a Director must not:

[142N: Incorporates alterations of 01/03/2017]
(i) vote on the matter; or
(ii) be present while the matter is being considered.

(f) If notice of the interest is given in accordance with Sub-Rule (a) and the matter is voted on in accordance with Sub-Rule (e) then:

(iii) any transactions that relate to the interest may proceed; and

(iv) if the disclosure is made before the transaction is entered into:

A. the Directors may retain benefits under the transaction even though the Director has the interest; and

B. the Association cannot avoid the transaction merely because of the existence of the interest.

(g) If the provisions of this Rule are observed by a Director with regard to any contract or arrangement in which the Director is in any way interested, the fact that the Director signs, affixes or witnesses the affixing of a seal to the document evidencing the contract or arrangement does not in any way affect its validity.

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 for a period of at least 10 years or such other period as may be required under the Act.

(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.
59. (a) The Board shall appoint one or more auditors. Neither a director nor employee of the Association shall be eligible for the appointment of auditor. 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.

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.)

(a) Each officer of the Association shall disclose to the Association any remuneration paid to the officer:

(i) because the officer is a member of a board, if:

   (i) the officer is a member of the board only because the officer is an officer of the Association; or

   (ii) the officer was nominated for the position as a member of the board by the Association or a peak council; or

(ii) by any related party of the Association in connection with the performance of the officers’ duties as an officer;

(b) The disclosure required by sub-rule (a) shall be made to the Association:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Association shall disclose to the members of the Association:

(i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(ii) for those officers:
A. the actual amount of the officers’ relevant remuneration for the disclosure period; and

B. either the value of the officers’ relevant non-cash benefits, or the form of the officers’ relevant non-cash benefits, for the disclosure period.

(d) For the purposes of sub-rule (c), the disclosure shall be made:

(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

67. (Contents of Rule 67 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)

(a) The Association shall disclose to the members of the Association either:

(i) each payment made by the Association, during the disclosure period:

(A) to a related party of the Association; or

(B) to a declared person or body of the Association; or

(ii) the total of the payments made by the Association, during the disclosure period:

(A) to each related party of the Association; or

(B) to each declared person or body of the Association.

(b) Sub-rule (a) does not apply to:

(A) a payment to an officer of the Association which either consists of remuneration paid to the officer by the Association or is reimbursement for expenses reasonably incurred by the officer in performing the officer’s duties; or

(B) a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.

(c) For the purposes of sub-rule (a), the disclosures shall be made:

(i) in relation to each financial year;
(ii) within six months after the end of the financial year; and

(iii) in writing.

68. (Contents of Rule 68 deleted due to statutory changes. See now Part 2A of Chapter 9 of the Act.)

Each officer of the Association whose duties include duties that relate to the financial management of the Association shall undertake approved training that covers each of that Officer’s financial duties and shall undertake that training:

(a) In the case of an officer holding such an office at the date of the certification of this Rule—not later than six (6) months after that date;

(b) In the case of an officer beginning to hold such an office after the date of certification of this Rule—not later than six (6) months after commencing to hold that office.

NOTE: All members of the Board have financial duties—see for example Rule 63.

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.

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),

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 in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

**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.
CALCULATION DATE FOR ELECTION OF OFFICES IN 2017 – SPECIAL RULE

76. (a) This Rule shall apply notwithstanding any other provisions of these Rules, but shall only apply to the annual conference of the Association for 2017 and the elections for offices in the Association at that conference (“the 2017 elections”), and shall cease to apply upon the conclusion of the annual conference for 2017.

(b) The calculation date for the purpose of calculating the voting entitlement of each member of the Association at the 2017 annual conference and in the 2017 elections shall be 9 October 2017, unless the Board determines by 30 April 2017 that all of the councils then in existence in the State of New South Wales had become financial members of the Association as at 1 March 2017, in which case the calculation date for the 2017 elections shall be 1 March 2017.

(c) Any decision by the Board pursuant to sub-rule (b) of this Rule shall be communicated in writing to all members not later than seven (7) days after such decision is made.

(d) To avoid doubt, the reference to “councils” in sub-rule (b) of this Rule includes any council that is subject to administration under the Local Government Act 1993 (NSW) but does not include either the ALC or any county council.

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
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.

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.

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.

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 current registered political party membership;

(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;

(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 before
the closing of the ballot 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

***END OF RULES***
STATE CONFERENCE
STANDING ORDERS – STATE

These Standing Orders are made in accordance with clause 27 of the registered rules of the Local Government and Shires Association of New South Wales (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 clause 25 of the LGNSW rules).

Note: for the purpose of the 2017 Conference, the total number of Delegates on the date that the roll of voters closed (9 October 2017) was 488. Therefore a quorum shall be 245. 

$\left(\frac{488}{2}\right) + 1 = 245$.

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, Council 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.

**In the case of motions**

12. 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.

13. Where dissent is signified, the Chairperson shall require the motion to be moved and seconded.

14. 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.

15. 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.

16. A Delegate seconding a motion shall not be permitted to speak until at least one Delegate has spoken in dissent.

17. 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.

18. 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, shall have had an opportunity to speak on the resolution then before the Conference.

19. 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.

20. 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.

21. When an amendment is before the Conference, no further amendment shall be discussed until that amendment has been dealt with.
22. 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.

23. 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**

24. At least 24 hours’ notice shall be given before dealing with any new motions introduced during the Conference (Rule 28(d)).

25. 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.

26. 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.

**In the case of all other Conference Business**

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

**Manner of voting**

28. Only Members’ nominated voting Delegates and members of the Board may debate and vote on motions.

29. Except as hereinafter provided voting on any matter shall be on the show of cards.

30. The Chairperson may direct that voting on any matter be taken by show of voting cards or by use of electronic voting.

31. 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.

32. A Division may be called following a vote on the show of cards by no less than 10 Delegates.

33. A Division will be taken by use of electronic voting.

**Suspending Standing Orders**

34. 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**

35. 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.
MOTIONS FOR CONSIDERATION BY CONFERENCE – STATE

1 Board
That the Standing Orders as set out on the preceding pages 19 to 21 be adopted.

[ Procedural Note: Presentation of Financial Reports to Members ]

1. INFRASTRUCTURE AND PLANNING POLICY

Statutory planning

2 Blacktown City Council
That Local Government NSW lobbies the NSW Government to amend the Building Professionals Act 2005 to:

i. Apply more scrutiny when determining the competence of applicants seeking various categories of accreditation under the accreditation scheme adopted under the Act.

ii. More stringently deal with incompetent private accredited certifiers who assess, approve and certify development that does not comply with planning instruments and development regulations.

iii. Provide for adequate compensation for landowners who suffer measurable financial hardship resulting from the incompetence or unprofessional practices of private accredited certifiers.

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

Note from Council
Following frequent community representations, Council reluctantly and unnecessarily applies substantial staff resources to ensure that the safety, amenity and longevity of the City’s privately certified built environment complies with our planning instruments and regulations. These council resources are being wasted on non-compliant developments that have been approved, inspected and certified by private accredited certifiers. Increasingly, it appears that building owners, the NSW community and the development industry, cannot rely on the various certificates issued by accredited certifiers under the Environmental Planning and Assessment Act 1979 and Regulation.

This Council’s experience has been that a number of building projects have not been approved or constructed in accordance with legislation, such as the Environmental Planning and Assessment Act 1979, planning instruments such as State Environmental Planning Policies, or development regulations, such as the National Construction Code (Building Code of Australia). Many of the consequences of these defective projects may remain latent for many years. These projects often result in landowners bearing very significant costs to remediate developments that have been improperly assessed, approved and certified by private accredited certifiers.

The building construction projects brought to the attention of councillors and council officers have included industrial and high-rise residential apartment buildings not satisfying the fire safety performance requirements of the Building Code of Australia, secondary dwellings (also known as “granny flats”) constructed on flood-prone land and over drainage easements, as well as other domestic dwellings not achieving the privacy and amenity development standards of State Environmental Planning Policy (Affordable Rental Housing) 2009.

The Building Professionals Act 2005 currently limits any potential monetary compensation to affected complainants to a maximum $20,000, but it is rarely (if ever) awarded.

The Building Professionals Board (the agency that administers the Building Professionals Act 2005) generally will not investigate events that occurred more than three years before any relevant complaint is lodged with the Board.
The Hills Shire Council

Proposed Ban on Developers/Builders Hiring their own Certifiers

That Local Government NSW calls on the Minister for Innovation and Regulation to ban developers/builders from hiring their own certifiers.

Note from Council

The people of NSW deserve a robust building and certification regime to ensure the safety of buildings. Whilst recent reforms will assist, there is far too close a relationship between some developers/builders and their certifiers.

There are obvious conflicts of interest in how Principal Certification Authorities (PCAs) are chosen. In many instances, building companies effectively force their chosen certifier on home owners by actively discouraging them with financial penalties should there be delays incurred by the PCA activities chosen by the owner. This is clearly unlawful but from the evidence seems to be common place.

Any inspection of the records of regular building companies and the PCA they use will show it’s generally the same person. It is a system that can harbour complacency and at worst, corrupt practices.

A building company should never be able to form a long term relationship with the same individual certifier or company certifiers. The simple way to address this issue is to ban developers/builders from hiring their own certifiers.

Lane Cove Council

Private Certification

That LGNSW lobbies the NSW Government seeking changes to the Private Certification framework to remove the self-selection of the private certifier by introducing the following system:-

1. Certifiers register with council to bid for work and the council vets certifiers credentials e.g. licences issued;
2. Applicant applies to Council for Construction Certificates (CC);
3. For each CC, an online bidding process is conducted in which the certifiers submits a price for the work;
4. Council contracts with lowest bidder to perform the works;
5. Applicant pays fees;
6. Private certifier performs work;
7. If issues arise, Council instructs certifier to rectify under contractual obligations. Non responsive, Private Certifier risks not getting future work.

Note from Council

Local Government as industry has been concerned about the current framework under which private certifiers operate in the assessment and issuing of CCs. In particular, concerns relate to conflicts of interest, accountability and the integrity of the current subservient system whereby it is common that a builder/developer engages on a commercial basis, a private certifier on behalf of the owner.

3 Lane Cove Council

Stop Work Order Provisions

That Local Government NSW lobbies the NSW Government to provide protection for councils who, acting in good faith, issue Stop Work Notices and enforce such notices through the Courts, from any potential liability for delay costs.

Note from Council

Councils have powers to issue Stop Work Notices for work on development sites not complying with consents, regulations and building standards. However, councils under the current legal framework can be exposed to delay costs of the builder/developers where a court subsequently allows unauthorised work to remain. This motion seeks to protect councils in the courts from being passed on any such costs when acting in good faith.

Strategic land use planning

4 Board

Mandatory Independent Hearing and Assessment Panels

That Local Government NSW calls on the NSW Parliament to revoke legislation that mandates Independent Hearing and Assessment Panels (IHAPs) for all councils in Sydney and Wollongong.

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

Note from Board

The NSW Parliament has passed legislation mandating IHAPs for all councils in Sydney and Wollongong.
LGNSW has consistently opposed mandating IHAPs, maintaining the position that a decision to establish an IHAP should be a matter for individual councils, made in light of particular local needs and circumstances.

The imposition of mandatory local planning panels was not included in the Planning Bill exhibited in early 2017. The clear policy position of the Government at that time – which was welcomed by LGNSW – was that in the first instance, each council may decide whether it wishes to establish a local planning panel.

The Minister for Planning claimed the introduction of mandatory IHAPs was to address the risk of corruption by councils in making planning decisions.

The State Government failed to make a case for mandating IHAPs. Many councils already have robust systems in place to assess Development Applications (DAs) in an effective, transparent manner. In many cases, over 97% of DAs are already being approved by professional planning staff under delegation. The Minister has indicated that all DAs with a value of more than $5 million will be required to go to an IHAP. This will mean a significant number of DAs currently determined efficiently under councils’ current processes will be referred to IHAPs.

The forced introduction of IHAPs will create an additional bureaucratic process where there may be no need for one, and will also introduce additional professional and administrative costs on councils and applicants. The Government has indicated there will be no financial assistance to councils for the set up and operation of these mandated panels.

Furthermore, IHAP members are not held accountable by the community for the development decisions they make. Most will effectively be appointed by the State. The community holds democratically-elected officials to account at the ballot box for planning decisions and approvals. Elected officials play a vital role in representing community views in planning processes and it is appropriate that they continue their role of determining DAs in their local area.

The LGNSW President has written to the NSW Premier and the Minister for Planning and Housing on multiple occasions this year, reiterating LGNSW’s strident opposition to mandating IHAPs. The President also wrote to all Ministers prior to the matter going to Cabinet, and has issued media releases on a number of occasions, denouncing the erosion of local democracy with the imposition of mandatory IHAPs.

Penrith City Council

IPART review of impost on councils resulting from introduction of mandatory Local Planning Panels

That Local Government NSW requests that the Independent Pricing and Regulatory Tribunal (IPART) review the regulatory and cost burden imposed on Local Government through the introduction of mandatory Local Planning Panels (LPP) for all Sydney metropolitan councils.

Note from Council

The introduction of mandatory LPPs across the Sydney metropolitan area legislates that the administrative and cost burden of the panels’ operations are to be borne by councils. These costs include provision of staff, facilities, monitoring performance and meeting all costs of the panel including remuneration of the four panel members. Advice issued by the Department of Planning and Environment has estimated this cost at up to $100,000 per panel per year.

Councils have been advised that the mechanism for cost recovery will be outlined in amendments to the Environmental Planning and Assessment Regulation 2000. No advice has been received to date regarding the cost of remuneration for the panel members.

Certainty is required that the legislation included in the regulations will allow for councils to recover the full costs of administration, resourcing and remuneration as a result of being required to operate an LPP.

Blue Mountains City Council

Mandatory Independent Hearing and Assessment Panel (IHAPs)

That the NSW Government should provide a consistent framework for voluntary IHAPs, but should rescind legislation removing councillors from decision making through mandatory IHAPs.
**Note from Council**
The NSW Government has introduced mandatory IHAPs for all councils in Sydney and Wollongong, thereby precluding councillor involvement in the determination of Development Applications. Although voluntary IHAPs remain an option for some communities, this intervention by the State will reduce local accountability for decisions and increase costs. A requirement to form an IHAP should not be imposed on high-performing councils.

**Cumberland Council**

<table>
<thead>
<tr>
<th>Return of consent authority functions to councils</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the Board of Local Government NSW lobbies the NSW Government to amend the <em>Environmental Planning and Assessment Act 1979</em> to return consent authority functions to all councils to determine Development Applications (DAs) valued at less than $5 million which cannot be determined by council staff or are recommended for refusal by council staff.</td>
</tr>
</tbody>
</table>

**Note from Council**
Just prior to the 2017 Local Government elections the NSW Government amended the *Environmental Planning and Assessment Act 1979* to remove from councils in the Greater Sydney area and the City of Wollongong the ability of councillors to exercise consent authority functions to determine DAs.

The removal of these powers from elected councillors removes a layer of public accountability as councillors are held accountable by the public via the ballot box every four years. This is not the case for government appointed members of local planning panels.

**Hawkesbury City Council**

<table>
<thead>
<tr>
<th>Independent Hearing and Assessment Panels (IHAPs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the NSW Government repeals Sections 23I-23LA of the <em>Environment Planning and Assessment Act 1979 (NSW)</em> which imposes:</td>
</tr>
<tr>
<td>• mandatory IHAPs on only selected local government areas (LGAs).</td>
</tr>
<tr>
<td>• significant financial costs upon outer urban councils that do not have a record of considering high numbers of applications.</td>
</tr>
</tbody>
</table>

**Note from Council**
The NSW Government has imposed mandatory obligations on some NSW LGAs, in a manner incompatible with its stated principles of consultation and commitment to allowing planning powers to remain in the hands of local communities.

The inconsistency of how these provisions are being applied to only some LGAs, and not on a state-wide basis, is discriminatory and without foundation. The stated rationale of these provisions does not align with the designated area of councils subjected to the legislation. For example, not all councils that will be required to implement IHAPs currently receive the amount of high-risk Development Applications which would justify the costs of running the IHAPs.

The IHAPs will place an unfair financial burden on councils that do not receive a significant number of developments with an estimated value of over $5 million, or otherwise meet the requirements to qualify for assessment by an IHAP. The NSW Planning & Environment fact sheet Independent Hearing and Assessment Panels has estimated that IHAPs would cost $100,000 per annum for councils to run, in addition to the requirement for councils to provide staff and facilities to enable the panel to exercise its functions.

**Liverpool City Council**

<table>
<thead>
<tr>
<th>Mandatory Independent Hearing and Assessment Panels (IHAPs)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Local Government NSW campaigns with NSW councils against the State Government takeover of planning powers through IHAP legislation.</td>
</tr>
</tbody>
</table>

**Note from Council**
Five mayors, representing major growth areas in Western Sydney, have joined together to express concern over the NSW Government’s introduction of mandatory IHAPs across Greater Sydney. The impact of the legislation will see elected councils have no role in determining Development Applications (DAs) in the communities in which they may be built.

Removing a council’s right to assess major DAs over $5 million is denying democratically elected representatives the opportunity to speak for their constituents.

Future consideration of DAs:
• < $5 million: by delegated authority to the CEO
• $5 million - $30 million: to IHAPs
• > $30 million: to regional planning panels

Our cities and communities are experiencing rapid population growth. We welcome that growth but it remains important for local communities to have a say, through their elected representatives, in determining future development outcomes for their neighbourhoods.

Our communities want a say in determining how, where and what form future growth should take. This is important to local communities because development outcomes can potentially have impacts on their lifestyle.
The NSW Government should be focusing on providing the infrastructure and services that our communities need. Let local government represent their communities.

We understand the NSW Government’s good intentions in eliminating corruption at the local government level and fully support the Government’s position that corruption should not be tolerated — at any level of government. However, we should not define anti-corruption measures as anti-community measures. Whenever there is corruption of public officials or elected representatives, have it sent to ICAC for investigation.

Penrith City Council

Introduction of mandatory Local Planning Panels

That Local Government NSW lobbies the State Government and Planning Minister to reconsider the implementation of recent changes to the Environmental Planning and Assessment Act 1979 (EPA Act) requiring the establishment of mandatory Local Planning Panels (previously known as Independent Hearing and Assessment Panels (IHAPs)) for all Sydney metropolitan councils.

In this regard, it is requested that the Minister reconsider;

- The blanket requirement to introduce Local Planning Panels across all Sydney Metropolitan councils and take into account the performance history of individual councils.
- Increasing the dollar threshold for referral to an IHAP for determination up to $10 million.

Note from Council

On 23 August 2017, the EPA Act was amended to require that all councils within the Sydney Region must constitute a Local Planning Panel (LPP).

The legislation specifies that the functions of a council as a consent authority are not exercisable by councillors and that councils are to meet all costs of the panel including remuneration of the four panel members estimated at up to $100,000 per Panel per year.

In January 2017, a suite of amendments to the EPA Act were placed on exhibition which proposed the Minister could be given the power to direct a council to appoint an LPP where it was warranted to “improve the quality or timeliness of planning decisions in a local area or manage conflicts of interest or corruption”. No criteria were provided to indicate how a decision would be made regarding a council’s performance warranting the direction to establish an LPP.

The implementation of the amendments to the Act and mandatory Panels for the entire Sydney region, without any further consultation, has not considered the performance record of individual councils. Many Sydney councils have a history of providing high levels of delegation to staff in determining applications. The role of councillors in determining the small number of applications referred to a council meeting for determination is reflective of their knowledge and understanding of community expectations in making decisions on behalf of the community they are elected to represent.

The mandatory introduction of LPP determinations in lieu of staff exercising delegations will add to the cost and timeframes of industry in gaining development approval. The full impact of the changes will take some time to assess given the extent of new criteria for LPPs however they are likely to have significant administration and cost implications, introducing another layer of reporting and decision making.

An increase in the dollar threshold for referral to the IHAP to $10 million would significantly increase the number of Development Applications still able to be determined under delegated authority and therefore reduce the impost on councils and developers in IHAP implementation.

The Hills Shire Council

Mandatory Independent Hearing and Assessment Panels (IHAPs)

That Local Government NSW calls on the NSW Premier to revoke legislation that requires IHAPs to be mandatory for all councils in Sydney.

Note from Council

The NSW Government has announced that IHAPs will become mandatory for all Councils in Sydney. IHAPs are useful if they are voluntary or used when a council is underperforming and the Minister for Planning needs to put in a structure or a process to restore confidence in the decision-making process on planning matters.

The Minister for Planning has indicated that the introduction of mandatory IHAPs is to address the potential risk of corruption in the use of planning powers by local councils. Unfortunately, in using the example of a handful of councils with issues, the Minister has suggested that all councils are incapable of making decisions in an appropriate way and seeks to treat them all in the same manner.

The IHAP is not required in the Hills Shire Council as we have excellent systems in place to assess Development Applications (DAs) in an effective, transparent manner. In the last financial year, Council dealt with an incredible $2.3 billion worth of built form development. Less than 1% of applications were referred to the Regional Planning Panel. Less than 1% of DAs were determined at a meeting of Council with another 2% of applications determined by Council’s Development Assessment Unit, made up of Council’s senior planning staff. The remaining applications were determined under delegation by Council staff.
The Minister for Planning, Housing and Special Minister of State, Anthony Roberts MP, has indicated that all DAs with a value of more than $5 million will be required to go to an IHAP. This will mean a significant number of DAs currently determined efficiently under our current processes will be referred to IHAPs.

Unfortunately our experience with planning panels is that they add time and complexity to the Development Assessment process and add no demonstrable benefit. Mandating IHAPs will not only create additional bureaucracy but will also introduce extra costs for councils and applicants.

Furthermore, planning panel members are not held accountable by the community for the development decisions they make. The community holds elected officials to account at the ballot box for planning decisions and approvals. It’s only right that these elected officials, when they are performing dutifully, continue their role to determine DAs in their local area.

5 Board Planning system

<table>
<thead>
<tr>
<th>That Local Government NSW demands a more efficient, fairer and transparent planning system that:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• enables applications for re-zoning (planning proposals) supported by council to be fast tracked;</td>
</tr>
<tr>
<td>• supports the use of development levies and Voluntary Planning Agreements by councils to deliver timely local infrastructure that is in addition to the State Infrastructure Contribution scheme; and</td>
</tr>
<tr>
<td>• supports councils, especially in rural and regional NSW, to update local strategic plans and Geographical Information Systems (GIS) services.</td>
</tr>
</tbody>
</table>

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

Forbes Shire Council

That the NSW planning proposal process is urgently reviewed by the State Minister for Planning to improve the Gateway process, ensuring reduction in timeframes for making Local Environmental Plan (LEP) amendments, to ensure protocols are established to make decisions based on the local context, to provide transparency regarding decisions made by the Department of Planning and Environment (DoPE) at the Gateway Determination and provide additional assistance to regional councils to update their Growth Management Strategies and provide technical support where councils do not have that in-house expertise for example Geographical Information Systems (GIS) for LEP maps.

Note from Council

Forbes Shire Council has recently undertaken three Planning Proposals to amend the Forbes Local Environmental Plan 2013, the nature of these planning proposals being:

1. Reclassification of Parks from Community to Operational Land,
2. Rezoning of the Deferred Matter “Lower Bathurst Street” and inclusion of the model boundary adjustment clause, and
3. Rezoning of 1A Brooke Street from IN1 General Industrial to R1 General Residential.

Issues experienced with those recent planning proposals

Transparency with decision making

Often within the gateway process letters will be sent to Council from DoPE requesting additional information or where they have made decisions about certain matters regarding the planning proposal. The DoPE provide little to no explanation as to how they made their decision, why they are asking for certain additional information and who they have had discussions with to make their determination.

An example is the recent letter received from the DoPE for the rezoning of the Deferred Matter of Lower Bathurst Street. An extract is provided below:

“The Department's preliminary consultations with the Office of Environment and Heritage (OEH) indicates the Flood Study (SKM, 2013) requires further work. The flood study modelling does not take into account recent flood mitigation works that have occurred upstream in response to the 2016 Forbes flood event. These works may potentially impact the flooding impact at Forbes including the subject Lower Bathurst Street site.”

• This response does not indicate what further work is required,
• Who was consulted with the Office of Environment and Heritage,
• Where the location of the recent flood mitigation work is located, or
• What impact is likely to occur as a result of the flood mitigation works.

Clearly, their response does not provide a clear direction forward for Council to address those issues in a meaningful manner and does not provide transparency as to how they made their decision.

Consideration of local context

The DoPE in making decisions as a part of the Gateway Determination process views aerial maps and data, but does not take into account the local context.
An example of this is within Forbes Shire Council recent planning proposal for Lower Bathurst Street rezoning.

The local context is that the majority of Forbes is situated on a floodplain and to provide orderly growth would require rezoning of land that is a low hazard category to provide additional housing supply to meet the current rate of demand. The locations that are outside of the floodplain are isolated from the township of Forbes, do not provide orderly development of Forbes and cannot be serviced.

Reliance on outdated strategies
The DoPE requires councils to have Growth Management Strategies in place to support planning proposals for the local government area. These strategies can be problematic as:

- They can be 10-15 years old and therefore are outdated,
- Do not take into account changes in population growth based on actual statistical information,
- They are generally inflexible, and
- Do not account for all possible future rezoning proposals.

The reason that this is problematic is due to the fact that a number of the s117 Directions require justification of decisions based on these strategies. If these strategies do not mention an area proposed to rezone as a part of a planning proposal then this is considered insufficient justification to support the rezoning planning proposal and is used as grounds by the DoPE to issue a refusal as the Gateway Determination.

The only way forward in these circumstances is to be able to amend the Growth Management Strategy which can be a costly and time intensive process.

Consistency with giving advice
As a part of this Council’s recent experience with the planning proposal and Gateway Determination process there have been a number of occasions where advice from the DoPE regarding supporting information for the planning proposals has been changed or inconsistent. An example is:

1A Brooke Street rezoning Planning Proposal
The DoPE requested an acoustic report on the 24 May 2017 to assess the impact of the operation of the Stockinbingal railway corridor on future development of 1A Brooke Street.

For context the Stockinbingal property boundary is located 30m from the site while the actual line is located 236m from the subject site.

This information was then relayed to the proponent of the planning proposal to action.

However, when the Gateway Determination was issued by the Department of Planning and Environment for 1A Brooke Street on the 13 July 2017 an acoustic report did not form one of the conditions of the Gateway Determination.

The DoPE instead requested that the Forbes Development Control Plan 2013 be amended to include controls for new development and additions that would occur within 80m of the Stockinbingal railway corridor.

If the request for acoustic report had been prepared this would have been an unnecessary impost on the proponent for the planning proposal.

Timeframes for amending an LEP
The process from start to finish amending an LEP on average takes between 1-5 years to be able to get to the point where that amended LEP is gazetted. This is generally to do with the length and time consuming nature of the process which involves:

- Preparing supporting studies for the planning proposal,
- Preparing the Planning Proposal,
- Reporting the Planning Proposal to Council,
- Sending the Planning Proposal to the DoPE,
- Back and forth with DoPE during the Gateway Determination process (which includes sending additional information and may require additional studies)
- Once Gateway Determination is issued sending another report to Council to seek a resolution to place the Planning Proposal on Public Exhibition,
- Placing the Planning Proposal on Exhibition can be a lengthy process,
- Notifying and negotiating with Public Authorities,
- Addressing all of the issues raised,
- Sending the Planning Proposal to Council to seek a resolution to send submissions to DoPE,
- Send to Parliamentary Council Office to Draft LEP,
- Plan is than notified and comes into effect.

Recommendation forward
- Provide a one stop shop with the DoPE integrating consultation with the various Departments into the Gateway Determination process to reduce the need to consult the various Department post Gateway Determination,
- Consideration of the local context within the Gateway Determination decision making process,
- Reduce timeframes through the stages of making an LEP amendment,
• Provide transparency regarding decisions made at the Gateway stage i.e. a report such as a s79C to understand how the Department of Planning and Environment made their decision.
• Provide clear advice to councils as to what is required as a part of the planning proposal prior to submitting the planning proposal to DoPE to begin the Gateway process.

**Lane Cove Council**

**Turnaround time in gazetting of re-zoning proposals**

That Local Government NSW lobbies the Minister for Planning and Environment the Hon. Anthony Roberts to establish a service standard in the Department of Planning and Environment requiring that all planning proposals, once approved by councils, are gazetted within three months.

**Note from Council**

As the State Government continues to impose housing targets in metropolitan NSW and is often critical of the local government sector regarding the approval times for Development Applications it is important the Department of Planning and Environment also perform efficiently.

It has been Lane Cove’s experience that notwithstanding the State Government’s sense of urgency regarding the of supply of housing, any delays are not necessarily due to delays with local government processes but rather the time taken for the State Government to gazette approvals.

In Lane Cove, it has taken on occasion some 18 months to have planning proposals gazetted and we believe that the State Government should also be subject to performance standards.

**Lane Cove Council**

**Proposed State Infrastructure Contribution (SIC)**

That Local Government NSW lobbies the State Government to gain assurance that that the State Infrastructure Contribution (SIC) will not impact on s. 94 contributions and will remain at the existing levels and will not reduce Voluntary Planning Agreement (VPA) contributions where the VPA was in existence prior to the implementation of the SIC.

**Note from Council**

The State Government is planning to enforce new and additional contribution on all developments under the banner of a SIC. This contribution is designed to force developers to pay for infrastructure that was previously provided for by the State Government and includes essential facilities like schools, hospitals, lights, roads and bridges etc.

Lane Cove Council is extremely concerned that the SIC is effectively a "tax" and will reduce or even remove the s. 94 contributions that developer are paying. The s. 94 contributions purpose is to provide community based services that are needed when large spans of an area are being rezoned for high density living, to cope with the additional people, pressure and costs associated with a growing population. The State Government is once again pushing the burden to fund needed basic infrastructure back onto the local community.

**6 Canterbury-Bankstown Council**

**Impact of urban growth strategies on open space**

That Local Government NSW calls upon the State Government to consider the impact of urban growth strategies on open space in local communities, particularly to consider unique and innovative ways to increase open space in priority growth areas to improve the liveability of the precincts as the population increases.

**Note from Council**

The most “liveable” cities are known for their open space. Open space may take the form of playing fields, communal opens spaces, playgrounds, pedestrian and cycling routes. Open space in urban environments provides many advantages: formal and informal sport and recreation, preservation of natural environments, provision of green space and even urban storm water management.

The Sydenham to Bankstown Urban Renewal Corridor Strategy plans for over 35,000 new homes along the rail corridor in the next 20 years. Population growth will increase the demand for services, facilities and community infrastructure such as open space, particularly as a large percentage of these homes will take the form of high density housing. The State Government has identified priority growth areas. However, there is less focus on developing a clear understanding of the specific social infrastructure required, their cost and most important, delivery mechanisms. This has been recognised with the recently announced Growth Infrastructure Compacts proposed by the Greater Sydney Commission. This has identified the need to be upfront about the range of infrastructure and services needed to grow a place, the costs involved and how this could feasibly be funded.
To ensure the health, wellbeing and general liveability of Canterbury-Bankstown, unique and innovative ways to improve access to open space should be considered and be adequately provided for in the planning phase.

### 7 Central Coast Council

<table>
<thead>
<tr>
<th>Proposed Public Conservation Zone</th>
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</thead>
<tbody>
<tr>
<td>That Local Government NSW requests the NSW Department of Planning and Environment to amend the Standard Instrument (SI) Principal Local Environmental Plan (LEP) to include, within the Land Use Table a new zone, Zone E5 Public Conservation.</td>
</tr>
</tbody>
</table>

### Note from Council

The *Local Government Act 1993* establishes a charter for the governance of local councils. One such guiding principle is that “Councils should manage lands and other assets so that current and future local community needs can be met in an affordable way”. In doing so, councils should also “consider the principles of ecologically sustainable development” as part of the decision making process.

For this reason, local councils have the ownership and management responsibilities for vast amounts of land within their respective local government areas (LGAs). Much of this land, particularly in regional areas, has significant intrinsic value. Such land can:

- have significant constraints that render it unsuitable for development, e.g. geotechnical instability, steep slope, flood prone etc.
- form local and regional wildlife connective corridors
- provide habitat for indigenous flora and fauna, much of which is state or federally endangered
- comprise significant Aboriginal cultural heritage significance and meaning, and
- provide a scenic backdrop to urban or developed areas.

In recognition of the above, a land use zone that reflects these qualities is necessary. Such a zone should ensure, in the interests of intergenerational equity and ecologically sustainable development, land under the ownership of a local council is protected and managed for the purposes intended, and reflects the valuable contribution the land makes to the LGA as a whole.

In May 2012, the (then) Department of Planning and Infrastructure (DP&I) released a policy statement that proposed to introduce a new zone into the SI LEP for this purpose. The “E5 Environmental Protection” Zone described in the statement provides for zoning of land assigned for conservation but outside of identified State National Parks and nature reserves. The proposed zone was to prohibit all forms of residential accommodation. A number of councils and organisations (e.g. the former Gosford City Council, Sutherland Shire Council, Environmental Defenders Office) responded positively to the introduction of such a zone by way of submissions to the (then) DP&I.

Within the Central Coast LGA, a system of Coastal Open Space exists (within the former Gosford LGA) which is reflective of the land with the above attributes. The expansion of the Coastal Open Space System (COSS) is a recognised action of the Central Coast Regional Plan (CCRP) 2036.

Presently, the COSS land remains as “Deferred Matter” (DM) from the Gosford Local Environmental Plan, 2014 (GLEP 2014) because of the absence of a suitable zone under the SI LEP. The former Gosford Council has been supportive of an alternative zone throughout the preparation of the GLEP 2014. This is an ongoing matter for discussion with the Department of Planning and Environment (DP&E).

Other councils with land holdings with attributes similar to the above (e.g. councils within far North Coast (Byron Ballina and Lismore) as well as our southern council counterparts (Shellharbour etc.) could also benefit from such a zone.
8 City of Sydney

That Local Government NSW:

a) adopts a policy to oppose the current conception of State Significant Development (SSD) provisions in the NSW Planning legislation that allow for the large-scale resumption of land owned and managed by councils; and

b) advocates to the NSW Government that the NSW Planning legislation be reformed to change the requirements for the NSW Government to declare areas as State Significant to ensure:

i) there is a clear justification of public benefit; and

ii) that if the land is owned by a council, a clear timeframe is outlined to hand the land back to the council.

Note from Council
Many local councils across NSW have seen the current legislative framework of the SSD been deployed to take control of council land, and take development decision out of the hands of local councils.

Serious reform to the NSW Planning legislation is required to ensure that local communities have the opportunity to have a real input in the development decisions which affect them.

Transport

9 Greater Hume Shire Council

That Local Government NSW lobbies the NSW Government to permit school buses to be available to provide public transport options for the general public when not transporting students. These buses should be exempt from providing disabled access where other transport options are available for people with mobility issues.

Note from Council
Within Greater Hume Shire Council (like many rural areas) public transport options from towns within the Shire to the nearest regional city are non-existent however in our case and perhaps in other locations in NSW there is an opportunity to utilise the school bus network to provide public transport options in some instances.

For example in the town of Jindera school buses come out of Albury to Jindera to attend various primary schools and one of these returns to Albury empty whilst the remainder stay in Jindera until the afternoon. The reverse happens in the afternoon.

There is an opportunity to utilise the empty school bus travelling back into Albury in the morning and then back out to Jindera in the afternoon for public transport.

Discussions with Bus Companies have revealed that to offer transport to the general public the buses would need to comply with all disability access requirements. It is therefore not feasible to provide the service disadvantaging many in this community and potentially many other rural communities.

Alternate community transport options for persons with a disability or other mobility issues are available. Council is seeking LGNSW support to lobby Transport for NSW to provide an exemption in these circumstances.

10 Leeton Shire Council

That the NSW Government extends the application of rumble strips as a very effective and active road safety measure.

Note from Council
Fatigue is one of the big three killers on NSW roads. Fatigue-related crashes are twice as likely to be fatal – drivers who are asleep can’t brake. In 2012 more people in NSW died in fatigue-related
crashes than drink driving crashes. “Rumble Strips” are one of the most effective preventative measures available to prevent fatigue deaths on country roads. In effect they are a passive version of the active lane control now installed in many new vehicles. Investing in more rumble strips will save lives. This motion is to encourage more investment in rumble strips as a road safety measure.

<table>
<thead>
<tr>
<th>11 Tenterfield Shire Council</th>
<th>Contributions from logging operations</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Local Government NSW writes to the Minister for Roads, Maritime Services &amp; Transport to request that local government areas (LGAs) are able to meet and negotiate with Forestry Corporation NSW to contribute towards grading and any other work on maintaining roads while logging is going on in that area.</td>
<td></td>
</tr>
</tbody>
</table>

**Note from Council**
While being supportive of the logging program Forestry Corporation NSW is carrying out, councils, as road authorities, are responsible for the care and control of a large network of local roads. While a logging program is going on, the damage to that local road can be high, making it both dangerous and unsafe for the local residents who live in the area, school bus routes and the workers engaged in the logging program itself.

If councils could negotiate with Forestry Corporation NSW for some form of contribution, it would then extend the life of the road networks and be better for both parties.

<table>
<thead>
<tr>
<th>12 Forbes Shire Council</th>
<th>Chain of Responsibility (CoR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the definition of the loading manager be changed from the person who manages, or is responsible for the operation of, the premise to the person who is managing the loading activity.</td>
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</tr>
</tbody>
</table>

**Note from Council**
The CoR which forms part of the Heavy Vehicle National Law (NSW) (2013 No. 42a) is a concern for local government, businesses, and agricultural industries. In essence the CoR links all parties in the chain and when an offence/infringement has been issued then all in the chain are guilty of an offence and they need to demonstrate “reasonable steps defence” to avoid prosecution. CoR encompasses, overloading (over mass and over axle), over dimension/oversize, fatigue, speed, restraints, and vehicle maintenance.

The potential impacts for local government include:
1. Saleyards.
2. Garbage collection, gravel trucks, bitumen (emulsion deliveries), and other associated activities involving trucks over 4.5 tonnes.
3. Commercial and the agriculture businesses also have the same obligations i.e. livestock and grain leaving farm.

The primary concern is that there are a number of situations where the Local Government Authority has no contractual relationship or is in control of the loading activity and under the CoR the Local Government Authority is responsible. This is an unfair piece of Legislation as Council has no control over these activities.

<table>
<thead>
<tr>
<th>13 Penrith City Council</th>
<th>Motorised scooters and electric wheelchairs</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Local Government NSW requests the State Government to review the road rules and increase motorised scooter regulations to improve safety and in particular with respect to requirements around speed and colour.</td>
<td></td>
</tr>
</tbody>
</table>

**Note from Council**
Council is concerned about the lack of controls and skills of elderly people and other needy persons who create a public hazard by riding motorised scooters and electric wheelchairs on public paths and roads without any regulatory controls imposed on the scooters or their drivers.
14 Wingecarribee Shire Council

**Road Maintenance Good Practice Policy**

That Local Government NSW makes representation to the NSW Minister for Local Government seeking funding for the preparation of a “Road Maintenance Good Practice Policy” for use by all NSW local government authorities, and

That this proposed policy is prepared in consultation with the Institute of Public Works Engineering Australasia (IPWEA).

**Note from Council**
The state of roads in NSW have been deteriorating over many years and in the main this is due to a combination of ‘less than adequate’ State Government funding and declining standards of maintenance undertaken by all road authorities including NSW local government councils.

Councils own all public roads within their local government area (except Freeways and Crown roads), accordingly they are responsible for road works and road maintenance undertaken on their road network.

Road users have experienced a decline in the standard of road maintenance over the last decade, where less than adequate repairs are effected, resulting in increased risk to road users; this is evident to all road users, whether travelling on main roads or local roads.

It behoves councils to undertake proper (effective) and above all ‘safe’ road repairs to their road network. In-house training must be undertaken to ensure that residents and ratepayers are afforded a proper standard of road maintenance that reduces risk to an absolute minimum.

Local government must adopt procedures that ensure safe road repairs by adopting ‘Good Practice Policies’ that are based upon appropriate standards and above all sound work methodology. Following the abolition of Non-feasance protection (High Court of Australia - 31 May 2001), road authorities are required to provide safe roads and adopt responsible budget allocations for this purpose.

The most appropriate body to undertake the task of preparing a ‘Road Maintenance Good Practice Policy’ is the Institute of Public Works Engineering Australia (NSW Division), which is an organisation with strong links to local government and is highly regarded by the current NSW Government. The Institute is ASQA Certified as a recognised training authority.

15 Lane Cove Council

**RMS leases/licences conditions**

That Local Government NSW makes representations to the Minister for Roads, Maritime and Freight seeking a review of new, onerous and costly leasing/licencing conditions imposed on councils and community organisations including sea scouts, schools and rowing/sailing clubs for facilities and infrastructure adjoining or over Roads and Maritime Services (RMS) controlled waterways.

**Note from Council**
RMS now requires councils to engage divers to produce specialist port bed clearance reports for new and renewed leases for facilities including those used by not for profit clubs. The cost of these reports is significant and disproportionate to the heavily subsidised lease arrangements councils enter into with not for profit organisations. In recognition of their community benefit, not for profit organisations such as sea scouts pay subsidised rentals of approximately $3,000 per annum to council, but the clearance reports required by RMS cost councils at least $5,000 per lease/renewal – which represents least a third of value of the total lease. To develop the report, councils must engage divers to inspect the riverbed under the facilities and, if any contaminants or rubbish is present, they must be removed at council’s expense and a further dive is required to give a final clearance. These new, costly requirements must be reconsidered by Government.

**Executive note**
LGNSW made minor changes to the background note in discussion with Council.
Disaster Management and Recovery

16 Tweed Shire Council

Review of Natural Disaster Relief and Recovery Arrangements (NDRRA)

That Local Government NSW requests that the NSW Government, specifically the Office of Emergency Management and the Office of Local Government, pursues with urgency a review of Natural Disaster Relief and Recovery Arrangements (NDRRA) with the Commonwealth Government.

The review process should include consultation between the state, Floodplain Management Australia (FMA) and all NSW local government councils which have endured Natural Disaster Declarations since the 2012 NDRRA determination, to ensure NSW NDRRA guidelines maximise councils’ ability to support community recovery from natural disasters.

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

Note from Council

Tweed Shire, like many NSW local government areas, suffered significant widespread damage to public infrastructure due to ex tropical cyclone Debbie and now faces a damage bill in excess of $24 million. While much of this is eligible to NDRAA funding, Council is concerned that the current relief and recovery process in NSW does not promote timely cost effective, responsive and flexible approaches to flood recovery. In particular NSW councils remain ineligible to claim costs of wages (normal working hours) and plant which necessitates reliance on contractors and adds time and cost to urgent repairs. Betterment remains difficult to gain approval and requires local funding at a time of community hardship. The QLD State Government has successfully negotiated alternate conditions with the Federal Government and we request urgent intervention by the NSW Government for similar flexibility on behalf of our community.

Tweed Shire Council

That Local Government NSW requests that respective State, Territory and Federal Governments develop measures or increase recurrent annual funding to either:

a) Provide a relocation assistance package or
b) Acquire through a voluntary purchase scheme; for residential, commercial or industrial land identified in local council flood studies as high impact flood prone land or provide an impediment to the flood plain to increase flood resilience and lessen the social, environmental and economic impacts of recurring natural disasters.

Note from Council

The Natural Disaster Relief and Recovery Arrangements (NDRRA) determination makes reference to increasing disaster resilience of assets to mitigate the impact of likely or recurring disasters of the same type.

One of the disaster resilience measures available to councils is partnering with the NSW Office of Environment and Heritage (OEH) in a Voluntary House Purchase Scheme. However the effectiveness of this mechanism is severely restricted by the NSW annual budget for this program ($1 million per annum for the entire State.)

Voluntary House Purchase is a recognised and effective floodplain risk management measure for existing properties in areas where there are highly hazardous flood conditions from riverine or overland flooding and the principal objective is to remove people living in these properties and reduce the risk to life of residents and potential rescuers.

The above voluntary scheme is not applicable to commercial/industrial land, however extending the scheme concept can provide similar community/economic benefit as these areas provide jobs and income.

This motion provides a solution that increases flood resilience; reduces the future impacts/risks on businesses; provides a strategy to maintain existing business and will help create opportunities for business expansion and greater economic development.

Flood buyback

That Local Government NSW requests that respective State, Territory and Federal Governments develop measures or increase recurrent annual funding to either:

a) Provide a relocation assistance package or
b) Acquire through a voluntary purchase scheme; for residential, commercial or industrial land identified in local council flood studies as high impact flood prone land or provide an impediment to the flood plain to increase flood resilience and lessen the social, environmental and economic impacts of recurring natural disasters.

Note from Council

Wollondilly Shire Council

Review of tender and procurement requirements

That Local Government NSW makes representations to the NSW Government requesting that a review take place on Tender and Procurement requirements, with more power to be given to councils affected by natural disasters in awarding tenders and approving Development Applications (DAs) to speed up the process.

Note from Council

The 2016 East Coast storm event severely impacted Picton and other key locations in the Wollondilly local government area and major infrastructure including Broughton Pass was destroyed. As part of the post-storm recovery, Council engaged Nemesis Consultancy Group (Ken Moroney and David Owens) who issued an investigation report and made a
series of recommendations related to disaster recovery. Those recommendations relevant to the NSW Government are provided in summary below:

- make representations to NSW Government regarding the streamlining of DA and planning processes with a view to speeding resumption of business activity following a natural disaster
- make recommendations to NSW Government regarding the need for a comprehensive marketing campaign on the non-insuring or under-insuring of homes and businesses and their contents.

It is noted however that recent changes to the Local Government Act allow the General Manager to accept tenders which has enabled this process to be accelerated. The Act already has provisions for emergency procurement and has done so for some time.

Local Water Utilities

**17 Cowra Shire Council**

Advocacy for local government LWUs in NSW

That Local Government NSW considers options to establish an advisory subcommittee of elected representatives, within the organisation, to provide advocacy and a united voice for Local Government Local Water Utilities (LWUs) in NSW.

**Note from Council**

This motion seeks to increase the level of two way conversation with key Government and industry players on the delivery of essential water supply and sewerage services particularly for regional communities through a co-ordinated sector-wide response.

Council acknowledges the role of LGNSW as the peak representative body for local government in NSW and believes that a sub-committee formed with elected representatives and appropriate structural arrangements for support will ensure LGNSW is able to respond for the industry in this complex and moving space.

While the NSW Water Directorate was established in 1999 as a technical resource for the 89 member councils and is an independent source of advice to councils on water and sewerage operations, direction on technical issues and networking opportunities for water and sewerage engineers, it does not have the high level advocacy and information which will be needed to address the Government’s review of Water Reform legislation.

LGNSW plays an important role as the peak body representing the interests of local government owned and managed water utilities to NSW State and Australian Governments as well as other stakeholders to the benefit of communities. Its leadership in this complex area that impacts on the economic, social and environmental well-being of our communities is recognised.

The Productivity Commission’s 2017 review of National Water Reform is again reviewing the urban water sector including institutional arrangements for LWUs in regional NSW and seeking input on future directions. Reviews are invariably focussed on productivity improvements, economic growth, sustainability, community wellbeing and reduction in financial burden for governments. Further to the Productivity Commission’s review is the long-awaited review by NSW DPI, Water of the regulatory environment for LWUs in NSW and engagement with local government in the development of Water Resource Plans.

Recent feedback from DPI Water and Water Services Australian Association (WSAA) at the LGNSW Water Management Conference in Dubbo (September 2017) and from the Productivity Commission is that Governments are looking for a unified direction from local government on what the sector should look like in the future.
Other infrastructure and planning issues

<table>
<thead>
<tr>
<th>Bellingen Shire Council</th>
<th>RMS handover arrangements</th>
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</thead>
<tbody>
<tr>
<td>That Local Government NSW advocates to the State Government for an immediate change in policy position in relation to the handover of NSW Roads and Maritime Services (RMS) assets to local government so that the determination is made by the Independent Pricing and Regulatory Tribunal (IPART), taking into account the council's long term financial position and communities’ capacity to pay so that no increased financial burden is placed upon the community in question and to provide transparency and accountability that does not exist in the current process.</td>
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</table>

Note from Council

Both the Bellingen and Nambucca Shire Councils have worked closely with RMS for the transfer of assets as part of the Pacific Highway Upgrade.

Bi-monthly meetings have been held since the commencement of this project between RMS and council representatives. These meetings have progressively identified and addressed matters arising from the project. As well as the identification of assets and condition of road infrastructure proposed to be transferred to the councils following the completion of the project.

The Nambucca Heads to Urunga Project was completed in October 2016 however the proposed transfer of assets is yet to occur as negotiations are still continuing at both officer and elected member level.

This transfer of State owned assets will result in an increase to both the Bellingen and Nambucca Shire Council’s road and bridge networks.

Following the successful negotiation of the removal of the Kalang River Bridge from the Bellingen section and six bridges from the Nambucca section Bellingen Shire will acquire 15.1 km of road infrastructure and seven bridges and Nambucca Shire will acquire 32 km of road infrastructure and 18 bridges.

In addition it has been agreed that the road will form part of the Regional Road network attracting annual block grant funding.

The Combined Asset transfer proposed is ~ $298 million:

- **Bellingen Shire**
  - 7 bridges valued at $5 million
  - 15 km of road valued at $95 million

- **Nambucca Shire**
  - 18 bridges valued at $16 million
  - 32 km of road valued at $182 million

Changes to the way the State Government manage and assess local governments’ performance raises serious concerns regarding the RMS process of asset disposal to local Government.

Continual requests and deputations have been made to the RMS for an independent assessment of the handover process to be determined by IPART however, RMS have continually rejected this request.

It would appear that there has been a reduction in the maintenance activities associated with the old highway since the construction of the new Highway commenced. The basis for calculating the contribution of maintenance funds to council is derived from RMS’s maintenance diary over a ten year period prior to the handover of assets. Council is concerned that the reduction in recent maintenance activity will present a false representation of the maintenance spend that would have normally occur over the last three years.

It is also certain that the handover of these assets to the councils from the RMS will have a negative impact on the council’s financial sustainability, adding a further burden on Council and its
ratepayers with respect to the NSW Government’s ‘Fit for the Future’ benchmarks increasing Council’s maintenance and renewal responsibilities.

It is not understood how no capital renewal contribution forms part of the asset handover process.

The transfer of these assets to Bellingen Shire increases Council’s road and bridge asset stock value by $95.5 million for roads and $5.5 million for bridges resulting in an increase in Council’s overall annual depreciation amount by $2.38 million. This will have a significant negative impact on the councils operating performance ratios and a potential to affect councils’ borrowing capacity, level of service provision and overall financial performance.

For the Council to not be affected by this asset handover it would need to implement a one off 33% rate increase to cover the increased liability within its operating statement.

Both Bellingen and Nambucca Shire Councils consider the State Government’s approach to the handover of assets flawed and failing to demonstrate the independent assessment rigor which has been thrust upon local government and other industries.

19 Parkes Shire Council

That Local Government NSW requests the Federal Minister for Telecommunications to implement the recommendations of the first report of the Joint Standing Committee on the NBN (September 2017) particularly where they relate to economic, health, education and business opportunities and where the recommendations can assist in providing digital inclusion particularly for regional Australia.

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

Note from Council

The NBN roll out has caused a number of infrastructure ownership issues which can and has caused disruption and delay, particularly in an economic development sense. The NBN Co acquires certain rights to Telstra Infrastructure under the Definitive Agreements reached between the parties in 2011. Basically NBN Co obtains the use of Telstra’s ducts, pits and manholes, acquires the (fit for use) lead in conduits, the backhaul (dark fibre) and the right to use rack spaces in Telstra exchanges from the “Ready for Service” date.

The practical ownership of the network by NBN Co from Ready for Service date has created service bottlenecks for customers and developers who wish expedient attention to their telecommunication problems and needs. The size of the NBN roll out and limited resources means that local issues take a significant amount of time to resolve and close out. The Joint Standing Committee’s first report relating to the NBN released in September 2017 has addressed a number of these ownership and bottleneck issues.

Council calls upon the Federal Minister for Telecommunications to implement the recommendations of the Committee as soon as possible.

Moree Plains Shire Council

That Local Government NSW lobbies the NSW Government to take steps to ensure better internet coverage across regional and remote NSW including improved speeds, upload and download allowances with affordable data plans to ensure parity with the service levels and costs available in metropolitan areas.

Note from Council

Critical to the viability of regional areas is the supply of internet coverage with service levels and prices which provide parity to metropolitan locations. Whether it be for a farmer, student or business owner, regional areas need better services than are currently available. Black spots, high costs and patchy service is unacceptable.
2. ECONOMIC POLICY

Economic policy affecting local government

<table>
<thead>
<tr>
<th>20 Hawkesbury City Council</th>
<th>NSW Audit Office’s management of the value of land under roads and community land</th>
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<tbody>
<tr>
<td>That in consultation with Local Government NSW representatives, the NSW Audit Office develops and implements a robust methodology to determine the appropriate valuation for land under roads and community land, to be applied consistently across all councils in NSW through the appropriate amendment of the relevant codes, advisory notes etc.</td>
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</table>

Note from Council

There is concern with the manner in which the NSW Audit Office has managed the accounting changes regarding the value of land under roads and community land (open space, parks, reserves and playing fields).

It is the experience of Hawkesbury Council, together with many other councils across the State, that:

- Historically, councils and their auditors, under the supervision of the Office of Local Government (OLG), have determined the value of council-owned land under roads and community land by applying the average unimproved land value of surrounding properties, as determined by the NSW Valuer General.
- A number of councils have recently received emails and verbal advice (from audit firms appointed by the NSW Audit Office) informing them that this practice should be changed, and that the value of council-owned land under roads and community land is to be adjusted to reflect 10% of the current valuation, based on unimproved land value.
- In doing so, councils must acknowledge that the previous long-standing practice of councils and their auditors was incorrect.
- This raises a number of issues including:
  - The manner in which this change in approach has been implemented, contrary to previous consultative practices.
  - The lack of openness and transparency that has been applied, wherein it has been determined that councils should be required to take responsibility for the previous practice administered by OLG.
  - The need for an explanation to affected communities, outlining why land that was purchased by Council at current market value will overnight have its value reduced by at least 90%, and the associated consequences for Council’s Statement of Financial Position.

Hawkesbury Council believes that the introduction of these arrangements is not in line with the LGNSW Policy Principles, which were endorsed by the LGNSW Board in December 2016. In particular, Policy Statement 10 in the area of Governance, which reads as follows: 10. Local government is committed to the principles of good governance.

<table>
<thead>
<tr>
<th>21 Hawkesbury City Council</th>
<th>Cost of local government external audit arrangements</th>
</tr>
</thead>
<tbody>
<tr>
<td>That the NSW Government initiate negotiations with Local Government NSW regarding more appropriate arrangements in relation to the scope and cost of annual audits.</td>
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</tbody>
</table>

Note from Council

Prior to the amendment to the Local Government Act in 2016 in regard to the appointment of the NSW Audit Office as the external auditor for all NSW councils, councils were able to select an external auditor through a competitive procurement process. The mandating of the NSW Audit Office removed the ability of councils to undertake market testing to ensure best value for money. In addition, the current subcontracting arrangements adopted by the NSW Audit Office have resulted in duplications and consequently additional unnecessary costs.

The experience of Hawkesbury Council, together with many other councils across the State, is that the cost of the local government audit process has increased significantly, whilst the scope of works and services provided by the auditors has been reduced.
The new audit arrangements have been introduced without due consultation with local government bodies. Council believes that the introduction of these arrangements is not in line with the LGNSW Policy Principles, which were endorsed by the LGNSW Board in December 2016. In particular, Policy Statement 11 in the area of Accountability, which reads as follows: 11. 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.

22 Moree Plains Shire Council  Demolition of burnt-out houses

That Local Government NSW lobbies the insurance sector to change the manner in which insurance payouts are administered for burnt-out residential and commercial buildings in NSW. This will ensure that payouts are not advanced to an owner of a property unless and until the burnt-out building has already been legally demolished and removed. Alternatively, such payout could be made to the owner of the property less the cost of demolition and removal, with the council receiving those funds with responsibility to ensure demolition and removal is carried out.

Note from Council
Demolition of burnt-out houses places a significant financial burden on local government and rarely are these funds recuperated from owners. Property owners are receiving their insurance payout and abandoning the site leaving a very costly burden on councils to clean up. Insurance companies should be compelled to retain enough funds to clean the sites and remove the risk associated with the dilapidated buildings. For the FY16/17, Moree Plains Shire Council budgeted approximately $150,000 to undertake enforcement action and demolition of private burnt-out dwellings, where enforcement activities were ineffective. This budget allows for up to three dwellings to be demolished which is not enough to keep up with the demand.

23 Wollondilly Shire Council  Resourcing the planning and assessment of large-scale developments in growth areas

That Local Government NSW prepares a best practice guideline for the procurement of funding from developers to assist councils in fulfilling their obligations under the Environmental Planning & Assessment Act 1979 resulting from accelerated housing supply in growth areas.

That the guideline is prepared in partnership with the Office of Local Government (OLG) and the NSW Department of Planning and Environment and builds community confidence in the assessment and decision making process.

Note from Council
Many council areas, particularly those in growth areas, are subject to significant pressure for development and population growth. In some cases these fast-growing areas are growing at double the national rate.

One of the challenges presented by such growth for these councils is resourcing the planning and assessment of large-scale developments. To manage the scale of development expected over coming years, Council is investigating options to resource its role in development while not affecting regular services to the community.

One option is to allow developers to make special payments to councils to support council work related to their large developments. These funds could pay for the substantial assessment services associated with the large development projects, facilitate faster assessments for the developer and allow councils to maintain their ability to provide regular assessments to the community.

However, any process involving special payments from developers to councils regarding their Development Applications is open to significant ethical and probity risks. Any such process will need to account for these risks and maintain community perceptions of councils’ ability to impartially undertake its regulatory function. Currently there is no established best practice for how this can be done in NSW.

Executive note
This would be a resource-intensive project.
Financial management

24 Forbes Shire Council

That Local Government NSW:
• engages with the mainstream banking industry to establish appropriate protocols for effective dispute resolution in relation to loan portfolios; inclusive of initial loan approvals, renewals and terminations for NSW councils; and
• calls on the Australian Local Government Association (ALGA) to lobby the Commonwealth Government to establish a non-biased, independent complaints tribunal for the National Banking Industry, with wider ranging powers to determine and enforce dispute resolution outcomes.

Note from Council
Council firmly believes that local government, which has a significant relationship with the mainstream banking industry, needs to ensure that there is a constructive and respectful relationship with that industry in respect of any dispute resolution processes.

Council has had a long standing dispute with one of the four major banks in relation to a loan break charge, not on the basis of Council breaking a fixed loan contract, rather on the basis of the actual terms and conditions applicable to the initial loan take up. In Council’s opinion, the original loan advance was deliberately detrimental to Council’s financial interests and was contrary to the original resolution of Council in respect of the terms and conditions required for this loan.

Council took this matter to the bank’s office of the Independent Customer Advocator, but the outcome was a biased outcome in the bank’s favour without, again in Council’s opinion, a reasonable assessment of the complaint before it.

Whilst Council has correctly followed the bank’s own complaint system it is obvious that there can be no true independent assessment of a complaint made where there is no actual independence.

Thus, Council firmly believes that the Commonwealth Government should establish a thoroughly independent banking complaints system, rather than the existing questionable arrangement. There is nothing to stop the banks in retaining their existing complaint system, but there must be an independent assessor available to the broader community.

Financial sustainability

25 Griffith City Council

That all options be explored by State Governments and Federal Governments to put downward pressure on electricity and gas charges.

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

Note from Council
Gas and electricity prices have skyrocketed since July 2017. The price of energy is impacting the lives of all Australians particularly those with limited incomes. Businesses are being strangled with the escalation of gas and electricity prices. Australia has abundant natural energy resources but State and Federal Government Policy settings are not taking advantage of our competitive advantage. Griffith City Council urges LGNSW’s member councils to endorse a motion to lobby State Governments and the Federal Government to adopt policies which will reduce the price and increase reliability of electricity and gas across Australia.

Albury City Council

That Local Government NSW requests urgent action by the Australian Government to maintain equity between pricing and market supply for domestic energy (electricity and gas) on the basis of clear market failure in terms of energy supply and competition under the current open market conditions.
**Note from Council**
There is clear market failure as energy prices far exceed cost of living and cost of business which require intervention by the Australian Government. From 2011-2016, cost of living as represented by the Consumer Price Index (CPI) has increased 10.5%, compared to the cost of electricity which has increased 20% and gas 16%.

<table>
<thead>
<tr>
<th>26 Gunnedah Shire Council</th>
<th>HELE Coal Fired Power Plant to ensure base load power for NSW</th>
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<tbody>
<tr>
<td>That Local Government NSW lobbies the NSW Government to encourage commercial enterprises to express interest in the establishment of a New High Energy Low Emissions/Ultra Super Critical coal fired power station to be located within NSW.</td>
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</tbody>
</table>

**Note from Council**
This will ensure base load power supply and cost effective access to energy in NSW.

The Australian National Energy Market is currently experiencing a short fall of available base load power at peak demand periods and approaching a situation where there is a shortage of base load power at all times, including off peak. This is working as the major force driving an increase in the cost of power for all uses. Industry, Local governments, households, the entire nation is hurting each and every day from the spiralling increase of the cost of electricity. Australia and NSW are losing the ability to compete as a place to live, work and invest capital due to the non-competitive price of power.

In short, we need to lower the cost of power. To achieve this, our nation should look to actively increase the supply of base load power generation.

There are currently up to 1,200 High Energy Low Emissions (HELE) Coal Fired Power Plants under development across the Asian region and one of our major trading partners, Japan, uses HELE coal fired generation to underpin its national electricity market. These nations are leading the way in creating and sustaining an environment where power is available and affordable now and for decades to come.

NSW currently exports most of the coal used in Ultra-Super Critical (USC) coal fired power plants in the Asian region. Japan's Isogo USC plant, recognised as the world's lowest emission per megawatt hour coal fired power plant, burns 2.6 million tonnes of coal per annum – roughly 2 million tonnes of it being sourced from the Gunnedah Basin in NSW.

Coupled with the desire to increase the supply of power is the reality of the need to reduce emissions from all sources. The most efficient power plants in Australia, four Super-Critical power plants in QLD, currently emit 10% less CO2 per mega-watt hour than the average existing Australian sub-critical power plant (Bayswater, Liddell etc.). The Isogo USC plant's technology will reduces emissions by a further 15% - at least 25% less emissions than the average currently emitted by coal fired generators in Australia. These figures come directly from research and analysis undertaken by Renew Economy, a think tank dedicated to promoting the use of renewable energy generation such as solar and wind farms.

USC technology could drastically improve the supply side economics of electricity in Australia for zero increase in emissions.

All levels of Government in Australia, especially the NSW Government, should be actively pursuing the use of USC technology to underpin and increase our reliable base load power supply. Given the competitive advantage NSW holds based on natural recourses and geographical position in the centre of National Electricity Market (NEM), it is crucial we invest in expanding our generation capacity now. This investment in proven cutting edge technology will drive investment and growth in our regions and cities. You can't do business without reliable power and you won't do business unless the power is priced competitively.
Intergovernmental fiscal relations

27 Brewarrina Shire Council

Agency arrangements – full cost recovery

That the Conference requests Service NSW and Centrelink to reimburse local government for the full equivalent cost of delivering State and Commonwealth Government Services in rural communities.

Note from Council

Council has again been advised that increases in agency fees will be based on less than the cost of providing an equivalent service in rural communities. There is no recognition by either State or Commonwealth agencies for providing local government with an equivalent full cost recovery funding model. There are many instances where inquiries or services are not funded.

In a current example, staff are required to undertake four weeks of training to qualify as Service NSW representatives and whilst the cost of training and accommodation is recognised, the actual salary of the staff member undertaking training and the recruitment and backfilling of the position by others is not recognised.

Similarly, whilst Council has to provide an office space, relief staff and facilities for Centrelink and Service NSW services, there is insufficient recognition in service contracts for the equivalent cost of this service. The State and Federal Government agencies are providing less than full cost recovery for having such services. In many cases token financial acknowledgements are provided that effectively mean that local government operations are haemorrhaging in order to provide State and Federal Government services in this fashion.

28 Kyogle Council

Grants differentiation

That Local Government NSW calls on the State Government to differentiate between rural and regional grants (as opposed to quarantining grant money for ‘regional’ areas) and that this differentiation be reflected in the criteria of grants; affording rural, remote and isolated communities a better chance of success when applying for grant funding.

Note from Council

The quarantining of funding for rural communities will result in more equitable distribution of grant monies. At present, funding aimed at areas outside of the metropolitan areas comes under the umbrella of “regional” funding. This means that smaller and modestly resourced rural councils are competing with much larger and better resourced councils for the same grant money. A clear inequity exists. The quarantining of rural grant money will see rural councils receive their fair share of funding. Draft criteria around this motion has already been prepared for consideration by the relevant Ministers.

29 Tweed Shire Council

Government grant submission timeframes

That Local Government NSW advocates for the State and Federal Government to provide sufficient timeframes for grant applications. At a minimum this timeframe should be six weeks in order to allow the application to go through the council approval process.

Note from Council

Both State and Federal Government require councils to undertake detailed submissions in relation to grant applications. This process can be challenging when sufficient time is not provided. As these submissions can involve considerable costs to compile the information and also has impacts on the services councils provide, more practical timeframes will result in better outcomes.

At a minimum, councils should be provided with a six to eight week timeframe in which to respond as a number of councils only hold monthly meetings. Any timeframe shorter than six weeks makes it challenging for these councils to go through the council sign off process whilst giving the application the attention required.
30 Wagga Wagga City Council  
**Revenue collected by State and Federal Governments**

That Local Government NSW advocates for local councils to receive a percentage of revenue collected by State and Federal Governments that is generated by council funded projects which increase economic activity (e.g. bridges, levee banks). These funds will help pay for the ongoing costs and maintenance of the infrastructure ensuring more funds are delivered to the State and Federal Governments.

**Note from Council**
Building infrastructure and other projects often results in an increase in economic activity that in turn increases revenue that is collected from the State and Federal Government. Often the cost of maintaining and managing the asset falls to local councils who have limited capacity to benefit directly and quickly from the increased economic outcomes.

31 Bellingen Shire Council  
**Funding for local government**

That Local Government NSW advocates to the State and Federal Governments in the strongest possible terms for a review of the Financial Assistance Grants (FAGs) to local government to determine a more equitable methodology for distribution.

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

**Note from Council**
The local government reform process looked at a range of issues relative to the sustainability of local government and prominent in the commentary and advice of experts was to ‘fix the funding arrangements’ first.

The NSW Independent Local Government Review Panel (the Panel) was tasked with formulating options for a stronger and more effective system of local government. The Panel’s report presented 65 principal recommendations and core to these were strengthening the revenue base of local government.

The Panel made commentary around redistribution of the FAGs which are split into general purpose and roads components, and that under the current arrangements, 30% is distributed on a per capita basis, by the state based on federal principles. Specifically the panel argued that the inequity in this arrangement had been highlighted through a 2007 Productivity Commission report and that arrangements needed to be revised so funds are distributed to communities and councils in greater need i.e. those who have limited rate bases and limited opportunity to generate additional income i.e. through parking etc.

The Fit for the Future process acknowledged the issue of addressing the FAGs distribution although this does not appear to have been progressed by government.

The McKell Institute report also addresses the issue of fiscal imbalance that is allocation of funding between governments and argues a range of strategies to address this.

Council met with the grants commission earlier this year who support the notion of revision of the principles for distribution of the FAGs, an activity that can be undertaken at a federal level to define the distribution methodology applied by the State.

Council is also aware that a working group is being established to progress advocacy regarding rating of Forestry Land and has corresponded separately with the Mayor of Oberon indicating our keenness to be involved in that process also.

Gunnedah Shire Council  
**Changes to Financial Assistance Grants (FAGs) allocations**

That Local Government NSW lobbies the Commonwealth Government to review and provide options for a more sophisticated allocation of the FAGs funding that increases the allocation of funds to rural and remote areas of need.
Note from Council
This review would examine the principle of the Local Government (Financial Assistance) Act 1995, including the minimum grant principle and distribution methodologies applied by both the Commonwealth Grants Commission and the state based Local Grants Commission and report options for change to see funds better distributed to areas of need.

Lithgow City Council
Financial Assistance Grants (FAGs) - per capita component
That Local Government NSW lobbies to have the 30% per capita component of the FAGs reduced to 10%.

Note from Council
Lithgow City Council recently received a presentation from the NSW Local Government Grants Commission in relation to the process and operation of the FAGs distribution in NSW.

As part of this presentation the Commissioners outlined that the per capita component of the General Purpose fund is set at 30%. Council is concerned that this affords a greater allocation to local government areas (LGAs) more able to fund services through their own means, whereas rural and regional councils with fewer resources like us are disadvantaged.

FAGs should, as the name suggests, be targeted to LGAs with the greatest need.

Wagga Wagga City Council
Removal of the ‘minimum grant’ principle
That Local Government NSW supports the removal of the ‘minimum grant’ principle which disadvantages regional cities in the determination of Financial Assistance Grant (FAG) allocations to councils made by the NSW Grants Commission.

Note from Council
The FAG is Commonwealth funding which is directed to councils via a grants commission which is established in each State. The role of the grants commission is to determine how the overall allocation received from the Commonwealth is apportioned between NSW councils. The formula for calculating the apportionment is complex and includes a number of factors including population, area, local road length, total land values, revenue raising capacity and disability factors such as remoteness.

The ‘minimum grant’ principle is assessed on a population per capita basis which takes priority over the ‘relative need’ assessment. This results in many metropolitan councils receiving more grants funding than they otherwise would if they were assessed on the same basis as other councils. This problem will be exacerbated in the future as more and more councils reach the ‘minimum grant’ level.

The ‘minimum grant’ is a policy direction from the Commonwealth Grants Commission which the NSW Grants Commission would prefer to see changed but they are unwilling to lobby on this change without industry support from LGNSW.

32 Bega Valley Shire Council
RFS, SES and Surf Life Saving assets be returned to relevant State agency/organisation
That Local Government NSW lobbies on behalf of councils for all Rural Fire Service (RFS), State Emergency Services (SES) and Surf Life Saving Clubs assets to be removed from Council asset registers (sheds, equipment etc.) and the responsibility be taken back by the RFS, SES and Surf Life Saving Club.

That this process not be used to increase local government contributions and further that the NSW Government investigate a model for RFS funding based on the Country Fire Authority (CFA) model in Victoria.

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

Note from Council
Councils hold large numbers of assets for the RFS, SES and Surf Life Saving on their asset registers, depreciation schedules with subsequent impacts on financial sustainability ratios and asset management plans. Bega Valley Shire Council holds 32 RFS sheds, 2 former RFS sheds now men’s sheds, 3 SES facilities, the Fire Control Centre and 3 Surf Life Saving Centres on its building asset register.

Nambucca Shire Council
Transfer of ownership of Rural Fire Service (RFS) Brigade Stations to the RFS or the Crown
That Local Government NSW initiates discussion with the State Government with a view to transferring without compensation ownership of and responsibility for RFS Brigade Stations to either the RFS or the Crown.
Note from Council
The operating arrangements for the RFS have changed significantly since the 1980s when they were managed by councils. Unfortunately some aspects in relation to RFS financing and assets have not progressed the same way with the ownership and maintenance responsibility for brigade stations remaining with councils.

RFS buildings still sit on the asset registers of councils and councils must account for their depreciation.

Given the changes that have occurred in the management of the RFS it would seem logical for the ownership of and responsibility for brigade stations to be transferred to the RFS or the Crown.

A simple transfer of title without compensation is proposed.

Local and regional economic development

33 Tweed Shire Council  Booking tax or tariff for online accommodation brokers
That Local Government NSW lobbies the Federal and State/ Territory Governments to consider instituting a ‘booking tax or tariff’ for online accommodation brokers utilising residential zoned and rated land, and that funds raised be distributed by way of formula to councils to fund public infrastructure that supports and underpins tourism.

Note from Council
Unique environmental features of Tweed Shire make it a very popular tourist destination. Tourists holidaying in the Tweed Shire area choose increasingly to stay in short-term rental accommodation. The supply side of this market is responding to a rapid growth of properties advertised online for this type of accommodation and short-term rental stays are often described as an affordable alternative to a hotel or motel, particularly with larger family groups.

Short-term rental accommodation brings both challenges and opportunities, particularly in areas, cities and regions recognised as attractive tourist destinations. The challenges include impacts on housing affordability, availability of rental properties and impacts on amenity of residential neighbourhoods. Opportunities include overall increase in tourist visitations which usually translates to greater revenues of local businesses.

Recently, the NSW Government published an “Options Paper” seeking to provide a regulatory framework for short-term holiday rental. Tweed Shire Council has been actively involved in this process, advocating for a State-wide approach that would be flexible enough to respond to a variety of scenarios brought about by the growth of short-term holiday rental to metropolitan and regional parts of the State.

34 Wollondilly Shire Council  Agricultural Enterprise Credit Scheme
That Local Government NSW advocates for the NSW Government to investigate the implementation of an Agricultural Enterprise Credit Scheme across Greater Sydney to enhance food production, improve economic viability for farmers and improve resilience.

Note from Council
As the Greater Sydney urban area expands and agricultural land is lost to urban development and land fragmentation, a mechanism is required to balance the housing needs of a growing population against its need for food.

Wollondilly Shire Council is exploring ways to protect agricultural land and encourage food production in the Greater Sydney Basin through a market-based credit scheme that would reward farmers for productive use of agricultural land in peri-urban areas.

A credit scheme has the potential to create a market that provides farmers with saleable credits based on the value or amount of agricultural production in any year. Credits are banked and can be purchased by developers to gain additional development rights in targeted areas.

This would provide an incentive for rural zoned land to be used for productive agriculture.
Own source revenue

35 Board

Categorisation of land for rating purposes

That the NSW Government acts swiftly to clarify the statutory and regulatory rating provisions regarding land categorisation, including a definition of vacant land, land under development, and the time available for ratepayers to seek a review of the rating category. Specifically, the provisions need to be amended to:

- Clearly establish that the date of conversion to “residential” should be from the date of occupation for that purpose.
- Allow councils to apply a business rate to hotels containing serviced apartments that provide tourist accommodation on a commercial basis.

Note from Board

In a recent case, the Land and Environment Court found in Karimbla Properties v Council of the City of Sydney; Bayside City Council; and North Sydney Council that land being developed by large property developers should only pay residential rates if the end use will be for residential accommodation. It also found that an empty commercial building could be deemed vacant land and only pay residential rates, and it allowed this to apply retrospectively threatening major financial losses that cannot be recovered by councils. In addition, Clause 122 of the Local Government (General) Regulation 2005 also dictates that hotels containing serviced apartments that provide tourist accommodation on a commercial basis only pay the same residential rate as a home owner. Legislative change is required immediately to ensure the financial security of local government rates, equity to all ratepayers and financial sustainability of all NSW councils.

36 Oberon Council

Unrateable forestry plantation land and forestry road infrastructure contributions

That the NSW Government abolishes the rate exemption that currently applies to operational land managed and worked by the Forestry Corporation of NSW, and

That the State Government introduces a system for transport infrastructure contributions by forestry corporations to address the ongoing infrastructure maintenance, upgrade and renewal needs of council roads. This is specifically to address the roads, bridges, culverts and drainage infrastructure impacted upon by forestry operations, especially but not limited to heavy forestry vehicles.

Note from Council

The Forestry Corporation of NSW, a state owned corporation, manages over 2,000 sq km of pine plantation in NSW, but does not pay any rates on these land holdings. However, these landholdings are clearly used for commercial purposes. Forestry Corporation of NSW’s plantations support world class processing and paper pulp industries with an estimated economic output of $517 million. The corporation’s annual report for 2014/15 details a profit of $45 million.

In contrast to the Forestry Corporation’s plantations, owners of private plantations are required to pay rates on these landholdings which contribute to local service provision including local road and bridge infrastructure used in the transport of logs from plantations.

This issue mainly relates to the ongoing road and bridge infrastructure maintenance and upgrade needs of council roads used by the forestry industry in the transport of forestry products from plantation to mill, especially the increased damage caused by heavy logging vehicles, without the availability for any compensation/rating revenue from plantation owners using these roads.

This motion was raised at the first meeting of the LGNSW Unrateable Forestry Plantation Land & Forestry Road Infrastructure Contributions Working Party, and is supported by Oberon Council, Bellingen Shire Council, Snowy Monaro Regional Council, Snowy Valleys Council, Shoalhaven City Council, Lithgow City Council and Armidale Regional Council who attended the meeting.
Additionally support has been provided by Bega Valley Shire Council and Tenterfield Shire Council who were unable to attend.

### 37 Shellharbour City Council  Rebate for heritage-listed properties

Shellharbour City Council calls on the NSW Government to make provisions for a variable rating policy for heritage-listed properties to be included in the Local Government Act.

**Note from Council**

Currently, there is no section within the *Local Government Act 1993* (NSW) that states Heritage properties could receive a rebate/concession on their Council Rates. We believe that all councils should support this inclusion to the Act for three reasons:

1. The rebate is desirable for the purpose of securing the proper development of the area (or part of the area).
2. The rebate will conduce to the preservation of buildings, or places of historic significance.
3. The land is considered heritage restricted and it is listed on the State Heritage Register (SHR) or identified as a heritage item in a Local Environmental Plan (LEP).

### 38 Tweed Shire Council  Minimum increase in rate peg amount of 3% per annum

That Local Government NSW advocates to the NSW Government for a minimum increase in the rate peg amount of 3% per annum.

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

**Note from Council**

Currently there is no set minimum increase in the rate peg amount. A rate peg increase under 3% will not meet the true annual increase in costs to councils, when factors such as wage increases are taken into consideration. Therefore Tweed Shire Council is proposing that a minimum increase of 3% per annum for the rate peg amount be established by the State Government.

### Inner West Council  Capped IPART rate increases

That Local Government NSW advocates strongly to the Premier and the Minister for Local Government the need to ensure that the capped Independent Pricing and Regulatory Tribunal (IPART) rate increases never fall below wage increase rates and Consumer Price Index (CPI) again. Acknowledging as well that Local Government NSW already has a policy of non-support for rate pegging.

**Note from Council**

Last year’s increase in local government rates was capped by IPART at 1.5%, this is despite wages growth of 2.4% for 2015-16. Inner West Council calls on LGNSW to lobby the State Government to have a policy position that any decision by IPART to increase local government rates be no lower than the most recent annual increase in either CPI or wages.

### Shellharbour City Council  Aligning rate peg

That the NSW Government calls upon the Independent Pricing and Regulatory Tribunal (IPART) and request consideration be given to aligning the rate peg with the Consumer Price Index (CPI) or the Local Government Cost Index (LGCI) including the productivity factor, whichever is the greater (each year).

**Note from Council**

For each year rates will increase by a sufficient amount to address cost increases that are being experienced by councils, as these indexes are only a “proxy” for cost pressures that councils are experiencing, and by only using one index councils could be at a disadvantage in that year.
3. SOCIAL POLICY

Ageing and disability services

<table>
<thead>
<tr>
<th>39 Lane Cove Council</th>
<th>Funding for disability advocacy groups</th>
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<tbody>
<tr>
<td>That Local Government NSW calls on the Minister for Disability Services, the Hon. Ray Williams MP, the Minister for Community Services, Social Housing, the Hon. Pru Goward MP, the Minister for Ageing, the Hon. Tanya Davies MP and the Treasurer, the Hon. Dominic Perrottet MP, for a commitment to continue funding NSW Disability Advocacy groups beyond June 2018. Such a commitment from the NSW Government would require less than 1% of their expected $4.5 billion surplus. This call is in recognition that if advocacy groups are no longer funded, councils will face increased demand for information on the National Disability Insurance Scheme (NDIS) from people with disability, their families and carers. Councils currently rely on advocacy groups to provide this up-to-date advice.</td>
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</tbody>
</table>

**Note from Council**

There about 4 million Australians, or one in six, who have a disability.

Independent advocates support people with a disability in a range of ways. They help people with a disability to negotiate appropriate and tailored service delivery in settings such as schools, hospitals, accommodation services, shops, transport and in the dealings with government departments.

Currently the NSW Government funds approximately 50 specialist disability advocacy, information and peak representation organisations services located across the state to provide independent support and advocacy through the Department of Ageing Disability and Home Care (ADHC). This is about 13 million per year.

The NSW Government has decided that all disability funding in NSW will be redirected to the NDIS from 30 June 2018. The Federal Government has communicated that it will not cover the $13 million needed to retain disability advocacy in NSW and that it is the responsibility of the NSW Government.

Ultimately the failing of both the State and Federal Governments to support Disability Advocacy will fall on the local government sector and rate payers.

Lane Cove Council already allocates 11 cents in every rate dollar collected (over $400,000), the highest per capita on the North Shore, towards community groups that provide services to disabled residents.

On 30 June 2017 the NSW Government announced a $4.5 billion surplus attributed somewhat to the sale of State assets. It would only require 0.29%, less than 1% of this surplus to continue this vital service.

**Executive note**

LGNSW amended the wording of the motion originally submitted by Lane Cove Council. The changes do not affect the substance of the motion.

Community safety

<table>
<thead>
<tr>
<th>40 Lake Macquarie City Council</th>
<th>Coastal public safety best practice standards minimum qualification guidelines</th>
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<tbody>
<tr>
<td>Call on the NSW and Federal Governments to:</td>
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<tr>
<td>a) work with local governments to ensure coastal public safety best practice standards and lifesaving service minimum qualification guidelines are implemented, and</td>
<td></td>
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<tr>
<td>b) collect information from councils and collate into a state and national annual report on lifesaving services qualification and fitness testing standards, rescues, preventative actions and non-fatal drowning incidents.</td>
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</tbody>
</table>
Note from Council
The key objective of this motion is to reduce coastal drowning through ensuring best practice lifesaving services and lifeguard qualifications are monitored and reported.

Local government is the largest agency responsible for the planning, delivery and operation of coastal beach public safety, and is best placed to report on the compliance of minimum lifesaving standards and number of incidents including non-fatal drowning. Currently professional rescue, preventative actions and non-fatal drowning statistics from local government managed beaches are not collectively reported across the State or indeed nationally. Rescue statistics currently reported by Surf Life Saving in their own national reports are from Sunday volunteer services or Surf Life Saving contracted locations only.

The motion draws upon the Australian Coastal Public Safety Guidelines 2007 (ACPSG) in describing best practice guidelines for the provision of lifesaving services (s. 4: GO1300) and appropriate minimum training, qualifications and fitness standards of lifeguards (s. 5: LS1403).

The ACPSG (2007) were developed by Surf Life Saving Australia in 2007 in response to concern about the increasing number of aquatic related deaths and injuries, with 89 national coastal drowning deaths in 2004/5. The incidence of drowning and aquatic related injuries at that time was considered unsatisfactory for a developed nation.

Since then, fatalities have increased with 130 coastal drowning deaths in the 2015/16 season according to the Surf Life Saving Australian 2016 National Coastal Safety Report. This is a 24% increase from 2014/15 and prompted the Prime Minister to urge for greater public vigilance.

The proposed annual report would describe how local government agencies meet the best practice guidelines in providing a lifesaving service, number of rescues, preventative actions and major incidents (including non-fatal drownings), and would provide an account of national surf lifesaving service performance against minimum best practice guidelines.

The Australian Water Safety Strategy (AWSS) 2016-2020 describes the seven drowning prevention pillars: advocacy, research, collaboration, safe venues, workforce, policy and education, and outlines how each pillar can be used to develop measures to assess best practice in coastal public safety.

41 Board Managing terror and security risks at events
Councils are required by the State and Federal Government to manage terror and security related risks at events and in crowded places. Local Government NSW seeks the following commitment from Federal and State Governments, that:

- The Federal Government funds councils to enact their roles and responsibilities as listed in the new ‘National Counter-Terrorism Plan’ (October 2017).
- The Federal Government funds councils and community groups to implement steps for protecting their sites from terror threats, as listed in ‘Australia’s Strategy for Protecting Crowded Places from Terrorism’ (August 2017).
- When security measures are for not-for-profit community events, the Federal Government has the primary responsibility of funding the design and installation of measures against vehicle attacks as outlined in the ‘Hostile Vehicle Guidelines for Crowded Places’ (2017), and the State Government funds the costs of Traffic Management Plans for traffic control and vehicle risks.
- They will fully fund all terror and security measures for events run by the State and Federal Government and not place this cost impost on councils.

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

Blue Mountains City Council National Security
That Local Government NSW seeks a commitment from the State Government and Federal Government that the primary responsibility for funding the design and installation of engineering solutions to manage risk of vehicle incursions at community events is borne by Federal and State Governments, not local Government and small not for profit community groups.
Note from Council
Terrorist attacks overseas, specifically the Bastille Day attack in Paris (July 2016) in which trucks were used in places of public gatherings, have galvanised Australian security authorities to focus their attention on likely Australian targets. Subsequent attacks in Barcelona Spain (August 2017), on the Tower Bridge, London (June 2017) and closer to home (Melbourne, June 2017) confirm that places of mass gathering, such as areas of interest to tourists and commemorative events such as ANZAC Day could attract the attention of home grown and international terrorists.

The local government sector is under increasing pressure by State and Federal authorities to manage terrorist related risks, despite not always having the financial resources or expertise. This is an issue of increasing concern and burden to all councils, particularly those that manage significant and notable tourist infrastructure.

Randwick City Council
Funding for public safety mechanisms
The Australian Local Government Association (ALGA) seeks immediate clarification on whether there is funding from the State or Federal Governments for the mechanisms that need to be implemented for public safety, as outlined in the ‘Australia’s Strategy for Protecting Crowded Places from Terrorism’ document.

Note from Council
The NSW Government’s “Australia’s Strategy for Protecting Crowded Places from Terrorism” document states that local governments play a key role in the safety and wellbeing of Australian communities, including by helping to protect crowded places from terrorism. As a member of the Crowded Places Advisory Group (CPAG), ALGA acts as a direct conduit from the Australia New Zealand Counter Terrorism Committee to the 537 local councils around the country which ALGA represents.

The Strategy goes on to say that “Local governments are often responsible for, among other things, managing civic spaces, public activities, celebrations and community days. This means they have the same role and responsibilities as other owners and operators of crowded places, including a duty of care to develop, implement, and regularly test protective security measures”.

Given councils are now being advised that we have a duty of care to develop, implement and regularly test protective security measures in our community, it is only fair and reasonable that clarification be sought from our State and Federal Government as to how such public safety mechanisms are to be funded.

Sutherland Shire Council
Implementation of national security strategy
Council seeks Federal Government funding to implement the national security strategy.
1. That LGNSW calls on the Australian government to provide funding to support councils to implement the National Security Strategy at a local level.
2. All councils adopt the steps outlined in the Australian Government’s ‘Security Strategy for Protecting Crowded Places from Terrorism’ and the associated self-assessment guides in order to counter violent extremism in crowded places and events.

Note from Council
An emerging issue of relevance to all levels of government is the management of community safety during major events. Council hosts or facilitates several major events each year including Oz-Fest (Australia Day celebrations), national sporting events and numerous community events as well as several local chamber of commerce events in Cronulla, Gymea, Engadine and Sutherland.

Council has been working proactively with local NSW Police Commanders in identifying and taking preventative measures to protect the community against potential acts of terrorism in public places, especially during major events. Several sites in the Sutherland Shire have been identified for anti-terrorism treatment (details redacted for security reasons) and are in the process of being modified.

Kempsey Shire Council
Community events
That Local Government NSW lobbies the State Government to fund the cost of Traffic Management Plans for community event approvals.

Note from Council
Traffic management plan requirements and increased costs have been impacted following recent safety and security concerns.

For example, road closures for ANZAC Day March events must be undertaken in accordance with approved Traffic Management Plans and implemented by qualified traffic controllers. This is required to obtain approval through the Local Traffic Committee (LTC) for the event. The costs of this may be prohibitive for the RSL Sub-Branches and may lead to some events not continuing. Alternatively events may end up being reconfigured to avoid road closures, impacting upon the ANZAC Day march traditions.

The members of the LTC are insistent that events must comply with the full requirements for traffic control. Public safety and organisational liability/risk issues may arise should ANZAC Day marches continue as they have previously.
**NSW Aboriginal and Torres Strait Islander Peoples**

**42 Lismore City Council**

<table>
<thead>
<tr>
<th>Reconciliation Action Plan</th>
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<tr>
<td>That;</td>
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<tr>
<td>1. member councils that don't currently have a Reconciliation Action Plan (RAP), develop one in order to deliver concrete, measurable outcomes for Aboriginal People across NSW, and</td>
</tr>
<tr>
<td>2. Local Government NSW works with Reconciliation Australia to actively support and encourage member councils to develop their RAP.</td>
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</table>

**Note from Council**

The development and implementation of a RAP is an important mechanism for reconciliation within a community. As well as clearly articulating a pathway to better cultural understanding within an organisation, a RAP is a tool that can achieve social change and economic opportunities for the Aboriginal and Torres Strait Islander community. Councils are often one of the most significant employers in the community and as such can contribute to improved well-being for Aboriginal people by providing employment opportunities, which lead to improved social outcomes. Council is the level of government that is most closely connected to the community, and as such we have a responsibility to show leadership in reconciliation.

**Libraries**

**43 Blue Mountains City Council**

<table>
<thead>
<tr>
<th>Public libraries in NSW</th>
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<tbody>
<tr>
<td>That Local Government NSW works with the NSW Public Libraries Association of NSW (NSWPLA) to develop a strategic partnership to:</td>
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<tr>
<td>a) increase public awareness of the multiple roles that Local Government Public Libraries play in supporting the educational, social, cultural and economic outcomes in local communities</td>
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<tr>
<td>b) advocate, in the lead up to the March 2019 State election, for improved State Government funding for Local Government Public Libraries in NSW to enable public libraries to meet the growing needs of our local communities.</td>
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**(Note: This motion covers the following motion set out in small font)**

**Note from Council**

The NSW public library network is a cohesive, state-wide network based on cooperation between Council Public Libraries and the State Library of NSW. Changing demographics, community demand for a wider variety of library services and programming, an increased variety of collection formats, new technologies and e-government have created both enormous opportunities and challenges for the delivery of public library services in the 21st century and have resulted in increased pressure on library budgets. Public libraries are no longer solely store-houses of information but also fulfil an important educational, cultural and social role within the community.

In 1980, the NSW Government contributed 23.6% of the costs of Council Public Libraries. Today, this figure has dropped to 7% of the overall budgets for local government libraries. While, LGNSW and NSWPLA recognises that the State Government has recently provided some small increases in funding, (an additional $2.1 million over two years plus infrastructure grants of $15 million over 4 years) these increases are not sufficient to meet the growing use of Local Government Public Libraries across NSW by people of all ages and backgrounds.

As an active member of the NSWPLA, Blue Mountains City Council seeks the support of LGNSW to develop a strategic partnership with NSWPLA. By working together, the two peak organisations, LGNSW and NSWPLA, have the capacity to deliver a strong voice in the lead up to the March 2019 State election to advocate for an ongoing and sustainable funding model for public libraries in NSW.

**Wagga Wagga City Council**

<table>
<thead>
<tr>
<th>Funding for public libraries</th>
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<tbody>
<tr>
<td>That Local Government NSW and member councils lobby the NSW Government to increase annual percentage of funding for public libraries</td>
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</tbody>
</table>
Note from Council
In 2016, at the LGNSW Conference, the then Premier Mike Baird was asked directly about increasing public library funding in which he responded that an announcement would be forthcoming in the next few months. No announcement was made, a new Premier was installed and no change in policy has occurred.

Women and family services

<table>
<thead>
<tr>
<th>44 Wentworth Shire Council</th>
<th>Call for Federal Tribunal to deal with violent crime</th>
</tr>
</thead>
<tbody>
<tr>
<td>That Local Government NSW lobbies the NSW Government to work with other State Governments to streamline the application and enforcement of protection Orders, across state borders. Further, that NSW Government petition the Federal Government to create a Federal Tribunal, presided by specially trained Magistrates to hear domestic violence, sexual and child related matters in a less formal closed court capacity, with appropriate advocates.</td>
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Note from Council
The issue of family violence and sexual assault is significant across Australia. The current system of dealing with the issue through the court system means that traumatic events that occur in private are brought out into the public domain and this often acts as a deterrent for victims in reporting assaults.

Recent commitments by governments to increase the skills of staff who deal with violence victims and funding for NGOs who assist in family violence is welcomed. However, this can be further enhanced by the development of specialised institutions with the aim of reducing trauma and stress for all parties involved in assault cases, and for ensuring adequate support services are put in place for victims and perpetrators.

The adequate support of both victims and perpetrators and increased education in the community is crucial to assisting in the lowering of violent crime in our communities.

Violent crime significantly impacts on communities across Australia. Crimes such as family violence and sexual assault leave long lasting impacts on victims and their families.

These crimes are somewhat private by their nature and often it is shame that prevents victims reporting assaults this includes a requirement to have the matter dealt with in public in local court.

There are a number of budgetary impacts that need to be considered when looking at the impacts of violent crime, this often includes the need for long-term support for victims. Recognising that the current process for dealing with these matters can result in further trauma for victims, and putting in place a system that reduces stress and trauma associated with dealing with violence matters should be encouraged.

Youth services

<table>
<thead>
<tr>
<th>45 Fairfield City Council</th>
<th>Youth Minister for NSW</th>
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<tbody>
<tr>
<td>That Local Government NSW calls on the NSW Government to appoint a dedicated Minister for Youth Affairs who will ensure the diverse needs of young people aged 12-25 in NSW are being considered and addressed.</td>
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(Note: This motion covers the following motion set out in small font)

Note from Council
Young people aged 12–25 are not currently represented in the NSW Parliament by a dedicated Minister for youth affairs. The last dedicated Youth Minister was Peter Primrose under the former Labor government. The portfolio was not continued after the 2011 election and since then youth affairs has been absorbed into the Ministerial portfolios of Citizenship and Family and Community Services and is currently with the Minister for Disability and Multiculturalism. Young people make
up 18% of the NSW population and face numerous challenges. Young people are often the focus of Government initiatives around education and employment, health and wellbeing, juvenile justice and counter terrorism, however, there is no Minister dedicated to represent the specific needs of young people. The need for a dedicated Youth Minister has been raised at the Local Government and Youth Development Network, a collective of youth development officers from across NSW.

The current NSW Government framework for supporting young people includes the Advocate for Children and Young People (ACYP) an independent statutory office reporting to the NSW Parliament through the Parliamentary Joint Committee on Children and Young People. The Advocate replaced the previous NSW Commission for Children and Young People and is established under the Advocate for Children and Young People Act 2014. The ACYP is supported by a small team in the Department of Family and Community Services. Although the ACYP is a well-regarded and well-resourced body, a dedicated Minister with the wellbeing and empowerment of young people at the forefront of their agenda is essential to address the specific needs of youth.

Wollondilly Shire Council

That Local Government NSW calls on the NSW Government to appoint a dedicated Minister for young people.

Note from Council
Young people aged 12-25 are not currently represented in the NSW Parliament by a dedicated minister for youth affairs. The last dedicated Youth Minister was Peter Primrose, the portfolio was not continued when the current Government came into power in 2011. Since this time youth affairs have been absorbed into the portfolios of the ministers for Citizenship and Family and Community Services and are currently with the Minister for Disability and Multiculturalism.

Young people make up 18% of the NSW population and face numerous challenges. Young people are often the focus of many Government initiatives around education and employment, health and wellbeing, juvenile justice and counter terrorism. There is no minister in place to represent the specific needs of young people.

The current NSW Government framework for supporting young people includes the Advocate for Children and Young People: an independent statutory office reporting to the NSW Parliament through the Parliamentary Joint Committee on Children and Young People. The Advocate replaced the previous NSW Commission for Children and Young People. The office is established under the Advocate for Children and Young People Act 2014. The Minister for Multiculturalism, The Hon. (Ray) Raymond Craig Williams, MURP (Curtin) MP is the Minister responsible for the Act. The Advocate for Children and Young People (ACYP) is supported by a small team in the Department of Family and Community Services. Although the ACYP is a well-regarded and well-resourced body it does not supplement a Cabinet Minister with the wellbeing and empowerment of young people at the forefront of their agenda.

Other social issues

46 Blacktown City Council

That Local Government NSW lobbies the NSW Government to amend relevant legislation to allow councils to enforce the removal of graffiti from private commercial property.

Note from Council
Local government has been leading the efforts to combat the scourge of graffiti across NSW.

In order to more effectively manage this issue, councils need a legislative framework which enables them to enforce the removal of graffiti from private commercial property.

We seek support from the NSW Government for the following specific amendments to the relevant legislation:

i. Part 2 s. 124 of the Local Government Act 1993 to provide for a new Orders provision, giving authority to councils to enforce the removal of graffiti from premises by the owner of the premises in the circumstances where, in the opinion of the authorised Council Officer, the graffiti is likely to cause offence to the public or attract further graffiti

ii. Part 4 of the Graffiti Control Act 2008 to provide councils with a mechanism for a council (or its agents) to remove graffiti from premises without the permission of the property owner in the circumstances where, in the opinion of the authorised Council Officer, the graffiti is likely to cause offence to the public or attract further graffiti, and to then seek appropriate financial reimbursement from the property owner for the cost of the removal work undertaken.
4. ENVIRONMENTAL POLICY

Biodiversity, biosecurity and weeds management

47 Coonamble Shire Council

That Local Government NSW lobbies the State Government to increase weed control funding to weeds authorities within NSW.

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

Note from Council

Council, as a weeds authority, is continually expected to carry out weed control activities with reduced program funding. Council is a constituent of the Castlereagh-Macquarie County Council which has seen recent funding reduced in real terms, while an increased level of service is expected.

Greater Hume Shire Council

That Local Government NSW requests the NSW Treasurer to provide additional funding for noxious weed eradication across the state of NSW.

(Note from Council)

Greater Hume Shire Council put up a similar motion last year and despite the response provided by the Minister for Primary Industries advising that funding for noxious weed control is based on the best available data, funding for inland NSW continues to decline.

All that has been achieved with the funding formula introduced in 2015/2016 is shuffling an insufficient funding pool from one area of NSW to another.

During the 2013-14 review of weed management in NSW, the Natural Resources Commission made eight key recommendations. One of the recommendations relevant to the Weed Action Plan 2015/2020 is:

Recommendation 3: Ensure consistent and coordinated regional planning and local delivery:

3B - Replace the existing 14 regional weed advisory committees with 11 statutory regional weed committees comprising LCAs, public and private landholders, and community members as subcommittees to LLS, and aligned with LLS borders

3C - Provide a legislative basis for tasking the regional weed committees with developing regional plans and priorities for weeds and surveillance.

Previously Greater Hume Shire was the lead agency for the Murray and Riverina Weed Action Plans but now this responsibility has been transferred to Murray and Riverine Local Land Services.

Whilst all NSW councils still have significant responsibilities under s. 371 of the Biosecurity Act 2015 reducing local government's role in noxious weed planning together with declining funding in inland NSW is at odds with the Natural Resources Commission Recommendation no.3.

An urgent and significant increase in funding to address noxious weeds in NSW is required without further delay.

Climate change mitigation and adaption

48 Randwick City Council

That Local Government NSW gives its in principle support for the NSW Government’s aspirational objective for achieving net-zero emissions by 2050 (as stated in its Climate Change Fund Draft Strategic Plan 2017 to 2022) but urges consideration for bringing the target year forward to 2030 and seeks the opportunity to work with the Government on such an amended goal.

Note from Council

With the world now taking stronger action on climate change, the NSW Government has released a Climate Change Policy Framework. It sets our aspirational objective for NSW to achieve net-zero emissions by 2050.
Most of the potential actions in the Framework rely on strong partnerships between State Government and the private sector to be successful, particularly the energy, primary industries, property and transport sectors. The success of the strategic plan also depends on a close working relationship with local councils, and through them, with local communities across the State.

**Ecologically sustainable development**

### 49 Tweed Shire Council

**Sustainability rating tools to support planning and development**

That Local Government NSW calls on the NSW Ministers for Planning and Environment to direct the Department of Planning and Environment in association with other State agencies such as the Office of Environment and Heritage to take the following steps to embed the use of sustainability rating tools in master-planning and sub-division design processes to deliver measurable and actionable sustainable and equitable outcomes in new communities:

- **Establish a performance framework and policy comprising of:**
  - indicators derived in consultation with local communities that translate State and local government commitments and community aspirations for improved ‘sustainability’, ‘liveability’, ‘resilience’ and ‘productivity’ outcomes as mandated minimum quantifiable performance standards; and
  - guidance and conditions for the use of sustainability and multi-criteria assessment and rating tools in the master-planning and sub-division design of new precincts and neighbourhoods, to model future trajectories and growth scenarios of urban settlement options and explore innovative and locally suitable solutions to meet mandated minimum performance standards.

- **Review Environmental Planning & Assessment Act, Local Government Act and associated Integrated Planning and Reporting (IP&R) Framework, and supporting Regulations and statutory mechanisms and policies to embed the use and outputs of sustainability rating tools in master-planning and sub-division design processes in planning and development assessment decisions, including but not limited to:**
  - Integrate IP&R requirements with statutory planning mechanisms that ensure alignment of local strategic community and land-use plans and state planning policies;
  - Reviewing Local Environmental Plan Standard Instrument Template definitions and Model Provisions; and
  - Increasing the statutory weight of development controls.

- **Expand and leverage Building Sustainability Index (BASIX) online scheme and ePlanning services to establish a Performance Monitoring and Reporting framework based on rigorous and independent research and technical data captured from development activity. This can serve as an evidence-base for sustainability rating tools, enable a line of sight between the hierarchy of strategic policy objectives, monitoring, reporting and auditing of plans and development supply change, and evaluation of the efficacy of the planning system against outcomes.**

**Note from Council**

- Structure plans and sub-division designs for new communities and precincts are critical to ensure the management of available land and natural resources embeds the overall visions and goals of local communities now and in the future, noting the following challenges and opportunities:
  - Australia has on average one of the highest consumption rates per capita in the world (which is known to be rising amidst ever scarce and finite resources) yet the substantial cost and longevity of necessary development infrastructure locks in patterns of land-use, transport, energy and water consumption;
  - Accelerated effort to reverse these trends is needed if Australia is to deliver its international commitment in the Paris Agreement to reduce global temperature rise to below 2 degrees Celsius in order to combat and adapt to climate change;
  - The way communities grow and develop over the next few years will shape sustainability and social outcomes for generations to come; and
Traditional patterns of growth and models of development often focus on single-issues such as housing supply and affordability and ‘trade-off’ other important economic, environmental and social values, such as (in the Tweed Shire) significant agricultural lands, world heritage and nationally iconic ecological and scenic landscapes and Aboriginal and European cultural heritage.

• Various scenario modelling tools and/or sustainability rating systems exist that may be explored or expanded on to support strategic performance assessment of multiple and nested issues at property, neighbourhood and precinct planning scales, including:
  - BASIX – developed by NSW DPE.
  - CCAP Precinx – developed by Kinesis.
  - GreenStar Design & Built, and Communities – developed by Green Building Council of Australia.
  - Precinct Information Modelling – developed by Low Carbon Living CRC.
  - National Australian Built Environment Rating Scheme (NABERS).
  - The Built Environment Sustainability Scorecard (BESS) – developed by metropolitan Melbourne councils.
  - Living Building Challenge – developed by the International Living Future Institute.

• Master planning and sub-division design outcomes need to be better embedded in local environmental planning instruments, which are currently limited by standard template model provisions and definitions that do not sufficiently articulate minimum sustainability performance standards. This results in key environmental and social outcomes not legally enforced and undermined at development assessment and certification stages.

Natural Resource Management

50 Singleton Council

Production levy for coal operations

That Local Government NSW lobbies the NSW Government to maintain the current production levy imposed upon coal operations in NSW. The portion of the levy no longer required by Subsidence Authority NSW (SANSW) be used to establish a fund to support and oversee the “best practice” use of mining land post-production.

Note from Council

The Mine Subsidence Compensation Act 1961 established the Mines Subsidence Board (MSB) to oversee the compensation of parties who had been materially damaged by the activities of mining in NSW both active and historical. The MSB was financed via a levy on coal production in NSW.

A ministerial review of the MSB identified that open cut mines were subsidising the ongoing activities of their underground competitors. Changes were put forward in the Coal Mine Subsidence Compensation Bill, 2017 that meant that active underground mines should be responsible for any surface damage caused by their operations, without the cross-subsidisation of their open cut competitors.

A proportion of the current levy would be required to support SANSW and their role in handling claims associated with historical mining activities. It is envisaged that in excess of $14 million annually (which had been used to support active underground mines) may be returned to the open cut operators in the form of reduced levies.

The current open cut mines will leave the landscape in a very different form than its pre-mining condition. If the levy is maintained, those open cut operations will be supporting a fund to optimise the rehabilitation of land that has been damaged by their operations.

This is a unique opportunity for NSW to look at the best possible use of these post-mining landforms, at no additional cost to the producers.
Establishment of a post-mining body

That Local Government NSW lobbies the NSW Government to establish an industry funded body, to facilitate the best use of post-production open cut mined land. The fund to be overseen by a board which would comprise representatives of NSW Government, the mining industry, research institutions and local government. The body be charged with overseeing and supporting the “best practice” ecological, economic and cultural use of this land on a district wide* basis. (*district = declared mining district and/or total catchment).

Note from Council
The NSW Government currently grant mining approvals which include basic rehabilitation of mined land. In the Hunter Valley this will result in multiple “final voids” which are several hundred meters deep and may take up to one thousand years to fill.

If a fund is established that has sufficient resources the economic and cultural potential of post-mining land could become an asset for the people of NSW.

At the moment, we do not know what the economic potential of the voids and the hyper saline water in them may be. We also do not know the ecological risk that this water may pose to productive agricultural land throughout the state.

Research needs to be done. Local government has been approached by individuals and higher education institutions to look at such issues, but to date, have not had the funds to support this much needed research.

Mining companies will be looking to move on after their operations have finished and it is in the interest of their shareholders (not the people of NSW) to do so as cheaply as possible. A fund that allowed them to plan for post-mining activities (that may be carried out by other entities) would be in the best interests of the people of NSW and also their shareholders.

Such activities may include industrial applications, agriculture, tourism, parks and recreation. It would be in the best interest of NSW that such applications be planned on whole of district basis.

State review of Private Native Forestry

That Local Government NSW requests the NSW Minister for the Environment/Office of Environment and Heritage and associated State agencies such as Resources NSW and Department of Planning and Environment to conduct a comprehensive review of the Private Native Forestry (PNF) approvals in the State to improve the rigour and transparency of process and outcomes, including:

- technical requirements for risk and impact assessment of significant scenic, ecological, Aboriginal and European cultural heritage and economic values;
- engagement with community and local government;
- where approved, conditions of Plans of Management; and
- implementation, monitoring and evaluation of outcomes.

Note from Council
PNF approvals are negotiated directly between the landholder and relevant State Government agency. Councils have little to no oversight of the process requirements or conditions of approval for PNF activity. We seek improved engagement with local government and community, and a commitment that comprehensive ecological studies including, but not limited to, on-ground flora and fauna surveys, visual impact assessment and cultural heritage assessment, and the consideration of opportunity costs of PNF activities on these values, are incorporated in the approvals process and monitored and evaluated against outcomes.

For example, several PNF approvals exist in the Tweed Shire on land identified as of international, national and state ecological, Aboriginal and European cultural heritage, scenic and economic significance, including:

- Critical landscape connectivity functions that maintain the integrity of UNESCO World Heritage
properties and values, such as the Central Eastern Rainforest Reserves of Australia (CERRA). This landscape is the backbone of the region’s tourism industry which attracts 2 million visits per year. PNF agreements within this landscape do not pay due consideration to the significance of these properties in their own right nor their role in providing a buffer to world heritage properties from key threatening processes such as inappropriate fire regimes, biosecurity or climate change impacts.

- Critical scenic landscape values that provide important visual buffers and transition zones between rural land dominating the Tweed Valley floor and urban development along the coast by ensuring uninterrupted forested corridors along the Tweed Caldera, which is recognised as “one of the largest and best examples of an erosion caldera in the world” under the World Heritage CERRA and as “Australia’s Green Cauldron” under the National Landscapes Program.

- Aboriginal and European cultural heritage values are important considerations, managed via the National Parks and Wildlife Act 1974 (NPW Act), the Heritage Act 1977 and the Local Environmental Plans. In particular, the NPW Act has the following objects:

  2A (1) The objects of this Act are as follows:
  - (a) the conservation of nature, including, but not limited to, the conservation of:
    (i) habitat, ecosystems and ecosystem processes, and
    (ii) biological diversity at the community, species and genetic levels, and
    (iii) landforms of significance, including geological features and processes, and
    (iv) landscapes and natural features of significance including wilderness and wild rivers,
  - (b) the conservation of objects, places or features (including biological diversity) of cultural value within the landscape, including, but not limited to:
    (i) places, objects and features of significance to Aboriginal People, and
    (ii) places of social value to the people of New South Wales, and
    (iii) places of historic, architectural or scientific significance.

In addition the NPW Act makes it a strict liability offence to cause harm to Aboriginal Cultural Heritage.

Approval of PNF activities without due consideration of these matters or consultation with local government agencies who have direct and detailed local knowledge of such values results in poor ecological, social and economic outcomes.

**Pollution prevention including energy consumption and soil contamination**

**53 Armidale Regional Council**

<table>
<thead>
<tr>
<th>Wood heating pollution</th>
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<tbody>
<tr>
<td>That Local Government NSW calls upon the NSW Government to:</td>
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<tr>
<td>a) Develop legislation to allow local councils to follow the NSW Chief Medical Officer’s advice, e.g. by requiring wood heaters to be removed when houses are sold (estimated net benefit $4 billion over 20 years).</td>
</tr>
<tr>
<td>b) Introduce an effective education and incentive program commensurate with the $8 billion health cost of residential wood heating pollution in NSW that will create widespread understanding of the benefits of switching to non-polluting heating.</td>
</tr>
<tr>
<td>c) Provide effective powers for councils to take action against unhealthy levels of wood smoke pollution, including local exceedances of National PM2.5 Air Quality Standards.</td>
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</tbody>
</table>

**Note from Council**

According to NSW Health, a tiny proportion of Sydney households using wood heating are causing 25% of pollution-related deaths in Greater Sydney. Because of the continued failure to develop a standard for real-life emissions of wood heaters, and the NSW Chief Medical Officer advised that wood heaters are so detrimental to health she supports banning and phasing them out in built-up urban areas.
The Armidale community is passionate about air quality with household-generated wood smoke in the Armidale city area being the highest concern for Armidale Regional Council. The city’s geographical layout, combined with cold climate and low winds result in wood smoke from thousands of homes accumulating in the valley during winter. Council is committed to reducing wood smoke pollution in the Armidale urban area in order to meet national fine particle (PM2.5) air quality standards by 2020.

A stronger approach through both legislative and financial support at the State Government level is needed to reduce wood smoke pollution in urban areas.

**Protection of local/regional natural environments**

<table>
<thead>
<tr>
<th>54 Bourke Shire Council</th>
<th>Wild Dog Management Strategy 2017-2021</th>
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</thead>
<tbody>
<tr>
<td>That the NSW Government be congratulated on the release of the Wild Dog Management Strategy 2017-2021 which closely aligns with the national strategy.</td>
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<tr>
<td>That the NSW Government now be called upon to ensure that adequate funding is available for the implementation of each component of the Wild Dog Management Strategy 2017-2021 to ensure its long term effectiveness.</td>
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</tbody>
</table>

**Note from Council**

The Wild Dog Management Strategy 2017-2021 does not mention any additional funding to tackle the wild dog problem in NSW.

It would appear that the strategy has not at this stage been allocated additional funding with strategy to be implemented with existing funding levels which are clearly inadequate if any tangible progress is to be made in controlling the number of wild dogs which seem to be rapidly increasing.

The following is taken from the introductory sections of the strategy document:

> There are significant economic, environmental and social impacts created by wild dogs.

> The negative impact of wild dogs includes predation and harassment of livestock and native fauna and the spread of diseases. Wild dog presence is generally incompatible with small livestock production (e.g. poultry, sheep, goats, calves) and once predation begins it will usually continue until either the wild dogs or the susceptible stock are removed.

> Shifts in land use away from small livestock production can reduce total productive capacity and income. Where this occurs as a broader trend, local economies can be severely affected by wild dog-induced enterprise change.

> Wild dogs may also have negative impacts on threatened species, particularly when such species are under stress from other processes such as habitat fragmentation.

> Wild dogs are known to spread diseases that affect livestock, pets, native animals and humans.

> Social impacts include acute and chronic distress, depression, anxiety, insomnia and conflict, and social disruption. Conflict can occur between family members; public and private land owners and managers; operators of different enterprises among private landowners (e.g. sheep producers, cattle producers, absentee landowners and agroforestry); and affected rural/peri-urban communities and unaffected urban communities.

While implementation of the strategy will be coordinated by regional pest animal management committees, local government has an interest in the management of wild dogs both as a public
land manager but importantly in ensuring the economic viability of landowners is not compromised by wild dogs and that our native fauna placed under not placed under increased threat.

It is a heart breaking situation for a landowner to see large numbers of stock attacked and mauled by wild dogs and left to die a very painful death with the damage caused in many instances seemingly a sport rather than a need for survival.

### 55 Murray River Council

<table>
<thead>
<tr>
<th>Kangaroo management</th>
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<tbody>
<tr>
<td>That Local Government NSW lobbies the NSW Government to effectively manage the issue of kangaroo numbers generally migrating to areas near water and road networks that create significant hazards to road users in rural NSW, particularly in areas where communities interface with National Parks.</td>
</tr>
</tbody>
</table>

### Note from Council

Kangaroos are recognised as a valued natural icon of the Australian Nation and the landscapes in which people of the Murray Region (of which the Murray River Council local government area (LGA) is a part of) build their lifestyles and livelihoods. In the Murray Region, the grey kangaroo species are Eastern Grey Kangaroo and Red Kangaroo. These species prefer open grassland habitat, but move freely across large scales making use of treed areas for shade and resting during daylight hours. They are nocturnal and crepuscular, spending evenings and nights feeding on grasses and small quantities of forbs. Kangaroos are adopted to Australia's natural boom and bust cycles and resources availability, and have high fecundity to make best use of those times when resources are plentiful to maintain population levels.

Landscape changes in the Murray Region over the past two centuries have resulted in a higher proportion of grassland-type areas (including pastures and crops), higher levels of productivity within these areas, and greater availability of open water. Changes to the protection status of native species and reduction of natural predators have removed pressures that previously held kangaroo population numbers down. All of these changes have supported higher base-level population numbers of kangaroos, which further increase during periods of high rainfall.

When in excessive numbers, kangaroos have impacts on agricultural productivity and natural areas, and create road hazards for travellers from dusk till dawn. In recent years there has been an increase in kangaroo numbers apparent on both private and public land within the Murray River Council area due to the kind seasons. The large numbers of kangaroos evident on roads and public land raises the issue of the safety of road users and the broader community, especially when there is evidence of human fatalities on country roads due to impacts with kangaroos. It also raises welfare concerns for the animals when there is the potential for injured kangaroos being left to suffer after being hit by motor vehicles in many circumstances.

As a native animal, kangaroos are protected under NSW and Commonwealth legislation (*National Parks and Wildlife Act 1974* (NSW) and *Environment Protection and Biodiversity Conservation Act 1999* (Commonwealth)). The NSW Office of Environment and Heritage is responsible for kangaroo management in NSW and conducts regular monitoring of kangaroo population levels across the state, regulates the kangaroo commercial harvest industry and issues permits for non-commercial culling of animals in circumstances where numbers are high.

The concern of increasing kangaroo numbers (current population estimate is ~17million across NSW) and the associated danger to people and property, is an issue affecting a number of regions across rural NSW. As such, it is considered that this is an issue that LGNSW could and should advocate for on behalf of LGAs and their communities.

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(1), (2), (3) & (4) - Report from the Murray Region Kangaroo Management Workshop: Pretty Pine – 23rd March 2016 (Murray Local Land Services)
Responsible resource consumption and conservation

56 Inner West Council  
**Air drying of laundry**
That Local Government NSW lobbies the Australian and NSW State Governments to incorporate air drying of laundry, with associated access to sunlight and air circulation, into the building code for all dwellings.

**Note from Council**  
The Building Code of Australia makes provision for dwellings to have either a clothes dryer area within an apartment/unit or provide a clothes line. Given the cost to the environment of running clothes driers within apartments/units, Inner West Council proposes that LGNSW lobbies the NSW Government to amend the Building Code to make air drying of laundry a mandatory provision including associated access to sunlight and air circulation.

57 Liverpool City Council  
**Energy efficiency and renewables**
That Local Government NSW advocates that councils show commitment to energy efficiency, solar and other renewable technologies by:
- Seeking all available avenues of funding, including State and Federal Governments, to reduce energy use across existing and future council assets through the use of solar and other renewable energy sources.
- Ensuring all future development considers the impact on existing renewable energy production by ensuring any shadowing assessments take into account the impact on neighbouring buildings’ solar panels.

**Note from Council**  
Councils have a responsibility to leave a clean, liveable, and safe environment for future generations.

One way it can do this is through renewable energy. Renewable energy and solar in particular, is an effective means of reducing both carbon emissions and energy costs for councils.

A reduction in carbon emissions combats the effects of climate change, while a reduction in energy costs means councils have more funds available to improve overall services.

It is important that all councils promote the use of solar and other renewable technologies.

58 Lake Macquarie City Council  
**Uptake of renewable energy systems**
That Local Government NSW calls on the NSW Government to make changes to relevant legislation, such as Chapter 15 of the *Local Government Act 1993*, and/or provide further incentives for low-income households to adopt renewable energy systems.

**Note from Council**  
The NSW Climate Change Policy Framework outlines the State’s long-term objectives to achieve net-zero emissions by 2050 and to make NSW more resilient to a changing climate.

If every suitable residential rooftop in NSW hosted solar power systems, the amount of energy generated would supply more than 135% of NSW’s residential electricity needs and 38% of NSW’s total electricity needs. While there is opportunity to increase the uptake of solar power systems by the community, there are significant barriers to realising this uptake, such as the capital cost for homeowners/occupiers and residential landlords. Local government in NSW has committed to the social and community principles of equity (fair distribution of resources), rights (equality for all people) and access (to services essential to the quality of life) (LGNSW 2016).

In Victoria, legislation allows for collaboration among local government, community and industry to install solar panels on residential dwellings. With the current high cost of electricity and barriers to the solar market for renters and those on low incomes, innovative Victorian schemes have been developed, such as the Darebin Solar $avers program, has installed solar panels on 300 pensioner...
households in Melbourne’s northern suburbs. For low-income households, Council pays the system cost upfront and the participant pays off the system interest-free over 10 years; through quarterly special rate payments. International schemes are also being developed such as Germany’s “Tenant Power” legislation that provide owners of tenant blocks an incentive to install solar panels. These arrangement are not currently possible in NSW and would require a change to the Local Government Act 1993.

Waste management

<table>
<thead>
<tr>
<th>59 Fairfield City Council</th>
<th>Reintroducing the WaSIP Program</th>
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<tbody>
<tr>
<td>That the NSW Government reintroduce the Waste and Sustainability Improvement Payment (WaSIP) Program to help local government improve the effectiveness of its overall environmental programs.</td>
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</table>

Note from Council
NSW Government has introduced the Waste Less Recycle More Initiatives which includes Better Waste and Recycling Fund (BWRF) for local government. The Waste Less Recycle More Initiatives are funded through the State Waste Levy (s. 88). The BWRF has restricted activities to waste-related projects and programs. This is far more restrictive than the former WaSIP Program. The WaSIP Program has a broader range of activities that help councils improve their environmental performance in general. Council used WaSIP funding to implement energy and water conservation projects, development of sustainable procurement plan, sustainable action plan, and climate change risk assessment. In contrast, the BWRF is used to fund waste-related projects such as recycling contamination management in multi-unit dwellings, asbestos collection event, and community education.

<table>
<thead>
<tr>
<th>60 Randwick City Council</th>
<th>Establishment of packaging guidelines</th>
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<tbody>
<tr>
<td>In light of the limited impact on packaging waste achieved by the Australian Packaging Covenant, that councils call on the State Government to review Part 8 (Recycling of Consumer Packaging) of the Protection of the Environment Operations (Waste) Regulation 2014. The review should aim to achieve real impact on packaging waste generation, single use packaging and packaging recyclability across the state.</td>
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</table>

Note from Council
This will help councils meet the established Waste Avoidance Resource Recovery Strategy target to recycle 70% of municipal solid waste by 2021. A large proportion of packaging waste is currently single use and is unrecyclable, ending up in landfill or as litter. The Australian Packaging Covenant has had limited impact on packaging waste.

<table>
<thead>
<tr>
<th>61 Shoalhaven City Council</th>
<th>Waste levy boundaries</th>
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<tbody>
<tr>
<td>That the State Government review the regulated boundary for the waste levy, including reassessment of which local government areas (LGAs) are classified as 'regional' or 'metropolitan'. The assessment needs to consider factors such as distance to recycling processors, quantum of waste produced in the LGA and affordability (level of socio economic disadvantage in the community).</td>
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Note from Council
The intent of the levy “to encourage recycling and divert waste away from landfill” should be applauded. However, the practical application is inconsistent with some regional councils regarded as ‘metropolitan’ and paying the highest rate of the levy. Regional areas are challenged by the relatively higher cost of hauling recyclable materials to the downstream processors, which are typically in Sydney. Communities in many regional areas are at a socio economic disadvantage compared to city areas, having less capacity to pay.

In addition, only a small percentage of the levy is returned to councils as grants for waste minimisation activities and projects.
62 Tenterfield Shire Council  Request for ban on flushable wipes

That a ban be placed on wet wipes marketed as “flushable toilet wipes” due to their negative impact on sewer lines and sewerage processing facilities.

Note from Council
The wipes marketed as flushable toilet wipes are a major contributor to sewerage pipe blockages, they are not biodegradable and simply should not be marketed as flushable. These wipes are only flushable by virtue of the fact they will fit in a toilet bowl, these along with any other sanitary products that are not biodegradable should not be allowed to be sold.

There is no point in simply removing the word "flushable" because it is entrenched in people’s mind that these products can be flushed. The blockages are not only costly to clear, but there is potential to cause major environmental problems, clearing the blockages is a potential health risk to the workers and as such shouldn't be tolerated. Just recently there was a massive blockage in London, it was reported that non-biodegradable products were a major contributing factor.

63 Wingecarribee Shire Council  Roadside spoil (excavated public road material)

That Local Government NSW requests the Minister for the Environment, Local Government and Heritage to urgently review and amend the Protection of the Environment Operations (Waste) Regulation 2014 and the associated Excavated Public Road Material Exemption & Order 2014, to provide greater flexibility for the storage and reuse of excavated public road material (EPRM), to allow local government to manage EPRM, the by-product of road maintenance and construction works, in a responsible but efficient and effective manner that is sustainable for our community.

Note from Council
Wingecarribee Shire Council (WSC) believes that Ministerial intervention is needed to provide councils with greater flexibility for storage and reuse options to manage EPRM which is a by-product generated by road maintenance and construction works.

The current provisions of the Protection of the Environment Operations (Waste) Regulation 2014 and the associated EPRM Exemption and Order 2014 are very prescriptive in terms of restrictions on where material can be stockpiled, limits ability for reuse and requires reuse in a very short timeframe.

WSC generates approximately 50,000 tonnes of material known as EPRM as a by-product of road maintenance and construction works across the shire. EPRM is largely made up of soil, organic material and in some cases may contain bitumen, concrete and other by-products of road maintenance and construction. Therefore it cannot be reused in a similar way to virgin excavated natural material (VENM) or excavated natural material (ENM) which has much greater flexibility for reuse.

Authorities such as Roads and Maritime Services (RMS) are afforded much greater flexibility for the management of EPRM with a general exemption from the requirements of the EPRM Order and Exemption 2014, which allows the RMS to store material for longer periods and for reuse at alternative sites.

Clause 93 of the Protection of the Environment Operations (Waste) Regulation 2014, imposes the requirement that must be met by suppliers of excavated public road material to which the EPRM Exemption 2014 applies. The requirements in the EPRM Order 2014 detail how EPRM can be stored and applied to land within a road corridor for public road related activities including road construction, maintenance and installation of road infrastructure facilities.

Most councils are increasing their investment in road maintenance and construction to meet their commitments under their ‘Fit for the Future’ improvement plans and to meet the State Government imposed benchmarks. The restrictions under the EPRM Exemption Order 2014 are placing an enormous burden on such councils, particularly those with large geographical areas in their LGA.
**64 Nambucca Shire Council  Asbestos disposal**

That in order to reduce the illegal dumping of asbestos, Local Government NSW lobbies the NSW Government to exempt asbestos from the waste levy on the proviso that councils provide an additional and equal subsidy on their normal asbestos disposal fees thus reducing the overall fee by double the amount of the applicable levy.

**Note from Council**

The illegal dumping of asbestos is a significant problem in many local government areas.

The correct handling for disposal of asbestos is an expensive exercise for councils and results in expensive tipping fees in order for councils to recover their costs. The high fees encourage the illegal dumping of asbestos and the subsequent risk to public health and the environment.

The NSW Government charges a waste levy on every tonne of material sent to landfill. The levy can be viewed as a tax or even a fine as it is not a charge that represents a fee for any service provided by the State Government. This fee is added to the tipping costs for the public and results in higher costs for the disposal of asbestos. The current levy paid by Nambucca Shire Council is $79.60 per tonne and it is even higher in metropolitan areas at $138.20 per tonne.

The State Government justifies the levy as a means of funding responsible waste management. If the State Government were to exempt asbestos disposal from the waste levy and councils provided an additional subsidy on their normal fee equivalent to the State’s foregone levy, the responsible disposal of asbestos would be more affordable.

**65 Wingecarribee Shire Council  Exemption for councils from s.88 waste levy in certain circumstances**

That Local Government NSW requests the Minister for the Environment, Local Government and Heritage to urgently review and amend the relevant section of the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2014*, to provide for exemption from the requirement for local government to be required to pay the s.88 waste levy in circumstances where they have unwittingly received contaminated waste, or where they have undertaken a clean-up of unlawfully dumped contaminated waste such as asbestos.

**Note from Council**

Wingecarribee Shire Council (WSC) believes that Ministerial intervention is needed to exempt councils from having to pay a waste contribution for waste that they handle after it is unlawfully disposed of by other persons. WSC operates a licensed Resource Recovery Centre. Its activity is consistent with the NSW waste avoidance and resource recovery strategy.

A recent event has highlighted the manner in which the current waste legislation penalises councils for unlawful dumping practices by some parts of the construction and/or waste transporting industry.

Section 88 of the *Protection of the Environment Operations Act 1997* requires an occupier of a waste facility to pay contributions to the Environment Protection Authority (EPA) in respect of all waste received at the facility. Failure to pay the required contributions is an offence. Section 88(5) allows the regulations to provide for exemptions from payment.

The EPA has certain discretions which in their current terms cannot be applied to exempt councils from the waste contribution in circumstances where they have unwittingly received contaminated waste, or where they have picked up unlawfully dumped waste, which cannot be reprocessed and needs to be properly disposed of. The exemption in cl 92 of the Regulation does not apply to such waste.

The effect of the current provisions is that ratepayers have to shoulder the costs of the waste contribution due to the unlawful actions of some members of the construction and demolition industry. The offence provisions in s.143 of the Act do not assist. Even if a person is successfully
prosecuted for breaching the Act, this does not affect the obligation of councils to pay the waste contribution for the contaminated waste that has been received at their facilities.

It is WSC’s position that the cost of unlawfully dumped or disposed of waste needs to be imposed on the relevant producer or transporter of the waste, through the use of the offence provisions in the Act. Councils and their ratepayers should not have to shoulder extra costs for proper disposal of the unlawfully dumped waste. Imposing such costs on councils is not consistent with the purpose of the waste contribution or the NSW Waste Avoidance and Resource Recovery Strategy.

### 66 Shoalhaven City Council

**Ban on single use plastic bags**

That Local Government NSW calls upon the NSW Minister for the Environment, The Hon. Gabrielle Upton MP to act on banning the use of single use plastic bags in NSW. Further, that the ban include all identified ‘biodegradable and degradable’ bags up to 70 microns.

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

**Note from Council**

Plastic Bag bans already exist in South Australia, Tasmania, the NT and the ACT, and bans are proposed in WA and Victoria.

Plastic bags are one of the more deadly and unsightly rubbish items in our environment. Single use plastic bags are made from fossil fuels, they are energy intensive to produce, and one bag is used for an average of 12 minutes but persists in the environment for over 1,000 years. It is lightweight, thus easily blown around or carried around in water, causing a variety of problems for the natural environment. A Clean Up Australia Day report estimates that over 10 million single use plastic bags are used in Australia every single day.

Our communities have led the way in their attempts to ban these plastic bags locally, however, without state legislation community efforts are piecemeal. LGNSW should join with Clean Up Australia and a large coalition of environmental and concerned citizens with a view to bringing into place legislative change in NSW banning single use plastic bags.

**Ballina Shire Council**

**Single use plastic bags – Legislative ban**

That Local Government NSW Conference calls on the NSW Government to introduce legislation to ban single use, plastic shopping bags, including reusable plastic bags and double strength plastic bags, to a level at least consistent with other Governments such as South Australia, Tasmania, the ACT and NT.

**Note from Council**

To protect the environment, the NSW Government should introduce legislation to ban single use plastic shopping bags. Communities have adapted to the need for this change, which is supported by many large retailers, however only a legislated ban can effectively stop the generation and use of plastic bags across NSW.

The ban should extend to include reusable plastic bags and double strength plastic bags, to a level at least consistent with other Governments such as South Australia, Tasmania, the ACT and the NT.

Public support for a Government ban on single use plastic bags remains strong. The recent decision by Coles and Woolworths to phase out plastic bags by June 30 2018 has created momentum for this change.

The QLD ban on soft plastic bags will begin in 2018, now is the time to act to facilitate a consistent national approach.

**City of Sydney**

**Plastic bags**

That Local Government NSW adopts a policy that opposes single use plastic bags, and advocates to the NSW Government to ban the single use bag.

**Note from Council**

Single use plastic shopping bags litter our environment, harm wildlife and require valuable resources to manufacture. They are very damaging to the beautiful natural environment in NSW which we all value.

South Australia, Tasmania, the ACT, the NT, QLD, WA and Victoria have all either removed, or have made concrete commitments to remove, single use plastic bags from circulation.
NSW is quickly being left behind as the only remaining state in Australia to allow the continued use of single use plastic bags. It is time for the NSW Government to take action on single use plastic bags, and time for us to implore them to do so.

**Randwick City Council**

**Banning of plastic bags in NSW**

Given that South Australia, the ACT, the NT and Tasmania have already implemented state wide bans on plastic bags and retail giants Woolworths, Coles & Harris Farm are introducing their own bans, Local Government NSW calls on the NSW Government to pass legislation to implement a state wide plastic bag ban in NSW as soon as possible.

**Note from Council**

More than 5 billion plastic bags are handed out at the checkout every year but less than 4% are recycled. Over the last decade since state environment ministers undertook to ban the bag, 1.2 billion have ended up in the litter stream. Clean Up volunteers report that 8% of the plastics they remove from our streets, parks, beaches, bushland and waterways are plastic bags. These bags re potential killers. Their victims, the animals that ingest them, either choke, smother or die of malnutrition. This is such a horrible way to die and is completely unacceptable.

**Fairfield City Council**

**Ban the use of single use plastic bags**

That the NSW Government introduces the legislation to ban the use of single use plastic bags.

**Note from Council**

Single use plastic bags such as shopping bags create significant environmental issues including the harming of aquatic animals, in particular. The ACT, the NT, South Australia and Tasmania Governments have introduced legislation to ban single use plastic shopping bags, while the QLD Government plans to have its legislation commence on 1 July 2018. In addition, supermarket giant Coles and Woolworth will phase out single use plastic bags in their stores from July 2018.

**67 Lake Macquarie City Council**

**Supporting markets for NSW recyclate**

That Local Government NSW calls on the NSW Government to address the current failures in the recycled products market, including support for the development of markets for recycled glass and plastics.

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

**Note from Council**

NSW households generate 1.77 million tonnes of recycling each year that is collected from the kerb predominately by local government. This accounts for about 48% of household waste (EPA 2017).

Recyclate generated from kerbside collections includes paper and cardboard, steel and aluminium cans, plastic bottles and jars, and glass bottles and jars. These materials are diverted from landfill for beneficial reuse, with reduced environmental impacts associated with both landfilling and extraction of virgin resources.

Over the last 20 years, there has been significant change in both the recycling regulatory environment and in the markets for recyclate. These changes threaten the viability of kerbside recycling services, particularly for glass.

In November 2014, the NSW waste regulatory framework was extensively revised. These amendments require recycling facilities that handle more than 30,000 tonnes of material each year to be licensed, and where material is stockpiled on site for more than 12 months, to pay the waste levy. The new Protection of the Environment (Waste) Regulation 2014 also makes it an offence to transport recyclate more than 150 km from the place of generation, except where it is transported to the nearest lawful processing facility. These changes have increased the cost and complexity of recycling in NSW.

At present, most material collected from kerbside recycling services is processed into new products. Typically:

- Paper and cardboard are exported to China for reuse predominantly as packaging;
- Steel and aluminium are reprocessed in Australia for a variety of uses including whitegoods and new cans; and
- Plastics are exported to China for processing into clothing, carpets and pellets for a range of recycled plastic products.
However, there is currently no market for glass products in Australia or overseas, and the value of plastic is declining. The recycling industry in NSW is under extreme pressure, and its collapse would create significant problems for NSW local councils and their communities.

### Cessnock City Council
**Glass recycling impacts of recyclable markets and Legislative requirements**

That the NSW Government addresses the current failures in the recycled products market, including support for the development of markets for recycled glass.

That the Federal Government considers the implications for sustainable waste management of permitting import of cheap glass containers and glass products.

### Note from Council

A large portion of the material collected through Hunter Resource Recovery’s recycling contract is glass. Recently the recycling of glass in Australia has attracted attention and concern from both industry and residents alike. A feature story broadcast by the ABC has heightened the focus and concern on this section of the industry.

The current practice of storage and transportation is unsustainable and is forcing the recycling industry to breaking point as no recycler is willing to be the first to reject glass bottles and jars from the kerbside recycling service.

In 2015 the last remaining glass recycling processing facility in Sydney ceased trading, resulting in no outlet for glass processing and recovery in Eastern Australia. The closure was blamed upon the high costs of processing and a loss of traditional markets within Australia due to cheap imported glass products from the Middle East.

### Singleton Council
**Glass recycling**

That Local Government NSW calls on the NSW Government to address the current failures in the recycled products market, including support for the development of markets for recycled glass and plastics.

### Note from Council

NSW households generate 1.77 million tonnes of recycling each year that is collected from the kerb predominately by local government. This accounts for about 48% of household waste (EPA 2017).

Recyclate generated from kerbside collections includes paper and cardboard, steel and aluminium cans, plastic bottles and jars, and glass bottles and jars. These materials are diverted from landfill for beneficial reuse, with reduced environmental impacts associated with both landfilling and extraction of virgin resources.

Over the last 20 years, there has been significant change in both the recycling regulatory environment and in the markets for recyclate. These changes threaten the viability of kerbside recycling services, particular for glass.

In November 2014, the NSW waste regulatory framework was extensively revised. These amendments require recycling facilities that handle more than 30,000 tonnes of material each year to be licensed, and where material is stockpiled on site for more than 12 months, to pay the Waste Levy. The new Protection of the Environment (Waste) Regulation 2014 also makes it an offence to transport recyclate more than 150 km from the place of generation, except where it is transported to the nearest lawful processing facility. These changes have increased the cost and complexity of recycling in NSW.

At present, most material collected from kerbside recycling services is processed into new products. Typically:

- Paper and cardboard are exported to China for reuse predominantly as packaging;
- Steel and aluminium are reprocessed in Australia for a variety of uses including white goods and new cans; and
- Plastics are exported to China for processing into clothing, carpets and pellets for a range of recycled plastic products.

However, there is currently no market for glass products in Australia or overseas, and the value of plastic is declining. The recycling industry in NSW is under extreme pressure, and its collapse would create significant problems for NSW local councils and their communities.

Hunter Resource Recovery (HRR) is a Company limited by guarantee, which was established in 1996 as a joint planning and purchasing entity for kerbside recycling services for its then three member Councils of Cessnock, Lake Macquarie and Maitland. Singleton Council became a member in 2011. HRR is funded by a Recycling Contributions Agreement with each of its member Councils.

In July 2013, HRR entered into a new ten year Kerbside Recycling Contract with a further two x 1-year extension options. HRR entered into this contract as a trustee and delegate of its member Councils.

In relation to Councils kerbside recycling contract the CEO of Hunter Resource Recovery reports:

Solo Resource Recovery was awarded the Recycling Contract and is responsible for the collection, sorting and lawful disposal of all collected product. Solo Resource Recovery nominated Polytrade Australia as its sorting and distribution agent. The HRR Recycling Contract currently provides about 58% of the Gateshead facility’s annual throughput. Products collected and sorted under this contract include:

- Paper and cardboard (53%);
Steel and aluminium cans (11%);
Plastic bottles and jars (8%);
Glass bottles and jars (27%).

Communities serviced by HRR recycling collections divert over 33,000 tonnes per year of waste from landfill. Glass represents 27.3% of all products but absorbs 44% of processing costs. HRR's objective is to keep this glass out of landfill. Stockpiling glass is the only viable option until market conditions improve or new re-use options are developed. As there is currently no market for glass products in Australia or overseas, glass sorted from the HRR facility is currently being stockpiled in Victoria, awaiting improvement in market conditions.

None of the recyclables collected from the HRR service are illegally dumped nor exported to QLD landfills.

The current practice of storage and transportation is unsustainable and is forcing the recycling industry to breaking point as no recycler is willing to be the first to reject glass bottles and jars from the kerbside recycling service.

In 2015 the last remaining glass recycling processing facility in Sydney ceased trading resulting in no outlet for glass processing and recovery in Eastern Australia. The closure was blamed upon the high costs of processing and a loss of traditional markets within Australia due to cheap imported glass products from the Middle East.

It is estimated that in the current financial year a further 9,000 tonnes of recycled glass will be generated by the HRR members further compounding the problem.

Industry experts have cited a need for a coordinated response to this unprecedented situation from governments and regulators to stop the situation from worsening, siting:

- Increasing freight costs, rendering the economic viability of sorting and transporting glass as marginal in many rural areas.
- While politically unacceptable, the increasingly attractive option for regional/rural areas is to landfill glass locally.
- Multiple Australian states are experiencing the glass market downturn.

The Australian Council of Recycling has likened the situation to the decline of the mining industry and is calling for regulators and Governments to take action before the crisis becomes a disaster.

Exacerbating the situation, many recycling companies are locked into long-term contracts with local councils, some as long as 10 years. The recycling industry is also experiencing a commodity price slump.

The situation with glass recycling has reached crisis point in NSW, being described as “a perfect storm” of negative conditions.

**68 Blacktown City Council**

**Encouraging safe disposal of asbestos**

That Local Government NSW lobbies the NSW Government to remove the *Protection of the Environment Operations Act 1997* s. 88 (waste) levy from asbestos containing material, provided the material is transported to a licensed facility in accordance with SafeWork NSW requirements and/or delivered by a licensed asbestos contractor with EPA authorisation.

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

**Note from Council**

Asbestos was used widely in Australia until the mid-1980s in such industries as building and construction (for strengthening cement and plastics and for insulation, fireproofing and sound absorption e.g. fibro sheeting and Villaboard). One in every three houses in Australia built before 1982 contains asbestos. Building products made after 1987 are asbestos free.

There is no safe level of exposure to asbestos fibres. Whilst there appears to be a general understanding within the community, particularly by home renovators/demolishers, of the danger asbestos material poses, illegal dumping continues.

From a regulatory perspective, the increase in illegal dumping of asbestos material may be due to a combination of rising tipping fees and the SafeWork NSW requirements that any more than 10m² of asbestos must be removed by a licensed contractor and disposed of appropriately.

Removing the s. 88 (waste) levy specifically from waste material containing asbestos could lead to a reduction in the amount and incidence of illegal asbestos dumping across NSW.
The s. 88 (waste) levy applied to all waste was introduced as an economic driver to encourage all sectors to reuse and recycle, and it has assisted in increasing recycling across NSW. However, there is currently no reuse or recycling options available for material containing asbestos, so the imposition of the levy cannot motivate a change of behaviour.

**Fairfield City Council**

**Exemption of s. 88 Waste Levy for asbestos contained materials to dispose of at the landfills**

That the NSW Government give exemption to disposal of asbestos contained materials at qualified landfill sites to help local government in dealing with increasing incidence of illegal dumping.

**Note from Council**

Illegal dumping continues to increase significantly in terms of number of incidents and overall volume. A major contribution to this trend is the financial burden placed on the community for disposal. Costs for disposal have increased at a very high rate. In particular, costs for disposal of asbestos contained materials at qualified landfills sites are extremely high. Exemption of s. 88 levy as part of the cost of disposal of asbestos related materials would reduce the cost and be more of an incentive to dispose of material legally, thus reducing the number of illegal incidents. NSW Environment Protection Authority (EPA) published a research report on illegal dumping in 2015 which reported that cost avoidance is one of the main key drivers for businesses to dump illegally. Many respondents of the survey “thought that reducing the cost of legal waste disposal (particularly of asbestos) would help reduce illegal dumping” (EPA 2015).

**Liverpool City Council**

**Environmental Planning Authority asbestos tipping fee**

That Local Government NSW campaigns with NSW councils against the Environmental Planning Authority’s asbestos tipping fee which is adding significantly to council costs and encourages illegal dumping (which council then has to clean up and pay to dispose of).

**Note from Council**

The Protection of the Environment Operations Act 1997 (POEO Act) requires certain licensed waste receiving facilities in NSW to pay a contribution for each tonne of waste received at the facility.

Referred to as the ‘waste levy’, the contribution aims to reduce the amount of waste being landfilled and promote recycling and resource recovery. The waste levy applies in the regulated area of NSW which comprises the Sydney metropolitan area, the Illawarra and Hunter regions, the central and north coast local government areas (LGAs) to the QLD border as well as the Blue Mountains, Wingecarribee and Wollondilly LGAs.

The 2017–18 waste levy rates are as follows:

1. Metropolitan Levy Area: $138.20 per tonne.
2. Regional Levy Area: $79.60 per tonne.

The waste levy is NSW Government’s key economic instrument for greater waste avoidance and resource recovery. However, asbestos containing waste cannot be recycled or recovered and hence this category of waste does not have any market value. The exorbitant gate fees therefore means the waste levy creates a very strong economic incentive to avoid landfill/legal disposal. Consequently, the levy has created a lucrative black market in illegal dumping, which ultimately becomes the responsibility of councils to manage at substantial costs. Sydney’s fringes are serving as a dumping ground for asbestos waste as unscrupulous builders and renovators seek to avoid costly and labour-intensive legal disposal.

As reported in the Sydney Morning Herald on 28.05.2017, ‘by flouting the rules, dumping toxic waste illegally and endangering public health, cowboy operators offer a cheaper service for those who want to get rid of asbestos. High government charges are what has created and sustains their business model. This state needs to make it easier, not harder, to dispose of asbestos legally. There is an excellent case for the levy to be waived for asbestos’. Waiving the waste levy on asbestos containing waste would be the only way to encourage its legal disposal.

**Other environmental issues**

**69 Gwydir Shire Council**

**Dog breeding guidelines**

That the Local Government NSW Annual Conference call on the Minister for Primary Industries to expedite the review of the Animal Welfare Code of Practice – Breeding dogs and cats to incorporate the recommended improvements put forward by both the NSW Companion Animals Taskforce Report (2012) and the Joint Select Committee on Companion Animal Breeding Practices in New South Wales (2015).

**Note from Council**

It was clear that the NSW Government are not acting in a timely manner to address the deficiencies that currently exist in the Animal Welfare Code of Practice – Breeding dogs and cats.
The suggested improvements recommended by both the NSW Companion Animals Taskforce Report (2012) and the Joint Select Committee on Companion Animal Breeding Practices in New South Wales (2015) have not been implemented to date.

### 70 Lake Macquarie City Council  Payment of companion animal registration fees to councils

That Local Government NSW calls on the Acting Chief Executive of the Office of Local Government (OLG) to make arrangements with all NSW councils to deduct the determined amount for local councils from the payment required to be made to the Companion Animals Fund, at the point of payment of registration fees, in accordance with s. 85(4) of the Act.

**Note from Council**

Councils are agents for the collection of companion animal registration fees, which are then paid into the Companion Animals Fund (the Fund). Under Part 5 Clause 32 of the *Companion Animals Regulation 2008*, from time to time, the Chief Executive of OLG determines that a proportion of this Fund be paid to councils for the provision of companion animal services. The payments of these amounts to councils is becoming increasingly irregular and delayed. Currently, amounts are being remitted to councils up to 12 months after being paid into the Fund, and as infrequently as once each year. For example, payment for the first quarter of the 2016/2017 financial year was made on 28 June 2017, leaving payments for the remaining three quarters outstanding.

The delay and irregular payment of amounts from the Fund affects councils’ ability to administer their obligations under the *Companion Animals Act 1998*, particularly in relation to effectively budgeting for companion animal services. The uncertainty can also mean that councils are required to redirect General Funds to these services, reducing a council’s opportunity to use these funds to support general council services.

Part 10 s. 85(4) of the Act provides that the Chief Executive of OLG can make arrangements for the payment of funds to councils, including payment of a council’s portion of the animal registration fee at the point of payment of that fee. In order for councils to be funded for companion animal services in a more timely and efficient manner, the provisions of Part 10 s. 85(4) of the Act should be applied across all NSW councils performing registration agent services.

### 71 Shellharbour City Council  Circuses in NSW

That Local Government NSW calls on the NSW Government to introduce legislation to ban exotic animals in circus performances/attractions in NSW.

**Note from Council**

For the animals, life in a circus is a monotonous and brutal routine of boredom, stress and pain. In short, traveling animal acts perpetuate animal cruelty, inhumane care, public safety hazards and distorted images of wildlife. National, regional and local governments in at least 30 countries have already banned the use of exotic animals in circuses. A number of NSW councils have banned circuses that use these animals on their land. Shellharbour City Council believes it should be the State Government that legislates and ends this practice.

### 72 Inverell Shire Council  Flying-fox camps

That:

1. The NSW Government appoint a single state agency to be responsible for the overall management of Flying-fox camps that impact on urban areas.
2. The agency be provided with adequate funding to undertake on-ground actions to mitigate human amenity impacts associated with the presence of Flying-fox camps.
3. The NSW Government pursue appropriate legislative and camp management policy changes to enable the practical size reduction and relocation of Flying-fox camps.

*(Note: This motion covers the following motions set out in small font)*
Note from Council
• Local government is restrained by environmental legislation, often preventing pragmatic on-ground solutions to minimise impact.
• State Government funding is only available to prepare management plans and implement. The management plan is designed to promote co-existence, not addressing dispersal. Local government is unable to take any action outside of the plan.
• Local government does not have the expertise to assess and manage. Management of native fauna is not part of councils’ core functions.
• Costs and constraints unrealistic for local government.
• Management of Flying-fox camps involves multiple state agencies and both State and Federal legislation. Whilst council may be the tier of government closest to the impacted community, in reality they have limited opportunity to influence outcomes.

Nambucca Shire Council
Flying-fox dispersal
That Local Government NSW lobbies the State and Federal Governments to make legislative provision to allow councils in consultation with the Office of Environment and Heritage (OEH) to take immediate action to move Flying-foxes on before a colony is formed where their activity is noted within 500 m of residences, schools and public facilities.

Note from Council
Flying-foxes are protected under both State and Federal legislation and it is currently a difficult, lengthy and expensive process to gain consent to disperse an established colony, often with varying success.

If it is accepted that Flying-fox colonies are undesirable within say 500 m of residences, schools and public facilities then the State and Federal Governments could modify legislation so that if and when Flying-foxes are noticed beginning to frequent an area a council, with the assistance of OEH, could take immediate action to move them on before a colony becomes established.

It is likely that the general public would be keen to assist in notifying councils or the OEH of Flying-fox activity in proximity to their homes or public facilities.

Such measures will not assist in dispersing established colonies but may prevent other communities from dealing with the issues encountered in our shire at Gordon Park and Bowraville and other locations like Maclean High School and the Royal Botanic Gardens, Sydney.

Tamworth Regional Council
Flying-fox populations in Tamworth
That Local Government NSW lobbies the NSW Government to take responsibility for the management of Flying-fox populations.

Note from Council
This year Tamworth was inundated with a Flying-fox camp of 150,000 animals in the centre of the town along the Peel River. The impact of so many animals in one camp on the community is quite high. The issues listed include:
• Faecal drop on outdoor areas, cars, caravans at the adjacent caravan park, pools and washing lines, and estimated resources (time, cost) associated with cleaning areas adjacent to the camp. Residents under the Flying-fox flight path also raised concerns about faecal drop on their premises.
• Damage to the local vegetation as the local flora is stripped bare from the sheer numbers of the bats roosting and foraging in them.
• Smell was reported as an issue by residents and users of the park.
• Contamination of private drinking water supplies.
• Noise as Flying-foxes depart or return to the camp.
• Flying-foxes overhanging residential properties.
• Health and/or wellbeing impacts (e.g. associated with lack of sleep, anxiety, fear of disease, not being able to go outside).
• Reduced general amenity – the animals cause a significant amount of disruption to the park amenity. They dropped a lot of small branches from the River Red Gums throughout the park which made walking and cycling tracks hazardous and also made lawn maintenance a very time consuming task. The faecal drop in this area also meant that large areas of the park were placed out of action, until they could be cleaned up.
• Impacts on businesses to clean up the messes left by the camp.

It is unreasonable to expect the community to live indoors when the animals visit for months at a time. Tamworth Regional Council would like the State Government to take ownership of the Flying-fox camps by providing funding to minimise their impacts.
5. GOVERNANCE/CIVIC LEADERSHIP POLICY

Local government elections

<table>
<thead>
<tr>
<th>73 Bland Shire Council</th>
<th>Voting at local council elections</th>
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<tbody>
<tr>
<td>That Local Government NSW requests the NSW Government to review the method of voting at local council elections with a view to establishing a ‘first past the post’ system of voting, for councils with fewer than 5,000 eligible voters, whereby voters need only place a mark against the candidate(s) of their choice and the candidates with the most votes are elected accordingly.</td>
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Note from Council

a) Council is of the strong belief that the current system of ‘random selection’ in the counting of preferences in local government elections is unfair particularly when applied to the smaller rural councils within NSW.

b) Council does not believe that this system delivers fair results in all cases for candidates particularly when applied to the smaller rural councils within NSW where the majority of candidates are not aligned to any political party and who have not nominated in a ‘group’. Consequently, the majority of the candidates simply produce a How to Vote card with the No.1 placed next to their name and there is no indication of their preferences.

c) Council believes that an alternative to the current system would be to have a ‘first past the post’ system in those councils with fewer than 10,000 population which would probably equate to having less than 5,000 eligible voters. It is a classic case of one size does not fit all and the current system is more applicable to the lager regional and metropolitan councils. In rural areas such as West Wyalong many of the voters are of the belief that by placing the numbers 1-9 on the ballot paper they have actually indicated their order of preference. However, with the random selection system this is not the case and one could argue that these voters have been misled by the system.

<table>
<thead>
<tr>
<th>74 Gunnedah Shire Council</th>
<th>Duration of pre-polling</th>
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<tr>
<td>That Local Government NSW petitions the NSW Government to change the Local Government (General) Regulation 2005 to allow a council by resolution to shorten the pre-poll voting period to the period including the Monday to Friday of the week before Election Day.</td>
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</table>

Note from Council

The Regulation, through s. 326(1), currently prescribes that the pre-poll period shall be held between the twelfth and second day before Election Day. The cost of running an election for NSW councils is a significant burden, also for the candidates who have full time employment it can be very difficult to make available the time required to man the pre-polling stations. Should the pre-polling time be reduced to one week a cost saving to councils would be achieved and potentially more suited candidates may stand for election in future elections.

<table>
<thead>
<tr>
<th>75 City of Parramatta Council</th>
<th>2017 local council elections</th>
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<tbody>
<tr>
<td>That Local Government NSW makes a submission to the NSW Electoral Commission to address the issues experienced leading up to and experienced in September 2017 local government elections, which included:</td>
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<tr>
<td>• Insufficient staff at polling booths.</td>
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<td>• Unsuitable location of pre-polling and polling booths.</td>
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<tr>
<td>• Insufficient training provided to staff at the polling booths.</td>
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<tr>
<td>• Too many closely located polling places and multi ward polling places on election day</td>
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<tr>
<td>• Long queues and delays experienced at all polling places leading to a large number of complaints by voters.</td>
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</table>

Further, that Local Government NSW canvas NSW councils to contribute additional issues to this submission.
Note from Council
City of Parramatta Council engaged the NSW Electoral Commission to run their Local Elections on 9 September 2017 as outlined in the Summary Clauses supporting the Local Government (City of Parramatta and Cumberland) Proclamation 2016. Council has fielded feedback from candidates and residents which identified areas of the election process that could be improved in relation to the management and treatment of candidates and residents during pre-poll and polling day as well as comments received on the methods of counting and preference voting.

Local government legislative and regulatory settings

<table>
<thead>
<tr>
<th>76 Orange City Council</th>
<th>Reform to Local Government Act 1993</th>
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<tr>
<td>That Local Government NSW seeks reform through the NSW Government to the Local Government Act 1993 to introduce measures to allow councillors to more easily identify the directors of corporate applications in planning matters.</td>
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</table>

Note from Council
When planning matters come before Council, particularly when a company or organisation lodges a Development Application (DA), it is not clear nor is it requirement of the applicant to identify who the company directors are and therefore councillors cannot ascertain whether or not they have a conflict of interest when dealing with such a DA.

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<thead>
<tr>
<th>77 Ku-ring-gai Council</th>
<th>Procedures in relation to Code of Conduct complaints against councillors</th>
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<tbody>
<tr>
<td>That Local Government NSW requests the NSW Government to reform the procedures in relation to Code of Conduct complaints against councillors by removal of the involvement of general managers and the creation of an independent watchdog to consider genuine complaints against councillors and prosecute frivolous or vexatious grievances.</td>
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Note from Council
Existing procedures in relation to Code of Conduct complaints against councillors continue to provide a role for the general manager, including in the resolution of complaints by alternative means. This can place a general manager in a situation of tension with councillors that is not helpful to the functioning of and confidence in local government.

In QLD, there have been moves to address this type of problem through the creation of an independent watchdog with powers to assess complaints and, where appropriate, bring prosecution actions. The moves in QLD follow the report of that state’s Crime and Corruption Commission into systematic problems in the local government sector.

Notwithstanding that there are differences in the systems of local government in NSW and QLD, the concept of an independent body to administer Code of Conduct matters has the merit of addressing existing weaknesses in this state’s scheme.

<table>
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<tr>
<th>78 Newcastle City Council</th>
<th>Modification to s. 449 Pecuniary Interest</th>
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<tr>
<td>That Local Government NSW calls on support from member councils for modification to s. 449 of the Local Government Act 1993 to provide a mechanism for designated persons to disclose the interests of their spouses/partners and dependent children through the annual pecuniary interest returns process.</td>
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</tbody>
</table>

Executive note
There is a slight inconsistency in the Local Government Act 1993 between s. 449 (6) and 443 (1). This motion by Council recommends s. 449 (6) is removed, for clarity.
Note from Council
Councillors and other designated persons are required to complete an annual pecuniary interest return under s. 449 of the Local Government Act 1993. The requirements of these returns are stipulated in the Local Government (General) Regulation 2005.

The requirements are very similar to those for State MPs under the Constitution (Disclosures by Members) Regulation 1983 (NSW).

In 2014, the NSW Parliament's Privileges Committee 'Inquiry into recommendations of the ICAC regarding aspects of The Code of Conduct for Members, the interest disclosure regime and a parliamentary investigator' recommended that the interest disclosure regime under the Constitution (Disclosures by Members) Regulation 1983 be amended to incorporate full and open disclosure by members of the Parliament of the interests of their spouses/partners and dependent children of which they are aware subject to the following guidelines:

- members are not required to disclose the name of a spouse, partner or dependent child;
- ‘dependent children’ means dependent children under 18 years of age or dependent full-time students under 25 years of age who are wholly or mainly dependent on the member for support;
- ‘partner’ means a person who is living with another person in a bona fide domestic relationship;
- where interests are held jointly with a spouse or partner, former spouse or partner, or dependent children, the interests need to be included only as interests of the member, with appropriate notation such as ‘jointly owned with [former] spouse/partner’.

Participation

79 City of Sydney
That Local Government NSW lobbies the NSW Government to amend s. 275(1) of the Local Government Act 1993 (NSW) to include “property developers” in the list of persons disqualified from holding civic office, and to include an appropriate definition of “property developers” that does not include small scale property development by owner-occupiers.

Note from Council
In order for local councils to be truly independent and make the best decisions for all stakeholders they must be free from the direct influence of property developers. There have been instances in NSW in which over- and poorly planned- developments have created upset in communities and ultimately been a factor in the forced amalgamation of councils. Large-scale development interests should not be given a direct stake in council.

80 Lake Macquarie City Council
That Local Government NSW lobbies the NSW Government and Remuneration Tribunal to make it mandatory that councils make superannuation payments to mayors and councillors and that these payments must be in addition to the stipend paid to elected officials. The superannuation payments would be at the Superannuation Guarantee rate, as determined by the Commonwealth and which varies from time to time. Payments would be made to complying superannuation funds.

Note from Council
Councils are not required to make superannuation contributions equivalent to the Superannuation Guarantee on behalf of mayors and councillors. This is because fees paid by councils to mayors and councillors are not deemed salary, wages or ordinary time earnings for superannuation purposes. These circumstances are unsatisfactory. The time and commitment involved in performing the duties of an elected local government official require many councillors to forsake other activities that would attract income and employer superannuation contributions. Governance experts and practitioners alike recognise that governing bodies with members from diverse backgrounds can achieve superior results for their communities. If councils are to meet the rapidly changing expectations of NSW communities, they need to attract a diverse array of talented individuals to serve as mayors and councillors. Women and men in the middle of their careers,
younger adults, and people who care for dependent others are examples of the talent pools from which local government draws relatively few elected leaders. To attract top talent, the local government sector should offer compensation, including superannuation, comparable to that available from the work activities mayors and councillors forgo in order to serve on councils.

Currently, councils may resolve to allow councillors to sacrifice a portion of their fees into complying superannuation funds, on a pre-tax basis. However, this is optional. Councillors who utilise this option reduce the ‘take home’ component of their fees.

To enhance local government’s capacity to attract talented individuals as elected leaders, legislative changes should be introduced, mandating that councils contribute to complying superannuation funds on behalf of mayors and councillors. These compulsory contributions should be additional to fees already paid to mayors and councillors, and should be calculated as if mayors’ and councillors’ fees were deemed ordinary time earnings for the purpose of the Superannuation Guarantee (Administration) Act 1992. By strengthening local government’s ability to recruit diverse, talented elected officials, such legislative changes would provide significant benefits to NSW communities.

LGNSW should advocate for this change, as the pre-eminent organisation representing councils in NSW.

Due to the relative complexity of existing legislation governing this issue, any legislative reform is likely to create significant impacts for other aspects of the legal relationships between elected representatives and councils. For this reason, it will be important for LGNSW to comprehensively engage with its members when developing advocacy initiatives concerning superannuation for mayors and councillors.

Executive note
LGNSW amended the wording of the motion originally submitted by Lake Macquarie City Council. The changes do not affect the substance of the motion.

Policies and programs that affect local government

<table>
<thead>
<tr>
<th>Council</th>
<th>Minister for Local Government</th>
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<tbody>
<tr>
<td><strong>81 Gwydir Shire Council</strong></td>
<td>That the conference urges the Premier to appoint a Minister for Local Government without the distraction of any other portfolio responsibilities.</td>
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</table>

**Note from Council**
Local Government should be a discrete ministry that allows the Minister appointed to be absolutely focussed on the one portfolio.

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<tr>
<th>Council</th>
<th>Lack of consultation by State Government with local government</th>
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<tbody>
<tr>
<td><strong>82 Lane Cove Council</strong></td>
<td>That Local Government NSW lobbies the Minister for Local Government for improved consultation with the local government sector, so that prior to the introduction into Parliament of any legislation affecting the sector, that the State Government consults and engages with LGNSW.</td>
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</tbody>
</table>

**Note from Council**
Since the council elections in 2012 there have been numerous pieces of legislation affecting the local government sector that have been repealed namely;

- 2013 – White Paper on Planning Reforms;
- 2014 – forced amalgamations,
- 2015 – 10/50 Vegetation – Code legislation,
- 2017 – Fire and Emergency Services Levy (FESL).

In all cases, had the State Government consulted effectively up front with the local government sector, it would have prevented wasting valuable State and council resources, particularly when
the State Government has ultimately had to back flip. It is it the community that pays for the bad State Government legislation and/or policy through the loss of monies and/or the distractions from providing essential community services.

**83 Murray River Council**

Independent Commission Against Corruption

That Local Government NSW lobbies the NSW Government and the Australian Local Government Association (ALGA) seeking their assistance in advocating for the establishment of a Federal Independent Commission Against Corruption or similar body.

**Note from Council**

The Independent Commission Against Corruption (ICAC) was established by the NSW Government in 1988 in response to growing community concern about the integrity of public administration in NSW.

The ICAC’s principal functions are set out in the *Independent Commission Against Corruption Act 1988*. In summary, they are:

- to investigate and expose corrupt conduct in the NSW public sector
- to actively prevent corruption through advice and assistance, and
- to educate the NSW community and public sector about corruption and its effects.

The jurisdiction of the ICAC extends to all NSW public sector agencies (except the NSW Police Force) and employees, including government departments, local councils, members of Parliament, ministers, the judiciary and the governor. The ICAC’s jurisdiction also extends to those performing public official functions.

Within NSW, public sector agencies also include the Federal Government agencies that do not come under the jurisdiction of ICAC. This situation is also escalated when communities have many cross-border connections with other States that have a variety of different governance processes. Consequently, the many differences of governance processes across jurisdictions, including Local Government, often cause confusion in communities, especially those with cross-border connections. It is considered that a common ICAC, or similar body, that has jurisdiction across all boundaries will lead to common approaches to proper governance and ultimately less confusion to the community as a whole.

**Structural reform**

**84 Clarence Valley Council**

Financial compensation for councils amalgamated in 2004

That Local Government NSW lobbies the NSW Government on behalf of all NSW councils amalgamated in 2004 to receive the same financial compensation as those councils recently amalgamated in 2016.

**Note from Council**

The then Government promised savings would be achieved through amalgamations. However, the cost of bringing together six councils comes with many associated costs, some being: phone systems, IT systems, software programs for finance, records, infrastructure, buildings and facilities. Our local government area has a limited rate base with a large footprint of over 10,000 sq. km that covers 129 timber bridges, 162 concrete bridges, 30 community halls and 2,578 km of roads.

**85 Inner West Council**

Binding referendum on amalgamations

That NSW Local Government’s policy on amalgamations includes the requirement that where an amalgamation with one or more councils is proposed there be a binding referendum in each council area asking voters if they want their council to be amalgamated or not. In order for an amalgamation to go ahead, each council area would need to achieve a majority vote in favour of the amalgamation.
**Note from Council**
The experience of the recent amalgamations is that local communities did not have a say in whether their local councils should be amalgamated. While public inquiries were held by the State Government the public views at these inquiries were largely ignored by the Commissioners. The Inner West Council calls on LGNSW to lobby the State Government to have a policy position that where an amalgamation of councils is proposed a binding referendum of the communities affected be held and a majority of yes votes must be received for an amalgamation to proceed.

<table>
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<tr>
<th>86 Board</th>
<th>Forming regional organisations as incorporated entities</th>
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<tr>
<td>1) That Local Government NSW calls on the Government to remove all impediments to councils forming regional legal entities - with boundaries of the councils’ choosing and covered by the Local Government Award - for the purposes of, but are not limited to:</td>
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<tr>
<td>- regional strategic planning</td>
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<td>- intergovernmental collaboration</td>
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<td>- regional leadership</td>
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<td>- shared services and other activities determined by the regional organisation.</td>
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<tr>
<td>This is to include removing the requirement, for regional organisation purposes, for Ministerial approval of applications by councils to form Companies Limited by Guarantee and/or Incorporated Associations on a regional basis (such applications currently require Ministerial approval under s. 358 of the <em>Local Government Act 1993</em>). It must also include the lifting of the current ceiling on earnings under the Incorporated Associations Act from $250,000 per annum to a level that would allow the regional organisation to perform its functions effectively.</td>
<td></td>
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<tr>
<td>2) That Local Government NSW also calls on the Government to provide implementation and ongoing funding to support the regional legal entities.</td>
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*(Note: This motion covers the following motions set out in small font)*

**Note from Board**
It is important for councils to work together effectively at a regional level. Regional Organisations of Councils (ROCs) have been highly effective models of regional organisation in many areas of the state, both in regional and metropolitan areas. Other, more functionally specific regional groupings of councils have also been effective.

One of the main advantages that JOs were to have over the ROC model was legal status as bodies corporate under the *Local Government Act*. ROCs have largely been forced to operate awkwardly as Section 355 committees of one of the member councils.

Providing alternative paths to legal status would help strengthen regional council bodies.

Implementation funding support is justified on basis that the Government had committed to provide $300,000 to each new JO under the Fit for the Future Program. Recurrent financial support is warranted on the grounds that the Government and its various agencies benefit from stronger planning and organisation.

**Belligen Shire Council**

**Joint Organisation**

That the State Government provide funding for groups of councils (ROCs or JOs) to support regional advocacy, collaboration and shared servicing and alliancing to an equitable level as originally provided to councils as part of the State Government industry reform process.

**Note from Council**

The Mid North Coast Region of Councils (MIDROC) serves to

- Advocate and inform all spheres of government of the economic social environment and infrastructure needs of the region
- Strengthen the role of local government in regional affairs with regard to policy and strategic direction of both State and Federal Government
- Support the implementation of strategies that will build community capacity across the regional and Support the implementation of strategies that will build community capacity across the region and increase the effectiveness and efficiency of member councils through sharing ideas and resources
MIDROC also seeks to advance the region’s position in a number of key areas through targeted advocacy. Key issues include organisational sustainability of member councils and within that funding arrangements for local government and infrastructure management

- Regional strategic planning initiatives
- Planning processes
- Regional economic development
- Promotion of local governments role in community planning

In pursing these initiatives at a regional level, MIDROC acts to build and maintain close working relationships with other levels of government through providing stewardship for member councils in pursuit of achieving sustainability in delivering programs and services to our communities. There is identified opportunity to progress this through the option of shared servicing and alliancing.

MIDROC has recently resolved to become a Joint Organisation and is seeking state funding to progress this in keeping with the investment made by the State Government in other regional organisations as part of the local government reform process.

Given the position of government to work with groups of councils it is important that all regions are treated equally and equitable funding provided to support councils in this endeavour.

Cowra Shire Council  Establishment of Regional Organisations
That Local Government NSW strongly advocates the State Government to provide a regulatory framework to allow the formation of regional organisations where Local Governments believe they are beneficial.

Note from Council
Many ROCs have been operating successfully for some years and would like to proceed to formalise their status to allow them to operate as Companies Ltd by guarantee and /or incorporated associations.

The failure of the State Government to provide any leadership or take up the opportunity to offer legislation for JOs has left ROCs and other councils, which are keen to enter into similar arrangements, without a future legal structure.

The benefits of the formation of ROCs across boundaries includes regional strategic planning, intergovernmental collaboration, shared services and tendering options.

These activities should be determined by individual councils and ROCs.

Gunnedah Shire Council  Financial support for local government organisations
That Local Government NSW calls on the NSW Government to financially support Regional Organisations of Councils (ROCs) or Joint Organisations (JOs), enabling regions to develop projects of regional significance regardless of the type of organisation with which councils associate.

Note from Council
Given that the majority of councils in NSW are members of ROCs or JOs that have a significant focus on regional based outcomes to drive growth and prosperity through NSW, it would seem appropriate for the NSW Government to afford the necessary tools and financial support for the establishment of, and or further development of programs and business plans to increase the effectiveness of such organisations.

Lane Cove Council  Legislative reform for Regional Organisations of Councils (ROCs)
That Local Government NSW lobbies the NSW Government to introduce changes to the Local Government Act to implement structural reform which formally constitutes ROCs so that they can negotiate and enter into contracts for the regions on behalf of their member councils.

Note from Council
The ROCs are currently volunteer collaborative organisations. Making the collaboration binding even for individual projects or contracts will ensure the planned outcomes can be achieved even during lengthy negotiation processes.

The benefit of such binding collaboration to member councils is plenty-fold:

- deliver economies of scale for shared services (as the ROCs see fit and including services such as waste management, open space maintenance or road works)
- increase benefits through shared resources (such as libraries or IT solutions)
- ensure better planning outcomes for precincts that are across multiple municipalities (e.g. St Leonards) or facilities that are attracting patronage from multiple municipalities (sporting or cultural)
- lobby and liaise with State Government departments and agencies with more weight.
6. ASSOCIATION BUSINESS

87 Board
Regional meetings pilot
That Local Government NSW pilots a zone meeting model in 2018.

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

Note from Board
LGNSW is continually seeking ways to better engage with members outside of the Annual Conference. Over the past 12 months LGNSW has launched a range of new initiatives for members including a councillor mentor service to complement its mayoral mentor program, post-election workshops, a customised report card for individual councils and a capability framework which details specific behaviours, skills, knowledge and attributes for staff and elected representatives. During 2018, LGNSW proposes to develop and trial a zone meeting model to investigate its potential value to members. In developing the model, consideration would be given to a range of factors including meeting format, frequency, size, etc.

Goulburn-Mulwaree Council
Zone meetings
That Local Government NSW conducts twice yearly zone meetings around the state to keep councillors and councillors informed, who are unable to attend or participate in annual conferences.

Note from Council
LGNSW performs a role to promote local government policy issues to State Government, departments of State Government and other key stakeholders on a regular basis. There is very limited opportunity for grass root councillors to have an opportunity to participate in policy formulation. An annual conference is often rushed or has limited opportunity for full discussion on major policy issues. The purpose of zone conference would be to allow a more localised discussion on key State or Federal wide local government issues to ensure that a wider input of knowledge, expertise and local matters to be considered. Such zone meetings would also be an ideal opportunity for senior elected officials of LGNSW along with senior staff to have a better opportunity for discussions at that localised level. Those discussions would be both on an informative level or policy formulation level.

The zone conference for example could be based around say three or four joint organisations meeting together in a suitable venue.
STATE RULES
Local Government and Shires Association of New South Wales

as at 24 April 2017

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SCHEDULE A

SCHEDULE B
LOCAL GOVERNMENT AND SHIRES ASSOCIATION
OF NEW SOUTH WALES

CONSTITUTION

1. (a) The name of the Organisation shall be the Local Government and Shires
Association of New South Wales (the “Association”) but may also be known
as “[Local Government NSW]”.

(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 Industrial Relations Act 1996 (NSW).

“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” means 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.

“Amalgamation date” means the date fixed by the Industrial Registrar as the date upon which the Amalgamation and these Rules takes effect, being such date as the Industrial Registrar determines but being no earlier than 1 March 2013.

“Approved training” means training approved by the General Manager pursuant to Section 154C of the Fair Work (Registered Organisations) Act 2009 (Cth).

“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, except in Rule 66, the Board of Directors of the Association, which is the Committee of Management of the Association for the purpose of the Act.

“board” means a group of persons who supervise, govern or otherwise have oversight of a corporation, organisation, association or other like body including a board of directors (other than the Board).

“calculation date” means the first day of March last occurring prior to a Conference, except for the purpose of calculating the voting entitlements of each member of the Association at the 2017 Annual Conference and in the 2017 elections for office at the Conference, where the provisions of Rule 76 shall apply.

“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).

“Declared person or body” - A person is a declared person or body if:

(i) an officer of the Association has disclosed a material personal 
interest under Rule 56; and

(ii) the interest relates to, or is in, the person or body; and

(iii) the officer has not notified the Association that the officer no 
longer has the interest.

“Disclosure period” - For the purpose of these Rules means the financial 
year unless a shorter period is specified.

“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.

“Federal organisation” means the Local Government and Shires Association 
of New South Wales, also known as “Local Government NSW”, an 
an organisation of employers registered under the Fair Work (Registered 
Organisations) Act 2009 (Cth) including without limitation, as referred to in 
Rules 42A and 68.

“Financial duties” means duties that relate to the financial management of 
the Association.

“Financial year” means the period from July 1 in one year to 30 June in the 
following year.

“General Manager” means the General Manager of Fair Work Commission.

“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).

“Non-cash benefit” means property or services in any form other than money, but does not include a computer, mobile phone or other electronic device that is used only or mainly for work purposes.

“Office” has the same meaning as defined in the Dictionary to 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 in the Dictionary to 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.

“Peak council” has the same meaning as defined by section 12 of the Fair Work 2009 (Cth).

“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.

“Related party” has the same meaning as defined by section 9B of the Fair Work (Registered Organisations) Act 2009 (Cth) provided that for the purpose of these Rules any reference to “an organisation” or “the organisation” in that Section shall be taken to be a reference to the Association, and the contents of paragraph (a) of Sub Section (1) are deleted.

“Relative” in relation to a person, means:

(i) parent, step parent, child, stepchild, grandparent, grandchild, brother or sister of the person; or

(ii) the spouse of the first mentioned person.

“Relevant non-cash benefits” - in relation to an officer of the Association for a disclosure period means the non-cash benefits provided to the officer, at any time during the disclosure period, in connection with the performance of the officer’s duties as an officer, by the Association or by a related party of the Association.
“Relevant remuneration” in relation to an officer of the Association for a disclosure period is the sum of the following:

(i) any remuneration disclosed to the Association by the officer under Rule 66 during the disclosure period;

(ii) any remuneration paid during the disclosure period, to the officer of the Association;

“Remuneration”:

(i) includes pay, wages, salary, fees, allowances, leave, benefits or other entitlements; but

(ii) does not include a non-cash benefit; and

(iii) does not include the reimbursement or payment of reasonable expenses for the costs incurred in the course of the officer carrying out his or her duties.

“Roll of Voters” shall mean all those Delegates of 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 cooperation 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:

(ii) 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 RLGBs.

(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) RLGBs, 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:

(a) the member resigns in accordance with Rule 8;

(b) the member is a council that is dissolved;

(c) 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;

(d) 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.

(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

Registered rules of Local Government and Shires
Association of New South Wales as 24 April 2017
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Association as an unfinancial member until such time as subscriptions are paid.

(e) Wheresoever 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) per cent 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 *Fair Work (Registered Organisation) Act 2009* (Cth) (the “Federal organisation”) of the prescribed membership contribution or subscription shall constitute payment in full of the membership contributions and fees to the Association.

**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;

(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.

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 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:

<table>
<thead>
<tr>
<th>Group No. (Councils other than County councils)</th>
<th>Population</th>
<th>Delegates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>Up to 10,000</td>
<td>1</td>
</tr>
<tr>
<td>(2)</td>
<td>10,001 - 20,000</td>
<td>2</td>
</tr>
<tr>
<td>(3)</td>
<td>20,001 - 50,000</td>
<td>3</td>
</tr>
<tr>
<td>(4)</td>
<td>50,001 - 100,000</td>
<td>4</td>
</tr>
<tr>
<td>(5)</td>
<td>100,001 - 150,000</td>
<td>5</td>
</tr>
<tr>
<td>(6)</td>
<td>Over 150,000</td>
<td>7</td>
</tr>
</tbody>
</table>

**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.
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 Metropolitan/Urban category, increase the total number of delegates from the Metropolitan/Urban category, so 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 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

(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) 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;

(c) 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;

(d) 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 Conference
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) If it is desired to change the nomination of a delegate prior to the first day of the Conference 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 the General Manager of the Council, 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 of the delegate being replaced shall be surrendered by that person to the Chief Executive or his or her nominee and replaced with a new badge.

(c) If it is desired to change the nomination of a delegate on or after the first day of the Conference written notice in accordance with sub-rule (b) of this Rule shall be given. In addition, the delegate's badge of the person being replaced as a delegate shall be surrendered to and destroyed by the Chief Executive or his or her nominee before a fresh badge 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) Upon the election of a new President of the Association, the person who immediately preceded in office as the President shall assume the office of “Immediate Past president”, provided that a President who resigns or is removed during his term shall not assume the office of Immediate Past President.

A person who assumes the office of Immediate Past President in accordance with this Sub Rule shall continue in that office for a maximum period of two (2) years. If after that period there is no new Immediate Past President (ie because the successor President is elected as President to serve an additional 2-year term), then the office of Immediate Past President shall lapse until a different person is eligible to assume the office of Immediate Past President.

(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 a 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 45 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 (d), 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 a Conference, 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 Metropolitan Region.

e) The various offices of other Directors (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 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. Elections shall be conducted in accordance with the requirements of Schedule B.

42A (a) Notwithstanding any other provisions of these rules, each of the persons elected from time to time to offices or positions on the Board of Directors of the Local Government and Shires Association of New South Wales being an organisation registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth (“the Federal organisation”) shall be taken to be validly elected to the corresponding office or position of the Association (the State organisation) from and for so long as the Industrial Registrar is satisfied that:

(i) the membership of the Federal organisation and the membership of the Association (the State organisation) are identical or substantially similar; and

(ii) the rules of the Federal organisation relating to the election of the holders of offices comply substantially with the requirements relating to election of the holders of offices under the *Industrial Relations Act 1996*;

(b) Within 28 days (or such longer period as the Industrial Registrar allows) of the Association (the State organisation becoming aware:

(i) of any amendments of the rules of the Federal organisation concerning the election of officers;

(ii) that the membership of the Federal organisation and the membership of the Association (the State organisation) is no
longer identical or substantially similar; or

(iii) that offices in the Federal organisation no longer directly correspond with the offices in the Association (the State organisation)

the Association shall provide written notice of the fact to the Industrial Registrar.

(c) The late lodgement with the Industrial Registrar of a notice under sub-rule (b) shall not invalidate the election of persons taken to be elected under this rule during any period in respect of which the Industrial Registrar is satisfied that the facts required to be established have been established.

(d) This rule shall apply to the filling of casual vacancies by election and appointment.

A person who resigns from office in the Federal organisation shall forthwith cease to hold the corresponding office in the Association (the State organisation).

**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 49; or

(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. 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.

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:

(i) wherever practicable all directors are given at least seven (7) days’ notice of the time, date and agenda for the meeting; and
(ii) 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 per cent 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 per cent 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. (a) Each officer of the Association shall disclose to the Association any material personal interest in a matter that:

(i) the officer has or acquires; or

(ii) a relative of the officer has or acquires; that relates to the affairs of the Association.

(b) The disclosure required by sub-rule (a) shall be made to the Association:

(i) as soon as practicable after the interest is acquired; and

(ii) in writing.

(c) The Association shall disclose to the members of the Association any interests disclosed to the Association pursuant to sub-rule (a).

(d) For the purposes of sub-rule (c), the disclosures shall be made:
(i) in relation to each financial year;

(ii) within six months after the end of the financial year; and

(iii) in writing.

(e) At a meeting of the Directors at which there is considered any contract or proposed contract or arrangement in which the Director has a direct or indirect material personal interest, a Director must not:

(i) vote on the matter; or

(ii) be present while the matter is being considered.

(f) If notice of the interest is given in accordance with Sub Rule (a) and the matter is voted on in accordance with Sub Rule (e) then:

(i) any transactions that relate to the interest may proceed; and

(ii) if the disclosure is made before the transaction is entered into:

A. the Directors may retain benefits under the transaction even though the Director has the interest; and

B. the Association cannot avoid the transaction merely because of the existence of the interest.

(g) If the provisions of this Rule are observed by a Director with regard to any contract or arrangement in which the Director is in any way interested, the fact that the Director signs, affixes or witnesses the affixing of a seal to the document evidencing the contract or arrangement does not in any way affect its validity.

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 for a period of at least 10 years or such other period as may be required under the Act.

(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. Neither a director nor an employee of the Association shall be eligible for the appointment of auditor.

(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. (a) Each officer of the Association shall disclose to the Association any remuneration paid to the officer:

(i) because the officer is a member of a board, if:

   i. the officer is a member of the board only because the officer is an officer of the Association; or

   ii. the officer was nominated for the position as a member of the board by the Association or a peak council; or

(ii) by any related party of the Association in connection with the performance of the officers' duties as an officer.

(b) The disclosure required by sub-rule (a) shall be made to the Association:

(i) as soon as practicable after the remuneration is paid to the officer; and

(ii) in writing.

(c) The Association shall disclose to the members of the Association:

(i) the identity of the officers who are the five highest paid in terms of relevant remuneration for the disclosure period, and

(ii) for those officers:
A. the actual amount of the officers’ relevant remuneration for the disclosure period; and
B. either the value of the officers’ relevant non-cash benefits, or the form of the officers’ relevant non-cash benefits, for the disclosure period.

(d) For the purposes of sub-rule (c), the disclosure shall be made:
   (i) in relation to each financial year;
   (ii) within six months after the end of the financial year; and
   (iii) in writing.

67 (a) The Association shall disclose to the members of the Association either:
   (i) each payment made by the Association, during the disclosure period:
       (A) to a related party of the Association; or
       (B) to a declared person or body of the Association; or
   (ii) the total of the payments made by the Association, during the disclosure period:
       (A) to each related party of the Association; or
       (B) to each declared person or body of the Association.

(b) Sub-rule (a) does not apply to:
   (A) a payment to an officer of the Association which either consists of remuneration paid to the officer by the Association or is reimbursement for expenses reasonably incurred by the officer in performing the officers’ duties; or
   (B) a payment made to a related party if the payment consists of amounts deducted by the Association from remuneration payable to officers or employees of the Association.

(c) For the purposes of sub-rule (a), the disclosures shall be made:
   (i) in relation to each financial year;
   (ii) within six months after the end of the financial year; and
   (iii) in writing.

68 Each officer of the Association whose duties include duties that relate to the financial management of the Association shall undertake training that covers each of that Officer’s financial duties and shall undertake that training:-

   (a) In the case of an officer holding such an office at the date of consent to this Rule by the Industrial Registrar – not later than six (6) months after that date;
   (b) In the case of an officer beginning to hold such an office after the date of consent to this Rule by the Industrial Registrar – not later than six (6) months after commencing to hold that office

PROVIDED THAT: any such officer who completes approved training in respect of an office held in the Federal organisation within the time limits prescribed by this Rule shall be taken to have complied with this Rule.

NOTE: All members of the Board have financial duties – see for example Rule 63.
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.

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 Industrial Registrar 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 organisation of the same name registered under the *Fair Work (Registered Organisations) Act 2009* (Cth),

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 council 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 in writing by the Chief Executive, or any Office Bearer authorised to do so by a resolution of the Board.

**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.

**CALCULATION DATE FOR ELECTION OF OFFICES IN 2017 – SPECIAL RULE**

76. (a) This rule shall apply notwithstanding any other provisions of these Rules, but shall only apply to the annual conference for the Association for 2017 and the elections for offices in the Association at that conference (“the 2017 elections”), and shall cease to apply upon the conclusion of the annual conference for 2017.

(b) The calculation date for the purpose of calculating the voting entitlements of each member of the Association at the 2017 annual conference and in the
2017 elections shall be 9 October 2017, unless the board determines by 30 April 2017 that all of the councils then in existence in the State of New South Wales had become financial members of the Association as at 1 March 2017, in which case the calculation date for the 2017 elections shall be 1 March 2017.

(c) Any decision by the Board pursuant to sub-rule (b) of this Rule shall be communicated in writing to all members not later than seven (7) days after such decision is made.

(d) To avoid doubt, the reference to “councils” in sub-rule (b) of this Rule includes any council that is subject to administration under the Local Government Act 1993 (NSW) but does not include either the ALC or any county council.

END OF RULES
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 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.

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.

8. Nominations for the offices of President, Treasurer, Vice President (Rural/Regional), Vice President (Metropolitan/Urban) and Board members must reach the Returning
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.

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 current registered political party membership;

(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;

(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.
Scrubineers

18. Each candidate at any election shall have the right, if he or she so desires, to appoint before the closing of the ballot 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
ANNUAL CONFERENCE 2017 FEEDBACK SURVEY

1. Which best describes your role:
   - [ ] Mayor
   - [ ] Councillor
   - [ ] General Manager
   - [ ] Sponsor/supporter
   - [ ] Other: ______________________

2. What area are you from?
   - [ ] Metropolitan area
   - [ ] Regional/rural area

3. Is this the first LGNSW Annual Conference you have attended?
   - [ ] Yes
   - [ ] No
   If no, how many have you attended? _______

4. The LGNSW Annual Conference is designed to be the pre-eminent policy making event for NSW local government. How effective do you think the Conference was in achieving that objective?
   - [ ] Extremely effective
   - [ ] Effective
   - [ ] Somewhat effective
   - [ ] Neutral
   - [ ] Somewhat ineffective
   - [ ] Ineffective
   - [ ] Not at all effective

5. The LGNSW Annual Conference provides opportunities for people in the sector to meet and share information. How effective was the Conference for this purpose?
   - [ ] Extremely effective
   - [ ] Effective
   - [ ] Somewhat effective
   - [ ] Neutral
   - [ ] Somewhat ineffective
   - [ ] Ineffective
   - [ ] Not at all effective

6. What are the main benefits of attending the Conference?
   - [ ] Meeting others in similar roles
   - [ ] Voting: LGNSW Board Elections
   - [ ] Policy making
   - [ ] Gaining a broader perspective on local government issues
   - [ ] Sharing information and ideas

7. Did you download the Conference app?
   - [ ] No
   - [ ] Yes
   Comments: ________________________________________________________________

8. Rate the following sessions:

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<th>Session</th>
<th>Excellent</th>
<th>Very Good</th>
<th>Good</th>
<th>Average</th>
<th>Below Average</th>
<th>Poor</th>
<th>Did not attend</th>
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<td>Coming together post-amalgamation</td>
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<td>Elected life and good governance</td>
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<td>The Hon. Gladys Berejiklian MP</td>
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<td>ALGWA Breakfast</td>
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<td>The Hon. Gabrielle Upton MP</td>
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<td>Dr Jonathan Carr-West</td>
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<td>The Hon. Melinda Pavey MP</td>
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<td>Ms Carolyn McNally</td>
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<td>Environment &amp; Planning - session 1</td>
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<td>People &amp; Communities - session 3</td>
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<td>Ms Annabel Crabb</td>
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</table>
9. Which of the following do you think is important to have at the Conference?

- Discussion of Conference motions
- Keynote speakers
- Ministerial addresses
- Concurrent sessions
- Gala dinner
- Trade exhibition

Other: ____________________________________________________________

10. The Gala dinner was held on the last night of the Conference. Should the same occur next year?

- Yes
- No
- Don’t mind

Comments: _________________________________________________________

11. Rate the following aspects of the Conference:

- Conference organisation
- Conference venue
- Social program (welcome reception and Gala dinner)
- Trade exhibition
- Meals/catering
- Ease of booking/registering

Excellent | Very Good | Good | Average | Below Average | Poor | Did not attend

Comments: _________________________________________________________

12. What did you like most about the Conference?

__________________________________________________________________________________

13. Overall, how satisfied were you with this year’s Conference?

- Extremely satisfied
- Very satisfied
- Satisfied
- Somewhat satisfied
- Not at all satisfied

Comments: _________________________________________________________

14. Did you visit the trade exhibition?

- Yes
- No

If no, why? _________________________________________________________

15. Are there particular products/services you would like to see at next year’s trade exhibition?

__________________________________________________________________________________

16. Did you visit the LGNSW booth at the Conference?

- No
- Yes

If yes, why? _________________________________________________________

17. Please suggest any speakers, topics or changes to improve next year’s Conference

__________________________________________________________________________________

18. General comments and feedback

__________________________________________________________________________________

Thanks for completing our survey. Please leave it at the Conference registration desk.
CONTACT
Location: Level 8, 28 Margaret Street, Sydney NSW 2000
Mailing Address: GPO Box 7003 Sydney, NSW 2001
Email: lgnsw@lgnsw.org.au
Phone: 02 9242 4000
Fax: 02 9242 4111