



## Roads Amendment (Transfer of Crown Roads) Bill.

### ROADS AMENDMENT (TRANSFER OF CROWN ROADS) BILL

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**Bill introduced and read a first time.**

#### Second Reading

**Mr GEORGE SOURIS** (Upper Hunter) [10.04 a.m.]: I move:

That this bill be now read a second time.

It is a great pleasure to introduce this bill, which has a history. First, it is identical to a bill I proposed in 1995. That bill arose as a result of the inability of local government to find meaningful insurance for Crown roads. The Government of the day—the current Government—opposed that bill, but made a commitment to undertake significant consultation with the industry and to set up a task force and a process. Unfortunately, nothing transpired. Crown roads can still be forced onto local government, creating an unfunded mandate whereby the ratepayers can be responsible for their upgrade and/or maintenance. The issue arose from two cases. The first related to Cassels Road in the shire of Singleton, which the Department of Lands forced onto the Singleton Shire Council without consultation and without any form of compensation to cover the capital requirements of the road and its ongoing maintenance. The second case involved Tallawarra Road in the Illawarra. Wollongong Council was forced to accept dedication of that road.

I raised the question of Cassels Road in a question on notice and I was pleased to receive a response from the Minister representing the Minister for Local Government stating that the order for dedication was rescinded and that deliberations had been initiated again, as they had been in 1995, to develop a better and more consultative process. That was a satisfactory outcome as far as the Singleton Shire Council was concerned. However, no such commitment has occurred in respect of Tallawarra Road and the dedication has been maintained. Arising from the consultation process in the drafting of this bill, a number of other councils indicated that at one stage or another they have faced or are facing forced dedication of a Crown road. The councils dealing with forced transfer of Crown roads are Bombala Council, Manilla Shire Council, Dubbo City Council, Wyong Shire Council, Murrurundi Shire Council, Wollongong City Council, Cobar Shire Council, Newcastle City Council, Scone Shire Council, Narrandera Shire Council and Copmanhurst Shire Council.

The genesis of this bill is the fact that transfers of Crown roads to other government instrumentalities, in particular Crown roads transferred from the Department of Lands to the Roads and Traffic Authority, are undertaken after consultation and concurrence. Local government is very much the poor cousin as far as the Roads Act is concerned. Local government is simply asking for that same level of consultation and concurrence. In many cases these roads are unproven tracks that require improvement to all-weather passages and ongoing maintenance. That is a significant burden to impose by dedication. The constant transfer of unfunded mandates is part of the overall problem local government faces in its dealings with the State Government. In this case it is the dedication of Crown roads to local government and the subsequent costs.

This bill confers on local government the same powers as are ascribed to agencies such as the Roads and Traffic Authority; that is, the right to consultation, negotiation and concurrence. That is only reasonable. If that does not occur, these dedications represent a significant cost-shifting exercise from the State Government to the lower tier of government. That is unfair on ratepayers and unfair on people who are part of that local community, whether they are residents or land-holders. One way or another they will suffer, either because the council is committed to this expenditure and therefore cannot fund other worthwhile community activities such as libraries and other things, or because as property owners the burden through the rating structure will impact heavily on them.

This is a plea on behalf of local government to the State Government for more consultation, to take the third tier of government more genuinely and to enter into meaningful and appropriate partnerships in sharing the responsibility of governments in this State. It is entirely appropriate to provide for consultation and concurrence by local government. The Government should consider this bill. I have one large folder of letters I received from local government in 1995 when this bill was presented, and I have another large folder of letters I received from

local government in 2003 when I undertook consultation. I can assure honourable members that virtually all councils in their constituencies have a protest about the Government's pernicious approach to the forced transfer of Crown roads onto local government. The Government should take particular note of the importance of this issue to local government. The correspondence I have received demonstrates that it is an active and live issue for each and every one of their communities, just as it is for members of the Coalition. This issue will not go away and the Coalition will not let it rest. I commend the bill to the House.

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