

Local Government Association Conference Action Report 2007

Resolutions from the 2006 Local Government Association Conference are outlined in the left hand column of the table below.

Unless otherwise indicated, the President subsequently wrote to the appropriate Minister in December 2006 referring Resolutions for their consideration and response.

A summary of responses received to date are outlined below. A copy of each Ministerial response is routinely forwarded to the Council proposing each resolution.

Resolution	Current Status/Comment
1 - Procedural - Sessional Orders (The Executive) That Sessional Orders as printed at pages 5 - 7 be adopted.	Adopted and implemented at Conference.
2 - Procedural - Treasurer's Report (The Executive) That the Treasurer's Report be adopted.	Adopted and implemented at Conference.
3 - Role of Local Government (Hornsby) That the Local Government Association commit to canvassing community expectations every two years on the role of Local Government in New South Wales in a similar manner to the IRIS Research opinion poll survey conducted in 2005 and, over time, benchmark the survey results against the 2005 findings and subsequent results.	The LGA Executive have supported a recommendation of the Independent Inquiry into the Financial Sustainability of NSW Local Government that each council periodically (at least at the start of its four year term) conduct an opinion survey of its residents to find out how they rate the importance of each of its major services and how they rate their satisfaction with each service. This is being examined as part of the integrated planning and reporting review.
4 - Red Cross Partnership with LGA (Leichhardt) That the Local Government Association become 'Local Government Friends of Red Cross' and ipso facto all NSW Local Governments if they choose to be, and thus engage in shaping the future of our organisations in the context of community building and governance.	The President has been in dialogue with Red Cross Chief Executive Officer about more strategic use of avenues such as the <i>Local Government Weekly</i> and web site to keep councils informed about the opportunities that Red Cross offers councils that have signed as members and about more targeted approaches to councils that may not yet have signed on.
5 - Indigenous Representation at LGA Conference (Leichhardt) That the Premier, as a matter of urgency, expedite arrangements for representatives from Aboriginal Lands Councils to be nominated as delegates to the Annual Local Government Conference and be allocated all allowances to cover the cost of attending the Conference.	Representations were made on 14 December 2006 to the Premier. Approaches have also been made to the NSW Aboriginal Land Council to discuss what NSWALC may want of the Association given that there are now entities that strictly replace Regional Aboriginal Land Councils and that they may wish to work peak-to-peak rather than trying to fit into what now is not a good structure for them. The Association has also sought legal advice on constitutional implications of this decision and urgent discussions have been held to assist development of a suitable constitutional amendment to be placed before the 2007 Annual Conference for a decision.
6 - Lighting Bush Fires (Wollondilly) Lost.	

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<p>7 - Rural Fires Act (Penrith) That the Local Government Association request the Minister for Emergency Services to require a full review of the Rural Fires Act and financial systems associated with the funding of local rural fire brigades and reimbursement of associated costs to Local Government.</p>	<p>In his response dated 13 February 2007, the Hon Tony Kelly MLC, Minister for Emergency Services, indicated:</p> <p>“I would like to thank the Local Government Association for the opportunity to attend the 2006 Annual Conference.</p> <p>While I am aware of significant changes in bush fire management in the State, particularly over the last 10 years, legislation and policy changes have generally reflected these improvements.</p> <p>I acknowledge the Association’s view that further improvements can be made. I would welcome more detailed proposals so that I am in a position to assess them, taking into consideration the views of other land management agencies.</p> <p>I am aware of the Association’s concerns regarding assets purchased through the Rural Fire Fighting Fund, and no doubt those concerns will be reflected in any proposal I receive from the Association.</p> <p>I appreciate your commitment to fostering constructive discussion on matters of mutual concern. I trust that we can continue to work together in a spirit of goodwill and co-operation to the lasting benefit of our local communities.”</p>
<p>8 - Rural Fire Service (Lithgow) Please see Resolution 7.</p>	<p>Please see response to Resolution 7.</p>
<p>9 - Review of Rural Fires Act (Blue Mountains) Please see Resolution 7.</p>	<p>Please see response to Resolution 7.</p>
<p>10 - Anti Terrorism Legislation (Leichhardt) That this conference:</p> <ul style="list-style-type: none"> - Condemns the Howard Government and its assaults on the democratic foundations of our nation and, specifically, on the freedoms and rights of each and every person in Australia to the protection of the law, to the presumption of innocence, to the rights to a fair trial, to habeas corpus; - Supports the concept that no person shall be deprived of his or her liberty unless proven guilty to known charges according to just laws, that no person shall be held without being charged or otherwise be subject to the coercive powers of the State without being told why and first given the opportunity for judicial redress in an open forum in accordance with all the protections of the common law. 	<p>In his response dated 2 February 2007, the Hon Philip Ruddock MP, Attorney-General, indicated that the Government is conscious of the need to protect our community from the threat of terrorism without unfairly or unnecessarily encroaching on the individual rights and liberties that are fundamental to our democratic system. In creating laws to respond to the new security environment, the Government is striving towards the twin goals of security and justice. The Government does not assume that protecting national security is opposed to protecting our civil rights; rather these goals are complementary. In seeking to prevent terrorism, counter-terrorism laws are in fact protecting these basic rights. If terrorism legislation is proportionate, its security objectives are not so much in conflict with human rights but supportive of them.</p> <p>The Universal Declaration of Human Rights is a declaration of the United Nations General Assembly and, as such, is not binding on States in the way that a State is</p>

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<ul style="list-style-type: none"> - Condemns any laws which subvert our fundamental rights to life and liberty, or which by undermining our liberty threaten our lives. This conference condemns the deportation of the American Peace Activist, Scott Parkin, especially as no reasons were given or charges made, he was denied any semblance of justice and no opportunity was given to allow the Australian people to judge the appropriateness of the Government's actions. - That conference calls on the federal government to put in place a process to create a bill of rights to protect the human rights of all citizens 	<p>bound by a treaty to which it is a party. However, the principles enshrined in the Declaration have been embodied in treaties to which Australia is a party, including the International Covenant on Civil and Political Rights (ICCPR).</p> <p>The Government recognises that human rights are universal, equal and indivisible, however they are not and never have been unqualified. Indeed, restrictions on the exercise of many of the individual rights in the ICCPR may be made for the protection of national security. Rights such as liberty of movement, freedom of expression, peaceful assembly and association are qualified in this way.</p> <p>The Government's counter-terrorism laws are designed to promote security and protect all members of the community from the threat of terrorism. In implementing these laws the Government is satisfied that it is also promoting respect for human rights and fundamental freedoms.</p> <p>The Government's view is that the measures relating to preventative detention are consistent with Australia's obligations under international law, including international human rights law. The Government is satisfied that not only are those measures consistent with those obligations, but the legislation also contains sufficient safeguards to ensure that its implementation in individual cases will also be consistent. The test to ensure that detention is not arbitrary is whether it is reasonable, proportionate and appropriate in all of the circumstances. In this case, the legitimate aim of the legislation is to protect the public from a terrorist attack or take action in response to a terrorist attack.</p> <p>The legislation provides that each instance of preventative detention will be subject to careful consideration by the issuing authority to ensure that it is necessary to achieve the purpose of protecting the public. The Government is satisfied that the preventative detention regime meets is not arbitrary or otherwise contrary to international law.</p> <p>The rights to freedom of expression and freedom of political communication are fundamental human rights that are enjoyed by all Australians, and all people who are in Australia.</p> <p>However, these rights are subject to limitations that are reasonable and necessary in a free and democratic society to achieve an appropriate balance between freedom of expression and the protection of groups and individuals from offensive or harmful behaviour.</p>

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	<p>The Australian Constitution contains an implied guarantee of freedom of communication in relation to political matters, which the High Court has determined is essential to the proper functioning of Australia's system of democratic and representative government. This freedom can be limited only by laws which are reasonably appropriate and adapted to achieving a legitimate end or overriding public purpose, such as the protection of the community from dangers provoked by material promoting violence.</p> <p>In relation to Scott Parkin, the Australian Security Intelligence Organisation (ASIO) assessed Mr Parkin to be a risk to Australia's national security. As a result of this assessment, the Department of Immigration and Multicultural and Indigenous Affairs was required by the Migration Act 1958 to cancel his visa. Anyone without a lawful right to remain in Australia must be detained and removed as soon as reasonably practicable. ASIO did not oppose Mr Parkin's visa at the time of application. However, ASIO's understanding of his activities changed after he had arrived in Australia.</p> <p>A recent inquiry initiated by the Inspector-General of Intelligence and Security (IGIS) into the treatment of Mr Parkin concluded that the adverse security assessment which formed the basis for cancellation of his visa was based on "credible and reliable information" and met the legislative requirements.</p> <p>The report found that ASIO had acted in accordance with section 17A of the ASIO Act, which requires that the functions of ASIO must not be carried out so as to "limit the right of persons to engage in lawful advocacy, protest or dissent and the exercise of that right shall not, by itself, be regarded as prejudicial to security". The IGIS noted that this requirement is a very important one as a vibrant democracy thrives on lawful advocacy, protest and dissent.</p> <p>The Australian Government is committed to the protection of human rights. However, the Government is not convinced of the need for a bill of rights in Australia.</p> <p>Australia's strong democratic institutions, underpinned by the Constitution, the common law and anti-discrimination legislation at the Commonwealth, State and Territory levels, protect and promote human rights in Australia. The Human Rights and Equal Opportunity Commission also plays a vital role in human rights protection in Australia. The Commission has the power to inquire into and attempt to conciliate complaints of unlawful discrimination, acts or practices of the Commonwealth that may breach human rights and discrimination in employment generally.</p>

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	<p>The Government considers that the most lasting and effective way to prevent all forms of discrimination is through education. The Government supports the Human Rights and Equal Opportunity Commission's important role in increasing community awareness about human rights and responsibilities.</p> <p>The Government has created a National Action Plan (NAP) which establishes Australia's national framework for human rights. The National Action Plan is available on line at: www.ag.gov.au/nap.</p>
<p>10.1 - Drought (The Executive)</p> <ul style="list-style-type: none"> • That this conference endorses calls for a national drought summit to be convened by all Australian Governments. • That this conference empowers the Presidents of the LGSA to create a strategic partnership with NSW Farmers and Australian Business Limited, and other interested stakeholders, to prepare an in depth submission to the federal and state governments as a matter of urgency, and that the Presidents be authorised to undertake a media and action campaign to support the strategy prepared. • That councils be encouraged to enter into community relationships between metropolitan and country councils, coordinated by the LGSA. 	<p>In his response dated 16 March 2007 the Hon Tony Smith MP, Parliamentary Secretary to the Prime Minister, indicated that the Australian Government is committed to supporting drought affected communities and developing long-term strategies to ensure their future viability. On 7 November 2006, the Prime Minister convened a Water Summit to allow the relevant Premiers to hear first-hand the scale of the drought in the southern Murray-Darling Basin. The summit included a very sobering assessment of water availability in the River Murray system, including the need for contingency planning should inflows next year again be very low. The summit resulted in a number of key outcomes, including acceleration of key aspects of the National Water Initiative and an agreement to commission the CSIRO to report on sustainable yields of surface and groundwater systems within the Murray-Darling Basin.</p> <p>The Australian Government has also announced new measures to help farmers and small business operators through this difficult time, increasing government assistance to farmers and communities during this prolonged drought to over \$2.3 billion.</p> <p>Representations made to the Premier on 14 December 2006. The issue has been addressed by numerous meetings with the Premier and his Ministers.</p> <p>A Rural Alliance Network has been formed with ABL and NSW Farmers which will continue to advocate for drought relief. A drought summit will be held in Parkes in August 2007.</p> <p>Councils have been encouraged via the Local Government Weekly to consider the benefits of entering into community relationships. Numerous longstanding relationships continue, and in several cases, new relationships have been formed as a direct consequence of the discussion generated by this resolution.</p>
<p>11 - Outdoor Dining Policy (Newcastle)</p> <ul style="list-style-type: none"> • That the New South Wales Local Government Association calls on all councils to implement a policy which prohibits smoking while dining 	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC indicated that the Smoke-free Environment Act 2000 bans smoking in enclosed public places, but does not address open areas such as those in or near</p>

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<p>outdoors.</p> <ul style="list-style-type: none"> That the New South Wales Local Government Association calls on the State Government to make appropriate changes to the Environmental Planning and Assessment Act, Roads Act, Local Government Act and Smoke Free Environment Act to legislate for the prohibition of smoking in outdoor dining areas and to make provisions for its enforcement. 	<p>children's playgrounds, parks, sporting fields, beaches or entrances to buildings.</p> <p>Local councils have the capacity to ban smoking in the open areas indicated in the Resolution by utilising their powers under Section 632 of the NSW Local Government Act 1993.</p> <p>The Legislative Council Joint Select Committee on Tobacco Smoking in NSW recently considered this issue. In particular, the Government response to a recommendation (No 25) on this issue indicated that banning smoking in children's playgrounds falls under the jurisdiction of local councils and should be enforced at local council level.</p> <p>The Association worked with the Cancer Council and other stakeholders to produce materials to assist councils in pursuing smoke-free areas (see http://www.lgsa.org.au/www/html/1808-tobacco-control.asp)</p>
<p>12 - Smoke Free Zones (Wollondilly) That the State Government take responsibility to implement at no cost to councils, Smoke Free Zones in public areas including but not limited to:</p> <ul style="list-style-type: none"> - Areas in and around children's playgrounds; - The inside of and the perimeters of sporting fields during sporting activities; - From entrances and exits to all council owned public buildings. 	<p>Representations made on 14 December 2006 to the Minister for Planning and Minister Assisting the Minister for Health (Cancer).</p> <p>Please refer to Resolution 11.</p>
<p>13 - Police Services (Pittwater) That the Association lobby the State Government to ensure that whenever any significant changes or alterations are proposed by the Government to police stations and/or police staffing, the local community and the local council be consulted prior to any decision being taken.</p>	<p>Representations made on 14 December 2006 to the Hon John Watkins MP, Minister for Police. Following Ministerial changes after the state election, representations were made to the Hon David Campbell MP, Minister for Health. Further enquiries were made on 14 August 2007.</p>
<p>14 - Children's Services – National Policy (Penrith) That the Local Government Association lobby the Commonwealth and State Ministers for Community Services to support the establishment of a joint consultative process between Commonwealth, State and Local Governments to review and re-develop policies and programmes in order to establish at a national level a consistent and comprehensive approach to the provision of early childhood services across all states that provides all families and their children with access to beneficial learning and care environment.</p>	<p>In his response dated 14 February 2007, the Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs indicated that an Australian Government Task Force on Child Development, Health and Well Being was established in September 2001 to develop better coordination across the Commonwealth on early childhood policies and programmes, and to improve linkages between policy and an Australian evidence-base.</p> <p>A key task of the Task Force was the development of a consultation paper Towards the Development of a National Agenda, by the Australian Government in February 2003. An extensive consultation process was held between March and August 2003 including round table consultations with the Australian Local Government Association, regional meetings with Councils and the request for submissions.</p>

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	<p>As a result, the Australian Government developed the National Agenda for Early Childhood (National Agenda) as a framework to better coordinate and guide future initiatives in the provision of services for families and children across all levels of government. There are four identified key action areas: healthy families with young children; early learning and care; supporting families and parenting; and child-friendly communities.</p> <p>The Australian Government endorsed the National Agenda in December 2005, and it is now the framework that guides all Australian Government early childhood policy and programme development.</p> <p>As a key stakeholder providing input, local government is encouraged to draw on the National Agenda as a framework for guiding action in the early childhood area. Enclosed is a copy of the National Agenda for your reference.</p> <p>The Minister does not believe there is value in establishing a new consultative mechanism at this time, but would be prepared to make departmental officials available to discuss, initially with the Australian Local Government Association, ways that local government could assist in improving access to early childhood services.</p>
<p>15 - Children's Services (Holroyd) Covered by Resolution 14.</p>	<p>Please refer to Resolution 14.</p>
<p>16 - Area Assistance Scheme (Penrith) That the Local Government Association lobby the Hon. Reba Meagher, Minister for Community Services, to make representations to the Premier and Deputy Premier to increase the funds available for the provision of core community and youth development social services under the NSW Area Assistance Scheme. In particular, that the NSW Government increase the amount of funds available for recurrent services under the "pick-up" mechanism that is available under the Area Assistance Scheme administered by the Department of Community Services.</p>	<p>Representations made on 14 December 2006 to the Hon Reba Meagher MP, Minister for Community Services. Representations renewed on 15 August 2007 to the Hon Kevin Greene MP, the new Minister for Community Services.</p>
<p>17 - Community Development – Funding (Penrith) That the Local Government Association lobby the Premier the Hon. Morris Iemma, the Minister for Ageing and Disability, the Hon. John Della Bosca, the Minister for Community Services, the Hon. Reba Meagher, and the Minister for Health, the Hon. John Hatzistergos MLC to address the issue of the NSW Government financially contributing to the accommodation costs of social and community services that are also funded by the State</p>	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC indicated that the NSW State Budget Paper No. 2 at page 2-8 states that "The NSW health system aims to keep people healthy by delivering high quality health care and providing the health care that people need. A wide range of health services such as inpatient hospital care, emergency care, community health and mental health are delivered through eight Area Health Services and Statewide services such as the Ambulance Service of NSW".</p>

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<p>Government, and often housed in council facilities including neighbourhood and youth centres.</p>	<p>The funding provided to the NSW health system is for the express purpose of delivering health care to the people of NSW as outlined in Budget Paper No. 2. The provision of funding to meet the accommodation costs of social and community services is outside the funding mandate of the Health portfolio and thereby is not a portfolio responsibility of the NSW Minister for Health.</p> <p>Representations forwarded on 14 December 2006 to the then Minister for Ageing and Disability Services, The Hon John Della Bosca MLC. Representations rendered on 27 July 2007 to the Hon Kristina Keneally MP, the new Minister for Ageing and Disability Services.</p> <p>Representations sent on 14 December 2006 to the Hon Reba Meagher MP, Minister for Community Services. Representations renewed on 15 August 2007 to the Hon Kevin Greene MP, the new Minister for Community Services.</p> <p>Representations forwarded to the Premier on 14 December 2006.</p>
<p>18 - Community Services – Funding (Great Lakes) That the Local Government Association advocate for increased Federal and State Government funding for community services personnel to help keep pace with increasing socio-economic demands.</p>	<p>In his response dated 14 February 2007, the Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs indicated that the Australian Government's support for child care is primarily provided through CCB and the CCTR, to assist families with the cost of child care. The CCB is a subsidy paid to parents to assist them with the cost of child care and is means tested based on a family's income. The CCTR is administered by the Australian Taxation Office (ATO). Families are able to claim the CCTR for 30 per cent of out-of-pocket expenses for approved child care where parents meet the current CCB work, study or training test.</p> <p>The Australian Government also provides financial assistance to some child care services through the Child Care Support Program, which provides establishment and sustainability subsidies. Operational payments are available for each of Family Day Care, In Home Care and Occasional Care services. These have been designed to act as a contribution towards the operational costs of services and recruitment of carers. The Australian Government currently has no role in determining child care services commercial or business decisions regarding the use of operational funding.</p> <p>With regard to increased funding for community services personnel, as you have noted this is primarily the responsibility of the NSW State Government. It should be noted, however, that the Australian Government provides a substantial financial contribution to state and territory governments through various agreements to assist them to meet their obligations and responsibilities in the areas of community services. Agreements</p>

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	<p>are constantly monitored to determine whether funding levels need to be adjusted to take account of factors such as the immediate and projected pay increases of staff engaged under the New South Wales Social and Community Services (Employees) State Award 2006.</p> <p>In addition, stamp duties, land tax revenues and GST, are now delivering windfall revenues to state and territory governments. These windfalls have brought billions of dollars over and above what was budgeted for in state annual budgets. GST revenue alone will have given states and territories around \$10 billion by 2007-08. This income could be used to meet any additional funding for community services personnel.</p> <p>Representations forwarded on 14 December 2007 to the Hon Reba Meagher MP, Minister for Community Services. Representations renewed on 15 August 2007 to the Hon Kevin Greene MP, the new Minister for Community Services.</p>
<p>19 - Mental Health (Leichhardt) That this conference:</p> <ul style="list-style-type: none"> - Calls on the State and Federal Governments to provide additional funding for mental health care; - Calls on the NSW State Government to rehabilitate and restore the Rozelle Hospital in Callan Park as a centre of excellence for the treatment and care, recuperation and convalescence, protection, refuge and asylum of our fellow citizens with mental illness; and - Calls on the NSW State Government to continue with plans to build a psychiatric unit at Concord Hospital as a facility to complement the Rozelle specialist psychiatric hospital. 	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC indicated that the Premier of NSW was instrumental in elevating mental health care to national prominence by writing to the Australian Prime Minister in October 2005 requesting that mental health be put on the national reform agenda. There is now an Australian National Action Plan for Mental Health that commits the Australian Government and all State governments to a massive increase in resources and to a process of service improvement.</p> <p>The NSW Premier announced the NSW Government's contribution to this National Action Plan on 1 June 2006. NSW has committed nearly a billion dollars in additional funds for mental health services over the next five years, accompanied by a new Government plan (NSW: A New Direction for Mental Health) to reform and reinvigorate mental health services. This year's mental health budget now accounts for 8.1 per cent of the total NSW Health Budget compared to just 6.7 per cent in 1994-95.</p> <p>The buildings and grounds of Callan Park have recently been listed on the NSW Heritage and Conservation Register. This greatly restricts the degree of renovation and redesign that can be undertaken on the Rozelle Hospital site. In addition, the current buildings would require extensive maintenance and renovation to meet modern concepts of occupational health and safety for patients, visitors and staff.</p> <p>Mental health inpatient services at Concord Hospital are currently being upgraded. The new purpose-built facility to take the place of the Rozelle Hospital is due to be operational in 2008/09.</p>

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	<p>In a response dated 29 January 2007, the Australia Government's Department of Health & Ageing indicated that the 2006 Federal Budget included \$1.9 billion for the Australian Government's mental health package to improve services for people with a mental illness, their families and carers. This funding also represents the Australian Government's (COAG) National Action Plan on Mental Health. Further information on the Australian Government's mental health reform package, including information on how to apply for funding under this package is available from www.health.gov.au/coagmentalhealth.</p>
<p>20 - Safety House (Holroyd) That the Safety House scheme be supported subject to further discussion with NSW police and the community to provide a workable solution to reinvigorate and adequately resource the current scheme or develop an alternative program that is more able to be adequately resourced by NSW police.</p>	<p>In his response dated 2 April 2007 the Hon John Watkins MP, Minister for Police, indicated that with regard to the note from Council regarding the Safety House Program, he is advised by the NSW Police Force that there has been a steady decline in the operation and effectiveness of the Program. In 2001, 152 Safety House Committees operated in 46 Local Area Commands, however by 1 December 2006 this number had fallen to only 19 active committees.</p> <p>To a large extent this decline in the use of Safety Houses reflects changes in the community, in households, and in the risks and threats to children over the past twenty years. Given the limited use of Safety House, a new approach to community safety, including that of children, is required.</p> <p>To reinvigorate this program, the NSW Police Force developed Community Safety Precinct Committees to reflect a whole of community approach to public safety and crime prevention. The Community Safety Precinct Committee Program provides a broader approach to crime prevention, child protection and community safety, and is focused on educating children, minority groups and the elderly about safety in the community.</p> <p>The establishment of Community Safety Precinct Committees in all NSW Police Force Local Area Commands will involve local communities in reducing crime and fear throughout NSW. These Precinct committees, made up of representatives of the NSW Police Force, local government and local community members, will identify key local safety issues in their area and assist in devising an action plan with a strong local focus.</p> <p>To maintain continuity with previous efforts, existing Safety House Committees and Neighbourhood Watch programs are being invited to participate in, and be incorporated into, the Community Safety Precinct Committee Program. This will allow the continued participation of these committed and hard working volunteers.</p>

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	<p>Each Community Safety Precinct Committee will have its own child safety sub committee which will look at areas specific to child safety including: road safety, bullying and harassment, internet and chat room safety and the identification of safe adults and safe places in the community. Where existing Safety House programmes have the support of the local community, they will be able to join the precinct committees and take advantage of the resources and expertise of their child safety sub committees.</p> <p>The NSW Police Force has recently launched 'Keeping Me Safe', a new program for children, parents, teachers and other adults involved in working with caring for children. 'Keeping Me Safe' will be used by Community Safety Precinct Committees in their work on child safety and protection and aims to help children learn how to best protect themselves within their homes, when they are walking to and from school, or when they are lost or frightened.</p> <p>The Government believes that it is in everyone's interest that we crack down on anti-social behaviour, vandalism and other hooligan behaviour in our streets and suburbs. Community Safety Precinct Committees give everyone living in the community, whether they are parents, teachers, young people, safety campaigners or just interested persons, the chance to work with the police in keeping their towns and suburbs safe.</p> <p>Should any members of your Association require further information regarding participation in this scheme, they may contact the Crime Prevention Officer attached to the NSW Police Force Local Area Command situated within their local government area.</p>
<p>21 - IPTAAS (Orange) That the Local Government Association lobby the NSW Minister for Health, the Hon John Hatzistergos MLC with regard to the Isolated Patients Travel and Accommodation Assistance Scheme (IPTAAS). NSW IPTAAS assists with access to specialised medical treatment and oral surgical health care for people living in isolated and remote communities in NSW, through the provision of some financial assistance towards actual travel and accommodation costs.</p> <p>That IPTAAS be amended to:</p> <ul style="list-style-type: none"> - Reduce the eligibility criteria for travel from 100kms to 80kms. - Allow patients a choice of specialist. - Increase the kilometre rate from the existing 15 cents per kilometre. - Remove the patient contribution of \$40 per application. 	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC indicated:</p> <p><i>Reduce the eligibility criteria for travel from 100kms to 80kms</i></p> <p>This resolution is not supported. IPTAAS was established specifically to support those people who are most disadvantaged by distance or geographical remoteness to access the specialist diagnostic and medical treatment they need. In 2006, NSW halved its distance criteria from 200km one way to 100km one way, which is consistent with the national criteria agreed to by the Australian Health Ministers Advisory Council. An additional 11,500 patients became eligible for assistance with this change. For patients who live within the 100km boundary of the nearest treating specialist, community transport may be a suitable option. Each year, AHSs are funded to provide non-emergency, health related transport to assist people to access a range of health-related services.</p>

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<p>- Simplify the IPTAAS form for everyone to use.</p>	<p><i>Allow patients a choice of specialist</i> This resolution is not supported. The Transport for Health policy already allows doctors to apply for an exemption to the nearest specialist ruling if:</p> <ul style="list-style-type: none"> - There is clearly a clinical advantage to the patient in being treated by another specialist; - The referral is considered medically urgent; - There is a long waiting list for the nearest specialist; or - Where there is a clear need for family support during treatment and that is best facilitated by referral to another specialist. <p><i>Increase the kilometre rate from the existing 15 cents per kilometre</i> This resolution is not supported. Cost calculations undertaken associated with the introduction of the increased kilometre allowance that was introduced in July 2006 demonstrated that 15c/km is more than adequate to cover fuel costs for popular 2003 models of four and six cylinder sedans as well as larger four wheel drive vehicles. The calculations were undertaken based on a fuel cost of \$1.44/litre, which is substantially more than current fuel costs. The calculations found that the cost of petrol to travel 100km in a four cylinder car is up to \$8.64, in a six cylinder car is up to \$11.52, and in a large four wheel drive is up to \$14.40. NSW compares favourably to other states, which range from 10c/km (Queensland and Tasmania) to 16c/km (South Australia). The NSW allowance is above the national average allowance of 13c/km.</p> <p><i>Remove the patient contribution of \$40 per application</i> This resolution is not supported. The Isolated Patients Travel and Accommodation Subsidy Scheme aims to reduce the costs associated with travelling to access specialist diagnostic and treatment services. A personal contribution of \$40 (or \$20 for concessional clients) is deducted from the total benefits payable for each application under Transport for Health for travel and accommodation assistance. This compares favourably with schemes in other jurisdictions (for example in Tasmania the personal contribution is \$75) and reflects the fact that patients residing within the distance limit (ie within 100km one way) also incur travel expenses with accessing similar treatment. Chief Executives of Area Health Services have the power to exercise discretionary consideration in exceptional cases, with the capacity to waive personal contributions, so that patients with genuine need are not excluded from assistance.</p> <p><i>Simplify the IPTAAS form for everyone to use</i> NSW Health has taken on board feedback about the complexity of the application process in claiming for travel and accommodation assistance under Transport for</p>

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	<p>Health. The Application for Assistance has already been simplified following a review process prior to the changes on 1 July 2006. Further work is currently underway with a view to simplifying the application process further through the work of the NSW Health Statewide Transport for Health Implementation Group. The form redesign process is expected to make the application procedures more streamlined for patients, their carers and doctors.</p> <p><i>In his response dated 3 May 2007, the Deputy Director-General of NSW Health indicated that IPTAAS is designed to assist those most disadvantaged by distance. In July 2006 NSW Health reduced the distance eligibility criteria from 200km to 100km one way. This reduction implements the Australian Health Ministers Advisory Council decision to adopt consistent national criteria by 2009. It is estimated that an additional 11,500 NSW residents are now eligible for assistance. The 100km distance is also in place in Victoria, Western Australia and South Australia.</i></p> <p>He notes that the Association is also seeking the removal of the “nearest specialist” rule. Referring doctors can apply for exemptions where there is demonstrated clinical advantage in treatment and recovery. Clinical appropriateness of the nearest specialist, the urgency of the referral, the waiting time for treatment and the need for family support when assessed in conjunction with the gravity and duration of treatment are all taken into consideration.</p> <p>The provision of subsidies through programs such as IPTAAS is just one of the NSW Government’s strategies to improve access to services. In addition to this and other transport assistance programs, there are a range of NSW Government policies and programs aimed at improving access to health services for people living in rural and remote areas of NSW. Medical specialist outreach programs and other innovative models of service delivery such as Telehealth also aim to deliver appropriate health care services closer to where people live and reduce the need for them to travel.</p> <p>The NSW Government is committed to providing quality health care to people in regional NSW. The 2006/07 Budget is investing record health spending of \$3.46B in regional NSW, an increase of \$307.8M on the previous year. Regional capital works funding of \$241.1M will give people in regional NSW rebuilt hospitals, state-of-the-art medical equipment and enhanced specialised services so that treatment is available closer to home.</p>
<p>22 - Planning Information for Child Care Centres (Blacktown)</p> <ul style="list-style-type: none"> • That the Local Government Association seek to improve access to information to assist councils in the planning for provision of child care 	<p>Representations forwarded on 14 December 2006 to the Hon Reba Meagher MP, Minister for Community Services. Representations renewed on 15 August 2007 to the Hon Kevin Greene MP, the new Minister for Community Services.</p>

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<p>services in their Local Government areas by requesting the release by the NSW Government of the annual Department of Community Services Annual Service Plan and Reporting Document (ASPARD) data and by the Commonwealth Government of the bi-annual Department of Families, Community Services and Indigenous Affairs Census of Child Care Services data broken down into Local Government Areas.</p> <ul style="list-style-type: none"> • That the Local Government Association seek recognition of the considerable role of Local Government in the planning for and provision of children's services in NSW through representation on the NSW Government Committee's Preschool Services chaired by the Minister for Community Services. • That the Local Government Association seek recognition of the considerable role of Local Government in the planning for and provision of children's services through Commonwealth representation on the COAG Working Group on Early Childhood Development. 	<p>The general issue of planning for child care was raised by Cr Beverley Giegerl and LGSA staff with staff of the Hon Kevin Greene MP, the new Minister for Community Services in the welcome briefing the Associations made for them on 28 May 2007. The Minister's staff expressed some support for exploring the ideas further.</p>
<p>23 - Children's Services – Data Release (Hornsby) Covered by Resolution 22.</p>	<p>Please refer to resolution 158.</p>
<p>24 - Dealing with Alcohol in Society (Manly) That the LGA call on the Federal Government (including the Treasurer, Peter Costello, the Minister for Health, Tony Abbott and shadow ministers) to seriously consider:</p> <ul style="list-style-type: none"> - the issue of alcohol taxation, particularly differential taxation (i.e. a regime of taxes that rise with alcohol content) as a strong part of its mix of policies on dealing with alcohol problems in society; - the inclusion of warning labels regarding alcohol consumption on all alcoholic beverages; - the banning of all alcohol advertisements and sponsorship which target youth demographics. 	<p>In a response dated 29 January 2007, the Australian Government's Department of Health & Ageing indicated that the Australian Government supports the current standards regarding warning labels, alcohol advertisements and alcohol taxation. The Food Standards Australia New Zealand (FSANZ) is the Commonwealth statutory agency with responsibility for developing and maintaining the Australia and New Zealand Food Standards Code. FSANZ has previously rejected a number of applications regarding health warning labels on alcoholic beverages on the basis that studies have found warning statements are ineffective and do not lead to a change in behaviour of consumers.</p> <p>The Government supports the current system of standards for alcohol advertising, which is subject to a number of difference codes of practice. The codes dictate:</p> <ul style="list-style-type: none"> - the alcohol specific standards for advertising in Australia; - when a particular advertisement can be shown; - what messages an advertisement can convey; - that alcohol advertisements do not have a strong or evident appeal to children and adolescents; and - that advertisements do not encourage underage drinking and do not link alcohol to sporting or social success.

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	<p>In his response dated 21 March 2007, the Minister for Revenue and Assistant Treasurer indicated that the Australian Government recognises the significant damage the misuse of alcohol can cause and the tax system has been used to respond to the health and social costs of alcohol consumption.</p> <p>In this regard the Government considered the taxation of alcohol when developing the New Tax System in 1998. Consequently, significant reforms to alcohol taxation were legislated with effect from 1 July 2000, reforms which continue to provide the broad framework for the taxation of alcohol today.</p> <p>Such reforms have resulted in alcohol being subject to significant excise taxes – alcohol excises and the wine equalisation tax raise around \$3 billion a year. Additionally, excises are increased every six months to ensure that inflation does not erode the real level of alcohol taxation. Finally the existing tax regime levies excise of beer, spirits and ready-to-drink beverages based on alcoholic content, so within a product class, higher alcohol content products pay more tax. In addition, there are special arrangements for low alcohol beer, with light beers given a tax advantage over stronger beers.</p> <p>Finally, it is important to acknowledge that the tax system has many objectives, including the raising of revenue.</p> <p>Since 1 July 2000 the Government has been disinclined to significantly alter the framework for the taxation of alcohol. This is because increasing alcohol taxes will raise prices for all consumers when other, more targeted, measures are available to address particular health or social policy objectives such as alcohol abuse. Additionally, increasing alcohol taxes or significantly altering tax relativities between alcohol products would disrupt the relativities across established markets that have led to a stable tax environment.</p>
<p>25 - BYO Premises (Holroyd) That agreement be reached to approach the responsible Minister for licensing provisions in New South Wales to ensure that restaurants within this State operating as BYO premises are required to adhere to the same responsible service of alcohol obligations as other licensed premises.</p>	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC indicated that he is advised that the Minister for Gaming and Racing is responding to this issue as the Minister responsible for liquor licensing. The Minister also reports that recommendation 7.13 at the Alcohol Summit called for responsible service of alcohol training to be made mandatory for BYO venues. The Government agreed instead that guidelines for BYO venues be published to provide guidance for these venues which have now been implemented.</p> <p>Representations made on 14 December 2006 to the Hon Grant McBride MP, Minister for Gaming and Racing. Representations renewed on 27 July 2007 to the Hon Graham</p>

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<p>26 - Community Safety (Canterbury) That the Association make representations to the NSW Minister for Local Government seeking the introduction of a discretionary Community Safety Levy to enable councils to implement recurrent programs such as graffiti removal and targeted lighting improvements to prevent crime and promote community safety in local communities.</p>	<p>West MP, the new Minister for Gaming and Racing.</p> <p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that he does not believe that a levy on ratepayers is the answer to combating graffiti. A levy would simply represent a further financial burden for ratepayers. Rather, prevention and appropriate and targeted enforcement is the key to addressing the problem.</p> <p>The lemma Government is working hard to tackle graffiti through an Anti-Graffiti Action Team. Specific initiatives include:</p> <ul style="list-style-type: none"> - Increasing use of Community Service Orders to repair damage - Identifying hot spots and stepping up enforcement and surveillance - Assisting councils prepare graffiti management plans. <p>Tough laws are also in place to deal with graffiti vandals with gaol sentences up to five years for malicious damage to property.</p> <p>Councils also have the option of applying for a special rate variation to fund activities such as graffiti removal programs. Penrith City Council has previously adopted this approach.</p>
<p>26.1 - Offshore and Outsourced Jobs (The Executive) That the Association expresses its disappointment and concern at the decisions of a number of Australian banks to source work that is currently performed in Australia from overseas third parties. The Association is particularly disappointed by the decision of St George Bank to relocate the jobs of up to 80 of its staff currently employed in the municipality of Kogarah to India. The Association is also concerned at the plans announced by Westpac to consider outsourcing the jobs of up to 500 of its staff currently employed in the City of Canada Bay.</p> <p>The Association believes that:</p> <ul style="list-style-type: none"> - Australian banks have an obligation to support Australian employment and skills; - It is in the national interest to maintain a comprehensive local financial sector and off-shoring of part of the industry would have a serious impact on local business, employment and the community as a whole; - The integrity of the Australian financial system is based on consumer confidence in the security of information underpinned by strong local laws protecting consumer rights and privacy that could be seriously 	<p>The Association communicated its support for this resolution to the Finance Sector Union.</p> <p>It is also noted that publicity surrounding this resolution drew a response from the Commonwealth Bank confirming that it was not planning to outsource any jobs to other countries.</p>

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<p>undermined if confidential information was accessible in locations beyond the reach of Australian law;</p> <ul style="list-style-type: none"> - Australians should have a legal right to know if their personal information is being processed off-shore and should have a right to refuse permission to have their personal information sent off-shore; - Off-shoring for cost saving reasons is a short-term, globally exploitative mechanism for increasing profits by way of sourcing the lowest possible labour costs. <p>The Association supports the campaign by the Finance Sector Union to save the local jobs of finance workers, and as such:</p> <ul style="list-style-type: none"> - calls upon St George Bank to reverse its decision, - urges Westpac to choose not to outsource local jobs, and - calls upon all Australian banks and other corporations to put the interests of local jobs, skills and communities ahead of short term cost cutting. <p>The Association commits itself to giving preference to service providers, including providers of banking services, which respect fair employment practices, and which do not send Australian jobs overseas, and calls upon Councils to do the same.</p> <p>That the Association write to all members urging councils to write to any institution that intends to export jobs and functions explaining that councils may re-invest any funds in other locally based financial institutions.</p>	
<p>27 - Child Care Support Program (Campbelltown)</p> <p>That the New South Wales Local Government Association initiate a united response to the Federal Government expressing Local Government's extreme concern for the decision to exclude experienced Local Government providers from this Federally funded project.</p>	<p>The Association had sought council input and developed and delivered a substantial submission to the Minister on this issue.</p> <p>In his response dated 22 January 2007, the Minister for Families, Community Services and Indigenous Affairs, the Hon Mal Brough MP, indicated that he notes the concern about the Inclusion Support Agency (ISA) selection process. The ISA tender process did not seek to reduce involvement of local government councils in the Inclusion and Professional Support Program. Twenty-two local government applicants tendered nationally. Of these, thirteen local government organisations Australia-wide were selected, based on the quality of their application. Seven of these successful applications were a consortium of two or more local government applicants. A full list of ISAs is available on the department's website at www.facsia.gov.au.</p> <p>ISAs were selected through a fair and transparent tender process. Each application</p>

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	<p>was assessed strictly in accordance with the published Application Guidelines. A Probity Plan was prepared prior to the selection process to provide a strategy and process to protect the integrity of the selection process. An independent external probity auditor, Deacons Projects Pty Ltd, was appointed to review the ISA assessment documentation and conduct an audit of the ISA assessment files to ensure compliance with the Probity Plan and Selection Documentation. The probity auditor provided a formal sign-off on the process on 7 November 2005.</p> <p>Applicants were asked to address selection criteria to demonstrate their capacity to deliver the best possible quality services. Non-government organisations were selected as the preferred providers in the regions mentioned in your letter because they were best able to demonstrate their capacity to deliver inclusion support. The results of the ISA selection process do not reflect in any way on past performance of unsuccessful applicants.</p> <p>The Minister notes the Association's concerns about the ISA debriefing process. All unsuccessful tenders were offered debriefing sessions to ensure they had an opportunity to receive feedback on the strengths and weaknesses of their applications. Unfortunately it was not possible for a representative from the selection panel to be involved in all debrief sessions. Instead, detailed notes on the key strengths and weaknesses of each application were prepared to ensure a comprehensive briefing could be provided at these sessions by departmental representatives.</p> <p>The Minister notes our mention of Marrickville Council's concern about the refusal of the department to discuss the relative strengths of the successful tender in their region. Due to the confidential nature of the tender documents, this was not possible. Copies of an applicant's tender documents would only be released to another party with the consent of the relevant applicant. Some applicants, however, requested copies of other applications for their region through the Freedom of Information process.</p> <p>The Minister notes our mention of concerns about service delivery for children with special needs and the disadvantages to local government and the community as a result of the regional approach to the Child Care Support Program. Under the new Inclusion and Professional Support Program, childcare services are able to access a consistent quality of service no matter where they are. The regional model allows for the flexibility needed to ensure responsiveness to particular needs. The new ISA region plan allows the flexibility of tailoring different strategies based on the needs and requirements of the region. ISA region plans are reviewed over the life of funding agreements to ensure ongoing assistance to services to include children with high</p>

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	<p>support needs.</p> <p>The Minister notes our reference to local government's eligibility for funding under the Communities for Children Initiative. Local government has not been excluded from the Communities for Children Initiative. An important feature of this innovative new approach to policy development and service delivery is the Australian Government's preference for non-government organisations to take a leadership role. However, local government can still play an important role in the Initiative. Local government authorities can be a Facilitating Partner as a member of a consortium with non-government organisations. They can also be members of the Communities for Children Committees that have been established to guide and support each site and can be engaged by Facilitating Partners as sub-contractors to deliver specific activities developed for each site. For further information about the Communities for Children Initiative in Fairfield, please contact the Facilitating Partner, the Smith Family, on 02 9085 7157.</p>
<p>28 - Children's Services (Canterbury) That the Association makes representations to the NSW Department of Community Services to request that additional funding be provided for mobile childcare agencies to deliver subsidised on-site care, to parent education and early intervention programs funded through the NSW Government's Families First Strategy.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Reba Meagher MP, Minister for Community Services. Representations renewed on 15 August 2007 to the Hon Kevin Greene MP, the new Minister for Community Services.</p> <p>The general issues of planning for and funding of child care was raised by Cr Beverley Giegerl and LGSA staff with staff of the Hon Kevin Greene MP, the new Minister for Community Services, in the welcome briefing the Association made for them on 28 May 2007. The Minister's staff expressed some support for exploring the ideas further.</p>
<p>29 - Child Care Tax Rebate (Pittwater) That the Association lobby the Federal Government to review the administration of the 30% out of pocket expenses to enable the child care tax rebate to be claimed as an up front deduction to families at the time care is paid.</p>	<p>In his response dated 14 February 2007, the Hon Mal Brough MP, Minister for Families, Community Services and Indigenous Affairs, indicated that the government recognises that access to high quality child care is vital for many families to participate effectively in the workplace. As a result the government introduced the CCTR which is in addition to the current CCB.</p> <p>The CCTR covers 30 per cent of out-of-pocket expenses, up to a maximum of \$4,000 per child per year, for families who receive CCB for approved care and undertake some work, training or study at some time during the week. Out-of-pocket expenses are fees incurred for approved care less CCB.</p> <p>Families claim the rebate in the tax year after child care expenses have been incurred. The timing for claiming the rebate is affected by the CCB reconciliation process, as out-of-pocket expenses can only be calculated once the final reconciliation of CCB is completed. While many families receive CCB fortnightly through reduced child care</p>

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	<p>fees, the reduction is based on an estimate of the family's income. The final entitlement to CCB is only established after family income is determined from tax returns. Thus, out-of-pocket costs can only be calculated after tax returns have been submitted.</p> <p>The timing has been designed to ensure that taxpayers receive their correct entitlement without adjustments. It also minimises taxpayers' interaction with the ATO and Centrelink.</p>
<p>30 - Domestic Violence (Canterbury) That the Association makes representations to the NSW Attorney General's Department concerning the need to allocate recurrent funding to local communities to link victims of domestic violence to appropriate services immediately after incidents are reported to police.</p>	<p>In his response dated 12 July 2007, the Minister for Community Services, the Hon Kevin Greene MP, indicated that this resolution relates to the Domestic Violence Pro-Active Support Service, which is an initiative of NSW Police. As such he has referred the Association's correspondence to his colleague, the Hon David Campbell MP, in his capacity as Minister for Police, for his consideration.</p> <p>In his response dated 25 May 2007, the Attorney General, the Hon John Hatzistergos MLC indicated that there is a whole of government approach to dealing with domestic violence and this complex issue has been identified for action in the State Plan. The strategy will include programs to facilitate early intervention in high-risk situations, provide more options for victims receive integrated police, legal and social assistance. Families at risk of domestic violence will be able to seek help earlier and be supported through fast-tracked legal proceedings and other support services.</p> <p>An important example of the justice system's response to the problem of domestic violence is the Domestic Violence Court Intervention Model which is being trialled at Campbelltown and Wagga Wagga. The NSW Strategy to Reduce Violence Against Women also aims to develop and promote effective prevention strategies and improve access to services. An integral part of the Strategy was the establishment of the Violence Against Women Specialist Unit. As this Unit has been transferred to the Department of Community Services The Minister has forwarded the Association's letter to the Hon K Greene MP, Minister for Community Services for his consideration and direct reply about the funding issue raised by the Association.</p>
<p>31 - Intellectual Disability Services (Canterbury) That the Association set up a special taskforce with the State Government to investigate ways of improving the delivery of State Government and council services to people with intellectual disabilities.</p>	<p>Representations forwarded on 14 December 2006 to the Hon John Della Bosca MLC.</p>
<p>32 - Financial Sustainability (The Executive) That the Association endorse the establishment of the Strengthening Local Government Task Force with the responsibility to review and, as far as appropriate, advance the recommendations presented in the Final</p>	<p>In July 2007, after about one year of work, the Strengthening Local Government Task Force provided to the LGSA its positions and actions on all 49 recommendations of the Independent Inquiry into the Financial Sustainability of NSW Local Government. The LGSA endorsed these positions and actions on 5 July 2007 and has provided them to</p>

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<p>Report of the Independent Inquiry into the Financial Sustainability of NSW Local Government. The Task Force was established on 3 August 2006 in accordance with a resolution of the Joint Executive on 6 July 2006.</p> <p>The Task Force is chaired by the Presidents of the Associations and further comprises the office bearers and Associations' Secretary General, key local government stakeholders such as DLG and the Presidents of LGMA and IPWEA and independent community or expert members determined by the Presidents.</p> <p>The Task Force is empowered to establish expert working groups as required.</p> <p>The Association is to provide an adequate budget to support the Implementation Task Force to ensure that the response to the Inquiry is managed as effectively and efficiently as possible.</p> <p>Details of the progress of the Implementation Task Force and its working groups will be communicated to member councils on at least a quarterly basis.</p>	<p>the NSW Government for a whole-of-government response. The priority issues identified include:</p> <p><i>Intergovernmental Relations:</i> The inquiry recognised the importance of good intergovernmental relations and recommended the signing of an intergovernmental agreement. LGSA are committed to working closely with the State Government on the implementation of the State Plan which will guide the delivery of services in NSW over the next 10 years. It marks a new direction for the delivery of government services and public administration in NSW.</p> <p>To be successful, the State Plan must be delivered locally. This can only be achieved if the State Government, individual agencies, and councils all work together horizontally and vertically at the local level. The signing of an intergovernmental agreement would strengthen relationships at the local level and send a strong message to the Local Government sector that the State Government wants to work closely with it.</p> <p><i>Integrated Strategic Planning and Reporting:</i> The current review of the strategic and financial planning and reporting system for councils presents an important opportunity to link State and Local Government priorities. Whilst work is well underway much more needs to be done to reduce red tape and integrate the plans of state agencies into the process.</p> <p><i>Asset Management:</i> Only 20 per cent of councils have adequate asset management systems and practices in place. LGSA believe all councils should adopt total asset management systems with consistent asset accounting practices. This should be closely linked to the integrated planning and reporting review and we will continue to work with the Department of Local Government to address this issue.</p> <p><i>Resource Sharing:</i> LGSA support resource sharing in principle and are jointly hosting the Strategic Alliance Network Conference in August 2007 to further promote resource sharing initiatives including LGSA's Local Government Procurement and LGMA's Good Practice Toolkit.</p> <p><i>Rate Pegging and Financial Assistance Grants:</i> The inquiry recommended that the Commonwealth and the State Government increase grant funding for infrastructure, and that as a trade-off for councils implementing longer term strategic and financial planning, rate pegging should be removed. LGSA strongly support these recommendations and are actively promoting long term strategic and</p>

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	<p>financial planning and reporting.</p> <p><i>Reform Assistance:</i> The priority issues and activities outlined above represent the biggest changes to NSW Local Government in decades. The successful implementation of these structural, financial and administrative reforms will depend on a reform assistance program financially supported by the State Government.</p> <p>A draft Mayoral Minute has also been sent to all councils to advise them of the above and asks them to call on the Government to develop a whole of Government response.</p>
<p>33 - Financial Sustainability of Local Government (Strathfield) Covered by Resolution 32.</p>	<p>Please refer to Resolution 32.</p>
<p>34 - Cost Shifting (Baulkham Hills) That the New South Wales Local Government Association implement a mechanism to identify areas of cost shifting to Local Government and co-ordinate a state-wide research project to quantify the monetary value of cost shifting on Local Government and to establish a benchmark on which to monitor its effect over time.</p>	<p>As recommended by the Local Government Inquiry, the LGSA will undertake an annual cost shifting survey of NSW councils. The results of the survey will form the basis for a research report and will be publicly released. This year's survey is expected to report in October 2007.</p> <p>The results will help quantify the extent of cost shifting onto NSW Local Government and support LGSA' argument for that practice to end. Also, it will allow LGSA to monitor compliance with the national Intergovernmental Agreement Establishing Principles Guiding Intergovernmental Relations on Local Government Matters, (2006) as well as any potential intergovernmental agreement with the NSW Government.</p> <p>The survey will consider "cost shifting" as a situation where the responsibility for or merely the costs of providing a certain service, asset or regulatory function itself is "shifted" from a higher level of government (Commonwealth or State Government) onto Local Government without the provision of corresponding funding or the conferral of corresponding and adequate revenue raising capacity. It will ask councils to estimate the net cost of more than 20 examples considered to be cost shifting.</p>
<p>35 - Infrastructure Management (Campbelltown) That the Federal and State Governments work with Local Government to develop and implement options for enhancing the long term management and maintenance of infrastructure, for example national standards and practices for total Asset Management, increased funding via a combination of Commonwealth and State Grants, rates, fees and charges.</p>	<p>The LGSA (in their submission of 18 July 2007 to the DLG position paper on asset management and financial planning and in a joint press release of 17 May 2007 with LGMA, IPWEA, The Water Directorate and The Local Government Auditors Association) called on the NSW Government for an initial amount of \$3 million for implementing an asset management capacity building program.</p> <p>Further, the LGSA recognise and continually call on the State Government and the Commonwealth Government to provide improved funding to enable councils to address the \$6.3 billion infrastructure renewal backlog that is growing by about \$500 million per</p>

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	<p>annum. The LGSA support ALGA in its campaign for a \$250 million Local Government Community Infrastructure Fund and for setting FAGs as 1 per cent of Commonwealth tax revenue.</p>
<p>36 - Council Issued Infrastructure Bonds (Penrith) That the Local Government Association lobby the State and Commonwealth Governments to provide a simple and cost effective framework to enable and encourage investment in council issued infrastructure bonds.</p>	<p>This resolution was referred to the Financial Management Working Group of the Strengthening Local Government (SLG) Task Force.</p> <p>The Working Group found that a number of councils are already issuing infrastructure bonds and that there are no legal or legislative impediments to doing so.</p> <p>However, there are impediments in terms of the cost of bond issues and the relative attractiveness of the bonds to investors compared to alternative investments.</p> <p>The Working Group found that bond issues would be more viable if councils combine to raise the bond in form of a pool.</p> <p>Tax advantages which enable funding at lower interest rates is also an important factor.</p> <p>The Working Group and the SLG Task Force recommended:</p> <p>That the LGSA initiate discussions on a process to set up a National/State Local government body as a vehicle to develop and market the infrastructure bond initiative engage discussions with the taxation office regarding the availability, through a Tax Office ruling, of the tax incentives to investors of the infrastructure bond. (The investment bank that will structure the arrangement will be the one to advise on this).</p> <p>The Associations have accepted this recommendation.</p>
<p>37 - Financial Assistance Grants (Campbelltown) That the Federal Government work with Local Government to determine a fixed and ongoing level of funding from Commonwealth taxes.</p>	<p>This resolution was referred to the Financial Management Working Group of the Strengthening Local Government (SLG) Task Force.</p> <p>The SLG Task Force recommend that the LGSA:</p> <ul style="list-style-type: none"> - Continue to campaign for increased FAGs, based on a fixed share of total Commonwealth taxation revenue. - Support the ALGA campaign for increased FAGs and the establishment of a Local Community Infrastructure Fund. - The LGSA has supported this recommendation. <p>The Associations fully support the ALGA policy : "The quantum of Commonwealth transfers should increase to at least 1% of total</p>

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	<p>Commonwealth taxation revenue (excluding GST). This would ensure that councils gain access to a revenue stream that grows in line with the growth of the economy and therefore can keep pace with demand for service delivery and infrastructure provision.”</p> <p>This forms part the ALGA Federal Election strategy.</p>
<p>38 - Special Rate Variations (Wollondilly) That the Local Government Association lobby the Minister for Local Government to adopt a policy whereby applications for special rate variations are determined and applicants are advised of the outcome no later than 1 June of the financial year prior to the financial year in which the special rate variation is expected to apply.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that he appreciates that councils would like to know as soon as possible whether their special variation application has been approved or not in order to assist them in their financial planning.</p> <p>However, this must be tempered against the Government’s requirement that sufficient time be provided for the Department of Local Government to robustly examine and assess council applications. It is therefore imperative that councils submit their applications to the department as soon as possible. In doing so, it is important to realise that councils would need to finalise their management plans by early May at the latest if the timeframe proposed in the Resolution was to be met.</p> <p>For 2007/08, councils were advised on 23 November 2006 (Circular No 06-68) that the following special variation application process would apply:</p> <ul style="list-style-type: none"> - All councils intending to apply for a special variation in 2007/08 to have submitted an ‘Intention to Apply’ form by 31 March 2007 - Councils to have a resolution of council outlining their intention to apply for a special variation before submitting the form - Councils should then submit their completed special variation applications (with the exception of feedback from the draft management plan consultation process) within 2 weeks of the announcement of the rate-pegging percentage for 2007/08. <p>Any delays by councils in submitting their completed applications within the required timeframe will impact on the department’s capacity to assess the applications. In addition, any applications from councils that did not submit an ‘Intention to Apply’ form will only be assessed once all other applications have been assessed.</p>
<p>39 - Applications for Special Rate Increases (Ryde) That the NSW Minister for Local Government be requested to release the report from the Department of Local Government when announcing his decisions regarding council applications for rate increases above the rate pegging limit.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that reports provided by the department relating to the assessment of councils’ special variation applications contain confidential financial and other information. The Minister does not believe it is appropriate for this information to be released publicly.</p>
<p>40 - Rate-Pegging (Ryde) That the Association write to the Prime Minister and Federal Treasurer</p>	<p>In his response dated 4 February 2007, the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads indicated that the resolution asks the Association to</p>

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<p>requesting that in future negotiations with the New South Wales State Government regarding Commonwealth funds and grants, the Commonwealth place a condition that increased funding will be dependent upon the New South Wales State Government abolishing rate-pegging for Local Government in that State.</p>	<p>write to the Prime Minister and the Treasurer requesting that the Australian Government, as a condition of further Australian Government funding to NSW, require the NSW Government to abolish rate-pegging. The Australian Government takes into account a number of factors in considering funding assistance to the states. The Australian Government would not wish to rule out the consideration of any particular factors but it would require unusual circumstances to impose this sort of condition on future funding.</p> <p>It is up to local government in NSW to ensure that the NSW public is aware of the implications of the policy of rate pegging and work to ensure that ratepayers are confident that councils will make sustainable revenue raising and spending decisions without this type of regulatory control.</p>
<p>41 - Equitable Distribution of Rates (North Sydney) That the Local Government Association makes representation to the State Government to review the rating structure in the light of the growth in rural land sharing communities and urban consolidation in metropolitan and regional centres which results in many more multiple dwellings and the consequent penalisation of rate payers in single dwellings in order to ensure an equitable distribution of rates across the rate base.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the former State Government conducted a number of reviews into the methods of rating. These reviews formed the basis of policy directions that led to the development of the Local Government Act 1993. The Act is the result of five years of extensive research and consultation with Government agencies, industry groups, councils, interest groups and members of the public throughout NSW.</p> <p>These reviews concluded that the most appropriate method to assess rates continued to the unimproved land valuation. While other valuation methods were considered, there were disadvantages such as significant fluctuations between properties and the ability to obtain comparative data at a fixed point in time.</p> <p>Ultimately, the reviews recognised that land value is an imperfect proxy for ability to pay, which is why the Act provides for councils to apply a base charge to residential properties if they so choose. The use of a base/ad valorem combination allows councils to move away from rating being simply a 'tax on land' and allows councils to levy rates that have much greater relevance to service provision.</p> <p>With regard to rate capping, the Government has made clear its commitment to maintaining the current arrangements, which have widespread community support. The current system provides protection for ratepayers against large unchecked rate rises, while providing councils with the flexibility to apply for increases above the rate-pegging limit, provided they have a sound business plan and they can prove there is widespread community support for any such increase.</p>
<p>42 - Crown Reserves Management Levy (Hornsby) That the Association make representations to the NSW State Government</p>	<p>In his responses dated 12 March 2007 and 18 January 2007, the Hon Tony Kelly MLC, Minister for Lands indicated:</p>

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<p>seeking the withdrawal of the 15% levy on councils in respect of the annual rental for leases/licences on Crown Reserves for which councils are Trustees and asking why the moral intent of the 12 April 2006 Inter-Governmental Agreement in relation to cost shifting was not honoured in the implementation of such levy.</p>	<p>“Thank you for informing me of the views of delegates at this year’s Association’s annual conference. You will recall that during my speech to the conference I discussed a number of matters including the 15% levy paid into the Public Reserves Management Fund (PRMF).</p> <p>The PRMF is an important source of funds for the improvement and development of the Crown reserve system throughout NSW. It is a self-sustaining funding scheme that generates its income from the collection of levies and the repayment of loan principal. Grants and predominantly loan funds are made available to trust managers for the provision of improved opportunities for local and regional communities and the well being of the environment.</p> <p>The PRMF applies to all types of trust managers, not just local government managed trusts. Trust boards, other corporation and administrator managed trusts are all liable to be levied for, and receive funds from the PRMF. It is one method used to equitably distribute funds throughout the Crown reserve system by levying funds from land uses that can support the levies, for application to other reserves that do not have the commercial opportunities to generate management revenues.</p> <p>The levy for the collection of 15% of proceeds from leases and licences in the Sydney Metropolitan Area is not new, and has been in place since 2000. On this basis I cannot agree with the conference resolution that the implementation of this levy did not honour the moral intent of the 2006 Inter-Governmental Agreement.</p> <p>To ensure the equitable introduction of the 15% levy it has been the Department’s policy that it is only applied to new leases and licences and as existing leases and licences come up for renewal. I have also been advised that individual trusts are made aware that a particular lease or licence is required to pay the levy as a condition of Ministerial consent being given under s.102 of the Crown Lands Act 1989 and as such each trust should make the appropriate allowances.</p> <p>The 15% levy helps enable funds to be distributed to many volunteer and council controlled reserves through the PRMF. The levy can be incorporated by Council’s into lease or licence rental payments thus providing little or no extra burden on the reserve trust’s finances for management of the reserve. It is also important to note that the levy can be waived in some circumstances, such as when councils can demonstrate hardship resulting from the levy.</p>

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	<p>Crown reserves are State owned lands generally set aside for use by the local community and often made available to local councils to provide a range of opportunities, services and infrastructure needed by the community for their social, physical and cultural well-being. Whilst local councils often allocate resources to the development and management of reserves and assets, this responsibility is considered part of the charter and objectives of local government and is an appropriate demand on councils' resources. The Crown reserve system is important in helping councils meet many of their obligations to provide community services, such as showgrounds, community halls, and recreation reserves.</p> <p>The PRMF scheme is critical to the management and development of the Crown reserve system, providing an important source of targeted funding for improving opportunities for local and regional communities and environmental protection.</p> <p>Many Crown reserve trusts are not able to generate significant revenues and have limited resources to apply to the management of the reserves. These trusts look to the PRMF for assistance in meeting their needs and obligations to the community."</p>
<p>43 - Crown Reserves Management Levy (Ryde) Covered by Resolution 42.</p>	<p>Please refer to Resolution 45.</p>
<p>44 - Crown Reserves Management Levy (Lane Cove) Covered by Resolution 42.</p>	<p>Please refer to Resolution 45.</p>
<p>45 - State Government Taxes (Wyong) That the Association note with regret the Answer to Question Without Notice Q043 dated August 9 2006: 'Could Council staff report on State Government Taxes collected by Council such as Waste Levy, Water Levy and Plan First Levy and on State Government Regulations creating cost imposts on residents such as noxious weed and septic licensing?'. That the Association requests member councils to highlight these state imposts. That the Association Executive raise with the Premier and the Opposition the level of state imposts on Local Government.</p>	<p>The Association has raised and continue to raise the issue of State Government impositions in several ways:</p> <ul style="list-style-type: none"> - The Associations have raised the need to eliminate unnecessary imposts on Local Government and provided a comprehensive list of red tape affecting Local Government in their submission of 25 August 2006 to IPART's Investigation into the burden of regulation and improving regulatory efficiency. - As recommended by the Strengthening Local Government Task Force, the Associations will call on the Minister for Local Government to establish a joint working party to conduct a review of red tape affecting Local Government and a subsequent review of the Local Government Act. - In their submission of 17 May 2007 to the Department of Local Government's options paper on integrated planning and reporting, the Associations emphasised the need to eliminate unnecessary state imposts on Local Government. - State impositions on Local Government will continue to form part of the Associations' involvement in the review of the strategic planning and reporting system of NSW Local Government. - As recommended by the Strengthening Local Government Task Force, the

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	<p>Associations will undertake an annual survey to establish the total amount of cost shifting onto NSW Local Government. This survey will capture many state imposts on Local Government such as contributions to the Rural Fire Service and the NSW Fire Brigade; waste levy; as well as functions in relation to on site sewer management, noxious weed control and environmental protection. This year's survey is expected to report in October 2007.</p>
<p>46 - Infrastructure Planning and Co-ordination (Ryde) That a State Infrastructure Planning Unit be established for the purposes of ensuring the planning and development of key state operated assets and utilities is undertaken in full coordination with the Local Government sector.</p>	<p>Representations were forwarded on 14 December 2006 to the Premier. Follow up discussions have been held and it is understood that the issue remains under consideration.</p> <p>The Association has also continued to make representations to the State Government for explicit recognition and inclusion of Local Government in the State Plan and the State Infrastructure Strategy.</p>
<p>47 - Rural Telecommunications Charges (Mid-Western) That the Association support the introduction of broadband in rural areas and the equality of charges across the country. Further Conference condemns the Federal Government for the sale of Telstra and the failure to include broadband accessibility in rural areas as part of the universal service obligation.</p>	<p>In her response dated 16 April 2007, Senator the Hon Helen Coonan, Minister for Communications, Information and the Arts, indicated that the Government does not recognise the particular challenges associated with providing communications services in regional, rural and remote Australia. The Minister notes that the Association supports the view that broadband accessibility should be included in the universal service obligation (USO). However, the most recent independent regional telecommunications Inquiry – known as the Estens Inquiry – found that expanding the scope of the USO is not the most appropriate approach to 'future proofing' telecommunications services in rural and regional Australia.</p> <p>Broadband is already available across Australia on a commercial basis. The issue has been whether a customer had to pay too much. The Broadband Connect program addresses this problem by providing subsidised broadband services in areas of high cost. Even if you are living in a remote area, you can still get at least two-way satellite broadband for as little as \$29.95 per month as a result of the Broadband Connect subsidy.</p> <p>Calls to upgrade the USO to include enhanced services need to be considered carefully, including the cost impact on the USO provider (and carriers contributing to the subsidy), the impact on consumers who may bear costs ultimately passed on to them for services that may not want, the effect on industry competitiveness and the risk of a particular technology becoming obsolete.</p> <p>The long-term impact of an upgraded USO on consumers is also a concern if the telecommunications market is distorted by over-regulation and is likely to result in</p>

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	<p>consumers having less choice in terms of both providers and services.</p> <p>In areas such as mobile telephony and Internet services, consumer demand is stimulating competition and innovation, as well as rapid growth and choice in the provision of services across Australia.</p> <p>The Government sees an incentive approach as providing a better means of achieving good outcomes for the provision of enhanced services, like broadband, in rural and regional Australia without the need for regulation. Incentive schemes stimulate competition, choice and access where enhanced services are concerned.</p> <p>Broadband development is a key priority for the Australian Government. The broadband initiatives that are part of the Government's \$1.1 billion Connect Australia package include:</p> <ul style="list-style-type: none"> - The \$878 million Broadband Connect program to give regional Australians access to affordable broadband services over the four years from 1 January 2006. It will expand on the previous \$157.8 million Higher Bandwidth Incentive Scheme (HiBIS); - The \$113 million Clever Networks program, which will provide broadband networks in regional areas to improve the delivery of health, education and other essential services; and - The \$50 million Metro Broadband Connect program to address broadband blackspots in metropolitan areas. <p>The Minister notes that the Association's concerns about a recent announcement by Telstra to alter line rental costs. The Association raises two related but distinct issues: the charges for retail line rental services and the price Telstra's competitors pay to access its Unbundled Local Loop Service (ULLS) (ie the copper lines into customer's premises).</p> <p>In relation to the first issue, the Government has sought to assure all Australians that retail line rental pricing parity will remain a cornerstone of its telecommunications policy commitment. To maintain line rental pricing parity, in February 2006 the Government amended the price controls that apply to Telstra. These price controls now require Telstra to offer a basic retail line rental service at the same price across Australia, with a cap of 22 cents on untimed local calls. The price of this service must remain at its 31 December 2005 level until 30 June 2007, and thereafter can only increase at the rate of inflation.</p>

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	<p>Telstra is the primary universal service provider in Australia and it is required to provide basic telephony access to all people in Australia on an equitable basis upon request. However, Telstra does not shoulder the cost of this social obligation alone. Where the costs incurred for providing these services are greater than the revenue generated, then the additional costs are met through universal service obligation subsidies contributed by all licensed carriers.</p> <p>In relation to the second issue, the ULLS allows a Telstra competitor to rent a copper line from a Telstra exchange to a customer's premises. By installing its own equipment in the exchange the competitor can provide its own telephony, broadband and other telecommunications services to the customer.</p> <p>The Australian regulatory regime, like that in other developed countries, requires the owner of 'bottleneck' infrastructure services to provide third party access at fair prices. This access is an important part of maintaining a competitive telecommunications market which benefits all Australians.</p> <p>Under the telecommunications access regime the Australian Competition and Consumer Commission (ACCC) 'declared' the ULLS in 1999. Since that time, ULLS pricing has always been set based on the following four pricing bands, which reflect the different costs of providing the service in those geographic zones:</p> <p>Band 1: the Central Business Districts (CBD) of metropolitan areas; Band 2: metropolitan and suburban areas and very large regional centres; Band 3: smaller regional centres and their immediate surrounds; and Band 4: smaller rural towns, farming areas and remote Australia.</p> <p>In December 2005, Telstra lodged an undertaking with the ACCC that proposed a single averaged monthly charge of \$30 for ULLS. On 28 August 2006, the ACCC issued its final decision rejecting Telstra's undertaking. On 18 September Telstra sought merits review of the ACCC's decision by the Australian Competition Tribunal (ACT). A decision by the ACT is not expected until mid 2007. The ACCC supports a de-averaged approach to the pricing of Telstra's ULLS because this most accurately reflects the cost of providing the service, and it also provides the right investment signals to industry. Cost-based pricing means that there will be an ongoing incentive for competitors to invest in the most efficient infrastructure.</p> <p>Most telecommunications costs vary geographically, yet telecommunications companies make the commercial decisions to charge uniform retail prices. This is due</p>

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	<p>to a number of factors, including administrative efficiencies and promotion of customer satisfaction.</p> <p>Under the access regime, the ACCC is required by law to ensure the prices Telstra receives for the ULLS are set at levels sufficient to recover the cost of providing the service. In fact, when providing guidance on ULLS prices, the ACCC assumes Telstra should recover the full replacement costs of a new network, rather than just recovering the written down value of the assets. The Government considers that the ACCC as the independent, expert regulator is best placed to make these decisions.</p> <p>From 2 April 2007, the Australian Broadband Guarantee will be in operation. This program provides affordable access to metro-comparable broadband services across Australia. The Australian Broadband Guarantee is designed to address remaining broadband blackspots in metropolitan and rural Australia.</p> <p>The Australian Broadband Guarantee operates in a very simple way. Any Australian resident or small business who is unable to get a metro-comparable broadband service at their principal address is eligible to receive a subsidised service under the Guarantee. This can be either a registered terrestrial service or a satellite service, depending on availability.</p> <p>The Australian Broadband Guarantee builds on and replaces the Broadband Connect incentive program and the Metro Broadband Connect program.</p> <p>Further details of the program including the program guidelines will be available from 2 April 2007 on the Department of Communications, Information Technology and the Arts' website at www.dcita.gov.au.</p>
<p>48 - Pensioner Rebates (Lithgow) That the Association call on the State Government to review the level of rebate applicable to pensioners for the payment of rates and charges.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the current NSW Pensioner Rebate Scheme remains one of the more generous rate concession schemes operating in Australia for eligible pensioners. In 2005-06, the total cost of the Scheme was \$132.5 million, of which the State Government contribution was \$76 million. This cost is expected to progressively increase in future years in line with the State's projected ageing population. It is therefore not feasible for the NSW Government to increase the level of concessions provided under the scheme.</p> <p>Councils have the discretion to provide further pensioner concessions if they believe there is a need or demand within their community for such additional support. In addition, there are provisions within the Local Government Act that enable councils to</p>

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	<p>assist individual ratepayers that may be experiencing difficulty in paying their rates. These include agreeing to the periodic payment of rates other than by quarterly instalments, writing off interest on unpaid rates and providing relief where hardship has occurred from changes to land values.</p>
<p>49 - Clone Retailers (Eurobodalla) That the Association makes use of its resources to research the social, environmental and economic impact of “clone retailers”, and what planning guidelines councils can use to ensure retail viability and diversity in high streets. It is time we found out the cost of this “progress” and who the key beneficiaries are.</p>	<p>Research conducted by the Association has confirmed that there are no planning or other legal measures available to council to curtail the opening of branch or franchise retail outlets.</p>
<p>50 - Locality Based Differential Rating (Blacktown) That the NSW Government be requested to amend the Local Government Act 1993, to allow councils to incorporate in their rating structure locality based differential rates as previously permitted under the Local Government Act 1919, to allow councils greater flexibility to minimise significant impacts of extraordinary fluctuations in land valuations from a General Revaluation.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the current provisions of the Local Government Act provide greater freedom for councils in terms of how they raise their revenue and how they structure their rating systems than those of the previous 1919 Act.</p> <p>The differential rating provisions of the 1919 Act were difficult to interpret and often complex. As indicated under Resolution 41, the current legislation is the result of numerous enquiries and reports, which introduced a system that is simple, fair, broadly uniform and promotes local accountability.</p> <p>Each council can choose between a mix of ordinary rates, rates for specific purposes, annual charges, user-pays charges, and fees. Councils are free to determine what mix of these they want to use to achieve a fair and equitable system for the unique circumstances in their local area.</p> <p>As indicated under Resolution 41, councils have the option of basing rates on a pure rate in the dollar of land value (ad valorem) basis or by using a combination of this system and base amounts. Base amounts of rates can be between 0 and 50% of the total income derived in each category or sub-category.</p> <p>Each category or sub-category of land can have the same or a different rate in the dollar or percentage base amount for both ordinary and special rates. In this way councils can take into account the circumstances prevalent in their own area and levy rates accordingly.</p> <p>The 1993 Act provides councils with a number of options in regard to the distribution of rates. Section 529(2)(b) of the Act allows sub-categorisation of residential land. Residential land can be sub-categorised according to whether the land is rural</p>

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	<p>residential land or within a centre of population. While the department's Rating and Revenue Raising Manual cautions councils regarding centres of population within suburbs, it does not preclude a council establishing sub-categories. It is a matter for each council to consider.</p> <p>The Minister does not believe it is necessary to reintroduce locality based differential rating.</p>
<p>51 - "Kokoda Day" Commemoration (Canada Bay) That the Local Government Association supports the suggestion by the Hon Charlie Lynn, MLC, that the Federal Government proclaim "Kokoda Day", and include it as a national day of commemoration, and that discussions be held with the 39th battalion regarding the date.</p>	<p>In his response dated 31 January 2007, the Minister for Veterans' Affairs, the Hon Bruce Billson MP, indicated:</p> <p>"Kokoda was one of the battles in the defence of Australia when the nation faced the gravest threat to its existence, and it is certainly fitting that we commemorate it. Among those who support recognition of a Kokoda Day, both 3 November and 8 August have been suggested. I am also aware that many in the ex-service community consider that all the significant battles of the conflict should be collectively commemorated as the Battle for Australia on the first Wednesday in September each year.</p> <p>There are two officially gazetted days of remembrance in Australia: Anzac Day, which was formalised by the <i>Anzac Day Act 1995</i>; and Remembrance Day, which was proclaimed by the Governor-General in 1997. The two dates are designed to commemorate all Australians who have served and died in Australia's cause in all wars and conflicts. For this reason, there are no plans to legislate for, or officially proclaim, other days of remembrance.</p> <p>Many other dates of commemoration have come into being by general acceptance from the veteran and wider communities, and successive Ministers for Veterans' Affairs have been asked to consider proclamation of them. Examples include the anniversary of the bombing of Darwin on 19 February, Kapyong Day on 23 April, the Battle of the Coral Sea Day on 5 May, VE Day on 8 May, Korea Veterans Day on 27 July, VP Day on 15 August, Vietnam Veterans' Day on 18 August, Merchant Navy Day on 3 September and the Battle for Australia Day on the first Wednesday of September each year.</p> <p>Veterans, their families and the community hold commemorative services on these days, or recognise them in other ways. The Australian Government supports these events and encourages participation by the community, but it does not select the particular date, leaving that to the ex-service organisations and veteran communities. I consider this a preferable approach to commemorating the service and sacrifice of Australians in the various conflicts since Federation.</p>

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	<p>Proclamation is a complex and generally lengthy process requiring, among other things, Government assurance of a ground swell of support, consultation with and support of all states and territories, and formal agreement by the Executive Council. I am not convinced that Kokoda Day would receive this level of community and other government support for proclamation, especially if similar action was not taken in relation to the many other commemorative days.</p> <p>This does not detract in any way from the significance to our nation of the Kokoda, and other campaigns. What occurred on a then little known track over the Owen Stanley Ranges in Papua between August and November 1942 has assumed iconic status in Australia. Like Gallipoli, the stories of the Kokoda Track have a very special meaning to Australians and the Australian Government has supported a range of initiatives to commemorate those who served.</p> <p>A new memorial at Isurava on the Kokoda Track was unveiled on 14 August 2002 to mark the 60th anniversary of the Kokoda campaign. In 2005, the Australian Government organised a commemorative mission to Papua New Guinea to commemorate the 60th anniversary of the final campaigns in Papua New Guinea and to honour all Australians who served in that region, whose efforts contributed to the ultimate victory in the Pacific.</p> <p>To promote community awareness and appreciation of our wartime history, each year my Department develops educational resources which are distributed to all schools in Australia, and a comprehensive website on our military history, including Kokoda, is maintained at my Department's website: http://www.wv2australia.gov.au.</p> <p>I share your view that we should recognise the importance of Kokoda in our nation's history, and assure you that I will continue to work towards greater community awareness of Kokoda."</p>
<p>52 - Sister Cities (North Sydney) Lost.</p>	
<p>53 - Workplace Relations Act (Gosford and Wyong) That the Association call for the Federal Government to support Local Government workers by protecting Local Government workers from being transferred to the Federal Award System.</p>	<p>In his response dated 5 February 2007, the Hon John Howard MP, Prime Minister, indicated:</p> <p>"I note the former Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP, replied to you on 18 January 2007 regarding these issues. I reiterate Mr Andrews' comments regarding erosions of workers rights. Workplace relations reform has been an ongoing process over the last decade, contributing to strong economic</p>

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	<p>performance and higher living standards for Australians. Since the introduction of WorkChoices Australia has experienced record low levels of unemployment and days lost to industrial disputes.</p> <p>The Australian Fair Pay Commission was established as an independent wage setting body with discretion to consider employment and competitiveness across the economy as deemed appropriate by its panel of experts. In its inaugural decision of 26 October 2006, the Fair Pay Commission consulted widely with key stakeholders and received submissions from a broad range of representative organisations with an interest in the setting of minimum wages in Australia. Following this process the Fair Pay Commission chose not to absorb work value increases into its general minimum wage increases.</p> <p>Under section 208(4) of the Workplace Relations Act 1996 (WR Act), pre-programmed future wage increases relating partly or wholly to work value changes are retained as part of the relevant pay scale. The government took this decision to preserve worker entitlements such as pre-programmed future wage increases derived from awards in pay scales to ensure workers rights and entitlements were not eroded. Through WorkChoices, the government remains committed to protecting workers with a fair and sustainable safety net of wages and conditions.</p> <p>I note you have received correspondence from the Fair Pay Commission regarding your concerns. I would encourage your organisation to make submissions to the Fair Pay Commission's upcoming wage review regarding your views."</p> <p>In his letter of 29 January 2007, the Minister for Employment and Workplace Relations, the Hon Kevin Andrews MP indicated that:</p> <p>"In your letter, you refer to the erosion of workers rights and complexity of WorkChoices. The current reforms should be seen in the context of a decade of significant reform of the workplace relations system by the Australian Government. This has contributed to a strong economic performance and higher standards of living for Australian employees and their families.</p> <p>In respect of the most recent reforms, unemployment is at its equal lowest level in over 30 years which includes a reduction in the number of long-term unemployed, who are increasingly supporting the new national system. Business confidence is high. This means that there is a high demand for labour and that employers are hiring rather than firing staff. In addition, average wages have continued to rise.</p>

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	<p>Employees and employers who benefited under the 'old conditions' are now recognising they are better off under the reforms. The level of satisfaction with the reforms is reflected in the lowest number of days lost to industrial disputes in Australia since those records were begun.</p> <p>In relation to unfair dismissal laws, the amended Workplace Relations Act 1996 (WR Act) exempts businesses with 100 employees or less from federal unfair dismissal laws. The Australian Government made changes to unfair dismissal laws to encourage job creation for small to medium businesses. The previous laws were a disincentive to increased employment due to the substantial time and cost of defending an unfair dismissal claim.</p> <p>While employees in businesses of 100 employees or less are unable to make an unfair dismissal claim, it continues to be unlawful to terminate an employee on discriminatory grounds, for example, race, colour, gender, age, pregnancy, union membership or non-membership, temporary absence from work due to illness or injury, or because an employee filed a complaint or was involved in legal proceedings against an employer.</p> <p>A central objective of WorkChoices is to encourage the further spread of workplace agreements in order to lift productivity and hence the living standards of working Australians. When productivity is higher the whole economic pie is bigger. Individuals and families benefit from more jobs, better jobs and higher living standards. Society as a whole has more resources to devote to services like health and education, as well as to a strong social safety net.</p> <p>In your letter, you refer to the impact of the Fair Pay Commission's decision in conjunction with existing work value increases in the Pay Scale derived from the Local Government (State) Award 2004 (NSW). Under Section 208 (4) of the WR Act, pre-programmed future wage increases relating to partly or wholly to work value changes are retained as part of the relevant Pay Scale.</p> <p>As you are aware, under WorkChoices, the Fair Pay Commission is now the primary wage-fixing body in Australia and is responsible for adjusting minimum rates of pay contained in Pay Scales. In fulfilling its obligations, the Fair Pay Commission is able to determine among other things, the timing and frequency of wage reviews and also the scope of a particular wage review.</p> <p>With respect to your concerns in relation to the combined impact of the Fair Pay Commission's decision and the pre-programmed work value increases contained in the</p>

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	<p>Pay Scale, I note that the Fair Pay Commission has the power to take into account these issues when conducting its wage reviews. In its inaugural decision of 26 October 2006, the Fair Pay Commission chose not to absorb work value increases into its general minimum wage increases.</p> <p>In arriving at its decision, the Fair Pay Commission undertook extensive consultations in the form of written submissions received from interested parties, as well as conducting community and stakeholder consultation sessions around the country.</p> <p>On December 1 2006, the Fair Pay Commission announced that written submissions for its 2007 wage review will close on 30 March 2007. I would greatly encourage your organisation to make submissions to the Fair Pay Commission's upcoming wage review regarding your concerns."</p>
<p>54 - Workers Compensation (Tamworth) That the Association make representations to the Premier, the Hon Morris Iemma MP, and the Minister for Industrial Relations, the Hon John Della Bosca MP, requesting amendment or interpretation of the Predecessor Rule in relation to the calculation of Workers Compensation Premiums for new councils formed by way of boundary reform and/or amalgamation that deems the new council not to have undertaken an acquisition of business.</p>	<p>Representations were forwarded on 14 December 2006 to the Hon John Della Bosca MLC, Minister for Industrial Relations.</p> <p>Representations forwarded on 14 December 2006 to the Premier.</p>
<p>55 - Employment of People with Disabilities (Canterbury) That the Association supports initiatives to increase the employment of people with disabilities within Local Government as a means to address the high rate of unemployment of people with disabilities in our community.</p>	<p>This resolution is consistent with existing policy. The Associations have taken the opportunity to support initiatives wherever possible. The May 2007 meeting of the Association's Community Planning and Services Committee agreed to make representations to the NSW Government to ensure it honours commitments made.</p>
<p>56 - Land & Environment Court (Mosman) That Conference calls on the State Government to amend S.97 of the Environmental Planning and Assessment Act to disallow a right of appeal against a council's refusal of a development application where:</p> <ul style="list-style-type: none"> - the DA includes a breach of a development standard in a Local Environmental Plan, or is recommended for refusal on heritage grounds; and - the recommendation of council's planning officer is for refusal based in part or in whole on issues identified in Point 1; and - the council adopts the recommendation. 	<p>Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue.</p>
<p>57 - Land & Environment Court Proceeding (Port Stephens) That the Chief Judge of the Land & Environment Court be respectfully requested to review the rules and procedures of the Court so as to:</p>	<p>In his response dated 25 May 2007, the Attorney General, the Hon John Hatzistergos MLC, indicated that he is pleased to advise that the Chief Judge, the Hon Justice BJ Preston will be reviewing the rules and practice and procedure for Class 1 proceedings.</p>

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<ul style="list-style-type: none"> - Discontinue proceedings where applicants are seeking to make substantial amendments to the DA originally referred to the Court, and - Enable Court discretion to refuse DA's clearly demonstrated to the Court by the relevant council to be supported by highly inadequate information - being information clearly sought/ required by legislation and/or council legal and planning documents. 	<p>The issues raised in this Resolution will be specifically considered as part of that review. However, if there are further matters that the Association would like to raise, Ms Susan Dixon, Registrar of the Court can be contacted on 9228 8388.</p>
<p>58 - Mobile Waste Containers (Auburn) That the Association lobby to have the Australian Standard 4123 Mobile Waste Containers (AS4123) recommended for adoption by all NSW councils with a phased implementation within a short time frame.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment.</p> <p>The issue has been discussed at meetings of the DECC Liaison Committee. The LGA position has also informed deliberations of the DECC Waste Performance Payments program, which sets criteria for councils regarding their waste activities.</p>
<p>59 - Ethanol (Greater Taree) That the Local Government Association of NSW make representations to the Federal Government aimed at expediting the production of ethanol and ethanol fuel blends in Australia.</p>	<p>In a response dated 23 March 2007, the Australian Government Department of the Environment and Water Resources indicated that in 2001 the Government set an objective that biofuels, including ethanol, would contribute at least 350 million litres to the total fuel supply by 2010. The Prime Minister reiterated this commitment on 22 September 2005, and also announced a series of measures designed to underpin consumer confidence in these fuels. These included a commitment to encourage the Commonwealth vehicle fleet to use more ethanol 'E10' blended fuel and action plans by major fuel refineries to set out the contribution each will make to the biofuels target.</p> <p>The Government also provided the additional assistance for the production of biofuels through the payment of production grants of 38.143 cents per litre for fuel ethanol a biodiesel. These arrangements ensure that the effective rate of excise for biofuels is zero until 1 July 2011. Excise on biofuels will then be phased in until 1 July 2015 when the excise will be capped at 50 per cent of that paid on conventional fuels. The Australian Government has provided a generous policy framework for the biofuels sector to develop and promote their products in the marketplace. Ultimately, however, these fuels must compete on their commercial merits.</p> <p>Representations were also forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. The issue has also been discussed at meetings of the DECC Liaison Committee. The introduction of ethanol blend petrols is now well underway in NSW.</p>
<p>60 - Solar Power (Greater and Taree) That the Local Government Association of NSW make application to the Federal Government for funding to instigate a project to conduct technological research into the use of solar power for use by councils in</p>	<p>In his response dated 23 March 2007, the Minister for Environment and Heritage, Senator the Hon Ian Campbell MP, indicated that the Australian Government, through the \$13.8 million Local Greenhouse Action initiative, funds the Cities for Climate Protection (CCP) programme and a series of community abatement grants. Additional</p>

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the operation of their facilities.	grant funding targeted towards local emission reduction activities has been made available under the Low Emissions Technology and Abatement (LETA) initiative. The use of renewable energy solutions including solar are eligible activities for these grants. Additionally, under the Photovoltaic Rebate Programme (PVRP), which commenced on 1 January 2000, cash rebates are available to owners of community use buildings who install grid-connected or stand-alone photovoltaic systems. Due to its success, the Australian Government is currently investigating an extension of the programme.
<p>61 - Catchment-wide SEP Report (Tamworth) That the Association seek amendment of the Local Government Act 1993 and adoption of State Government environmental policy that would allow those councils that so desire to prepare a SoE Report jointly on a whole of catchment basis, to do so, in cooperation with the Catchment Management Authorities.</p>	<p>The Ministers have not yet responded to representations made. However the Association's representations to the CMA Chairs and the DECC Director-General resulted in the issues being discussed by many parties at a special meeting on 22 August 2007.</p> <p>The Association's aim is for councils to not prepare individual reports but undertake local implementation plans to implement catchment management plans.</p> <p>As part of linking Statewide SOE reporting with the NRC standards and targets, DECC agreed to write to the Director-General of the Department of Local Government with the aim of getting high-level, in-principle agreement to considering reforms to the system mandated under the Local Government Act, in the context of current considerations by DLG of the Integrated Planning and Assessment proposals.</p> <p>DECC has undertaken to request the EPA Board subcommittee to discuss this process.</p> <p>This was also raised as part of the review of integrated planning and reporting.</p> <p>Overall, we would aim to have a reformed process by the time the next council report is due in 2008.</p>
<p>62 - Uranium Mining and Nuclear Power (Marrickville) That the Association:</p> <ul style="list-style-type: none"> • believes that the future lies in renewable energy and that the critical threat of global warming in particular demands that we urgently develop and expand our renewable energy resources while also committing to dramatically increasing renewable energy targets by 15% by 2010, energy efficiency and demand management; • believes that the issues of finite resources, mining, safety, waste, weapons and cost associated with the nuclear cycle completely rule it out as an option; • calls on the Federal Government and the Federal Opposition to phase 	<p>In his response dated 27 February 2007, the Leader of the Opposition, the Hon Kevin Rudd MP, indicated that he has made it clear that the economic and environmental costs of Australia not acting on climate change are huge, and continue to increase under the Howard Government.</p> <p>Labor will implement responsible long-term measures to address climate change, ensure our water integrity, protect our environment, and secure Australian jobs and industries now and in the future.</p> <p>Because climate change is also linked to declining rainfall and worsens drought, Labor understands that policies that tackle climate change are required to ensure that water is</p>

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<p>out the uranium mining industry, in the first instance by preventing and opposing the establishment of any more uranium mines in Australia;</p> <ul style="list-style-type: none"> • writes to the Prime Minister concerning the above and also expressing its distress and exasperation at the Federal Government's: <ul style="list-style-type: none"> - withdrawal of support for research and development of renewable energy sources - failure even to adopt the Kyoto Protocol - apparent support for an expansion of the nuclear industry in Australia; - policies of detrimentally affecting the governance powers of remote Aboriginal communities which consequentially affect those communities' rights to veto uranium mining on their traditional lands - deal to sell uranium to China and negotiations to sell uranium to India who is not a member of the nuclear non-proliferation treaty • writes to the Federal Opposition Leader concerning the above and expressing its grave concern at his apparent support for an expansion of the nuclear industry in Australia; • writes to the Premier concerning the above and congratulating him on his decisive and categorical rejection of nuclear power for NSW; • calls on member councils to pass similar resolutions and re/declare themselves nuclear free zones; and • condemns the ALGA for its motion screening process and for screening out this motion from the National General Assembly, and calls on the ALGA to reinstate the motion. 	<p>widely available in the future.</p> <p>Mr Rudd is committed to forging a national consensus on climate change, as he signalled when announcing that he would convene a National Summit on Climate Change to be held in Canberra between late March and early April of this year.</p> <p>The National Summit will bring forth the best ideas from Australian scientists, business leaders and our broader community, building on Labor's already strong policies to address climate change.</p> <p>A Rudd Labor Government will:</p> <ul style="list-style-type: none"> ratify the Kyoto Protocol; establish a long-term, national target of 60 per cent cuts in Australia's greenhouse emissions by 2050; establish a national greenhouse emissions trading scheme; develop cleaner coal technology; and increase the Mandatory Renewable Energy Target. <p>Nuclear power will not be part of Australia's energy mix under a Rudd Labor Government. The Howard Government has already wasted eleven years in not addressing climate change; we do not need to add further delays and nuclear waste to that sorry record.</p> <p>In his response dated 16 March 2007 the Parliamentary Secretary to the Prime Minister indicated that last year the Australian Government established a taskforce to review the economic, environmental, health, safety and proliferation issues associated with uranium mining and nuclear power. The report is intended to facilitate an informed public discussion about these issues, in particular it will assist the government and the public to understand Australia's growing energy needs and the technologies that may be used to meet those needs efficiently and responsibly. The taskforce's report can be accessed at www.pmc.gov.au/umpner. The government is giving careful consideration to the report's findings.</p> <p>In his response dated 24 May 2007, the Prime Minister indicated that on 28 April 2007, he announced a strategy to increase uranium exports and to prepare for the possible expansion of the nuclear industry in Australia. The strategy is in response to recent reports into the issues associated with the nuclear fuel cycle, including the report of the Uranium Mining, Processing and Nuclear Energy Review (UMPNER) taskforce. The UMPNER report reflects the comments of a review panel that included renowned</p>

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	<p>international scientists working under the chairmanship of the Chief Scientist of Australia, Dr Jim Peacock AC.</p> <p>The UMPNER taskforce found that the period for planning, building and commissioning a first nuclear power plant would be between 10 and 20 years. The taskforce sees nuclear power as a practical option for part of our electricity production in the longer term but found that in Australia nuclear power would be, on average, 20 to 50 per cent more expensive to produce than coal-fired power. The Prime Minister explained in an interview on 29 December 2006 that the Australian Government will not be establishing nuclear power plants. Nuclear power plants would be established by companies and only when such investments become economically feasible and can satisfy all relevant environmental, health and safety standards under a new nuclear regulatory regime to be developed by the Australian Government. The transcript of the interview can be found at http://www.pm.gov.au/media/Interview/2006/Interview2321.cfm.</p> <p>In his response dated 23 March 2007, the Australian Government Department of the Environment and Water Resources indicated that with respect nuclear power, the Government recognises that nuclear power stations emit low levels of greenhouse gases compared to coal-fired and gas-fired power stations. However, the use of uranium reserves in producing nuclear power raises cost, safety and waste disposal issues.</p> <p>The Australian Government support debate on this topic. In June 2006 the Prime Minister, the Hon John Howard MP, established a Taskforce to undertake a comprehensive review of uranium mining, processing and contribution of nuclear energy in Australia in the longer term. The taskforce report was released on 29 December 2006 and is a major contribution to public debate on Australia's future energy needs and the broad range of emerging energy technologies. The report is available from http://www.dpmc.gov.au/umpner/index.cfm. The Government will respond to the report after it has given careful thought to the findings of the Taskforce.</p> <p>Climate change is a global problem that needs a global solution. The Australian Government is continuing to push for an effective international agreement – a 'new Kyoto' approach that will see all the major greenhouse gas emitting countries reducing emissions. The Government has not ratified the Kyoto Protocol because it requires countries responsible for only one-third of the world's emissions to act, whereas countries producing the other two thirds of the world's greenhouse gases have no such obligations. Nonetheless, Australia will still meet its Kyoto target, demonstrating the Government's firm commitment to reducing global emissions.</p>

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	<p>In his response dated 28 March 2007, the Director-General of the Department of Energy, Utilities and Sustainability indicated:</p> <p>“The Premier has forwarded your correspondence to the Minister for Energy, the Hon Joe Tripodi MP, who has made arrangements for me to respond direct to you.</p> <p>The NSW Government has led the nation in the development of policy and program initiatives aimed at countering increasing greenhouse gas emissions and the impacts of climate change.</p> <p>In November 2006, the Premier of NSW, the Hon Morris Iemma MP, announced that the NSW Government will legislate to require 15 percent of the electricity consumed in NSW to come from renewable sources by 2020. This is the most ambitious mandatory renewable energy target in mainland Australia.</p> <p>Our renewable energy target is just the latest example of the leading role the NSW Government has taken in addressing climate change. It comes on top of our Greenhouse Gas Reduction Scheme. The scheme, established in 2003, is the world’s first mandatory carbon emissions trading scheme. It has already prevented 38 million tonnes of greenhouse gas from being released into the atmosphere – that’s equivalent of taking over 8 million cars off our roads.</p> <p>For your information, enclosed are further details on these and some of the other key achievements of the NSW Government in the areas of sustainability and reducing greenhouse gas emissions. You may also be interested in the NSW Government’s current campaign promoting GreenPower. Details of this campaign can be found at www.greenpower.nsw.gov.au.</p>
<p>63 - Nuclear Free Zone (Wollongong) Covered by Resolution 62.</p>	<p>Please refer to Resolution 62.</p>
<p>64 - Notification of Government Grants (Hawkesbury River) That the Association calls upon the Minister for Primary Industries to announce grant funding for councils to administer the Noxious Weeds Act at an earlier time to facilitate accurate budgeting and exhibition of the draft management plan.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations forwarded to the Minister on 13 August 2007.</p> <p>The Noxious Weeds Advisory Committee has reviewed the current timeframes and recommended changes to the Minister. It is understood that he has approved these changes.</p>

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	The current round of Noxious Weeds grants are determined as per this new time framework.
<p>65 - Weed Control (Lithgow) That the Association call on the State Government for the Department of Primary Industry to allocate sufficient funds to Local Government for the provision of roadside weed control programs in upcoming budgets and to immediately reinstate the funding for the noxious weeds inspectorial program, and call on the Australian Government to expedite the allocation and distribution of Defeating the Weed Menace program funds available to local and regional bodies.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations forwarded to the Minister on 13 August 2007. The Government has not responded to continual calls for increased funding for weed control by local authorities.</p> <p>The Australian Government's Defeating the Weeds Menace program is focussed towards research and development, innovation, and national policy. It is not applicable to local or regional on-ground activities.</p> <p>The NSW Minister for Primary Industries has agreed to convene a joint Departmental, CMA and LGSA meeting on this issue of weed management.</p>
<p>66 - Climate Change – Tide Markers (Leichhardt) That this Conference calls on the NSW Government to:</p> <ul style="list-style-type: none"> • Install tide line markers displaying summer and winter solstice tide lines in strategic points throughout the Sydney Harbour foreshore and other coastal areas; • Install signage beside these markers specifically aimed at raising public awareness about climate change and the potential for rising global sea levels, explaining that the line will continually rise if we do not seriously reduce our carbon emissions, and to show where the line was in 1950, and where it could be in 2100, with dot points on what councils are doing to address the impact of Climate change, and how we can all reduce CO2s by: <ul style="list-style-type: none"> - changing to renewable energy - switching to energy-efficient light globes and electrical appliances - reducing car use - using public transport, bicycles and walking - using renewable technologies. <p>That the Conference calls on Federal, State and Local Governments to ensure their planning and infrastructure guidelines reflect the potential future impact of rising sea levels.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. The issue has been discussed at meetings of the DECC Liaison Committee.</p> <p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations forwarded to the Minister on 13 August 2007.</p>
<p>67 - Land Clearing (Leichhardt) That this Conference:</p> <ul style="list-style-type: none"> • Notes that land clearing, although happening on the greatest scale in 	<p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations forwarded to the Minister on 13 July 2007.</p>

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<p>western NSW, is occurring in various forms throughout the State.</p> <ul style="list-style-type: none"> • Notes that land clearing is having a serious impact upon the natural environment, which we all share, and depriving many endangered and vulnerable species of habitat. • Resolves, for the sake of our rivers, our wildlife and our farmlands, to call upon the NSW State Government to: <ul style="list-style-type: none"> - Deliver on its promise to end land clearing in NSW - Enforce its own laws, which the community called for over 3 years ago - Introduce a strong and binding Code of Practice to control logging and commercial firewood collection on private land. - Expand the TPO Provision of the Standard LEP to include native vegetation - Increase the number of staff in the Department of Environment and Conservation 	
<p>68 - Management of NSW Waterways (Port Stephens) That representation be made to the NSW Government seeking a more equitable and consistent approach to the management of waterways by the State Government particularly relating to;</p> <ul style="list-style-type: none"> - the impact of pollution on the businesses and communities including oyster farmers affected by the inaction of State Government Departments; and - the impact of moorings on sea grasses, and in particular that agencies work together to ensure moorings are converted to sea grass friendly moorings within 2 years. 	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. The issue has also been discussed DECC Liaison committees.</p>
<p>69 - Asbestos on Public Land (Blacktown) That the LGA:</p> <ul style="list-style-type: none"> - Canvass the views and experience of Local Government in relation to asbestos that has become a contaminant on public land; and request the appropriate Minister to develop Regulation/Legislation for management and remediation of asbestos in public places. - Develop a state wide campaign aimed at deterring illegal dumping of such material inclusive of media education about asbestos in the context of public concerns. - Endeavour to quantify the resources that Local Government is directing toward the remediation of asbestos contamination in public places with a view to initiating discussions with the NSW Government and product manufacturers in terms of civic responsibility and 	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus, Minister for the Environment. The issue has been discussed at DECC Liaison Committee meetings. The Association continues to raise concerns regarding the escalating issue of asbestos dumping and the need for a more coordinated approach to the prevention of this occurrence.</p>

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compensation to Local Government.	
<p>70 - Public Toilets in Commercial Buildings (Greater Taree) That the Local Government Association of NSW seek a review of planning legislation as it relates to the provision of public toilets in commercial buildings.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue.
<p>71 - Approvals for Private Jetties (Bankstown) That Bankstown City Council call upon the Local Government Association of NSW to lobby the State Government to nominate the Department of Lands as the key agency for coordinating the approvals process between State Government departments regarding the construction or modification of an existing private jetty, noting that no jetties should be approved in areas of sea grasses.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. The Minister for Planning has announced that he is looking at improving the system of state agency referrals part of his planning reform agenda. The Association has made further representations on this issue to the Minister in the context of that review.
<p>72 - Air Conditioning Standards (North Sydney) That the Local Government Association work with the State Government to establish industry standards for noise emissions from air conditioners in residential areas.</p>	Representations made on 14 December 2006 to the Hon Bob Debus, MP, Minister for the Environment. The issue has also been discussed at DECC Liaison Committee meetings. The DECC has recently undertaken revisions to the Noise Control Regulation which clarify, to some extent, council powers relating to air conditioner noise.
<p>73 - Standards for Schools (Blacktown) That the Federal and State Governments be requested to provide a uniform standard for outdoor open space requirements for both State and Private Schools.</p>	<p>In a response dated 29 January 2007, the Hon Julie Bishop MP, Minister for Education, Science and Training, indicated that whilst the Australian Government provides significant funding under the Capital Grants Programme to support capital works in state and non-government schools in all states and territories, it is not responsible for setting the standards for the provision of playgrounds and open spaces on school campuses. This is a matter that directly falls within the responsibilities of the relevant state governments, local government planning authorities and the non-government school authorities.</p> <p>There are no Australian Government guidelines or standards which apply to the size of school grounds. The only area standards set by the Australian Government are those applying to global area standards for school buildings for non-government schools as specified in the Australian Government Programmes for Schools Quadrennial Administrative Guidelines 2005 to 2008. They are 6.13 square metres per student for primary schools and 9.75 square metres per student for secondary schools. For accommodation in boarding schools and student hostels, the Australian Government global area standard is 24 square metres per boarding or hostel student.</p>
<p>74 - Flood Advice (Blacktown) That the NSW Government be requested to revise the Floodplain Development Manual - 2005 to provide for the definition of flood prone</p>	Representations forwarded on 14 December 2006 to the Hon Ian Macdonald, MLC, Minister for Natural Resources. Further representations made to the Minister on 13 August 2007.

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land to be reverted back to the 1 in 100 year or 1% occurrence with the advice on section 149 certificates to be limited to the 1:100 year flood only, and that the manual be amended accordingly.	
<p>75 - Beach Protection Infrastructure (Gosford) That the Association initiates the development of a new Coastal Protection Funding Program, with both State and Federal Governments, aimed specifically towards funding major coastal protection projects.</p>	Representations made on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. While at this stage there is no discrete Coastal funding program, coastal projects are eligible under other programs such as the Urban Sustainability program and other Environmental Trust programs.
<p>76 - Disabled Access to Council Facilities (Canterbury) The Local Government Association calls on the State Government to amend Section 94 of the Environmental Planning and Assessment Act to enable councils to use to a greater extent than at present Section 94 contributions for the improvement of disability access to council owned facilities such as libraries and swimming pools.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue. The Minister has recently announced that he is reviewing developer levies with a view to tightening the rules regarding the type of facilities and services that can be funded under s94.
<p>77 - Emergency Accommodation (Canterbury) The Local Government Association calls on the State Government to give councils the power to establish on their own initiative and enforce planning agreements for the provision by developers of funding for infrastructure for public purposes such as emergency accommodation for families in crisis or victims of domestic violence.</p>	Please see response to Resolution 76.
<p>78 - Mediation Service (Hurstville) That the matter be referred to the Executive.</p> <p>That the Association request the Minister for Planning, the Hon Frank Sartor, to make amendments to legislation allowing the Building Professionals Board to provide a mediation service between private accredited certifiers and local councils, and develop a mechanism for councils to recover costs where private certifiers are in dispute with council.</p>	<p>Further report considered by the Executive on 13 April 2007 when it was decided that the Association writes to Hurstville City Council:</p> <ul style="list-style-type: none"> - Informing them of the provisions of the Building Professionals Act 2005 in relation to the conciliation of complaints; - Noting their concerns about the recovery of costs and the Association's representations on this matter to the State Government; and - Indicating that the Association will be monitoring performance of the newly created Building Professionals Board in relation to these matters. <p>The Minister has recently announced that he is looking at ways of improving the efficiency and accountability of private certifiers in the context of the planning reform agenda.</p>
<p>79 - Private Certification - Complaints (Ku-ring-gai) That the Association call on the Minister for Planning to provide legal protection under the Environmental Planning & Assessment Act or other relevant legislation for those property owners adjoining developments who make a reasonable complaint pursuant to that Act about the conduct of the private/accredited certifier of that development, when they themselves</p>	<p>Advice received indicated that the Defamation Act 2005 already contains a number of defences available to persons that are the subject of a defamation matter. For example, some of the defences already available include:</p> <ul style="list-style-type: none"> - 25 Defence of justification, - 26 Defence of contextual truth, - 27 Defence of absolute privilege,

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<p>become the subject of defamation proceedings by the certifier involved when the complaint is dismissed.</p>	<ul style="list-style-type: none"> - 28 Defence for publication of public documents, - 29 Defences of fair report of proceedings of public concern, - 30 Defence of qualified privilege for provision of certain information, - 31 Defences of honest opinion, - 32 Defence of innocent dissemination, - 33 Defence of triviality. <p>The Resolution talks about a reasonable complaint against the conduct of a certifier and that the EP&A Act should have a protection (defence) for a person making such a complaint.</p> <p>While advice received suggests that the Defamation Act already contains such provision, representations have been to the Minister for Planning to obtain the views of the Government.</p>
<p>80 - Development Infringement Notices (Hurstville) That the Association request the Minister for Planning the Hon Frank Sartor, make amendments to legislation to significantly increase penalties for penalty infringement notices relating to development not carried out in accordance with development consent and development carried out without development consent.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.</p>
<p>81 - Penalties under EP & A Act (Parramatta) Covered by Resolution 80.</p>	<p>Representations made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>82 - Unauthorised Building Works (Kogarah) Covered by Resolution 80.</p>	<p>Representations made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>83 - Unauthorised Building Work (Canterbury) Covered by Resolution 80.</p>	<p>Representations made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>84 - Unauthorised Building Work (Canterbury) That the Association make representations to the State Government to enact legislation that would make the person/company who acts on a development consent responsible for any unauthorised building work in relation to that consent, in terms of the issue of fines or prosecutions in court.</p>	<p>The Association has made a submission to the Building Professionals Board (BPB) requesting that the legislation be changed to require private certifiers to lodge standard documentation with councils. The submission (available on our website) notes that the use of standard forms, and prescribed under the Environmental Planning and Assessment Regulation, has the potential to reduce the level of complaints and promote industry wide efficiency gains for both certifiers and Councils. There has been some work undertaken already in relation to the standardisation of forms used by local councils as part of the 'reducing red tape' program funded by the Commonwealth Government. The BPB could build on this work and, in consultation with key stakeholders, develop a standard set of forms for use by accredited certifiers. This matter will continue to be pursued by the Association.</p>

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<p>85 - Stop Work Orders (Sutherland) That representations be made to the Minister for Planning seeking amendment to the provisions of the EP&A Act by incorporating a provision that permits a council to issue a “stop work order” that requires building construction work to cease immediately while the council considers whether a notice should be issued pursuant to s121H of the Act. Such a “stop work notice” shall prevent further work until revoked or a determination is made under s121K of the Act.</p> <p>That the Minister for Planning be asked to review all existing penalties under the EP&A Act so that they are significant enough to act as a deterrent.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.</p>
<p>86 - Trees Protection Bonds (Hurstville) That the Association request the Minister for Planning, the Hon Frank Sartor, to make amendments to legislation to empower councils to impose conditions of consent requiring bonds to ensure the protection of all trees affected by development and identified for retention as part of a development proposal.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter has been sent to the Minister on this issue.</p>
<p>87 - Noxious Weeds – ‘Spite Trees’ (Mosman) That Conference calls on the Department of Primary Industries to declare Leyland Cypress (<i>Cupressocyparis leylandii</i> 'Leighton Green') a noxious weed under the Noxious Weeds Act; further the Association establish a working party to negotiate with the Department to encourage action to address the issue of inappropriate neighbour plantings that impact on solar access and view lines.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations forwarded to the Minister on 13 August 2007. No response has been received to date.</p>
<p>88 - Working Harbour/White Bay (Leichhardt) That Conference supports the retention of working harbour and freight options within Sydney Harbour.</p> <p>Conference calls on the NSW Government to develop a plan for the White/Rozelle & Blackwattle Bays which considers the area as a whole and is not constrained by the Government agencies which currently control the land. This plan be developed in consultation with local councils and communities.</p> <p>No decisions be made which will restrict future options to improve transport until such a plan is developed. The existing rail freight corridor and potential for road links to improve traffic flows should not be</p>	<p>In his response dated 21 March 2007, the Director-General of the Ministry of Transport indicated:</p> <p>“The New South Wales Government has also released the first stage of its Ports Freight Plan for Sydney, which has the major objective of getting more freight onto tail and off Sydney’s roads. The Port Freight Plan is a key initiative in the Government’s aim of increasing the modal share for rail of freight containers going in and out of Port Botany to 40 percent.</p> <p>The Government also established a Freight Infrastructure Advisory Board to provide expert advice to the Government on how this target could be achieved including:</p> <ul style="list-style-type: none"> - the design of an intermodal terminal network to improve freight distribution; - the infrastructure required to service the intermodal network; and

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<p>compromised.</p> <p>Any plan or decisions made should not compromise the heritage of White Bay Power Station, the only one of its kind remaining in NSW, nor jeopardise its redevelopment and potential to provide employment opportunities.</p>	<ul style="list-style-type: none"> - potential changes to work practices such as 'truck tracking' to minimise queuing at the port gate; 'container in/container out' to maximise the efficiency of truck haulage; and other strategies to minimise unnecessary movements of containers across the city. <p>The Freight Infrastructure Advisory Board's report made specific recommendations for the development of an intermodal terminal network throughout the metropolitan area to manage the increasing container task.</p> <p>A key finding of the report is the need for upgrading of existing intermodal terminals and new larger scale road/rail intermodal terminals to provide sufficient capacity to allow the rail mode share target to be achieved. A series of new or expanded intermodal terminals is being considered to maximise the freight movements by rail. The Infrastructure Implementation Group in the Premier's Department is currently assessing the report. More information on the Ports Freight Plan is at the Metro Strategy website at www.metrostrategy.nsw.gov.au.</p> <p>I note the request for the release of the McCormick Rankin Cagney Report.</p> <p>As you are aware, transport options in the region have been the subject of endless reports, debate and conjecture. However, the Government's commitment to delivering practical, workable transport solutions to the people of Newcastle in consultation with the community was well illustrated in the work done in 2006.</p> <p>The Premier's Hunter Transport Taskforce was convened in late 2005 and in February 2006 the Premier confirmed that rail services would continue into Newcastle CBD. The Taskforce consulted with the community, business, civic, union and government representatives in making its recommendations.</p> <p>In October 2006, again after extensive community consultation, the Lower Hunter Regional Strategy was adopted by the Government and released. The strategy will guide local planning in the five local government areas of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock, and inform decisions on service and infrastructure delivery. The strategy is intended to be a guide, to be refined at the local government level and is subject to review every five years.</p> <p>The review process will allow for continued community input in the planning process and ensures that the region develops in a strong and sustainable way.</p>

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	<p>More recently the Department of Planning has released the draft Newcastle City Centre Plan. The plan was developed in partnership with Newcastle City Council by the Department of Planning's Cities Taskforce team and was on public exhibition until 27 February 2007.</p> <p>The Ministry of Transport was active in 2006 negotiating the new Outer Metropolitan Bus Service Contracts. These are now all signed and will result in a new way of delivering bus services with a strong emphasis on community consultation in the design of the networks.</p> <p>The Government is committed to moving forward with transport solutions within the framework set by the regional strategy which foreshadows employment and population growth and consistent with a vision for the city of Newcastle. Attached is a copy of the Hunter Street Bus Priority Concept prepared by McCormick Rankin Cagney. This plan will not be adopted until it has been reviewed in light of the new framework."</p>
<p>89 - Parramatta Road Plan (Leichhardt) That this conference:</p> <ul style="list-style-type: none"> - opposes any increases in residential and employment densities without provision for an appropriate mass transit system in the final Parramatta Road Corridor Planning Strategy; - considers affordable Light Rail to be the most appropriate mass transit system for Parramatta Road; - opposes any increase of the traffic capacity on the City West Link and any revised M4 East proposal as part of the Parramatta Road Planning Strategy; - supports the inclusion of a dedicated bicycle lane in any future development for Parramatta Road. 	<p>In his response dated 21 August 2007, The Hon Frank Sartor MP, Minister for Planning, indicated that the Department is currently preparing Subregional Strategies for the Inner West, West Central and South Subregions which cover the Parramatta Road corridor. The Subregional Strategies are long-term strategic plans to guide state and local government to better integrate land use and transport by planning residential and employment location and transport. The Subregional Strategies will inform our work on the Parramatta Road corridor.</p> <p>As identified in the Government's <i>Urban Transport Statement</i>, the Department's transport planning function and staff were transferred to the Ministry of Transport in January 2007 with the creation of the Centre for Transport Planning and Product Development.</p> <p>The Development is working closely with the Ministry of Transport and other transport agencies to implement action in the Government's Metropolitan Strategy <i>City of Cities</i> and <i>Urban Transport Statement</i> including investigating mass transit corridors and the M4 East corridor.</p> <p>The Department and transport agencies are also guided by the <i>State Plan: A New Direction for NSW</i> and its 34 priorities and targets. Priorities particularly relevant to our work on Parramatta Road and the Association's resolutions include Priority S6 Improve public transport use on a safe and reliable system, Priority E3 Cleaner air and greenhouse gas reductions, Priority E5 Jobs closer to home, Priority E6 Housing affordability and land supply, and Priority E7 Improve road efficiency.</p>

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	This resolution has been conveyed to the Roads and Traffic Authority and has been referred to the Parramatta Road task Force and appropriate Planning Subcommittees.
90 - Central Coast Structure Plan (Wyong) Withdrawn.	
91 - BASIX Regime (Wyong) Lost.	
92 - Telecommunication Towers (Holroyd) That the Local Government Association of NSW through its representation on the Australian Local Government Association express deep concern to the Federal Government regarding the proliferation of telecommunication towers and associated co-locations.	<p>In her response dated 15 February 2006, the Minister for Communications, Information and the Arts, Senator the Hon Helen Coonan, indicated that local councils have control under relevant state and local planning schemes for all telecommunications installations except those – generally low-impact facilities – covered by Schedule 3 to the Telecommunications Act 1997 (the Act).</p> <p>Carriers seeking to install low-impact facilities are required to comply with rules of conduct set out in the Act and the Telecommunications Code of Practice 1997 (the Code). There are strict rules governing what can be installed, where new infrastructure can be installed, notification requirements and how carriers must behave. Compliance with the Act and the Code are standard carrier licence conditions. Alleged breaches of carrier licence conditions should be reported to the Australian Communications Authority (ACA).</p> <p>Telecommunications carriers are required to comply with the Australian Communications Industry Forum (ACIF) Deployment of Radiocommunications Infrastructure (the Industry Code), which specifies a precautionary approach to the siting, design and operation of all mobile phone network infrastructure. Carriers are required to have regard to community sensitive sites, including residential areas when installing low impact facilities. The Industry Code also encourages carriers to co-locate facilities on existing infrastructure. It also obliges carriers to consult with communities and make it mandatory for them to notify councils of all facilities, including low-impact facilities. In addition the Industry Code has been registered by the ACA under the Act. The Industry Code is therefore mandatory and the ACA can enforce the code and take action when carriers are in breach of the requirements of the Industry Code.</p> <p>The Industry Code has been fully operational since 10 April 2003 and has recently undergone a review in line with a 12-month review requirement. The revised Industry Code is expected to be submitted to the ACA for registration shortly. Once it is registered, the code, to be called the Deployment of Mobile Phone Network Infrastructure Code, will become mandatory. This revised code clarifies some of the</p>

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	<p>existing requirements including consultation requests.</p> <p>The Minister notes the resolution made at the 2004 Annual Conference of Local Government Association of NSW to seek the introduction of legislation to prevent telecommunications installations within 300 metres of schools and childcare centres and to seek amendments to the Act to empower local government and ensure that all installations of telecommunications facilities require development applications.</p> <p>Under the Industry Code, carriers are required to consider community sensitive locations such as schools and hospitals, and balance this with other factors such as coverage objectives and engineering requirements when deciding on placement for a site. The Code does not specify a distance at which infrastructure must be sited from community sensitive locations. In some instances, infrastructure sites further from a sensitive area may need to operate at greater power to meet service requirements and this may result in higher exposure levels in that sensitive location.</p> <p>The Minister appreciates the Association's views regarding the development of mobile phone infrastructure in sensitive areas. The Government will continue to monitor the appropriateness of the current regime and your views will be noted in this context.</p> <p>More recently, the Acting Director-General of the NSW Department of Commerce wrote to the Association on 16 July 2007 and indicated that there is a Federal Government requirement to measure the cumulative impact of radiation from mobile radio towers in NSW. The requirements were noted in a Department of Local Government Circular – 06/72.</p> <p>The Government Chief Information Office within the Department of Commerce has been working with carriers and other government agencies to standardise the way in which the data is collected, stored and made available to interested parties, including local councils.</p> <p>As local councils own more than 200 radio sites, and are co-located on additional sites owned by other parties including government agencies, the Department of Commerce is seeking your support for close collaboration between the Government Chief Information Office, and the Association. Working together will ensure that the maximum benefit and efficiency from this intensive and ongoing process is obtained.</p> <p>Establishing a common approach will meet the legislative, regulatory and relevant standard requirements and will minimise costs to the government and councils by</p>

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	<p>avoiding the implementation of conflicting and duplicated solutions.</p> <p>The Government Chief Information Office staff has been asked to discuss the matter with the Association.</p>
<p>93 - Mobile Phone Towers (Leichhardt) That this conference:</p> <ul style="list-style-type: none"> • Notes that numerous councils throughout NSW have challenged the installation of telecommunication base stations within their Municipality because of community concerns of these installations and their perceived and real health risks. • Notes that while it is acknowledged in the Federal legislation that the precautionary principle should be applied in the sensitive siting of telecommunication base stations, councils in NSW have not been able to successfully challenge on the grounds of perceived or real risks to health. • Recommends that the Local Government Association take legal advice on the viability of a class action arguing the precautionary principle on the grounds of perceived or real risks to health. Should the advice be to proceed with such a case, that the Local Government Association Executive calls on all its members to jointly fund it. • That the Association calls for a Commonwealth Parliamentary inquiry into whether the current Australian exposure limits for the emission of radio frequency EMR are set too high for public safety and to assess the non-thermal effects of non ionising radiation absorption. Such an inquiry should have the following terms of reference:- <ul style="list-style-type: none"> - To impartially review relevant international epidemiological studies into the health effects of exposure to low level radio frequency EMR; - To actively solicit scientific views both critical of and supportive of the role played by the ICNIRP in setting international guidelines; - To determine whether the methodology behind the ICNIRP 1998 guidelines for radio frequency EMR exposure was flawed; - To assess whether the Australian Broadcasting Authority's adoption of ICNIRP 1998 guidelines (via ARPANSA) under estimates the real health risks faced by the Australian public from radio frequency transmitters including mobile base stations. 	<p>In her response dated 16 April 2007, the Minister for Communications, Information and the Arts, Senator The Hon Helen Coonan, indicated:</p> <p>“Item 1. The World Health Organisation’s (WHO) current advice is that studies conducted over the past 15 years, examining a potential relationship between radio frequency transmitters and cancer, have not shown that exposure increases the risk of cancer. The Australian Radiation Protection and Nuclear Safety Agency (ARPANSA), within the Health and Ageing portfolio, sets public health standards for exposure to electromagnetic emissions. ARPANSA advises that the exposure limits in its standard are set well below the level at which adverse health effects are known to occur.</p> <p>Item 2. Under the Australian Communications Infrastructure Forum Code, carriers are required to take a precautionary approach when installing new facilities or upgrading existing facilities. However, precaution does not mean reducing risks completely. The likely exposure levels from most mobile phone base stations are less than the public exposure limit by factors of 100 to 10,000. Other explicit precautionary steps are detailed out in the ACIF Code, Deployment of Mobile Phone Network Infrastructure.</p> <p>Item 3. ARPANSA advises that the current standard approved in May 2002, which applies to both broadcasting and mobile phone towers, followed chronologically the preparation of international guidelines by the International Commission of Non-Ionizing Radiation Protection (ICNIRP). The limits set are essentially the same. More recently, the United States Institute of Electrical and Electronics Engineers has independently produced a standard, following similar scientifically based procedures. Its limits in the frequency range of interest are the same as the Australian and ICNIRP limits.</p> <p>The preparation of guidelines and standards essentially conform to the Association’s request to impartially review relevant international epidemiological studies into the health effects of exposure to low level radiofrequency EMR.</p> <p>While the WHO advises that studies to date have not shown that exposure increases the risk of cancer, it continues to monitor the situation. It and the International Agency for Research into Cancer (IARC) will, within the next two years, undertake an assessment of radio frequency electromagnetic radiation with respect to possible carcinogenesis. In addition, ICNIRP is actively reviewing its understanding of health</p>

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	<p>effects from electromagnetic fields. All of these bodies, including ARPANSA, are ready to modify or adjust standards and guidelines in the light of new scientific evidence should this be required.</p> <p>The process by which the ARPANSA Standard was produced included an independent assessment of existing scientific evidence and a review of evidence arising since the ICNIRP review. Given the international enquiries already foreshadowed in this area, it seems unlikely that an Australian parliamentary inquiry would bring forth evidence not available to the international community nor bring to bear any special expertise in assessing its significance.</p> <p>ARPANSA advises that all the standard setting bodies, including the committee preparing the ARPANSA standard, considered the non-thermal effects of non-ionising radiation absorption but failed to find any convincing evidence that such effects exist or are likely to lead to any health risk. Given the present gap of orders of magnitude between actual exposures and current standards, reduction in regulated limits by a factor of 10, or even a factor of 100, would have little effect on actual chronic exposure levels.”</p>
<p>94 - Broadband Services (Pittwater) That the Association lobby the State Government to legislate to require developers constructing dwellings in new residential land releases to provide the necessary communications infrastructure to enable broadband internet and other services to be available within release areas prior to construction and occupation of the dwellings.</p>	<p>Representations made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>95 - Metro Strategy (Strathfield) That the matter be referred to the President to continue the ongoing dialogue with the ROCs Presidents and the Department of Planning on the Metropolitan Strategy.</p> <p>That Local Government unite to refuse to contribute any increased dwelling and employment numbers in regard to the Subregional Planning and Metro Strategy targets unless:</p> <ul style="list-style-type: none"> - adequate time and funding be made available to enable councils to undertake thorough planning and economic studies and strategies, so that potential dwelling and employment increases can be comprehensively considered and planned for at a Local Government level. - infrastructure and community facilities are suitably planned for in the 	<p>Further report considered by the Executive on 13 April 2007 when it was decided that:</p> <ul style="list-style-type: none"> - The State Government be urged to commit to a partnership to implement the Metropolitan Strategy, secured by formal protocols that detail the roles and responsibilities of Local and State Government. - The State Government commit to investment and maintenance of infrastructure to support the Metropolitan Strategy with a level of investment that reflects population growth and demographic changes. - The President, along with ROC Presidents, will continue to pursue these issues with the State Government.

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Subregional and Metro Strategy process and committed to by the State Government.	
<p>96 - Planning Processes (Greater Taree) That the Local Government Association of NSW request the Department of Planning to critically examine the Planning System in NSW with a view to the Department focusing at a strategic level through rural and local strategies and allowing significant delegation of responsibility to regional offices and local councils in regard to detailed implementation.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter and submission has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.
<p>97 - LEP (Wollongong) That the Association calls on the State Government to review the lack of flexibility in the Standard Instrument (LEP) Order 2006 to reflect local conditions and calls on the State Government to fund Council's implementation of the changes.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter and submission has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.
<p>98 - LEP Templates (Lithgow) Covered by Resolution 97.</p>	Please see response to Resolution 97.
<p>99 - Local Environmental Plans (Mid-Western) That the Association lobby the State Government to ensure that local councils have the power to develop a Local Environmental Plan that is unique to their particular area.</p>	Please see response to Resolution 97.
<p>100 - SEPP No. 1 (Lake Macquarie) That the Minister for Planning resolve draft State Environmental Planning Policy No. 1.</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning. A follow up letter and submission has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.
<p>101 - State Significant Developments (Newcastle) That the Local Government Association write to the Premier and the Minister for Planning to strongly object to the requirement for councils, when the Minister takes control of a development application, major projects or SEPP 71 projects, to make submissions and undertake other administrative tasks for the Department of Planning, without being paid for services rendered.</p> <p>That the NSW Local Government Association organise a state-wide campaign of refusal by councils to cooperate with the Government with respect to providing advice about DAs to the Department without adequate remuneration.</p>	The Association has previously made strong representations to the Minister and his Department with respect to problems with the operation of Part 3A of the Environmental Planning and Assessment Act 1979. The Association is preparing a further submission on this matter in the context of the planning reform agenda recently announced by the Minister.
<p>102 - Planning Controls (Leichhardt)</p>	Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister

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<p>That this Conference calls on the NSW Government to:</p> <ul style="list-style-type: none"> - Reject all planning activities and approaches that unilaterally force additional unfunded costs onto local councils and their communities; - Reinstate Environmental Impact Assessment and community consultation processes for all development activity; - Guarantee council will retain the power to determine development within the municipality. 	<p>for Planning. A follow up letter has been sent to the Minister on this issue in the context of the review of planning policies and legislation recently announced by the Minister.</p>
<p>103 - LEP Review Panel (Strathfield) That the Department of Planning be requested to establish a 'Review Procedure' as part of the initial stages of the LEP Process, so that councils can seek a review of the new LEP Review Panel recommendations and the subsequent Director General's Section 55 directions.</p>	<p>The Association has recently made a submission to the Department of Planning with recommendations to improve the operation of the LEP Review Panel (available on our website at http://www.lgsa.org.au/resources/documents/lep_review_panel_evaluation_160507.pdf. The Association is also preparing a further submission on this issue in the context of the planning reform agenda recently announced by the Minister.</p>
<p>104 - Prosecution of Bill Posters (Hunter's Hill) That the Association request the State Government to further define graffiti to also include the placement of any commercial advertising poster(s) or sign(s), on poles, walls, fences or premises where the poster is visible from a public place unless the consent of the owner, occupier or person in charge of the poles, wall fence or premises and/or local council is first obtained. The maximum penalty be \$1,000.</p> <p>This fine may be applied to a person, who places an advertising poster or sign on poles, walls, fences or premises, or the beneficiary of the advertising poster, or the promoter of the activity advertised on the poster, or the owner of the venue where the activity advertised on the poster is to take place.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. The issues have been discussed at meetings of the DECC Liaison Committee.</p> <p>Representations forwarded on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>105 - Roadside Verges (Albury) That this matter be referred to the Executive.</p> <p>That the Local Government Association formally request that the State Government and/or the Roads and Traffic Authority introduce appropriate regulations that would permit rural property owners that have traditionally maintained road side verges adjacent to property boundaries, to continue to do so without fear of prosecution.</p>	<p>The resolution has been referred to the Association's Roads and Transport Committee, where it was resolved that the views of relevant stakeholders including the Roads and Traffic Authority, Department of Environment and Conservation, Institute of Public Works Engineering and the Association's Legal Officer be sought to inform Association policy on this issue. A further report and recommendation will be considered by the Roads and Transport Committee in due course.</p>
<p>106 - Maintenance of Crown Roads (Baulkham Hills) That the State Government accept its responsibilities as the owner of Crown Roads and set aside resources for the maintenance of these roads.</p>	<p>In his response dated 12 March 2007, the Hon Tony Kelly MLC, Minister for Lands, indicated that since 1908, the practice has been that Crown roads that are constructed and used as local roads are transferred to local government. Although the Department</p>

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	<p>of Lands was responsible for the original subdivision of the State and the provision of legal access, it does not have any recognised expertise, resources or state budget allocation to maintain Crown public roads.</p> <p>The Department's road construction policy permits only minor works and/or works which do not require any cut, fill or drainage considerations. Where major road construction works are required, the Department insists that such works conform to council's specifications and that ownership of the road is transferred to the local council.</p> <p>While the Minister am empowered under the Roads Act 1993 to transfer Crown roads to local councils, it has been my policy to consult with councils in the first instance, even though there is no legal requirement to do so. In some cases the condition of Crown roads has deteriorated significantly as a result of subdivision being approved by council on an adjoining property. In these cases council has the power to reduce the impact through conditions on the development consent, or to raise section 94 contributions to upgrade and maintain the road. Where the condition of a Crown road deteriorates significantly because of increased use resulting from council approved developments, the Minister has no choice but to transfer that road to council.</p>
<p>107 - Class C Licence Renewals (Greater Taree) Lost.</p>	
<p>108 - Cycleway Funding (Wollongong) That the Association request the RTA and other State Government Departments to commit to reinstating and increasing on the previous levels of funding for cycling facilities to encourage the use of bicycles as an efficient and environmentally friendly mode of transport as well as a healthy lifestyle choice.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Eric Roozendaal MLC, Minister for Roads.</p>
<p>109 - F6 Corridor (Wollongong) That this matter be referred to the Executive for a detailed investigation of transport issues affecting the Illawarra and Southern Suburbs of Sydney, in particular:</p> <ul style="list-style-type: none"> - Possible expansion of the Albion Park Airport to serve the people of the Illawarra - Completion of the Maldon to Dombarton rail link - Transportation of containers and motor vehicles from Port Kembla - The effect of the extension of F6 into the Southern Suburbs of Sydney to St Peters 	<p>The resolution has been referred to the Association's Roads and Transport Committee, where it was resolved that the Association develop a more detailed discussion paper on the F6 Corridor and related transport issues for consideration at a future meeting of the committee, and that in assessing the issues, the Associations seek input from all councils in the study area. A further report and recommendation will be considered by the Roads and Transport Committee in due course.</p>

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<p>That the Association request the New South Wales Government to proceed with planning and development of the F6 corridor from Waterfall to Sydney airport as a matter of priority.</p>	
<p>110 - Road Funding (Wollongong) That the Association support Wollongong City Council in obtaining Federal and State grant funding in order to construct the West Dapto Transport Link [Fowler's Road] in 2008.</p>	<p>In his response dated 4 February 2007, the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads indicated that the Australian Government provides substantial funding to NSW for land transport infrastructure under the AusLink Programme. To be eligible for funding under the national projects element of this programme, a road needs to be part of the designated AusLink National Network. The resolution refers to Fowlers Road in Wollongong which is not part of that network and is therefore a responsibility of the state and local governments. It is the responsibility of the state and local governments to provide the infrastructure for urban developments such as the West Dapto development referred to in the resolution.</p> <p>The Australian Government provides significant financial assistance grants to the Wollongong City Council which in 2006-07 will total more than \$13 million. These are untied grants and the council can spend the grants on priorities as determined by its local community. In addition, the Australian Government is providing a further \$6.3 million during the life of the Roads to Recovery programme for the council's road infrastructure.</p> <p>Representations forwarded on 14 December 2006 to the Hon Eric Roozendaal MLC, Minister for Roads.</p>
<p>111 - Light Rail (Leichhardt) That this conference:</p> <ul style="list-style-type: none"> - notes the increase in residential density, intensity of land use and congestion in the Sydney CBD and Inner Sydney as well as the need to maintain Sydney as a sustainable competitive global city; - Calls upon the State Government to honour their 2003 pre-election commitment to fund the light rail, which is an extension of and improvement in public transport infrastructure. - Calls on the State and Federal Governments to fund the extension and improvement in public transport infrastructure for the Sydney CBD and Inner Sydney. 	<p>In his reply dated 13 February 2007, the Deputy Prime Minister and Minister for Transport and Regional Services, the Hon Mark Vaile MP indicated:</p> <p>"I recognise the importance of improved public transport infrastructure and its benefits to our major urban centres, such as Sydney, as part of the broader picture of the delivery of efficient transport services.</p> <p>State, territory and local governments have responsibility for the provision of public transport and passenger services given that at the local and state level they are well placed to deliver these services. Responsibility for Sydney's public rail transport system lies with the New South Wales Government and the Minister suggests that the Association write to the New South Wales State Minister for Transport, the Hon John Watkins MP, in relation to the extension of the light rail system and improvements in public transport in Sydney.</p> <p>I would like to point out that the Australian Government through its \$15 billion land</p>

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	<p>transport AusLink program is investing more than \$2.4 billion into Australia's national rail infrastructure network together with the Australian Rail Track Corporation (ARTC). This investment will improve freight flows on the interstate rail network and will also provide benefits to passenger services by contributing to lessening Sydney's congestion."</p> <p>In his response dated 21 March 2007, the Director General of the Ministry of Transport indicated that the provision of public transport in Sydney is a major priority for the Government. Public transport currently accounts for 72 percent of work trips to the Sydney CBD. The Government has explored a number of options for improving transport services into and within the CBD including light rail.</p> <p>However, the proposal to extend light rail through the CBD does not address the core issue facing public transport in Sydney, that is, how to move people from their cars and onto public transport.</p> <p>Instead, the light rail debate proposes to replace the existing buses with a network of trams, which rather than increasing the numbers of people using public transport simply provides a different mode of travel for people who already use public transport.</p> <p>The light rail extension promoted by the City of Sydney would require the closure of two main traffic corridors to traffic, both George and Castlereagh Streets. Without the closure of these streets any light rail system could only achieve a maximum operating speed of approximately 9km per hour.</p> <p>Additionally, the extension of the light rail system would require the transfer of a significant number of passengers from buses to light rail at the edge of the CBD. Transport studies have shown that for many commuters the primary attraction of a peak service is the lack of interchange, with numerous indicating that they would prefer to walk to their final destination if a change to light rail was otherwise required.</p> <p>An extended light rail system would require a frequency of 45 seconds between services in order to meet forecast 2021 demand, however, a maximum 4 minute frequency is attainable for a reliable system.</p> <p>Future demand speculation also indicates that a doubling of light rail vehicle length would be required, which is not practicable in Sydney and would create further congestion issues. Buses provide greater capacity, moving 5,600 passengers per hour as opposed to 5,200 passengers per hour on light rail, and the more flexible bus</p>

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	<p>network can be more easily modified to cater for future demand.</p> <p>Further, the establishment of infrastructure necessary for the extension of the light rail system would require significant and extensive disruption throughout the CBD, in addition to major investment of Government funds which could otherwise be spent on improving the current public transport system.</p> <p>The Government has concluded that while light rail has attractive features which may be applicable in certain limited areas of Sydney, it will not deliver real benefits within the CBD. Sydney like most large cities with extensive rail systems, including New York, London and Paris, use buses rather than light rail as the primary road based public transport system.</p>
<p>112 - Passenger Rail Transport (Mid-Western) That the Association re-energise the Local Government Rail Task Force and lobby the State Government on the need for equity in investment in country passenger rail.</p>	<p>In his response dated 21 March 2007, the Director-General of the Ministry of Transport indicated that the New South Wales Government is committed to retaining current CountryLink rail and coach services and ensuring the long term sustainability of CountryLink services.</p> <p>As you may be aware, CountryLink has come under considerable pressure from a number of areas, particularly the recent success of the low-air fare market. Despite this pressure, the Government has rejected suggestions that many regional train services be replaced by coach travel. Instead, the Government has assured the long-term sustainability of CountryLink by making minimal changes to opening hours of regional booking offices and introducing new booking services to increase convenience to passengers.</p> <p>The Government is committed to retaining all country rail services and is investing in CountryLink to improve the quality of service provided to passengers. Since late 2005, the Government has been undertaking a multi-million dollar refurbishment of CountryLink's XPT carriages, including sleeper, luggage and buffet car renovations. The first of the upgraded trains are already in service. In October 2006, the Minister announced that Xplorer carriages, which travel between Sydney and Armidale, Moree, Griffith, Broken Hill and Canberra, will also be refurbished to the same standard. These projects will improve reliability and show a commitment to the refurbishment of the entire CountryLink fleet.</p> <p>The New South Wales Government is also committed to increasing the proportion of freight moved by rail. A key initiative in achieving modal shift from road to rail is the lease agreement between the New South Wales and Commonwealth Governments for the lease of the New South Wales interstate track and Hunter Valley rail freight</p>

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	<p>corridors to the Australian Rail Track Corporation.</p> <p>The agreement includes a joint five-year infrastructure investment program and will provide one streamlined nationwide system designed to attract more freight off country and regional roads onto rail. A major component of the agreement is the building of a dedicated freight line through southern Sydney, overcoming one of the major impediments to increasing rail freight movements between Sydney and Melbourne.</p>
<p>113 - Road Link Across Blue Mountains (Mid-Western) That the Association consider developing a paper comparing the fatalities on the three major road tributaries from Sydney with a view to using this for lobbying purposes for an improved link to the west across the Blue Mountains.</p>	<p>A detailed report on the Bells Line Motorway proposal was considered by the Executive in August 2007, reaffirming support for the proposal.</p> <p>Representations have been made to the Federal Government, State Government seeking ongoing commitment from all levels of government to progress the project.</p>
<p>114 - Tolls (Holroyd) That the Local Government Association of NSW seek unequivocal commitments from the NSW Government and the State Opposition that no new tolls will be introduced on the M4 along existing or expanded M4 roadways, either before or after the finalisation of the current tollways contract in 2010, with a further commitment that the current toll will be removed at that time, and that the Cash-back Scheme will be maintained until the tollway is returned to the public.</p>	<p>In his response dated 14 August 2007, the Hon Duncan Gay MLC, Shadow Minister for Roads indicated:</p> <p>“This resolution seeks a commitment to remove or not remove tolls on existing roads or roads that may be built in the future.</p> <p>Any commitments such as this that I will be making as Shadow Minister for Roads would have to apply for that period of four years from 2011 to 2015. I know that members of The Local Government and Shires Associations would be aware that these commitments would apply to a State situation in three years time which may be very different from that of today.</p> <p>The Association will also reflect that the roads landscape will be dramatically affected by the result of not one but two Federal elections before the next state election takes place.</p> <p>As a former Shadow Minister for Local Government I can understand the pressures Local Governments face with roads issues. However due to the reasons outlined above I know you will understand that I am not in a position to make unequivocal commitments such as that sought by your association in relation to resolution No. 114 at this stage.”</p> <p>Representations forwarded on 14 December 2006 to the Hon Eric Roozendaal MLC, Minister for Roads.</p>
<p>115 - Enfield Intermodal Logistics Centre (Strathfield) That the State Government discontinue its consideration of the Enfield</p>	<p>Representations forwarded on 14 December 2006 to the Hon John Watkins MP, Minister for Transport. Further representations made to the Minister on 13 August 2007.</p>

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intermodal logistics centre as an intermodal terminal within the Sydney Basin in preference for the site to be converted into an employment zone which is more compatible with the surrounding urban residential areas.	
<p>116 - U- Turns In School Zones (Strathfield) That the RTA amend traffic legislation to ban U-turns in designated school zones when activated.</p>	Representations forwarded on 14 December 2006 to the Hon Eric Roozendaal MLC, Minister for Roads.
<p>117 - U- Turns In School Zones (Strathfield) That the Minister of Police release delegations to councils to infringe motorists making illegal U - turns across double lines in the 40km school zone.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Eric Roozendaal MLC, Minister for Roads.</p> <p>The RTA included this issue in a meeting of the Child Road Safety Roundtable in April 2007.</p>
<p>118 - Filtration in Road Tunnels (Lane Cove) That the LGSA form a working party to develop a policy on filtration of road tunnels in urban areas longer than 2km.</p> <p>That the working party include 2 representatives from each council affected by unfiltered road tunnels.</p> <p>That the working party consider the following proposed policy directions as part of the policy:-</p> <ul style="list-style-type: none"> - Planning approvals for new road tunnels longer than 2 km or which carry more than 100,000 vpd to require proven filtration technology to be incorporated into the design to reduce PM10, PM2.5 and NOx emissions by at least 80% - By 2010 M5 East, Cross City and Lane Cove Tunnels to have Electrostatic Precipitators installed within the tunnels to remove up to 80% of particulates from the air stream; - By 2010 one of Sydney's tunnels having the highest emissions of NOx in kg/hr to be trialled to remove 80% of NOx from the tunnel emissions; - Should the trial prove effective, then progressive installation of gas cleaning technologies into the Cross City and Lane Cove Tunnels be undertaken. <p>Representations be made to the State Government once a policy is developed to gain their commitment to implement filtration in road tunnels.</p>	<p>In light of recent developments regarding tunnel filtration in NSW and the opening of the Lane Cove Tunnel, the Association has sought advice from the Roads and Traffic Authority on the government's current tunnel filtration policy to better inform the progression of this resolution. This has included a request for consideration of the proposed policy directions included in the wording of the resolution. Advice from the RTA is currently pending a meeting of the RTA Local Government Liaison Committee.</p>
<p>119 - Parking of Boat Trailers and Horse Floats (Lane Cove)</p>	The resolution has been referred to the Roads and Traffic Authority and is awaiting

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<p>That the Local Government Association make representations to the RTA to regulate the parking of boat trailers, horse floats, advertising trailers, and the like, on-street in Greater Metropolitan Sydney, when not connected to the towing vehicle.</p>	<p>consideration by the RTA Local Government Liaison Committee.</p>
<p>120 - Road Rule 198 (North Sydney) That this matter be referred to the Executive.</p> <p>That the Local Government Association makes representation to the State Government to amend Australian Road Rule 198 (2) to make it not an offence to block access to the driveway of a single dwelling only.</p>	<p>The resolution has been referred to the Roads and Traffic Authority and is awaiting consideration by the RTA Local Government Liaison Committee.</p>
<p>121 - Street Lighting (Pittwater) That the Association lobby the State Government to urgently address the issue of street lighting including: street lighting standards, street lighting asset ownership, street lighting asset renewal, the contestability of street lighting user costs and options for an alternative funding arrangement of the overall service.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Michael Costa MLC, Minister for Infrastructure. Further representations made to the Minister on 27 July 2007.</p>
<p>122 - Governance Framework of Councils (Wyang) It is noted that the governance framework of councils in most other states and for State and Federal Government agencies is now strengthened by either legislative requirements and/or better practice guidelines on audit committees, internal audit and enterprise risk management. The Minister for Local Government is called upon to implement with priority appropriate legislative and better practice reforms in these key governance areas for the long term benefit of New South Wales Local Government and the ratepayers.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the Government strongly supports and encourages all councils to establish good governance systems. Good governance systems include a robust set of internal controls and include enterprise risk management. The department has placed great emphasis on these issues through the reviews conducted under the Local Government Reform Program – Promoting Better Practice. Many councils are acting on recommendations in review reports by strengthening internal controls and establishing their own internal audit functions.</p> <p>The department issued an internal audit discussion paper in 2005, and has analysed the responses to the discussion paper. These responses indicated sector support for councils to establish an internal audit function. The department has recently commenced working with stakeholders to plan the development of local government guidelines for establishing an internal audit function in local councils.</p>
<p>123 - System Standardisation (Ryde) That the State Government fund and support all NSW Local Government in implementing a standard operating & application environment providing customer service efficiencies, enabling skill and intellectual transfer between councils and reduction of both operating and capital costs.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the provision of local government services is a complex and varied undertaking. There are established markets for developing and implementing more efficient and customer focussed services in local government that most councils already use to improve their operations. The case for a single standard system for the local government sector has not been made. In making a case for standardised systems, there would be many challenges given the different scale of council</p>

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	<p>operations across the sector, and the different environments in which councils operate. Further, adopting a single standardised system could undermine the existing competitive market for improved systems and services that most councils are already using.</p> <p>While the NSW government is moving towards consolidation of back office applications and planning for better coordination of service delivery through the use of Information and Communication Technology (ICT), including the development of a single web portal, government agencies will not receive additional funding to modify systems and websites to meet the new requirements.</p> <p>Furthermore, it is not mandatory for NSW Government agencies to use Central Corporate Services Unit (CCSU), or any other shared services provider. The Government's Corporate Services Reform Program required agencies to enter into shared service agreements that were appropriate to each agency. There was no single approach mandated in recognition that business requirements differed between agencies.</p>
<p>124 - Local Laws (Ryde) That the State Government be requested to amend the Local Government Act to allow councils to make local laws to address local issues.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that he does not support this resolution. There are a number of reasons why having different local government areas adopting different laws for different activities would not be in the best interests of the community.</p> <p>To have potentially 152 different laws on a single subject all interpreted in accordance with 152 different policies depending upon which local government area made the law would create confusion in the minds of the public. This is particularly so where members of the public may reside, work and operate in more than one local government area.</p> <p>The proposal has the capacity to significantly increase red tape. As part of the Cabinet process, the Government considers, through the advice of the department and the Minister, the implications for local government of all proposals for legislative or policy change that come before it. Further, in developing such proposals, Ministers and departments generally undertake extensive community and stakeholder consultation. The Associations play a key role representing the interests of local government in such consultations.</p> <p>There is no evidence to support a claim that this resolution would materially benefit ratepayers or improve the delivery of goods, services and facilities or meet the current and future needs of the local community and wider public.</p>

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<p>125 - Public Access to Information (Pittwater) That the Association lobby the relevant State Government ministers to expedite a review of the Freedom of Information Act, the Local Government Act and the Privacy and Personal Information Protection Act with a view to removing the apparent contradictions within these Acts in order to provide clarity of process and to ensure greater transparency.</p>	<p>In his response dated 4 June 2007, the Premier indicated that the Attorney General has requested the Law Reform Commission to inquire into and report on whether existing legislation in New South Wales provides an effective framework for the protection of the privacy of the individual. This includes reviewing the desirability of a consistent approach to privacy in the Privacy and Personal Information Protection Act 1998, the Health Records and Information Privacy Act 2002, the State Records Act 1998, the Freedom of Information Act 1989 and the Local Government Act 1993.</p>
<p>126 - Information Retrieval Fees (Lake Macquarie) That Section 12B (3) of the Local Government Act 1993 be amended to allow councils to charge (in addition to a copying charge) a fee to cover the cost of staff time spent in retrieving/returning information from within Council's archival records.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the department's Circular 02/54 Charging of Retrieval Charge for Providing Public Access to Council Documents sets out the policy on charging retrieval fees. In the interests of encouraging and assisting effective participation of local communities in local government, the Local Government Act specifies clearly those documents that are to be provided on request free of charge.</p> <p>Councils are expected to keep documents that the public are entitled to inspect readily accessible for inspection. However, it is recognised that there are circumstances in which not all documents an applicant has requested under section 12 are readily accessible. The Circular states (p2) that in the very limited circumstances of versions of documents that are neither the current nor immediately preceding versions and are also not reasonable accessible, a fee or charge that is unrelated to the reasonable photocopying charge is appropriate.</p>
<p>127 - Register of Prosecutions (Parramatta) That this matter be referred to the Executive.</p> <p>That the Conference calls upon the LGSA to host a web based database where:</p> <ul style="list-style-type: none"> - Councils would load onto the database successful prosecutions. - Prior to the hearing of the prosecution, council or its solicitors would access the database to determine if the defendant has previously been convicted by another council. - If a magistrate finds the offence proved, council's Solicitor would be able to advise the Court of a defendant's Court history, prior to sentencing, allowing sentences that both reflect the seriousness of the matter and a defendant's prior convictions. - In the design of the database the necessary and appropriate security measures would be incorporated to ensure only authorised access occurred and that there is a record of access to the database. 	<p>The Executive considered this Motion on 8 December 2006 and in a further report, registered concern over the implementation relating to the establishment of a database of successful prosecutions.</p>
<p>128 - Confidentiality of Council Information (Shellharbour)</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul</p>

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<p>That the Minister for Local Government undertake a review of the statutory provisions relating to disclosure and misuse of council information with a view to strengthening the sanctions that may apply where a breach of confidentiality is found to have occurred. In particular, that the Minister consider changes to the legislation to stipulate that such breaches are offences pursuant to Section 664 of the Local Government Act 1993, and further consider imposing a mandatory suspension for a stated period, or dismissal from civic office, for a councillor found to have committed such an offence.</p> <p>In considering the above, that the Minister also endorse a review of councils' powers under the relevant provisions of the Local Government Act 1993 with a view to increasing a council's powers to gather evidence and otherwise investigate any suspected disclosure or misuse of council information.</p>	<p>Lynch MP indicated that he is aware of current legal action being taken by a council in relation to the suspected release of confidential information. The department will monitor this action to determine whether there are any issues that arise in connection with the operation of the existing statutory provisions relating to confidential information that require attention.</p> <p>There are already significant sanctions available in connection with any breach of section 664. Action by a councillor or council employee contrary to section 664 is likely to constitute grounds for action against the person under the Model Code of Conduct for Local Councils in NSW. For employees, this may result in disciplinary action by the General Manager. For councillors, this may result in censure by council, as well as investigation of the councillor by the department for possible misbehaviour. Proven misbehaviour may result in the suspension of the councillor for up to six months.</p>
<p>129 - Amalgamations - Financial Assistance (Tamworth) That the Association make representations to the NSW Grants Commission seeking the introduction of an allowance to reimburse amalgamated councils for costs incurred outside the control of the council and directly arising as a result of an amalgamation and/or boundary alteration for a period up to a maximum of three years following the date of the amalgamation.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that effective from 1 July 2006, the Commonwealth Government introduced an amalgamation principle, which states that:</p> <p>Where two or more local governing bodies are amalgamated into a single body, the general purpose grant provided to the new body for each of the four years following amalgamation should be the total of the amounts that would have been provided to the former bodies in each of those years if they had remained separate entities.</p> <p>The NSW Local Government Grants Commission implements this principle. The Minister believes that this covers the short-term costs of amalgamation.</p>
<p>130 - Asbestos Compensation (Holroyd) That the Local Government Association of NSW make representations to the Prime Minister and Federal Treasurer in the strongest terms to intervene in the ongoing James Hardie saga to ensure that any persons affected by asbestos related diseases receive appropriate compensation from James Hardie as a matter of urgency.</p>	<p>The Asbestos funding agreement was agreed to by the share holders of James Hardie on 7 February 2007 after the taxation issues were finalised.</p> <p>An initial payment of A\$184.3 million was then made to the Asbestos Injuries Compensation Fund (AICF) by James Hardie.</p>
<p>131 - James Hardie Trust Fund (Gosford) That the Local Government Association call upon the Federal Government to urgently address the taxation issues relating to the Trust Fund set up by James Hardie which will compensate their former employees who are suffering with asbestos related diseases.</p>	<p>Please refer to Resolution 130.</p>

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<p>132 - Administrative Delays (Sutherland) That the Executive make representations to the Premier, Hon Morris Iemma MP, expressing concern at the delays councils are experiencing in obtaining information, owners consents and ministerial approvals from various State Government departments.</p> <p>That the Executive seek examples of delays from councils to support its representations to government.</p> <p>That in view of the general consensus that efficiency should be improved through the reduction of regulation, a working party be established involving Local and State Government representatives to identify opportunities for the reduction of referrals to the State Government.</p>	<p>In his response dated 4 June 2007, the Premier indicated that each department sets its own response time targets. These may be published in the department's annual report, along with the department's performance in meeting the targets. By way of example, The Premier understands that a typical correspondence response time target for a NSW Government department is around four weeks.</p> <p>While departments endeavour to respond to all matters within targeted time frames, delays may be experienced, particularly where complex matters are being addressed.</p> <p>The Executive has maintained regular meetings with Ministers and from time to time have discussed regulation and red tape reduction. The Government is most conscious of this concern and the Premier has issued directives to all agencies on the need to reduce referrals yet at the same time maintain transparency and consultation. The Association does not consider that there is a need for a Working Party at the present time.</p>
<p>133 - Councillor Professional Development (Ryde) That the LGA requests the State Government to supplement council funds by providing recurrent funding for Councillor professional development in the 12 months following initial election and investigates the establishment of a Centre of Excellence for the ongoing professional development of Councillors that builds on the existing LGSA Councillor Professional Development Program and partners/links with a suitably registered tertiary provider (RTO) such as the UTS Centre for Local Government, or similar.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the Government has announced its policy to develop and implement a program of professional development for councillors following the September 2008 ordinary elections. It is premature to assume that there will be significant additional costs incurred by councils in providing the required training given that many councils already provide and/or fund substantial training for councillors.</p> <p>In developing the program, the Government will be mindful of the cost implications of what is being proposed. The Minister has asked the department to work closely with the Associations to develop the approach to councillor professional development for implementation following the 2008 elections. There will be opportunities for councils to have a say in what training is to be provided and how as the project is developed.</p>
<p>134 - Employment Status of Councillors (Hornsby) That the Local Government Association seek legal advice on behalf of NSW councils regarding the classification of councillors as employees for the sole purpose of Section 221B of the Income Tax Assessment Act 1936.</p>	<p>Section 221B of the Income Tax Assessment Act 1936 was repealed on 14 September 2006 and replaced with Division 446 of Schedule 1 of the Taxation Administration Act 1953.</p> <p>The Association has previously sought legal advice on this issue and the information provided was that a council may unanimously resolve to become an eligible governing body.</p> <p>This will result in the members being treated as employees for a wide range of other taxation purposes.</p>

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	<p>However, this does not make councillors “employees” at common law.</p> <p>Consequences set out in Division 446 include:</p> <ul style="list-style-type: none"> - Pay-as-you-go taxation deductions, - Deductions for relatives travel expenses and non compulsory uniforms, - Car expense provisions and substantiation provisions come into effect, - Capital Gains Tax and Employee share trust provisions become active, - Fringe Benefits Assessment Act 1986 comes into effect relating to assessments, - Pro-rating of the tax free threshold is effective, - Provisions of the Child Support (Registration and Collection) apply - The meaning of enterprise and the provisions relating to reimbursement of employees for the purposes of the GST Act comes to play. <p>The resolution does not introduce Workers Compensation benefits.</p> <p>The issue of superannuation guarantee is unclear, and the Local Government Superannuation Scheme has an application before the Australian Tax Office for clarification.</p>
<p>135 - Councillor Superannuation (Greater Taree) That the Local Government Association of NSW make representation to the Federal Government to extend the superannuation co-contribution provisions to Local Government representatives.</p>	<p>In his response dated 21 March 2007, the Hon Peter Dutton MP, Minister for Revenue and Assistant Treasurer, indicated that the Association seeks consideration of the extension of the eligibility for the superannuation co-contribution scheme to local government representatives.</p> <p>The superannuation co-contribution is an Australian Government initiative to assist eligible individuals to save for their retirement. On 7 December 2006 the Government introduced the Tax Laws Amendment (Simplified Superannuation) Bill 2006 into Parliament. As part of the reforms, the Government will extend the Government co-contribution scheme to self-employed persons who are carrying on a business and where they make personal contributions on or after 1 July 2007.</p> <p>Superannuation contributions under the Government co-contribution scheme will be matched at \$1.50 for every dollar contributed, up to a maximum co-contribution of \$1,500. The maximum co-contribution will be available for those persons earning less than the lower threshold, currently \$28,000. As is presently the case with employees, the co-contribution would only be payable on personal contributions (that is, not salary sacrifice, or contributions for which the person can claim a deduction).</p> <p>The Australian Taxation Office (ATO) is responsible for determining an individual’s eligibility each year and calculating the amount of an individual’s entitlement based on</p>

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	<p>details in their income tax return and details of personal superannuation contributions reported by their superannuation fund.</p> <p>Superannuation fund members need to meet certain requirements each year in order to be eligible for the superannuation co-contribution. Amongst other things, a person must have 10 per cent or more of their total assessable income from eligible employment and that their income cannot exceed the relevant threshold.</p> <p>As the matter raised relates to the administration of the taxation and superannuation laws, the Minister asked the Commissioner of Taxation for his comments.</p> <p>The Commissioner advised that eligible employment is defined in the Income Tax Assessment Act 1936 and means the holding of an office or appointment, the performance of functions and duties, and the engaging of any type of work, that results in the person being treated as an employee for the purposes of the Superannuation Guarantee (Administration) Act 1992 (SGAA).</p> <p>He also advised, unless the local government council elects for their councillors to be treated as employees for all income tax, fringe benefits tax and superannuation guarantee purposes (under the Taxation Administration Act 1953), they are excluded from meeting the eligibility criteria for the superannuation co-contribution as their income is not from eligible employment.</p> <p>However, with the proposed changes, the Commissioner advised that the question of whether a local councillor's activities constitute the carrying on of a business is a question of fact. That is, the facts of the case in question must be considered in order to make a decision.</p> <p>The Commissioner suggested the following questions be asked when trying to determine whether an activity would be considered a business or a hobby:</p> <ul style="list-style-type: none"> - Does the activity have a significant commercial purpose or character? - Is there more than just an intention to engage in business? - Is there a purpose of profit as well as a prospect of profit? - Is there repetition and regularity to the activity? - Is the activity carried on in a similar manner to other businesses in the industry? - Is the activity planned, organised and carried on in a business-like manner? - Does the activity have characteristics of size, scale and permanency? - Would it be true to say your activity is not really better described as a hobby, recreation or sporting activity?

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	<p>Although no single factor will be determinative, the Commissioner advised that a majority of 'yes' answers to the questions above increases the probability that local councillors are in business. However, if the answers are 'no' to the majority of the questions above, it would indicate that their activities would more likely be considered a hobby.</p> <p>The Commissioner suggested that you or your councillors may wish to write to the ATO with further details and request advice on how the legislation applies to their specific circumstances. The address for correspondence is GPO Box 9990, Sydney NSW 2000. Alternatively, you may contact Mr Christopher Richardson of the ATO on (07) 3213 3130 or for the cost of a local call, you may phone the ATO on 13 28 69 and request to be transferred to Mr Richardson on extension 33130.</p>
<p>136 - Extension of Daylight Saving Time (Penrith) That the Local Government Association make representations to the Attorney General of New South Wales to alter the Standard Time Act 1987, to have the definition of "summer time period" mean: a period starting at 2:00am on the first Sunday in October in each year and ending at 2:00am on the last Sunday in the following March.</p>	<p>In his response dated 25 May 2007, the Attorney General, the Hon John Hatzistergos MLC, indicated that the Premier recently announced that the period of daylight saving will be changed so that daylight saving commences on the first Sunday in October and ends on the first Sunday in April. This change is to ensure consistency with other states. Before this proposal is implemented, it will be necessary for legislative amendments to be made to the Standard Time Act 1987.</p>
<p>137 - Political Donations (Manly) Given that laws and practices relating to financial donations to political parties have become a serious risk to our democracy, the Local Government Association call upon the Federal Government to convene a National Summit to develop a national strategy to fundamentally reform, in a coordinated manner, all the financial donations legislation for all 3 levels of Australian government; ie: Federal, all State Governments and all local councils.</p>	<p>In his response dated 4 February 2007, the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads indicated that the issue of a summit to reform the laws and practices relating to the financial donations to political parties should be raised with the Australian Government's Special Minister of State, the Hon Gary Nairn MP. Mr Nairn is responsible for administering the financial donations procedures for political parties contesting federal elections. This issue may also be governed by state laws in respect of state and local government elections and you may wish to raise this issue with the relevant state and territory ministers.</p> <p>In his response dated 13 August 2007, the Hon Gary Nairn MP, Special Minister of State, indicated that the Government is firmly committed to supporting the integrity and rigour of the electoral system, and recognises that political donations offer an opportunity for individuals and organisations to support the party or candidate of their choice. This is an important part of the democratic process, as adequate funding for political parties and candidates supports the functioning of a sustainable, representative democracy.</p> <p>At the federal level, the system for regulating donations to political parties is based on the philosophy that there is nothing intrinsically wrong with donating to political parties.</p>

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	<p>Reflecting this approach, there are no barriers to who may donate to an Australian political party or candidate.</p> <p>The Government understands however, that in preserving the integrity of the electoral system, the public needs to be aware of the major sources of parties' and candidates' funds. Accordingly, political parties, donors and other participants in the political process are required to disclose to the public how much they have received, spent or donated. Public disclosure of donations, and other expenditure, helps provide transparency.</p> <p>In particular, Australian political parties are required to disclose the name, address and other details of all people or organisations, including foreign entities, which donate more than the disclosure threshold annually. Donors are also required to disclose the political parties (or other participants in the political process) to which they donated, if the total of their donations for a financial year is above the disclosure threshold. The disclosure threshold is currently \$10,500 and is indexed to the Consumer Price Index (CPI) annually.</p> <p>Turning to your Association's resolution calling for a national summit be held to develop a strategy to reform financial donations legislation, you may wish to note that the Parliament regularly appoints a Joint Standing Committee on Electoral Matters (JSCEM), which considers a range of electoral and administrative matters. JSCEM considered the issue of political donations, and related funding and disclosure, in its report on the 2004 federal election, and again in a later report in 2006. A copy of both reports can be found on the Committee's website at www.aph.gov.au/house/committee/em/reports/htm.</p> <p>In its report on the 2004 federal election, JSCEM made a number of recommendations on political donations which the Government supported. Appropriate measures were included in the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006, which was passed by the Parliament in June 2006.</p> <p>Given the recent extensive parliamentary inquiries on the issue of political donations, including related funding and disclosure, the Government considers that a national summit on these issues is not warranted. Noting that each State, Territory and local government has responsibility for their own donations arrangements, the current Commonwealth scheme strikes the appropriate balance between encouraging donations to sustain democratic activity and providing safeguards against the misuse of donations.</p>

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	<p>The Association may also wish to know that JSCEM has noted the absence of any evidence of corruption or undue influence and considered that Australia's funding and disclosure scheme was achieving its major goals.</p>
<p>138 - Electoral Matters (Randwick) Lost.</p>	
<p>138.1 - Mandatory Cat Desexing (The Executive) That the Association supports CatRescue's campaign to introduce mandatory cat desexing.</p> <p>In support of that campaign, lobby the Minister for Local Government to:</p> <ul style="list-style-type: none"> - introduce amendments to the Companion Animals Act requiring all cats not registered for breeding, be desexed. - instigate programs to help subsidise the high cost of desexing. 	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the issue of compulsory desexing was addressed during the five-year review of the Companion Animals Act 1998. In the interests of continuing with legislation that is enforceable, achievable and effective, it was decided that compulsory desexing would not be introduced.</p> <p>The review recommended that further research and consultation was needed before legislative amendments regarding this issue could be considered. However, the Government considers that providing a significantly discounted registration fee for desexed animals encourages owners to have their pets desexed.</p> <p>The Government will continue to support councils to educate the community regarding all aspects of responsible pet ownership, including desexing. Compulsory desexing of all companion animals, other than those used for breeding, will again be considered when the Act is next reviewed.</p>
<p>139 - Desexing of Animals (Eurobodalla) That the Association recommend that all councils:</p> <ul style="list-style-type: none"> - Adopt procedures to ensure that all dogs and cats on-sold from council pounds are desexed prior to release to the new owners. - Actively encourage the desexing of companion animals through education. 	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that he notes that this resolution is directed at local councils and is therefore a matter for the Association to determine. The Government supports the terms of the resolution and has implemented a number of initiatives to encourage desexing (see comments to resolution 138.1, above).</p> <p>The recently launched Safe Pets Out There (SPOT) education program includes a module that promotes the benefits of desexing pets.</p> <p>The department is currently conducting a joint partnership project in conjunction with the Department of Housing and local councils to provide low cost desexing and microchipping for Department of Housing residents. It is anticipated that this program will be extended to other council areas in the future.</p>
<p>140 - Registration Fee For Dangerous Dogs (Penrith) That the Local Government Association request the Department of Local Government to review the registration fee for dangerous dogs, restricted</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the lifetime registration fee for dangerous and restricted dogs was considered very carefully as part of the recent amendments to the Companion</p>

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breeds and cross pit bull breeds.	<p>Animals Act that came into effect on 1 January 2007.</p> <p>Rather than increase the registration costs for these dogs, following industry consultation, it was considered appropriate to apply a maximum \$100 fee for the issue of a compliance certificate to assist with the costs to councils for inspection of the prescribed enclosures. This fee is not remitted to the Companion Animals Fund but is wholly retained by councils.</p>
<p>141 - Alcohol Free Zones (Blacktown) That the NSW Government be requested to implement contemporary, workable and enforceable legislation to replace the existing outdated Alcohol Free Zones provisions of the NSW Local Government Act 1993.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the department commenced an evaluation of the effectiveness and impact of alcohol free zones (AFZs) penalties and procedures in NSW during 2006. The evaluation included a survey of all councils and site visits to five council areas to interview councillors, council staff, police officers, owners of licensed premises and community groups, including Aboriginal people and young people. The evaluation included an assessment of the current powers and penalty levels and the level of enforcement of AFZs. The department is currently finalising the evaluation report, which will be submitted to the Government for consideration.</p>
<p>142 - Alcohol Free Zones (Sutherland) That this matter be referred to the Executive.</p> <p>That the Association make representations to the NSW Minister for Local Government, the Hon. Kerry Hickey MP, requesting that: “The maximum prescribed penalty attached to the consumption of alcohol in ‘Alcohol Free Zones’ (Section 642 Local Government Act, 1993), be increased from the current maximum penalty of \$22 to that of \$1,100 which applies to the ‘consumption of alcohol contrary to notices’ erected pursuant to Section 632 of the Local Government Act, 1993; and a review be conducted to streamline the procedural and control differences between Section 632 and Section 642 of the Local Government Act, 1993 for the consumption of alcohol on public roads and in public parks.”</p>	<p>Please see 141 above.</p>
<p>143 - Alcohol Free Zones (Albury) Covered by Resolution 142.</p>	<p>Please refer Resolution 174.</p>
<p>144 - Responsible Serving of Alcohol (Albury) That representations be made to the New South Wales State Government to review and strengthen the current legislation that relates to the responsible serving of alcohol.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Grant McBride MP, Minister for Gaming and Racing.</p> <p>Further representations made on 27 July 2007 to the Hon Graham West MP, Minister for Gaming and Racing.</p>

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<p>145 - Liquor Accord Membership (Holroyd) That representations be made to the NSW Office of Liquor Gaming and Racing, and the Department of the Arts, Sport and Recreation for the introduction of compulsory Liquor Accord Membership (where applicable) for all licensed premises in New South Wales.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Grant McBride MP, Minister for Gaming and Racing. Further representations made on 27 July 2007 to the Hon Graham West MP, Minister for Gaming and Racing.</p>
<p>146 - Fair Trade (Waverley) That the Association supports the aims and objectives of Fair Trade and investigates how such principles could be incorporated into Local Government procurement policies across NSW.</p>	<p>This motion was referred to Local Government Procurement for their consideration in incorporating Fair Trade principals into industry wide procurement policies.</p>
<p>147 - Undergrounding (Hunter's Hill) That the Association calls on the State Government to require relevant authorities to formulate a total financial package for the purposes of any local council, or group of residents, wishing to promote or assist residents in promoting the under grounding of cables in their area.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Michael Costa MLC, Minister for Infrastructure. Further representations made to the Minister on 27 July 2007.</p>
<p>147.1 - Code of Conduct (Holroyd) That the Local Government Association of NSW call on the Minister for Local Government to completely review the Code of Conduct, including the Conduct Committee Provisions, in conjunction with peak industry organisations to bring about a workable process.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the Model Code of Conduct for Local Councils in NSW came into effect on 1 January 2005. The department is continually monitoring the implementation of the Model Code and providing advice to local councils. A clarifying circular was issued in October 2005 and a facilitator's guide was developed to allow councils to train councillors and council staff on the provisions of the code.</p> <p>The department commenced a review of the Model Code in 2006. This involved the re-establishment of the reference group to guide the review process and assist in formulating any recommendations for change. The reference group includes representation from the Associations, Local Government Managers Australia NSW (LGMA), Independent Commission Against Corruption (ICAC), the NSW Ombudsman and local councils. The reference group has had two meetings and is expected to meet again in May 2007.</p> <p>As part of the process of reviewing the Model Code, the department distributed a survey to all NSW councils and requested submissions. One hundred surveys have been returned and a number of submissions have been received. In addition, three focus groups have been conducted including representatives from urban, regional and rural councils. The reference group recently discussed a report on the consultation process and work is underway on revising the code in line with the consultant's recommendations.</p>
<p>148 - Water Management Act 2000 (Tamworth)</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul</p>

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<p>That the Association make representations to the Premier, the Hon Morris Iemma, MP, and the Minister for Local Government, the Hon Kerry Hickey MP, seeking amendment of Section 398 of the Water Management Act 2000 to provide that all NSW Local Government Authorities who exercise and perform the function of a Water Supply Authority are not subject to any action, liability, claim or demand arising from:</p> <ul style="list-style-type: none"> - the unavailability of water, or - from any failure in the quantity or quality (where supplied from a bulk water pipeline prior to treatment) of water, <p>as a consequence of anything done or omitted to be done in good faith by the council acting as a prescribed authority or by any person acting on behalf of the council as a prescribed authority, in the exercise of any function under the Water Management 2000 or the Local Government Act 1993.</p>	<p>Lynch MP, indicated that section 382 of the Local Government Act 1993 requires councils to make arrangements for adequate insurance against public and professional liability. Section 731 provides protection to councils from liability when acting in good faith. Neither the Minister, nor the former Minister for Water Utilities, the Hon David Campbell MP, are aware of any instances where section 731 has provided insufficient protection for council-owned water utilities.</p> <p>Minister Campbell advised that exclusion from liability that applies to water supply authorities under the Water Management Act 2000 may be applied to a council that becomes a water supply authority under that Act without the need for legislative change. Any council may become a water supply authority with the consent of the Minister for Local Government and upon proclamation by the Governor.</p> <p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Further representations made to the Minister on 13 August 2007.</p> <p>Representations forwarded on 14 December 2006 to the Premier.</p>
<p>149 - Water Storage (Mid-Western)</p> <p>That the Association request the State Government to investigate the possibility of more water storage in NSW.</p>	<p>In his response dated 16 March 2007 the Parliamentary Secretary to the Prime Minister, the Hon Tony Smith MP, indicated that on 25 January 2007 the Prime Minister announced a \$10 billion, 10 point, National plan for Water Security to significantly improve water management across the nation. The Plan is a new approach designed to ensure rural water use is placed on a sustainable footing within the next decade. It builds on work begun under the Living Murray Initiative and the Australian Government Water Fund. The Plan will also accelerate the implementation of the National Water Initiative, which is the blueprint for water reform nationally. There will be a special focus on the Murray-Darling Basin, where the bulk of our agricultural water use takes place. The Plan also commits funding to improve the understanding of water resources nationally, including in northern Australia, laying the groundwork for more timely decision-making in the future.</p> <p>On 23 February 2007 the Premiers of New South Wales, Queensland and South Australia agreed to a clear referral of constitutional powers to enable the Commonwealth to manage water in the national interest, in the Murray-Darling Basin. Discussions are continuing with Victoria. The Australian Local Government Association will be consulted in the development of a Memorandum of Understanding to be prepared cooperatively by the Commonwealth and participating Murray-Darling Basic jurisdictions.</p>

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<p>150 - Water Conservation (North Sydney) That the Federal and State Governments be requested to provide strong funding support to Local Government initiatives in water conservation and recycling.</p>	<p>In his response dated 7 February 2007, The Minister for Water Utilities, the Hon David Campbell MP, indicated that the Association has sought advice in a number of portfolio areas and at times the issues affect more than one portfolio. The Government is considering these issues and is preparing a whole of government response. The Government's response will issue from the Minister for Local Government.</p> <p>Representations forwarded on 14 December 2006 to the Hon John Howard MP, Prime Minister.</p>
<p>151 - Subsidised Rain Water Tanks (Albury) That the State Government extends the payment of subsidies for rain water tanks from the Sydney area to all of New South Wales.</p>	<p>In her response dated 27 June 2007, the Director-General of the Department of Environment and Climate Change indicated that the NSW Government's new Rainwater Tank Rebate Program will commence from 1 July 2007.</p> <p>The rebate is part of a new \$100 million residential rebate program under the NSW Government's Climate Change Fund to help householders make their homes more water and energy efficient. As well as rebates for rainwater tanks, the program will include rebates for insulation (from 1 October 2007) and energy-efficient hot water systems (from 1 January 2008).</p> <p>The rainwater tank rebate will provide up to \$1500 and be available across NSW. To maximise the water savings, the rebate will be scaled so that the highest level will be paid for tanks which are connected to a toilet and washing machine.</p> <p>Rebates will be available for tanks purchased in full and installed from 1 July 2007 to 30 June 2009. Only one rebate will be available per property. Residents who are not connected to mains water supply will be eligible for the tank rebate, but not for the connection rebates. All rebates are for existing properties and cannot be used to fulfil BASIX or other regulatory requirements.</p> <p>It will be emphasised in the Terms and Conditions and all promotional materials for the program that residents installing a tank must meet their Council and Local Water Utility requirements. Where a tank is connected internally, a licensed plumber will be required to install the tank in accordance with the NSW Plumbing and Drainage Code. The Department of Environment and Climate Change will notify Councils of any tank rebates paid within their area.</p> <p>The statewide program will be run by the Department of Environment and Climate Change (DECC). Sydney Water will continue to manage the rebates under the fund in its area. DECC has been in contact with Councils or Local Water Utilities who currently run their own rainwater tank rebate program so they can consider whether they wish to</p>

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	<p>continue their program in parallel with the statewide program as a 'top up' or allow the state wide program to replace it.</p> <p>Councils and Local Water Utilities will receive letters and an information pack regarding the rebates, including some general information brochures for their residents. Information about the rebates will be communicated widely through a number of channels including public advertising, electronic newsletters and media promotion. Details will be available through the DECC website www.environment.nsw.gov.au.</p> <p>Applicants will be able to download application forms and guidance materials from the DECC website, ring a hotline or email/write to request information. To get a rebate, householders will need to send in a completed application form with original receipt after installation.</p> <p>As the scheme develops, the DECC would like to discuss how they can work jointly with the Associations and councils in delivering the program.</p>
<p>152 - Groundwater (Blue Mountains) That councils offer their support in the form of providing active membership to the Independent Community Groundwater Reference Group that has been established by Wingecarribee Shire Council.</p>	<p>This matter was considered by the LGA Executive on 4 August 2006, who resolved to support the ICGRG. Wingecarribee Council (convenor of the ICGRG) was advised of this resolution.</p> <p>The ICGRG has been suspended pending the outcomes of community consultation and investigations being undertaken by Sydney Catchment Authority.</p>
<p>153 - Sewage Management Systems (Pittwater) That the Association support an amendment to the Local Government Act 1993 to attach an approval to operate a sewage management system to the property that it serves rather than to the owner of the property as is currently the case.</p>	<p>In his response dated 7 February 2007, The Minister for Water Utilities, the Hon David Campbell MP, indicated that the Association has sought advice in a number of portfolio areas and at times the issues affect more than one portfolio. The Government is considering these issues and is preparing a whole of government response. The Government's response will issue from the Minister for Local Government.</p> <p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the management of sewage pollution risks and the supervision of systems of sewage management are council administrative and regulatory functions. Regulatory functions in particular relate to the responsibilities of persons and corporations, not to land.</p> <p>An operating approval relates to a person or corporation and not to the land for a number of reasons:</p> <ul style="list-style-type: none"> • The approval relates to the operation and performance of the system, not the system itself

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	<ul style="list-style-type: none"> • An approval to operate is a tool that enables councils to carry out their regulatory responsibilities of managing sewage pollution risks and supervising systems or sewage management • Council regulatory functions are distinguishable from actual, tangible services provided by a council to a property. <p>As it is the landowner's responsibility to ensure that their system of sewage management is functioning correctly, it is important that new owners are educated about their on-site system when they purchase a property. The requirement for a new application for approval to be made by the new owner gives councils the opportunity to adequately supervise and ensure that the owner is made aware of their responsibilities in relation to operating their new on-site system. This involvement by a council can be pivotal in reducing the public health and environmental risks posed by landowners who do not know how to operate their system of sewage management correctly.</p> <p>The Minister is advised that councils are concerned about the recovery of debts regarding approvals to operate because they apply to a person or corporation. Penalty infringement notice powers can be used in cases where renewal fees are not paid on time, as the occupier is in breach of the Act for not having an approval to operate a system of sewage management. The use of these powers should greatly reduce the incidence of non-payment and reduce debt collection costs.</p>
<p>154 - Licensing of AWTS Service Agents (Camden) That the Local Government Association Annual Conference call on the NSW State Government to introduce a system of licensing of Aerated Wastewater Treatment System (AWTS) service agents by the Department of Fair Trading.</p>	<p>On 19 March 2007, the Hon Diane Beamer MP, Minister for Fair Trading, acknowledged representations made and indicated that a reply will be forwarded at the earliest opportunity.</p>
<p>155 - Domestic Greywater Re-use (Baulkham Hills) That on the grounds of the potential risk to public health and safety and the environment, the State Government be requested to implement a process of notification of all dwellings where domestic greywater is re-directed and re-used in accordance with the requirements of the Local Government (General) Amendment (Domestic Greywater Diversion) Regulation 2006.</p>	<p>In his response dated 7 February 2007, The Minister for Water Utilities, the Hon David Campbell MP, indicated that the Association has sought advice in a number of portfolio areas and at times the issues affect more than one portfolio. The Government is considering these issues and is preparing a whole of government response. The Government's response will issue from the Minister for Local Government.</p>
<p>156 - Domestic Greywater Re-use Guidelines (Baulkham Hills) That the Department of Local Government in conjunction with all other relevant State Departments issue information guidelines in relation to performance standards for greywater diversion systems.</p>	<p>In his response dated 7 February 2007, The Minister for Water Utilities, the Hon David Campbell MP, indicated that the Association has sought advice in a number of portfolio areas and at times the issues affect more than one portfolio. The Government is considering these issues and is preparing a whole of government response. The Government's response will issue from the Minister for Local Government.</p>

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	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP indicated that the Department of Water and Energy (formerly the Department of Energy, Utilities and Sustainability) released the draft "NSW Guidelines for Greywater Reuse in Sewered, Single Household Residential Premises" in March 2007. The Guidelines include fact sheets that can be used by councils to respond to enquiries about greywater reuse. The Minister is advised that the Department of Water and Energy is currently planning a public education and council officer training program targeting greywater reuse.</p>
<p>157 - Flood Mitigation Funding (Clarence Valley) That the Local Government Association lobby in the strongest possible manner for the reintroduction of the original 4:1 Funding Formula (that being State two parts, Federal two parts and one part Local Government) and furthermore that the Australian Local Government Association be advised that it would be most beneficial if they approached the FMA on matters concerning floodplain management prior to endorsing COAG reports or other reports dealing with flood mitigation funding.</p>	<p>In his response dated 4 February 2007, the Hon Jim Lloyd MP, Minister for Local Government, Territories and Roads, indicated that in relation to the ratios of funding contributions to flood mitigation projects raised in this resolution, The Minister wishes to advise that the general one third funding provision of the Natural Disaster and Regional Flood Mitigation Programme is consistent with the Council of Australian Governments' (COAG) 2002 review of natural disasters in Australia. The review was endorsed by COAG which includes all of the state and territory governments as well as the Australian Local Government Association. Changes to these arrangements are not currently being considered.</p>
<p>158 - Floodplain Policy (Holroyd) That the Local Government Association of NSW seek an amendment to the State Government's Floodplain Policy to allow removal of the overland flooding imposition on local communities where council's studies confirm no issue exists or council does not have overland flood data to verify overland flooding.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Ian Macdonald MLC, Minister for Natural Resources. Representations renewed to the Minister on 13 August 2007.</p>
<p>158.1 - Off-shore and Outsourcing Jobs (Canada Bay) That the resolution of Conference to protect local jobs and communities be provided to all major financial institutions.</p> <p>That the President thank the Commonwealth Bank for their response that they will not be off shoring Australian jobs.</p> <p>That given the response by the Commonwealth Bank that they will not be off shoring Australian jobs, the President write to all major financial institutions informing each of them of the response by the Commonwealth Bank and asking each of them whether or not it is their institution to off shore Australian jobs.</p> <p>That the President circulate her letters and the responses thereto to</p>	<p>Please see Resolution 26.1.</p>

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<p>member councils.</p> <p>That a copy of the resolutions and correspondence also be provided to the Finance Sector Union.</p>	
<p>159 – One Association (Tamworth) That the Local Government Association of NSW Executive work with the Shires Association of NSW Executive to move forward our policy of One Association.</p>	<p>The two executives are continuing to work on this matter and a report will be made to the 2007 Annual Conference.</p>
<p>L1 - Mandatory Cat Desexing (The Executive) Covered by Resolution 138.1.</p>	<p>Please refer to Resolution 138.1.</p>
<p>L2 - Constitutional Change – ALCs (The Executive) That within the LGA Constitution the definition of Aboriginal Land Councils be changed from:</p> <p>“Aboriginal Land Councils” shall mean a divisional member of the NSW Aboriginal Land councils. to: “Aboriginal Land Councils” shall mean a NSW Regional Aboriginal Land Council (or analogous body) as constituted under the Aboriginal Land Rights Act 1983 (NSW) (as amended).</p>	<p>The LGA rules have been changed as per the resolution.</p>
<p>L3 - Funding Crime Prevention and Drug and Alcohol Reduction Programs (Clarence Valley) That the matter be referred to the Executive.</p> <p>That the Association makes representations to State and Federal Governments for increased funding for crime prevention and drug and alcohol reduction programs.</p>	<p>In his response dated 25 May 2007, the Attorney General, the Hon John Hatzistergos MLC, indicated that the Crime Prevention Division of his Department plays an invaluable role in working with community groups and local government to reduce the incidence of crime through the development, promotion and implementation of effective crime prevention strategies. The Division has also been actively working to ensure that the priorities set out in the State Plan are realised.</p> <p>The Division is reviewing its approach to working with local government in developing crime prevention plans and has drafted revised Crim Prevention Planning Guidelines. The revised Guidelines will encourage a simple process of problem analysis and strategy development which will save Councils’ time and ensure that crime prevention strategies reduce crime. Division staff will approach the Association in the near future to discuss the proposed Guidelines.</p> <p>The Attorney General is pleased to advise that the Division recently invited a number of councils to apply for a grant to implement strategies to reduce graffiti crime. An amount in excess of \$360,000 was allocated to seven councils for the implementation of graffiti</p>

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	<p>reduction strategies. If the Association would like additional information about the graffiti initiative and other crime prevention programs that are being developed, Mr Brendan Thomas, Director of the Division can be contacted on 9228 8307. Information can also be found on the Division's website www.lawlink.nsw.gov.au/cpd.</p> <p>In relation to programs aimed at preventing drug and alcohol related harm, the aim of Priority S3 in the State Plan is to improve health through reduced illicit drug use and risk drinking.</p> <p>The commitments in the State Plan build upon the NSW Health Drug and Alcohol Plan 2006-2010, which is informed by the NSW Drug Summit 1999 and the NSW Alcohol Abuse Summit 2003. The Drug and Alcohol Plan provides best practice and evidence-based approaches to treatment of drug and alcohol problems. More information about NSW Health programs and priorities can be found by accessing www.health.nsw.gov.au.</p> <p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC, indicated the Government has made drug and alcohol issues a key priority and has allocated increased funding of \$406 million since 1999 in two dedicated drug budgets to tackle the drug problem across the areas of law enforcement, treatment, education and prevention. Arising from the Alcohol Summit, an additional \$12.5 million over four years was approved for special projects building on the approximately \$190 million pa allocated from core funding for alcohol program (according to a pre-Summit audit of Government expenditure). We continue to implement the recommendations of both Summits, working closely with local government on some important initiatives as well as in the new Crime Prevention Partnerships Non-DV Assault Reduction Strategy being led by the Premier's administration.</p> <p>In a response dated 29 January 2007, the Australian Government's Department of Health & Ageing indicated that the Australian Government is committed to addressing crime prevention by funding initiatives relating to drug and alcohol reduction programs. In 1999 the Ministerial Council on Drug Strategy, which is the peak policy and decision-making body for licit and illicit drugs in Australia, introduced the National Drug Law Enforcement Research Fund (www.ndlerf.gov.au). This Fund incorporates both the National Drug Crime Prevention Fund and the National Community Based Approach to Drug Law Enforcement to promote quality evidence-based practice in drug law enforcement. The Fund functions within the broader context of the National Drug Strategy: 2004-2009.</p>

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	<p>The National Drug Strategy (www.nationaldrugstrategy.gov.au) is a cooperative venture between Australian, state and territory governments and the non-government sector. It aims to improve health, social and economic outcomes for Australians by preventing drug use, and reducing the harmful effects of licit and illicit drugs. The Strategy complements the Illicit Drug Diversion Initiative, which is a joint Commonwealth-State approach targeted at diverting non-violent drug offenders away from the criminal justice system and into appropriate assessment, education and treatment services. More than \$340 million has been allocated to this approach since its inception in 1999 and all States and Territories have implemented jurisdictional-specific programs under the initiative. The Magistrates Early Referral into Treatment program is the major component of the NSW Diversion Initiatives. It began as a pilot in two sites in 2000 and is now operating in 58 local courts across NSW.</p>
<p>L4 - Mobile Testing for Prostate Cancer (Clarence Valley) That the matter be referred to the Executive.</p> <p>That the Association call on federal and state governments to financially support the introduction of mobile testing for prostate cancer, either independently of breast cancer testing arrangements or by utilising systems and infrastructure already in place for mobile breast cancer testing.</p>	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC, indicated that there is no evidence to support the introduction of mobile vans for prostate cancer testing similar to breast cancer screening. So far there has been no substantial evidence gained through randomised controlled trials (RCTs) indicating that early detection can lower mortality rates. However, there are two large RCTs underway in Europe and America. The European Randomised Study of Screening for Prostate Cancer (ERSPC) is due for completion in 2008 and the United States Prostate, Lung, Colorectal and Ovarian Cancer Screening Trials (PLCO) is due for completion in 2007. It is hoped that the results of these RCTs will shed more light into the issue of population screening for prostate cancer.</p> <p>The Association has continued to address this matter and at its meeting in August 2007, the Executive decided;</p> <ul style="list-style-type: none"> • That the state and federal governments be requested to greatly expand funding for research and development of techniques for more accurate detection of prostate cancer with the objective of having effective mass prostate screening available before 2010. • That the Association write to the Prime Minister and Leader of the Opposition to request the respective parties to include in their election platforms a policy and appropriate levels of funding to achieve the objective of mass prostate screening by 2010. <p>In a response dated 29 January 2007, the Australian Government's Department of Health & Ageing indicated that the Australian Government recognises that prostate cancer is a major health issue for men, and has developed a number of strategies to improve the outcomes for men with, or at risk of, prostate cancer. These new strategies</p>

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	<p>amount to an additional \$42.7 million in funding for increased investment in cancer research and support for clinical trials; the development and fostering of cancer support groups; and the development of effective professional education modules in the latest treatments for priority cancers. In addition, the National Health and Medical Research Council provided \$17.3 million in 2005-2006 for prostate cancer research.</p> <p>The World Health Organisation's (WHO) cancer population testing principles state that population-screening programs, such as the BreastScreen Australia program, must be based on clear evidence of better health outcomes for the screened population and must use accurate and effective screening tests. Population testing of asymptomatic men for prostate cancer is not supported by the WHO, the Royal Australian College of General Practitioners, the Cancer Council Australia or the new national agency Cancer Australia, because insufficient evidence exists that screening for prostate cancer using the currently-available tests is effective in the early detection of prostate cancer, or in improving health outcomes.</p>
<p>L5 - Review of Conduct Committees (Clarence Valley) That the matter be referred to the Executive.</p> <p>Covered by Resolution 185.</p>	<p>Please refer to the response set out for Motion 185.</p>
<p>L6 - Country Towns Water Supply and Sewerage (Clarence Valley) That the matter be referred to the Executive.</p> <p>That the State Government honours its original commitment to the NSW Country Towns Water Supply and Sewerage Scheme in real terms and restore the \$249 million in financial assistance which has been eroded through inflation over the last 12 years.</p>	<p>This issue was considered by the Executive on 8 December 2006 and a further report considered by the Executive on 13 April 2007. It was decided that the Association continue to seek continuation of the Country Towns Water Supply and Sewerage Program to ensure that councils are supported in their provision of water and sewerage services in regional NSW and this is being pursued at every available opportunity.</p>
<p>L7 - Timber Bridge Replacement (Clarence Valley) That the matter be referred to the Executive.</p> <p>That the Association call on the Federal and State Governments to provide a separate dedicated funding source to support Local Government for the replacement and upgrading of its timber bridges.</p>	<p>In 2006, the State Government announced the restoration of their regional Road Timber Bridge Program, valued at \$60 million over three years.</p> <p>Separately, the Association has called on the Federal Government to provide a separate dedicated funding source to support Local Government for the replacement and upgrading of its timber bridges.</p>
<p>L8 - "Blue Card" Scheme (Gunnedah) That the Association of New South Wales lobby the NSW Government, particularly through the NSW Commission for Children and Young People and the Minister for Community Services and Youth; to support:</p> <ul style="list-style-type: none"> - Adoption of the "Blue Card" scheme (operating in QLD) to supplement 	<p>In his reply dated 27 September 2006, the Minister for Industrial Relations, the Hon John Della Bosca MLC, indicated that the legislation that established the Working With Children Check had been independently reviewed and the issues raised by Gunnedah were assessed as part of that review. Further the Government did consider the recommendations of the independent review.</p>

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<p>the Working with Children Check system in NSW.</p> <ul style="list-style-type: none"> - Inclusion of volunteers in active screening under the Working with Children Check - That issuing of Blue Cards be reviewed on an annual basis. 	<p>Since then the Commission for Children and Young People Amendment Act 2005, which implemented recommendations of the independent review, has been passed. The Act exempts the employer from carrying out background checks if the employer reemploys the same person within 12 months and background checking has been carried out by the employer. The Act also exempts background checking where this has been carried out by an employer related body in the last 12 months.</p>
<p>L9 - Public Libraries Funding (Gunnedah) Covered by Resolution 164.</p>	<p>Please refer to Resolution 164.</p>
<p>L10 - Rural Fire Services (Shoalhaven) Covered by Resolution 7.</p>	<p>Covered by Resolution 7.</p>
<p>L11 - Children's Services Industry (Leichhardt) That this Conference supports the formation of a strategic working group comprising Councillors and Managers of Children's Services within Local Government, with the objective to analyse current changes within the children's services industry and provide long term strategic direction to Government policy.</p>	<p>The Children's Services Working Group was formed and has been working for the last year with its first lobbying paper signed off by the Executive at its July 2007 meeting.</p>
<p>L12 - McCormack Rankin Cagney Report (Newcastle) The Association calls on the NSW Government to release to the public the McCormick Rankin Cagney Report on Lower Hunter transport planning as a matter of urgency. We note that the report was completed in September 2005 and that community requests for its release have been refused. No grounds for refusal have been made public.</p>	<p>In his letter of 21 March 2007, the Director-General of the Ministry of Transport indicated that he notes the request for the release of the McCormick Rankin Cagney Report.</p> <p>Transport options in the region have been the subject of endless reports, debate and conjecture. However, the Government's commitment to delivering practical, workable transport solutions to the people of Newcastle in consultation with the community was well illustrated in the work done in 2006.</p> <p>The Premier's Hunter Transport Taskforce was convened in late 2005 and in February 2006 the Premier confirmed that rail services would continue into Newcastle CBD. The Taskforce consulted with the community, business, civic, union and government representatives in making its recommendations.</p> <p>In October 2006, again after extensive community consultation, the Lower Hunter Regional Strategy was adopted by the Government and released. The strategy will guide local planning in the five local government areas of Newcastle, Lake Macquarie, Port Stephens, Maitland and Cessnock, and inform decisions on service and infrastructure delivery. The strategy is intended to be a guide, to be refined at the local government level and is subject to review every five years.</p>

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	<p>The review process will allow for continued community input in the planning process and ensures that the region develops in a strong and sustainable way.</p> <p>More recently the Department of Planning has released the draft Newcastle City Centre Plan. The plan was developed in partnership with Newcastle City Council by the Department of Planning's Cities Taskforce team and was on public exhibition until 27 February 2007.</p> <p>The Ministry of Transport was active in 2006 negotiating the new Outer Metropolitan Bus Service Contracts. These are now all signed and will result in a new way of delivering bus services with a strong emphasis on community consultation in the design of the networks.</p> <p>The Government is committed to moving forward with transport solutions within the framework set by the regional strategy which foreshadows employment and population growth and consistent with a vision for the city of Newcastle.</p>
<p>L13 - Juvenile Justice Laws (Hornsby) That the Association lobby the State Government to review, with the intention of changing, the current Juvenile Justice Laws to:</p> <ul style="list-style-type: none"> - Limit the number of Cautions and Warnings issued to Graffiti vandals to one each; and - Include the provisions to allow a penalty of Community Service, in the form of graffiti removal; be applied to those charged with Graffiti "Vandalism". 	<p>In his response dated 25 May 2007, the Attorney General, the Hon John Hatzistergos MLC, indicated that children who commit graffiti or vandalism may be dealt with under the Children (Criminal Proceedings) Act 1987 or the Young Offenders Act 1997. There are no proposals to limit the number of warnings and cautions that can be issued because the legislation contains sufficient safeguards to ensure that repeat offenders do not receive unlimited warnings and cautions. Further, section 5 of the Children (Community Service Orders) Act 1987 provides that community service, in the form of graffiti removal, can be imposed on graffiti offenders.</p>
<p>L14 - Oil Depletion Protocol (Willoughby) That the Association review the provisions of the Oil Depletion Protocol with a view to recommending its adoption to Federal and State Governments.</p>	<p>In a response dated 23 March 2007, the Australian Government Department of the Environment and Water Resources indicated that the resolution in relation to the Oil Depletion Protocol may be better directed to the Minister for Industry, Tourism and Resources, the Hon Ian Macfarlane MP. Representations have been redirected as suggested, and a response is awaited.</p>
<p>L14 - Oil Depletion Protocol (Willoughby) That the Association review the provisions of the Oil Depletion Protocol with a view to recommending its adoption to Federal and State Governments.</p>	<p>Representations forwarded on 14 December 2006 to the Hon Bob Debus MP, Minister for the Environment. The topic has been discussed at a number of DECC Liaison Committee meetings.</p>
<p>L15 - Retention of Local Planning Powers (Clarence Valley) That the matter be referred to the Executive.</p>	<p>Report considered by Executive on 13 April 2007 where it was decided that the Association write to Clarence Valley Council informing them of the Association's Policy on Part 3A of the Environmental Planning and Assessment Act 1979 and SEPP (Major</p>

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<p>That the Association make representations to the Minister for Planning to reconsider various development thresholds contained in Schedules 1 and 2 of State Environmental Planning Policy (Major Projects) with a view to returning to Councils the power to determine applications which would not appear to meet reasonable criteria as major projects whether or not in sensitive locations.</p>	<p>Projects) and noting that the Association will continue to pursue these issues with the State Government prior to and following the State election.</p>
<p>L16 - Local Environmental Plan (LEP) Standard Provisions (Lithgow) That this matter be referred to the Executive to;</p> <ul style="list-style-type: none"> - formulate a policy that takes into account the great variety of farming and land use types in NSW; and - write to the Minister for Planning to expedite the implementation of the Director General's Rural Lands Review Panel. <p>That the Association consider augmenting the Planning and Environment policy position with the following statements: Individual councils should be wholly responsible for the formulation of planning instruments, including but not limited to Local Environment Plans (LEPs), so that the instruments take into consideration the local conditions best know at the local level. Standardised templates for planning instruments should be used as a guide only in the processes of creating and updating the instruments. The determination of minimum subdivision lot sizes should remain the prerogative of individual councils and not be determined by other levels of government nor through a standardised template process. Blanket loss of rights for landowners, including but not limited to dwelling entitlements, brought about through the application of standardised planning instrument templates is unacceptable.</p>	<p>Report considered by the Executive on 13 April 2007 where it was decided that the Association inform Lithgow City Council of the establishment of the independent inquiry into rural land issues in the Central Western region of NSW, and encourage council to take the opportunity to present their concerns directly to the panel members at the public hearings.</p>
<p>L17 - Department of Health Accreditation System (Byron) That the Association request the DoH to assess and accredit the nutrient removal capabilities of onsite sewage management systems equipment.</p>	<p>In his response dated 15 February 2007, the then Minister for Health, the Hon John Hatzistergos MLC, indicated the DoH has advised him that the assessment and accreditation guidelines have required testing of chemical parameters that indicate the performance of the onsite sewage management system, particularly in regard to its ability to disinfect the final effluent before dispersal or reuse. Very few onsite sewage management systems claim to, or are designed to, perform nutrient removal and, due to measurement error and other difficulties, testing for nitrates and phosphates has not been required. A minimum concentration for nutrient removal has not been specified because there is insufficient data on reliable nutrient removal capabilities of single domestic onsite sewage management system technologies.</p> <p>However, all onsite sewage management system manufacturers are encouraged,</p>

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	where appropriate, to perform nutrient removal testing under accreditation conditions. Such information is still unreliable as the results depend on the highly variable concentration of the effluent used in the testing the onsite sewage management system. This issue will again be assessed when the guidelines are next reviewed.
<p>L18 - Assessing Development Applications (Byron) That the Minister for Planning establishes a Memorandum of Understanding with local government for a fee for service cost recovery for assessing development applications as identified in the Department of Infrastructure, Planning and Natural Resources Circular "Planning System Development Control" PS05-002 of 27 May 2005 in relation to any applications that are under Ministerial approval.</p>	The Minister and Department have indicated that they are looking to enter into agreements with councils on a 'fee for service' basis in relation to Part 3A developments, where appropriate. The Department has recently negotiated such agreements with councils on an individual basis. However no action has been taken to formalise these arrangements into an MOU with Local Government. The LGSA will be making a submission on these issues in the context of the planning reform agenda recently announced by the Minister.
<p>L19 - Records Management for Councillors (Shoalhaven) That this matter be referred to the Executive.</p> <p>That the Association call on the Department of Local Government and the Minister for Local Government to have the State Records Act amended in so far as it relates to the responsibilities of Councillors and their obligations in regard to Local Government record keeping.</p>	<p>A further report was considered by the Executive on 13 April 2007 when it was decided:</p> <ul style="list-style-type: none"> - That the Association inform the Minister for Commerce and the Minister for Local Government that Local Government will strongly resist any future moves to mandate record keeping requirements for councillors - That an item be placed in the Local Government Weekly pointing out that draft guidelines and templates issued by State Records outlining possible systems and forms to be used by councillors in recording their official councillor activities, are completely voluntary, and each council is free to determine the nature and extent of note keeping sought from its councillors.
<p>L20 - Airport Payroll Tax Liabilities (Albury) That the NSW Office of State Revenue (OSR) be advised that ownership of airport facilities by Councils does not constitute a basis for the levy of Payroll Tax. Councils are of the view that the operation of airports does not attract Payroll Tax as the operation of a "transport service" under Section 10(1) (e) (IV) of the Pay-roll Tax Act 1971 (NSW).</p>	Representations were made on 14 December 2006 to the Hon Michael Costa MLC, Treasurer, and further representations made on 27 July 2007.
<p>L21 - Regional Airline Access to Sydney Airport (Albury) That Councils support the Local Government and Shires Associations in their continuing endeavours to maintain regional airline access into Sydney Airport.</p>	<p>On 13 April 2007, the Executive endorsed a submission made to the Senate Rural and Regional Affairs and Transport Committee's Inquiry into the Airports Amendment Bill 2006. Key aspects of the Associations submission were:</p> <ul style="list-style-type: none"> - Local Government recognises the importance of Sydney Airport to the region as a whole, however its ongoing development and expansion cannot be allowed to occur without a clearly defined mechanism for consultation with state and local government, allowing for a suitable consideration of the wider affects of airport development on local and regional communities, infrastructure and businesses. - The Associations believe that Local Government should have a lead role in planning for local communities with other spheres of government, and in developing an integrated approach to issues of regional development,

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	<p>infrastructure co-ordination, growth management and environmental management, including regionally significant developments such as those proposed for Sydney and other airports.</p> <ul style="list-style-type: none"> - Local Government recognises the importance of Sydney Airport as a regional aviation hub, its significance to the local, regional and Australian economy, and its importance to Sydney as a 'global city'. The airport is also a significant employer with many of these employees residing in local government areas geographically close to the airport. There are also existing and potential economic benefits for local councils from related transport and service industry development located outside the airport perimeter. Nevertheless we are adamant that these key economic drivers should not be used to justify development outside robust, comprehensive and transparent planning procedures that take account of the broader impacts on adjacent local and regional areas. - The Associations accept the view that the aviation elements of airports are key parts of the nation's infrastructure and their planning is a matter for the Australian Government. However, the occurrence in recent years of extensive non-aviation commercial developments does not constitute key national infrastructure and therefore does not justify being excluded from state and local planning regimes. - While we understand the Australian Government's desire to keep control over the planning for airports sites as a whole, the Associations ask that in relation to commercial developments on airport land the Minister be required to appropriately consult with Local Government, assess consistency with state and local planning policy, and to take account of the proposed development on nearby residents businesses and other transport infrastructure. - Consideration should also be given to charging commercial developments on airport land the equivalent of rates or developer contributions to address any infrastructure requirements and to assist in meeting the overall community needs.
<p>L22 - Detention of David Hicks (Albury) That the Association request the Federal Government to finalise the matter of David Hicks' detention as soon as possible.</p>	<p>In his response dated 8 February 2007, the Hon Alexander Downer MP, Minister for Foreign Affairs, indicated that Mr Hicks has been charged with two serious offences arising from acts allegedly committed by him whilst overseas – attempted murder in violation of the law of war and providing material support to terrorism. Like all Australians who travel overseas, Mr Hicks is liable to the laws of foreign jurisdictions and must expect to face foreign courts if he is charged with a breach of those laws.</p> <p>The allegations against Mr Hicks are serious, but untested. The Government is of the view that Mr Hicks should be brought to trial as soon as possible. The Government has consistently raised with the US Government concerns about the length of time taken to bring Mr Hicks to trial. The swearing of fresh charges against Mr Hicks brings his case one step closer to resolution. However, we remain anxious to ensure that Mr Hicks'</p>

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	<p>case is dealt with expeditiously and fairly and will continue to press the United States.</p> <p>The Government continues to provide consular assistance to Mr Hicks, as we do for all Australians facing court or in gaol overseas. The Government has closely monitored Mr Hicks' conditions of detention and welfare. Australian officials have visited Mr Hicks in Guantanamo Bay on 18 occasions and will continue to make regular visits. No evidence of abuse or maltreatment has been found during any of the visits. The most recent visit by a consular official to Guantanamo Bay was on 30-31 January 2007.</p> <p>Australian officials are also in regular contact with Mr Hicks' family and lawyer, Major Mori. Whenever Mr Hicks, his family or legal counsel have raised concerns about his treatment or well-being, we have promptly investigated these concerns with the responsible authorities in Washington and Guantanamo Bay.</p>
<p>L23 - Scientific Committee (Hawkesbury River County) That the Associations call upon the Premier of NSW to have the scientific committee that was established to implement a plan to safeguard the health of the Hawkesbury/Nepean River continue on as a standing committee with local government representation.</p>	<p>Representations were made to the Premier on 14 December 2006. The Association has maintained representations through other related activities, and is pleased to note that the Hawkesbury/ Nepean CMA in conjunction with the Sydney Metropolitan CMA have established a scientific committee to advise them on the health of waterways in the region.</p>
<p>L24 - Low Level Non-Ionising Radiation Absorption (Randwick) Covered by Resolution 93.</p>	<p>Please refer to Resolution 93.</p>
<p>L25 - Companion Animal Database (Wollondilly) That the Association lobby the Department of Local Government to make access to the Companion Animals Database available to approved Veterinary Practices.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the issue of access to the NSW Companion Animals Register for veterinary surgeons was addressed during the review of the Companion Animals Act 1998.</p> <p>Amendments to section 62A(1) of the Act now provide an option for persons who find a lost animal to deliver that animal to an approved person operating an approved premise. The department has recently released the Guideline for Approved Persons to Access the NSW Companion Animals Register. It is anticipated that vets who operate approved premises, and in consultation with their local council, will have limited access to the Register in order to return lost animals that are taken to them by concerned members of the public.</p>
<p>L26 - Helicopter Approvals (Hornsby) That the matter be referred to the Executive for further investigation, including of the effect beyond the Metropolitan Area.</p> <p>That the Association make representation to the Federal Government</p>	<p>The resolution has been referred to the Association's Roads and Transport Committee, where it was resolved that the views of all relevant councils and CASA be sought to inform Association policy on this issue. A further report and recommendation will be considered by the Roads and Transport Committee in due course.</p>

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<p>seeking to regulate the taking off and landing of privately owned helicopters within the Sydney Metropolitan area, with the exception of Emergency Service helicopters, without the prior approval of the Local Government Authorities in which those landings and take-offs are conducted.</p>	
<p>L27 - Vegetative Screen Plantings (Wingecarribee) That the Associations request the Department of Local Government to recognise that “vegetative screen plantings” can be defined as a type of development to be included in the land use tables of a Local Environmental Plan and that in some circumstances it is appropriate to require the lodgement and assessment of a Development Application. That the Associations be requested to work with the NSW Department of Planning to formulate a planning control which allows Councils to control the height of all hedge planting (irrespective of species) in their respective Local Government urban and rural areas.</p>	<p>Representations were made on 14 December 2006 to the Hon Frank Sartor MP, Minister for Planning.</p>
<p>L28 - NSW Department of Planning (Wingecarribee)</p> <ul style="list-style-type: none"> - That the Association request the NSW Department of Planning to reject the Planning Performance Reporting worksheets in their current form. - That the NSW Department of Planning be requested to sponsor a pilot project with a limited number of representative Councils to properly assess the availability and usefulness of the information required by the worksheets - That through funding made available from the Planning Reform Levy the NSW Department of Planning develop a centralised system to collate and interpret the required data with that system being made available to all Councils to complement their existing information / workload management tools. - That once established, the centralised system be mandatory for Councils and all State Government agencies that have a referral role in the Development Application process. 	<p>The ongoing problems with the planning performance reporting system have been raised directly by the President with the Director General of Planning. More recently the Presidents have expressed their strong opposition to the way in which the Minister and Department have used the 2005/06 data to ‘name and shame’ councils. The Department of Planning has established a Working Group to provide comment on the 2005/06 report template, review the 2006/07 survey form and provide input for the 2007/08 survey and beyond. The Associations are represented on a Working Group; along with 13 council representatives The Associations will be making a written submission to the Department about the 2005/06 template and data collection for 2006/07. The issues raised by council will be covered in our submission.</p>
<p>L29 - Kyoto Protocol (Wingecarribee) That the Association seek support from all Councils in NSW to individually and /or collectively lobby the Federal Government to ratify and implement the Kyoto Protocol.</p>	<p>In a response dated 23 March 2007, the Australian Government Department of the Environment and Water Resources indicated that Australia’s progress in reducing greenhouse gas emissions is the result of a range of world-leading Government programmes that provide a comprehensive strategy for meeting Australia’s climate change objectives both in the short-term and beyond the Kyoto period. This includes many programmes that work collaboratively with, and provide support for local government to implement practical actions to reduce their emissions.</p>

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	<p>The Australian Government, through the \$13.8 million Local Greenhouse Action initiative, funds the Cities for Climate Protection (CCP) programme and a series of community abatement grants. Additional grant funding targeted towards local emission reduction activities has been made available under the Low Emissions Technology and Abatement (LETA) initiative. The use of renewable energy solutions including solar are eligible activities for these grants. Additionally, under the Photovoltaic Rebate Programme (PVRP), which commenced on 1 January 2000, cash rebates are available to owners of community use buildings who install grid-connected or stand-alone photovoltaic systems. Due to its success, the Australian Government is currently investigating an extension of the programme.</p> <p>The Australian Government considers an effective path to a sustainable energy future is to encourage a broad range of low emissions technologies, including renewables, and further address barriers and impediments to the uptake of renewable energy. The Australian Government established the Mandatory Renewable Energy Target (MRET) to kickstart appropriate renewable energy choices for Australia. The MRET scheme has played a significant role in supporting the renewable energy sector. By 2010, MRET will underpin more than \$3 billion in renewable energy investment and increase renewable energy generation by more than 50 per cent compared to pre-MRET levels.</p> <p>The Energy White Paper, Securing Australia's Energy Future, announced by the Prime Minister in June 2004 committed to a number of new measures to support renewable energy development. These measures include the \$75 million Solar Cities trial, which will demonstrate the economic benefits of solar photovoltaics in reducing energy demand during peak periods; a \$100 million Renewable Energy Development Initiative to support the development of renewable energy technologies with strong commercial potential; a \$20 million programme to support the development of Advanced Electricity Storage Technologies for renewable energy; and up to \$14 million to develop and install a Wind Energy Forecasting Capability, which will help electricity networks to more effectively utilise larger amounts of wind power. In addition to these measures, renewable energy technologies are eligible for consideration under the \$500 million Low Emissions Technology Demonstration Fund.</p> <p>These new measures build on earlier renewable energy support initiatives such as the Photovoltaic Rebate Programme, the Renewable Remote Power Generation Programme, the Renewable Energy Commercialisation Programme, the Renewable Energy Equity Fund and the Renewable Energy Industry Development Programme which have provided funding of more than \$300 million for grant, equity and rebate</p>

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	<p>programmes to boost the update of renewable energy and help the domestic industry to grow.</p> <p>In his response dated 28 March 2007, the Director-General of the Department of Energy, Utilities and Sustainability indicated that the Premier has forwarded the Association's correspondence to the Minister for Energy, the Hon Joe Tripodi MP, who has made arrangements for the Director-General to respond direct.</p> <p>The NSW Government has led the nation in the development of policy and program initiatives aimed at countering increasing greenhouse gas emissions and the impacts of climate change.</p> <p>In November 2006, the Premier of NSW, Morris Iemma, announced that the NSW Government will legislate to require 15 percent of the electricity consumed in NSW to come from renewable sources by 2020. This is the most ambitious mandatory renewable energy target in mainland Australia.</p> <p>Our renewable energy target is just the latest example of the leading role the NSW Government has taken in addressing climate change. It comes on top of our Greenhouse Gas Reduction Scheme. The scheme, established in 2003, is the world's first mandatory carbon emissions trading scheme. It has already prevented 38 million tonnes of greenhouse gas from being released into the atmosphere – that's equivalent of taking over 8 million cars off our roads.</p> <p>For your information, enclosed are further details on these and some of the other key achievements of the NSW Government in the areas of sustainability and reducing greenhouse gas emissions. You may also be interested in the NSW Government's current campaign promoting GreenPower. Details of this campaign can be found at www.greenpower.nsw.gov.au.</p>
<p>L30 - Companion Animal Impounding Statistics (Wollondilly) That the Association Lobby the Department of Local Government to make available to the public the annual Impounding Statistics submitted by Councils to the Department under the Companion Animals Act.</p>	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that the department has collected pound data since 1999. During this period, data provided by local councils has been inconsistent and often inaccurate. Recent amendments to the Companion Animals Act now require all NSW councils to provide information relating to pound activity to the department on an annual basis.</p> <p>It is anticipated that further refinements to the pound data collection form and improved record keeping practices by councils will improve the quality of the information provided. Previous data that has been obtained by the department will shortly be collated and prepared for publication.</p>

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<p>L31 - Protection of Local Jobs (Hurstville) Covered by Resolution 26.1.</p>	<p>Please refer to Resolution 26.1.</p>
<p>L32 - Development Application Performance Monitoring System (Kiama) That the Association request the Department of Planning to suspend the Development Application Performance Monitoring System pending provision, by the Department of Planning, of a suitable software program that will provide a more simplified data collection process for each Council.</p>	<p>The ongoing problems with the planning performance reporting system have been raised directly by the President with the Director General of Planning. More recently the Presidents have expressed their strong opposition to the way in which the Minister and Department have used the 2005/06 data to 'name and shame' councils. The Department of Planning has established a Working Group to provide comment on the 2005/06 report template, review the 2006/07 survey form and provide input for the 2007/08 survey and beyond. The Associations are represented on a Working Group; along with 13 council representatives The Associations will be making a written submission to the Department about the 2005/06 template and data collection for 2006/07. The issues raised by council will be covered in our submission.</p>
<p>L33 - Removal of Telstra Operated Payphones (Kiama) That the Association condemns the broad scale removal of Telstra operated payphones throughout NSW. Telstra's "Universal Service Obligation" does not provide adequate or equitable payphone service provision to country NSW.</p>	<p>In her response dated 16 April 2007, the Minister for Communications, Information and the Arts, Senator The Hon Helen Coonan, indicated that the Government recognises that access to payphones is an important community service and it is for this reason that access to payphones is protected in legislation by the USO. The payphone USO provides that all people in Australia, wherever they live or work should have reasonable access, on an equitable basis, to payphone services.</p> <p>Telstra is the primary universal service provider and is responsible for meeting the payphone USO. Payphones are provided in a competitive market. Telstra provides a little over half the number of payphones with the remainder being operated privately, for example, by small businesses or by providers like Tritel.</p> <p>How Telstra meets its USO is set out in its Standard Marketing Plan (SMP), which is approved by the telecommunications regulator, the Australian Communications and Media Authority (ACMA). This plan details how Telstra installs, removes and relocates payphones, as well as its service quality and fault rectification standards.</p> <p>On 8 June 2006, the Minister announced a number of initiatives that will provide customers with a better understanding of their rights in relation to payphone services, improve Telstra's processes, and improve consumer access to ACMA in its compliance role.</p> <p>The Government has improved Telstra's consultation procedures in relation to the removal and relocation of its payphones, and has also asked ACMA to pay particular attention to Telstra's payphone obligations to ensure that the public is adequately notified.</p>

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	<p>Telstra is now required to undertake stricter consultation processes, identify all of its USO payphones in regional and rural areas, and re-write its SMP for payphones.</p> <p>Telstra will describe in its SMP, in clear and unambiguous language, a consumer's right to access a payphone. Telstra's public material will be updated to reflect this and to provide clear information on how consumers can object to payphone removals, and on what grounds Telstra proposes to remove a payphone.</p> <p>Telstra has also, for the first time, incorporated into its website payphone locator, a USO payphone icon. This allows Australians in communities of under 50,000 people to identify unprofitable phones in their area that are retained through the USO.</p> <p>Telstra will make available, on request, to Federal and State members of Parliament the location of proposed local payphone installations, relocations and removals in their electorates.</p> <p>If Telstra decides to remove or relocate a payphone in an area, it is required to ensure that the removal or relocation complies with its SMP obligations. Telstra must consult with either the community or the site owner, and in all cases with the Local Government Authority.</p> <p>When the payphone is the only one at a public site, consultation must include the posting of a notice on the payphone for at least three months. The notice must indicate Telstra's intention to remove or relocate the payphone and the grounds on which it is proposing to remove or relocate the payphone and must invite comments from interested parties. The removal notice must include an explicit reference to the role of ACMA in monitoring Telstra's compliance with its USO. The letter which Telstra provides to the local government authority must contain similar information.</p> <p>Before contacting ACMA, anyone wishing to complain about the removal or relocation of Telstra operated payphones should contact Telstra. Enquiries about the supply or location of Telstra operated payphones can be made by free call 1800 011 433 or by emailing the online form, found on the Telstra payphone website at www.telstra.com.au/payphoneservices/contactus.htm.</p> <p>Before a decision is taken to remove the payphone, any comments provided by the local community, site owner and local government authority must be taken into account. Telstra must acknowledge in writing all written comments received regarding the</p>

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	<p>proposed removal of a payphone within five working days.</p> <p>If requested, Telstra must also advise interested parties of the final removal decision. When the payphone is the only one at the site, Telstra must formally respond to any letter and email complaint it has received with a response providing the grounds for the decision and advising that ACMA can be contacted if the complainant wishes to take the matter further.</p> <p>Telstra will now also consult regularly with the Low Income Measures Advisory Committee (LIMAC) on its payphone obligations and in particular its consultation and complaints processes. Telstra will formally consider any recommendations from LIMAC on payphone removals.</p> <p>ACMA now has a more active role in monitoring Telstra's compliance with the USO and investigating payphone removals. ACMA has dedicated staff on hand to fulfil its new complaints handling responsibility. ACMA's role is now included in every Telstra payphone removal or relocation notice. ACMA has broad powers to penalise Telstra if it breaches the USO.</p> <p>If the payphone user believes that Telstra has not satisfactorily met its SMP, ACMA can be contacted by phone on 03 9963 6800, via email payphones@acma.gov.au or by writing to: Industry Monitoring Team, PO Box 13112, Law Courts, Melbourne VIC 8010.</p>
<p>L34 - Government Ordinance Working Party (Parramatta)</p> <ul style="list-style-type: none"> • That the Local Government Association, establish a working party to bring forward a report on desirable changes which need to be made to the Local Government Ordinances in general. The report is to include: <ul style="list-style-type: none"> - A list of all ordinances which apply to Councils. - Anomalies which exist in each, and recommendations as to the steps which could be taken by the Department of Local Government and the Department of Planning to have the statutes amended, so that the number of steps leading up to the prosecution of offenders by council officers, is less arduous and time consuming, and so that fines are more befitting of some offences, than presently is the case. - Whilst not anyways exhaustive, matters to be covered will include:- <ul style="list-style-type: none"> - Illegal Parking and Associated Fines - Abandoned Vehicles - Abandoned Shopping Trolleys 	<p>The Executive considered this issue and noted that Local Government Ordinances were repealed in 1993 with the introduction of the Local Government Act and Regulations and other legislation as set out below.</p> <p>The 1993 Regulations cover such areas as: approvals, orders, elections, tendering, meetings, rates and charges, community land, water services, honesty and disclosure of interests and management and accountability.</p> <p>The matters that were previously covered by the Local Government Ordinances are now dealt with by a large regime of legislation.</p> <p>The issues relating to illegal parking, associated fines and heavy vehicles are covered by the Roads Act and Australian Road Rules.</p> <p>Abandoned vehicles are covered by the Impounding Act.</p> <p>Brothels are regulated by LEPs and the Restricted Premises Act.</p>

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<ul style="list-style-type: none"> - Graffiti - Brothels - Asbestos Removal - Trail Bikes - Littering - Spitting in Public Places - Unclean Eating Premises - Rubbish Dumping - Numbering of Residences - Heavy Vehicle Movements - Dog Control - Air, Water and Noise Pollution - Alcohol Free Zones - Foul Language in Public Places - Tree Removal and Planting - Food Outlets - Vandalism - Powers of rangers <ul style="list-style-type: none"> • That following completion of the report, copies be immediately forwarded to all State Members within New South Wales, requesting their support in having the recommendations adopted, and gazetted within the statutes of the Department of Local Government and the Department of Planning. 	<p>Dog control is covered by the Companion Animals Act.</p> <p>Graffiti, alcohol free zones and vandalism of local government property are regulated by the Local Government Act.</p> <p>Unclean eating premises and food outlets are covered by the Health Acts while Air, Water and Noise Pollution is controlled by the Protection of the Environment Operations Act.</p> <p>Offensive language is covered by the Summary Offences Act.</p> <p>The numbering of residences is covered by the Local Government Regulations to some extent although this is not exactly clear, but operating effectively.</p> <p>Tree removal and planting are controlled by Tree Preservation Orders and DAs and also the Trees (Disputes Between Neighbours) Act 2007.</p> <p>The Local Government Regulations were last reviewed in 2005 when the Local Government (General) Regulations were gazetted.</p> <p>In light of the above, the Executive declined to take action.</p>
<p>L35 - Mayors' Climate Change Agreement (Waverley) That the Association coordinates a Mayors' Climate Protection Agreement in conjunction with all NSW local councils. This agreement could be developed as part of the Climate Change Mitigation and Adaptation Program currently being organised by the Association.</p>	<p>The Local Government and Shires Associations of NSW have established a NSW Mayors' Agreement on Climate Change in April 2007 following the adoption of motion L35 Waverley Mayors' Climate Change Agreement, passed unanimously at last year's Local Government Association Conference.</p> <p>By signing the agreement councils will agree to 'meet or beat' greenhouse reduction targets assigned to Australia by the Kyoto Protocol, by pursuing ambitious targets of up to 30% in their operations and activities.</p> <p>Further information to assist councils in establishing a baseline and setting a reduction target will be available in the Climate Change Action Pack, which can be viewed on the Associations website www.lgsa.org.au.</p>
<p>L36 - Mater of Urgency – Late Motions That late motions be provided to the LGA two weeks prior to Conference and a special edition of the Weekly Circular be provided to councils in the</p>	<p>This resolution has been incorporated into Conference operating procedures.</p>

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<p>week prior to Annual Conference.</p> <p>That where councils are not present to debate their late motions, they be referred to the Executive.</p> <p>That the intent of this motion be forwarded to the ALGA.</p>	
<p>L37 - Mater of Urgency – Aboriginal Network</p> <p>That motions from the Local Government Aboriginal Network conference held in Gunnedah on 15-17 October 2006 be referred to the Executive.</p> <p>That these motions be referred to the Shires Association for their consideration.</p> <ul style="list-style-type: none"> • That the NSW Local Government Aboriginal Network call upon the NSW Department of Environment and Planning, the Department of Local Government and the Local Government Association to investigate the possibility of implementing policy addressing the inclusion of Aboriginal Employment through the Development Application (DA) and Tendering Processes. • That in 2007, the LGAN, through the LGA and Department of Local Government, fully support the acknowledgement and celebration of the 40th Anniversary of the 1967 Referendum. • That the LGA and Local Councils/Shires, show real commitment in regards to Reconciliation by erecting “Welcome to Country” signs on behalf of Traditional Owners in local Shire/Council boundaries and on local roads. • That the LGAN call upon the LGA to declare Aboriginal Affairs as a top priority with the aim to redress the many areas of Aboriginal disadvantage by the year 2012. • That the LGAN write to the Local Government Managers Association, ALGA, Department of Local Government and LGA, requesting that ALL Councils/Shires employ Aboriginal Community Development Officers on a full time basis to deal with Aboriginal and Torres Strait Islander issues at the Local Government level. • That the LGAN write to all Councils in NSW requesting they adopt ongoing Cultural Awareness Training for ALL Councillors and Staff (indoor and outdoor). 	<p>In his response dated 28 May 2007, the Minister for Local Government, the Hon Paul Lynch MP, indicated that he notes that there are a number of motions from the Local Government Aboriginal Network Conference held in October 2006. Only motions 1 and 5 are directed to the Department of Local Government. However, the department is currently working on projects that are relevant to motions 2 and 3, which may be of interest.</p> <p>In regard to Motion 1, the department is currently finalising tendering guidelines for local councils. These guidelines are based on the NSW Government’s tendering guidelines produced by the Department of Commerce. The Minister understands that these guidelines are to be reviewed. He is aware that the Department of Commerce has also produced guidelines relating to Aboriginal participation in construction. It is suggested therefore that the Association seek the advice of the Minister for Commerce, the Hon Eric Roozendaal MLC, on this motion.</p> <p>In regard to Motion 5, the employment of Aboriginal Community Development Officers is a matter for individual councils to determine. Under the Local Government Act, the council’s General Manager is responsible for the employment of council staff.</p> <p>Relevant to Motion 2, the department intends to launch a resource kit to assist councils work more effectively with Aboriginal communities to coincide with the celebration of the 40th Anniversary of the 1967 Referendum. The kit is being prepared in conjunction with the Associations and the Local Government Aboriginal Network is represented on the Reference Group for the project. Relevant to Motion 3, the kit will include advice on the cultural appropriateness of “Welcome to Country” signage and other Indigenous protocols.</p>