



New South Wales

Local Government Amendment (Parliamentary Inquiry Recommendations) Bill 2016

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to give effect to some of the recommendations contained in the report of the Legislative Council General Purpose Standing Committee No 6 entitled *Local Government in New South Wales (the 2015 Report)*. Those recommendations relate to amalgamations and other boundary changes, joint service delivery and co-operation between councils, mayoral elections, political donations, election expenditure and the financing of councils.

The *Local Government Act 1993* is amended:

- (a) to modify the functions and procedure of the Boundaries Commission:
 - (i) by providing that a proposal for amalgamations, boundary changes or to constitute an area can be initiated by a public authority (as well as by the Minister, a council or a specified minimum number of enrolled electors), and
 - (ii) by changing the procedure for the Commission's examination and report on amalgamations and boundary change proposals, including by requiring the holding of inquiries in all cases and requiring opinion surveys or polls to be carried out amongst the residents and ratepayers of the relevant areas, and
 - (iii) by providing that an amalgamation of council areas cannot occur when the affected councils do not consent to the amalgamation unless there is evidence that those councils are severely financially unsustainable, and
 - (iv) by requiring a period of transition between any decision to amalgamate council areas and the creation of a new merged council, to allow sufficient time to ensure effective, planning, consultation, implementation and ongoing service delivery to the local communities, and

- (v) by requiring the Commission to undertake regular reviews of local government boundaries across the State by conducting an inquiry, and
 - (vi) by empowering the Commission to initiate proposals for boundary changes when of the opinion that change is required, and
 - (vii) by changing the process for the Boundaries Commission's examination and report, and
 - (viii) by extending the list of factors to which the Commission must have regard in exercising its functions, and
- (b) to increase the independence of the Boundaries Commission:
- (i) by changing the membership of the Boundaries Commission, so that it is to consist of 3 commissioners appointed by the Governor one of whom is nominated by the Minister to be the independent Chairperson of the Commission with the other 2 being nominated jointly by the Minister and the President of Local Government NSW, and
 - (ii) by making serving public officials, current or former members of a council, county council or regional joint authority, or current or former members of the Legislative Assembly or of the Legislative Council, ineligible for membership of the Commission, and
 - (iii) by requiring the Minister to ensure that the Commission is assisted in the performance of its functions by a secretariat consisting of the number of staff determined by the Minister, having regard to the recommendations of the Boundaries Commission and Local Government NSW, and
- (c) to extend the capacity for councils to co-operate in the exercise of their functions by providing for councils to co-operate in collaboration, planning and service delivery, through regional joint authorities, which may have service delivery functions and will replace county councils, and
- (d) to modify the financing of councils:
- (i) by ensuring that those water utilities that are currently operated by a local council remain under the exclusive control of that council, unless the council resolves otherwise after community consultation, and
 - (ii) by ensuring consistency in the treatment of assets in the financial reports of councils, and
 - (iii) by creating an exemption from rate pegging, and allowing councils to determine their own rates, conditional on the delivery of a local works plan outlining the expenditure associated with any proposed rate increases and demonstrated community support, and
- (e) to modify the procedure for the election of mayors:
- (i) by requiring a constitutional referendum to be held about whether the mayor of a council should be elected by the electors (for those councils where the mayor is currently elected by councillors), and
 - (ii) by extending the term of office of mayors who are elected by councillors from 1 year to 2 years.

The *Election Funding, Expenditure and Disclosures Act 1981* is also amended to introduce donation and spending caps for local government elections.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 Amendment of Local Government Act 1993 No 30

Procedure of Boundaries Commission, including for amalgamations and boundary changes

Schedule 1 [4], [5] and [9] give effect to Recommendation 9 of the 2015 Report, that the government “implement the Independent Local Government Review Panel’s recommendations to.....ensure a robust and consultative process is in place to consider council amalgamation proposals before any further steps are taken by the government in relation to council amalgamations”.

Schedule 1 [4] changes the procedure for proposals to constitute an area by providing that the Minister, a council, a public authority or a group of electors (250 or 10%, whichever is the lesser, across the affected areas) can submit a specific proposal to the Boundaries Commission relating to the constitution of an area.

Schedule 1 [5] changes the procedure for amalgamations and boundary changes by inserting the following provisions:

- (a) **Proposed section 218D** provides that the Boundaries Commission its to exercise its functions in considering proposals for the amalgamation of 2 or more areas into 1 or more new areas, or for the alteration of the boundaries of 1 or more areas,
- (b) **Proposed section 218E** provides that the Minister, a council, a public authority or a group of electors (250 or 10%, whichever is the lesser, across the affected areas) can submit a specific proposal to the Boundaries Commission relating to an amalgamations proposal or proposal for a boundary change,
- (c) **Proposed section 218F** provides that a proposal for the amalgamation of 2 or more areas into 1 or more new areas, or for the alteration of the boundaries of 1 or more areas, must be referred for examination and report to the Boundaries Commission,
- (d) **Proposed section 218FA** provides that certain provisions (also being amended) apply to the examination of amalgamation and boundary change proposals,
- (e) **Proposed section 218FB** provides that, in the case of any amalgamation or boundary change proposal, the Commission must conduct (in such manner as it thinks appropriate) an opinion survey or poll of the residents and ratepayers of those areas except where the councils of the areas have proposed a voluntary amalgamation and the Boundaries Commission is satisfied that the councils have already undertaken adequate community consultation with respect to the amalgamation proposal,
- (f) **Proposed section 218FC** provides that the Boundaries Commission is to determine whether or not a proposal for an amalgamation or a boundary change has sufficient merit to proceed, and is required to publish the reasons for its decision,
- (g) **Proposed section 218FD** provides that the Minister may request the Boundaries Commission to reconsider any of the recommendation made by the Commission in any report submitted to the Minister about an amalgamation or boundary change proposal and that, if the Minister proposes to make any amendment to any recommendations of the Boundaries Commission, the Minister must give public notice of those proposed amendments and the reasons for them,
- (h) **Proposed section 218FE** provides that the Minister, in any recommendation made to the Governor about an amalgamation or boundary change, must implement the final recommendations of the Boundaries Commission in full unless the Minister reasonably forms the opinion that the process followed by the Boundaries Commission in considering the proposal has been flawed or that to proceed would be contrary to the wider public interest,
- (i) **Proposed section 218FF** prevents the forced amalgamations of local councils, except in circumstances where it can be established, on the advice of the Auditor-General, that a council is severely financially unsustainable to the point of bankruptcy or unable to

maintain an acceptable level of service provision. (This gives effect to Recommendation 11 of the 2015 Report),

- (j) **Proposed section 218FG** requires there to be a period of transition between a decision to merge councils and the creation of the new council, to ensure effective planning, consultation, implementation and ongoing service delivery to communities. (This gives effect to Recommendation 12 of the 2015 Report).

Schedule 1 [9] includes the following new provisions about the procedures of the Boundaries Commission (including the procedures relating to amalgamations and boundary changes):

- (a) **Proposed section 263A (a)** provides that the Commission must undertake regular reviews of local government boundaries across the State in accordance with a schedule determined by the Minister,
- (b) **Proposed section 263A (b)** provides that the Commission may initiate proposals for changes to the boundaries of areas when there is, in the opinion of the Boundaries Commission, evidence that any change is reasonably required,
- (c) **Proposed section 263B (1) (b)** provides that the Commission must hold inquiries for the purpose of exercising its functions in relation to an amalgamation proposal that has been referred to it, as part of any regular review of local government boundaries undertaken at the instance of the Minister (and not only act on approval of the Minister),
- (d) **Proposed section 263C** provides that the Commission must, in considering any matter referred to it that relates to the boundaries of areas or the areas of operations of councils or regional joint authorities, have regard to a modified list of factors,
- (e) **Proposed section 263E** provides that the Commission must, at the end of its investigations, report to the Minister on whether or not the proposal should proceed and, if so, precisely what form it should take and what steps and resources are required for its effective implementation,
- (f) **Proposed section 263F** provides that the Minister may request that the Boundaries Commission reconsider any of the recommendation made by the Boundaries Commission in any report submitted to the Minister and that, in the event that the Minister proposes to make any amendment to any recommendations of the Boundaries Commission, the Minister must give public notice of those proposed amendments and the reasons for them.

Schedule 1 [24] (to the extent that it inserts clause 112 in Schedule 8) provides that the amendments to the functions and procedure of the Boundaries Commission do not apply to a proposal or inquiry underway immediately before the commencement of the amendments.

Membership and independence of Boundaries Commission

Schedule 1 [9], [20] and [21] give effect to Recommendation 9 of the 2015 report, which reflected the Independent Local Government Review Panel's recommendation "to strengthen the independence of the Boundaries Commission".

Schedule 1 [9] replaces the existing Part about the Boundaries Commission, which includes the following new provisions about the membership and independence of the Commission:

- (a) **Proposed section 261 (1) and (2)** change the membership of the Boundaries Commission, so that it is to consist of 3 commissioners appointed by the Governor, 1 of whom is nominated by the Minister to be the independent Chairperson of the Commission with the other 2 being nominated jointly by the Minister and the President of Local Government NSW,
- (b) **Proposed section 261 (3)** makes serving public officials, current or former members of a council, county council or regional joint authority, or current or former members of the Legislative Assembly or of the Legislative Council, ineligible for membership of the Commission,
- (c) **Proposed section 262** provides that Local Government NSW, rather than the Local Government and Shires Association of New South Wales, has a role in the appointment of

commissioners, by nominating the panel that recommends that appointment of commissioners,

- (d) **Proposed section 262A** requires the Minister to ensure that the Commission is assisted in the performance of its functions by a secretariat,
- (e) **Proposed section 262B** provides that the Boundaries Commission may, with the approval of the Minister, arrange for the use of the services or facilities (including staff) of a Public Service agency or a public or local authority as determined by the Minister having regard to the recommendations of the Boundaries Commission and Local Government NSW.

Schedule 1 [20] changes the term of office of commissioners of the Boundaries Commission from a maximum of 5 years to at least 5 years.

Schedule 1 [21] provides that a commissioner ceases to hold office if he or she is appointed as a public official or elected as a member of a council or a regional joint authority or of the Legislative Assembly or the Legislative Council.

Schedule 1 [24] (to the extent that it inserts clause 114 in Schedule 8) provides that the amendments relating to the membership of the Boundaries Commission do not apply to a proposal or inquiry underway immediately before the commencement of the amendments or to serving commissioners involved in that proposal or inquiry.

Establishment of regional joint authorities to replace county councils

Schedule 1 [3], [8], [10], [19] and [23] make amendments that are consequential on the proposed abolition of county councils and their replacement by regional joint authorities.

Schedule 1 [11] and [12] give effect to Recommendation 17 of the 2015 report to work on “a statutory model for joint organisations based on the Hunters Hill, Ryde and Lane Cove Council model as a cooperative and consensus model for local council reform” and to the Independent Local Government Review Panel’s recommendations on a framework for establishing new regional joint authorities.

Schedule 1 [11] provides that a function of a council may be exercised jointly by the council and another council or councils by means of a regional joint authority of which the councils concerned are members or by a delegate of the council, which may be a regional joint authority of which the council is a member.

Schedule 1 [10] inserts a reference to regional joint authorities in a note.

Schedule 1 [12] omits existing provisions about county councils.

Schedule 1 [13] inserts provisions relating to:

- (a) the formation, membership and functions of regional joint authorities, and
- (b) the creation of subsidiaries of regional joint authorities (which may be existing county councils), and
- (c) the Minister seeking the advice of the Ministerial Advisory Group in relation to regional joint authorities.

Schedule 1 [22] empowers the Governor to make regulations about regional joint authorities.

Schedule 1 [25] makes provision for the membership and procedure of the governing body of a regional joint authority.

Schedule 1 [26] inserts definitions of *constituent council* in relation to a regional joint authority and *regional joint authority* in the Dictionary to the Act.

Establishment of Ministerial Advisory Group

Schedule 1 [14] also gives effect to Recommendation 16 of the 2015 Report by establishing a Ministerial Advisory Group, the functions of which are to advise the Minister on proposals concerning regional joint authorities.

Schedule 1 [25] makes provision for the membership and procedure of the Ministerial Advisory Group.

Schedule 1 [26] inserts a definition of *Ministerial Advisory Group* in the Dictionary to the Act.

Election of mayors and their term of office

Schedule 1 [6] requires a constitutional referendum to be held about whether the mayor of a council should be elected by the electors within 2 years after a new council is established or within 2 years after the commencement of the proposed Act, in relation to councils where the mayor is not currently elected by electors and no referendum has been held that failed. (This gives legislative effect to Recommendation 13 of the 2015 Report, that “the Minister for Local Government encourage local councils with council-elected mayors to initiate a referendum on whether the mayor should be popularly elected or elected by councillors”.)

Schedule 1 [7] extends the period for which mayors who are elected by councillors hold office from 1 year to 2 years. (This gives effect to Recommendation 14 of the 2015 Report.)

Schedule 1 [24] (to the extent that it inserts clause 113 in Schedule 8) provides that this extension of term does not apply to existing mayors elected by councillors.

Process for transfer of control of council water utilities

Schedule 1 [2] ensures that water supply utilities that are currently operated by a council remain under the exclusive control of that council unless the council resolves otherwise after community consultation. (This gives effect to Recommendation 7 of the 2015 Report.)

Schedule 1 [1] is a consequential amendment that provides that the proposed amendment about council water utilities applies to land within the area of operations of a water supply authority under the *Water Management Act 2000*.

Consistency in financial reporting

Schedule 1 [15] requires the Office of Local Government, in consultation with the Audit Office of New South Wales and local government representatives, to develop accounting requirements to ensure greater consistency across councils in the treatment of assets. (This gives effect to Recommendation 8 of the 2015 Report.)

Schedule 1 [16] requires final reports of councils to comply with those requirements.

Schedule 1 [24] (to the extent that it inserts clause 116 in Schedule 8) provides that the amendments about financial reports do not apply to reports prepared no later than 3 months after the proposed accounting requirements are published.

Exemptions from rate pegging based on local works plans

Schedule 1 [17] and [18] give effect to Recommendation 3 of the 2015 report, that the government “evaluate the option of the removal of rate pegging and allow councils to determine their own rates conditional on the delivery of a local works plan outlining the expenditure associated with any proposed rate increases and demonstrated community support”.

Schedule 1 [17] provides for a council to apply for a special variation specifying a higher cap for rates that would otherwise be pegged, for 1 or more specified financial years (up to a maximum of 4 years). The requirements for making such an application include submitting to the Minister a local works plan outlining the expenditure associated with any proposed rate increases and demonstrating community support for the exemption from rate pegging.

Schedule 1 [18] provides for a determination to be made for a variation over a period of years of the pegged rate.

Savings and transitional provisions

Schedule 1 [24] makes savings and transitional provisions consequent on the making of certain amendments to the *Local Government Act 1993*, which are explained above.

Schedule 2 Amendment of Election Funding, Expenditure and Disclosures Act 1981 No 78

Schedule 2 provides that the donation and spending caps set out in the *Election Funding, Expenditure and Disclosures Act 1981* apply to local government election campaigns, with appropriate modifications. (This gives effect to Recommendation 15 of the 2015 Report.)

Schedule 2 [1], [6] and [10] omit provisions that currently limit the donation and spending caps only to State election campaigns.

Schedule 2 [2] and [4] omit notes about the current operation of caps.

Schedule 2 [3] and [8] remove existing exclusions for local government from provisions that are proposed to extend to local government election campaigns.

Schedule 2 [5], [7] and [9] update headings, to reflect that caps will apply to local government elections.

Schedule 2 [11] and [12] update provisions about applicable caps on electoral communication expenditure for elections and the aggregation of donation and expenditure caps to make it clear that the apply only to State elections.

Schedule 2 [13] inserts provisions about:

- (a) the applicable caps on electoral communication expenditure on local government election campaigns, and
- (b) the aggregation of applicable caps for local government election campaigns.

Schedule 2 [14] specifies the capped expenditure period for local government election campaigns.

Schedule 2 [15]–[17] extend existing provisions about the prohibition on incurring electoral communication expenditure exceeding the applicable cap, and the requirements of parties, to local government election campaigns.

Schedule 2 [18] provides that the proposed donation and spending caps do not apply to local government by-elections that are underway when the proposed Act commences.

Schedule 3 Amendment of other legislation

Schedule 3 amends certain legislation as a consequence of the abolition of county councils.



New South Wales

Local Government Amendment (Parliamentary Inquiry Recommendations) Bill 2016

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New South Wales

Local Government Amendment (Parliamentary Inquiry Recommendations) Bill 2016

No. , 2016

A Bill for

An Act to amend the *Local Government Act 1993* and the *Election Funding, Expenditure and Disclosures Act 1981* to make further provision in relation to the election, governance and financing of councils in order to give effect to certain recommendations made by the relevant Legislative Council Committee No 6 in its inquiry into local government.

The Legislature of New South Wales enacts:

1

1 Name of Act

2

This Act is the *Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016*.

3

4

2 Commencement

5

This Act commences on the date of assent to this Act.

6

Schedule 1	Amendment of Local Government Act 1993 No 30	1
[1] Section 56 Application of Division		2
	Omit “and 59” from section 56 (2). Insert instead “, 59 and 59B”.	3
[2] Section 59B		4
	Insert after section 59A:	5
59B Process for transfer of water utilities from council control		6
(1)	A council must not enter into any arrangement that provides for a person other than the council to have total or partial charge of the care and management of the whole or part of an existing water utility of the council unless the council has resolved that the arrangement be entered into.	7 8 9 10
(2)	A council must not resolve under this section that such an arrangement be entered into unless the council has:	11 12
(a)	placed the proposed resolution and any accompanying information on public exhibition for a period (of not less than 30 days) prescribed by the regulations (the <i>submission period</i>) commencing on the day after which notice of the proposed resolution is first published in a newspaper under this section, and	13 14 15 16 17
(b)	caused notice of the proposed resolution, and the right to make submissions during the submission period, to be published in a newspaper circulating in the area of the council and on the council’s website.	18 19 20 21
(3)	During the submission period:	22
(a)	any person may inspect the draft resolution and any accompanying information and make extracts from or copies of them, and	23 24
(b)	any person may make written submissions to the council with respect to the draft resolution (and a submission by way of objection must set out the grounds of the objection).	25 26 27
(4)	The council must, in determining whether or not to resolve that an arrangement be entered into under this section, take into account any submissions made during the submission period.	28 29 30
(5)	Any failure by a council to comply with subsections (2)–(4) in relation to an arrangement entered into under this section does not affect the validity of the arrangement.	31 32 33
(6)	In this section: <i>existing water utility</i> , in relation to a council, means a work of water supply over which the council was charged with the care and management by a notice given under section 58 that was in force immediately before the date of assent to the <i>Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016</i> .	34 35 36 37 38 39
[3] Sections 68A (4), 213 (1) and (3), 263 (4), 264 (2) (b) and 379 and clause 1 (2) (b) of Schedule 1		40 41
	Omit “county council” wherever occurring.	42
	Insert instead “regional joint authority”.	43

[4] Section 215	1
Omit the section. Insert instead:	2
215 Who may initiate a proposal	3
(1) A proposal to exercise functions under section 204 may be made by:	4
(a) the Minister, or	5
(b) a council affected by the proposal, or	6
(c) a public authority, or	7
(d) an appropriate minimum number of electors.	8
(2) For that purpose, an <i>appropriate minimum number of electors</i> is:	9
(a) in relation to a proposal that applies to the whole of an area or a proposal that part of an area be constituted as a new area—250 of the enrolled electors for the existing area or 10 per cent of the enrolled electors for the existing area, whichever is the lesser, or	10 11 12 13
(b) in relation to a proposal that applies to part only of an area—250 of the enrolled electors for the affected part or 10 per cent of the enrolled electors for the affected part, whichever is the lesser.	14 15 16
[5] Chapter 9, Part 1, Division 2B	17
Omit the Division. Insert instead:	18
Division 2B What must be done before areas can be amalgamated or their boundaries altered	19 20
218D Exercise of functions regarding amalgamation and boundary change	21
A function under section 218A or 218B may be exercised only after a proposal for the exercise of the function (an <i>amalgamation or boundary change proposal</i>) is dealt with under this Division.	22 23 24
218E Who may initiate a proposal	25
(1) An amalgamation or boundary change proposal may be made by:	26
(a) the Minister, or	27
(b) a council affected by the proposal, or	28
(c) a public authority, or	29
(d) an appropriate minimum number of electors.	30
(2) For that purpose, an <i>appropriate minimum number of electors</i> is:	31
(a) in relation to an amalgamation—250 of the enrolled electors for any or all of the affected areas or 10 per cent of the total number of enrolled electors for all of the affected areas, whichever is the lesser, or	32 33 34
(b) in relation to an alteration of the boundaries of the whole of 1 or more areas—250 of the enrolled electors for the affected area or areas or 10 per cent of the enrolled electors for the affected area or areas, whichever is the lesser, or	35 36 37 38
(c) in relation to an alteration of the boundaries of an area that applies to part only of an area—250 of the enrolled electors for the affected part or 10 per cent of the enrolled electors for the affected part, whichever is the lesser.	39 40 41 42

218F	Referral of proposal to Boundaries Commission for examination and report	1
	The Minister must refer an amalgamation or boundary change proposal to the Boundaries Commission for examination and report.	2 3
218FA	Examination of proposal	4
	Sections 263, 263B, 263C, 263D, 263H and 263I apply to the examination of an amalgamation or boundary change proposal by the Boundaries Commission.	5 6 7
218FB	Conduct of survey or poll about proposal for amalgamation	8
(1)	For the purpose of examining a proposal for the amalgamation of 2 or more areas under section 218A, the Boundaries Commission must seek the views of electors of each of those areas.	9 10 11
(2)	For that purpose, the Boundaries Commission must conduct (in such manner as it thinks appropriate) an opinion survey or poll of the residents and ratepayers of those areas.	12 13 14
(3)	The period over which the views of electors are to be sought must be a period of at least 40 days.	15 16
(4)	However, a survey or poll is not required in the case of such an amalgamation if the councils of the affected areas have proposed the amalgamation and the Boundaries Commission is satisfied that the councils have already undertaken adequate community consultation with respect to the amalgamation proposal.	17 18 19 20
(5)	This section does not limit the operation of section 263D.	21
218FC	Results of consideration	22
(1)	The Boundaries Commission must, at the end of its investigations on an amalgamation or boundary change proposal, report to the Minister on:	23 24
(a)	whether or not the proposal has sufficient merit to proceed, and	25
(b)	the reasons for its decision on the merit of the proposal, and	26
(c)	if the report states that the proposal has sufficient merit to proceed, details as to the form the proposal should take and the steps and resources required for its effective implementation.	27 28 29
(2)	If the proposal is implemented, the Boundaries Commission must prepare a public information report setting out arguments for and against the proposal.	30 31
218FD	Minister may request reconsideration	32
	The Minister may request that the Boundaries Commission reconsider any of the recommendations made by the Boundaries Commission in any report submitted to the Minister under this Division.	33 34 35
218FE	Minister must act on report	36
(1)	The Minister must either:	37
(a)	recommend to the Governor that the proposal under this Division be implemented, with or without amendments or modifications, or	38 39
(b)	decline to recommend to the Governor that the proposal be implemented.	40 41
(2)	The Minister, in any recommendation made to the Governor in relation to any amalgamation or boundary change proposal, must implement the final recommendations of the Boundaries Commission in full unless the Minister	42 43 44

	forms the opinion that the process followed by the Commission in relation to the proposal has been flawed or that to proceed would be contrary to the wider public interest.	1 2 3
(3)	In the event that the Minister proposes to make any amendments or modifications to any recommendations of the Boundaries Commission, the Minister must give public notice of those proposed amendments or modifications and the reasons for them.	4 5 6 7
218FF	Minister may only recommend compulsory amalgamation if councils are financially unsustainable	8 9
	The Minister must not recommend to the Governor the making of a proclamation to amalgamate 2 or more areas or parts of areas if the councils concerned do not all support the amalgamation, except in circumstances where, after seeking the advice of the Auditor-General, the Minister forms the opinion that:	10 11 12 13 14
	(a) there is demonstrable evidence that all of the councils concerned are severely financially unsustainable to the point of insolvency or are otherwise unable to maintain an acceptable level of service provision to their respective local communities, or	15 16 17 18
	(b) any or all of the councils affected is severely financially unsustainable to the point of bankruptcy or unable to maintain an acceptable level of service provision to its local community.	19 20 21
218FG	Transition period required before amalgamation takes effect	22
(1)	A proclamation under section 218A must make provision for a period of transition between the date on which the proclamation is published on the NSW legislation website and the date specified in the proclamation as the date on which the areas are to be amalgamated, being a period recommended by the Minister.	23 24 25 26 27
(2)	The Minister must not recommend such a period to the Governor unless the Minister has had regard to the need for the period of transition to be of sufficient in length so as to ensure effective planning, consultation, implementation and ongoing service delivery to the local communities.	28 29 30 31
[6]	Section 228 How is it decided that the mayor be elected by the electors?	32
	Insert after section 228 (2):	33
(3)	A constitutional referendum about whether the mayor of a council should be elected by councillors or by the electors must be held within 2 years after the relevant date in the case of any council in relation to which:	34 35 36
	(a) no decision is in force that the mayor of the council be elected by the electors at the relevant date, and	37 38
	(b) no constitutional referendum has been held in the 2 years immediately before the relevant date about whether the mayor of the council should be elected by councillors or by the electors.	39 40 41
(4)	A constitutional referendum about whether the mayor of a council should be elected by councillors or by the electors must be held within 2 years after the constitution of any council that is constituted after the relevant date.	42 43 44
(5)	In this section:	45
	<i>relevant date</i> means the date of assent to the <i>Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016</i> .	46 47

[7] Section 230 For what period is the mayor elected?	1
Omit “1 year” from section 230 (1). Insert instead “2 years”.	2
[8] Section 240 How are the categories to be determined?	3
Omit “county councils” wherever occurring in section 240 (2).	4
Insert instead “regional joint authorities”.	5
[9] Chapter 9, Part 3	6
Omit the Part. Insert instead:	7
Part 3 Local Government Boundaries Commission	8
Division 1 Constitution and membership	9
260 Constitution of Boundaries Commission	10
There is constituted by this Act a body corporate with the name of Local Government Boundaries Commission.	11 12
261 Membership of Boundaries Commission	13
(1) The Boundaries Commission is to consist of 3 commissioners appointed by the Governor.	14 15
(2) Of the commissioners:	16
(a) 1 is to be a person nominated by the Minister, and	17
(b) the other 2 are to be persons nominated jointly by the Minister and the President of Local Government NSW in accordance with section 262.	18 19
(3) A person is not eligible to be a commissioner if the person:	20
(a) is a current or former mayor or councillor, or	21
(b) is a current or former member of Legislative Assembly or of the Legislative Council, or	22 23
(c) is a current or former member of the governing body of a county council or regional joint authority, or	24 25
(d) is a current public official (within the meaning of the <i>Public Interest Disclosures Act 1994</i>).	26 27
(4) The commissioner nominated by the Minister is to be the Chairperson of the Boundaries Commission.	28 29
(5) Schedule 2 has effect with respect to the commissioners and the procedure of the Boundaries Commission.	30 31
262 How is a panel to be constituted for the purposes of making an appointment as a commissioner?	32 33
(1) There is to be a panel consisting of 8 persons who are councillors nominated by the President of Local Government NSW.	34 35
(2) The nomination of members of the panel must be made in the manner determined by the Minister.	36 37
(3) A person must not be nominated as a member of the panel unless he or she has consented in writing to be nominated.	38 39

(4)	If an insufficient number of nominations have been made to the panel to enable the Governor to appoint a commissioner or commissioners under section 261 (2) (b) in accordance with this Part, the Governor may appoint a person to be a commissioner on the recommendation of the Minister.	1 2 3 4
Division 2	Secretariat	5
262A	Secretariat to Boundaries Commission	6
	The Minister must ensure that the Boundaries Commission is assisted in the performance of its functions by a secretariat.	7 8
262B	Boundaries Commission may arrange for use of services and staff	9
(1)	The Boundaries Commission may, with the approval of the Minister, arrange for the use of the services or facilities (including staff) of a Public Service agency or a public or local authority.	10 11 12
(2)	The number of staff and level of use of other services or facilities is to be determined by the Minister having regard to the recommendations of the Boundaries Commission and Local Government NSW.	13 14 15
Division 3	Functions	16
263	Requirement to examine and report on certain referred matters or proposals	17
(1)	The Boundaries Commission is required to examine and report on the following:	18 19
(a)	any matter with respect to the boundaries of areas that may be referred to it by the Minister,	20 21
(b)	any matter with respect to the areas of operation of regional joint authorities that may be referred to it by the Minister,	22 23
(c)	any proposal for the amalgamation of 2 or more areas into 1 or more new areas, initiated under section 218E and referred under section 218F,	24 25
(d)	any proposal for the alteration of the boundaries of 1 or more areas, initiated under section 218E, and referred under section 218F.	26 27
(2)	The Boundaries Commission is not entitled to examine or report on any matter relating to the area of operations of a regional joint authority constituted or proposed to be constituted for the supply of electricity.	28 29 30
(3)	The Boundaries Commission may continue with an examination even though a commissioner or acting commissioner replaces another commissioner during the course of the examination.	31 32 33
263A	Functions relating to review and change of local government boundaries	34
	The Boundaries Commission is also required to:	35
(a)	undertake regular reviews of local government boundaries across the State in accordance with a schedule determined by the Minister, and	36 37
(b)	initiate proposals for changes of the boundaries of areas when there is, in the opinion of the Boundaries Commission, evidence that any change or changes are reasonably required.	38 39 40
263B	Exercise of functions by holding inquiries	41
(1)	The Boundaries Commission must hold an inquiry for the purpose of exercising either of the following functions:	42 43

(a)	dealing with a proposal for the amalgamation of 2 or more areas that has been referred to it under section 218F,	1 2
(b)	carrying out any regular review of local government boundaries undertaken in accordance with section 263A (a).	3 4
(2)	The Boundaries Commission may hold an inquiry for the purpose of exercising any of its other functions, but only with the approval of the Minister.	5 6 7
(3)	Reasonable public notice must be given of the holding of an inquiry under this section.	8 9
(4)	The Boundaries Commission must allow members of the public to attend any inquiry held by the Boundaries Commission under this section.	10 11
(5)	The Boundaries Commission may continue with an inquiry even though a commissioner or acting commissioner replaces another commissioner during the course of the inquiry.	12 13 14
Division 4 Consideration of matters		15
263C	Factors to which Boundaries Commission must have regard	16
	When considering any matter referred to it that relates to the boundaries of areas (including an amalgamation of 2 or more areas) or the areas of operations of councils or regional joint authorities, the Boundaries Commission is required to have regard to the following factors:	17 18 19 20
(a)	sustainability and strategic capacity—in particular, that councils and regional joint authorities need a strong base:	21 22
(i)	to ensure their long-term sustainability, and	23
(ii)	to achieve economies of scale and scope, to deliver quality services, and	24 25
(iii)	to provide a pool of talented councillor candidates, and	26
(iv)	to attract skilled staff, and	27
(v)	to develop strategic capacity in governance, advocacy, planning and management,	28 29
(b)	efficiency and effectiveness—in particular:	30
(i)	that councils and regional joint authorities should be able to operate efficiently and effectively within the limits imposed by their location, geography and the characteristics of the communities they serve, and	31 32 33 34
(ii)	that councils and regional joint authorities should be able to provide “value for money” to their ratepayers and external funding agencies, and	35 36 37
(iii)	the financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned, and	38 39 40
(iv)	the impact of the relevant proposal on the ability of the councils and regional joint authorities of the areas concerned to provide adequate, equitable and appropriate services and facilities,	41 42 43
(c)	integrated planning—in particular that local government boundaries:	44
(i)	should not unnecessarily divide areas with strong economic and social inter-relationships, and	45 46

- (ii) should facilitate integrated planning, coordinated service delivery and regional development, 1
2
- (d) local identity and sense of place—in particular that: 3
 - (i) consistent with the need for integrated planning, that boundaries should reflect a sense of identity and place, including important historical and traditional values, and 4
5
6
 - (ii) despite that, other mechanisms available to maintain local identity should be taken into account, and 7
8
 - (iii) the community of interest and geographic cohesion in the existing areas and in any proposed new area, and 9
10
 - (iv) the existing historical and traditional values in the existing areas and the impact of change on them, 11
12
- (e) population growth—in particular, that the boundaries of an area should be able to accommodate projected population growth generated by the area over at least the next 25 years, 13
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15
- (f) accessibility—in particular that, as a general rule, it should be possible to drive to the boundaries of an area from a main administration centre:
 - (i) within 60 to 90 minutes in country areas, and 18
 - (ii) within 30 to 45 minutes in metropolitan areas, 19
- (g) strong centre—in particular, that each areas should have a substantial population centre that can provide higher-order commercial, administrative, education, health and other services, 20
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22
- (h) key infrastructure—in particular that, as far as possible, key transport infrastructure such as airports and ports, and those nearby urban and regional centres that are principal destination points, should be within the same area, 23
24
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26
- (i) combining the whole of existing areas—in particular that, wherever practicable, amalgamations should combine the whole of 2 or more existing areas without the additional cost and disruption of associated boundary adjustments, 27
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- (j) democratic considerations—in particular: 31
 - (i) the attitude of the residents and ratepayers of the areas concerned, and 32
33
 - (ii) the requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, and 34
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 - (iii) the requirements of the area concerned in relation to the desirable and appropriate relationship between elected representatives and ratepayers and residents, and 36
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 - (iv) in the case of a proposal for the amalgamation of 2 or more areas—the need to ensure that the opinions of each of the diverse communities or the resulting area or areas are effectively represented, and 39
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 - (v) such other matters as the Commission considers relevant in relation to the past and future patterns of elected representation for that area, 43
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45
- (k) the impact of the relevant proposal on the employment of staff by the councils and regional joint authorities of the area concerned, 46
47
- (l) the impact of the relevant proposal on rural communities in the areas concerned, 48
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(m)	in the case of a proposal for the amalgamation of 2 or more areas—the desirability (or otherwise) of dividing the resulting area or areas into wards,	1 2 3
(n)	such other factors as the Commission considers relevant to the provision of efficient and effective local government in the existing and proposed new areas.	4 5 6
263D	Boundaries Commission may conduct survey or poll	7
(1)	To assist it in determining the attitude of the residents and ratepayers of an area or areas for the purposes of section 263C (3) (j) (i), the Boundaries Commission may conduct (in such manner as it thinks appropriate) an opinion survey or poll of the residents and ratepayers.	8 9 10 11
(2)	The residents and ratepayers of the area or areas concerned may participate in any such opinion survey or poll but are not required to do so.	12 13
(3)	The Boundaries Commission may request the Electoral Commissioner, a council or any other person or organisation to conduct any such opinion survey or poll.	14 15 16
(4)	The obligation created by this section is in addition to that under section 216FB (in relation to amalgamation proposals).	17 18
Division 5	Procedure at end of investigations	19
263E	Results of consideration	20
(1)	The Boundaries Commission must, at the end of its investigations, report to the Minister on:	21 22
(a)	whether or not the proposal has sufficient merit to proceed, and	23
(b)	the reasons for its decision on the merit of the proposal, and	24
(c)	if the report states that the proposal has sufficient merit to proceed, details as to the form the proposal should take and the steps and resources required for its effective implementation.	25 26 27
(2)	If the proposal is implemented, the Boundaries Commission must prepare a public information report setting out arguments for and against the proposal.	28 29
263F	Minister may request reconsideration	30
	The Minister may request that the Boundaries Commission reconsider any of the recommendations made by the Boundaries Commission in any report submitted to the Minister under this Division.	31 32 33
263G	Minister must act on report	34
(1)	The Minister must either:	35
(a)	recommend to the Governor that the proposal under this Division be implemented, with or without amendments or modifications, or	36 37
(b)	decline to recommend to the Governor that the proposal be implemented.	38 39
(2)	The Minister, in any recommendation made to the Governor in relation to any proposal, must implement the final recommendations of the Boundaries Commission in full unless the Minister reasonably forms the opinion that the process followed by the Commission in relation to the proposal has been flawed or that to proceed would be contrary to the wider public interest.	40 41 42 43 44

(3)	In the event that the Minister proposes to make any amendments or modifications to any recommendations of the Boundaries Commission, the Minister must give public notice of those proposed amendments or modifications and the reasons for them.	1 2 3 4
Division 6	Miscellaneous	5
263H	Can a person be represented in proceedings before the Boundaries Commission?	6 7
(1)	In proceedings before the Boundaries Commission, a person is not entitled to be represented:	8 9
(a)	by an Australian lawyer or by a person qualified for admission as an Australian lawyer, or	10 11
(b)	by any person acting for a fee or reward.	12
(2)	However, this section does not prevent:	13
(a)	an employee of a person from representing the person before the Boundaries Commission if the employee is not a person referred to in subsection (1) (a), or	14 15 16
(b)	a person who is the mayor of an area or the chairperson of a county council from appearing in that capacity in proceedings before that Commission, or	17 18 19
(c)	a person referred to in subsection (1) (a) from preparing any documents or submissions or tendering any legal advice in connection with any proceedings before that Commission.	20 21 22
263I	Court orders	23
	The Supreme Court may not make an order in the nature of prohibition in respect of, or an order for removing to the Court or quashing, any decision or proceeding made or conducted by the Boundaries Commission in connection with the exercise of its functions.	24 25 26 27
[10]	Chapter 12 How do councils operate?	28
	Omit “county councils” from the Introduction to the Chapter.	29
	Insert instead “regional joint authorities”.	30
[11]	Section 355 How does a council exercise its functions?	31
	Omit “Voluntary Regional Organisation of Councils of which the councils concerned are members” wherever occurring in section 355 (d) and (e).	32 33
	Insert instead “regional joint authority of which the councils concerned are constituent councils”.	34 35
[12]	Chapter 12, Part 5	36
	Omit the Part.	37
[13]	Chapter 12, Part 5A	38
	Insert after Part 5:	39

Part 5A Regional joint authorities	1
Division 1 Proposals to establish regional joint authorities	2
400AAA Making of proposal to establish regional joint authority	3
(1) A proposal to establish a regional joint authority may be made to the Minister by:	4
(a) 2 or more councils, or	5
(b) a regional joint authority, or	6
(c) a public authority, or	7
(d) the Departmental Chief Executive.	8
(2) The Minister may propose to establish a regional joint authority on the Minister's own initiative.	9
(3) In either case, a proposal to establish a regional joint authority must specify whether the authority will have service delivery functions.	10
400AAB Negotiation of final proposal	11
(1) Public notice must not be given of a proposal to establish a regional joint authority unless the Minister has negotiated the details of the proposal with:	12
(a) all of the councils to which the proposal relates (whether or not they made the proposal), and	13
(b) if the proposal was made by a regional joint authority, a public authority or the Departmental Chief Executive—the person who made the proposal.	14
(2) Any expert facilitator nominated by the Department may assist in those negotiations.	15
400AAC Public notice to be given of a proposal	16
(1) The Minister must give at least 28 days' public notice of:	17
(a) a proposal made to the Minister that the Minister decides to proceed with, or	18
(b) a proposal initiated by the Minister.	19
(2) Within the period of public notice, representations concerning the proposal may be made to the Minister by anyone affected by the proposal.	20
400AAD Minister to seek advice of Ministerial Advisory Group	21
The Minister must seek the advice of the Ministerial Advisory Group on any proposal for which public notice has been given.	22
400AAE Minister's recommendation concerning the proposal	23
After considering all representations received concerning the proposal, and the advice of the Ministerial Advisory Group, the Minister may recommend to the Governor that the proposal be implemented, with or without modifications, or may decline to recommend that the proposal be implemented.	24
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Division 2	Establishment of regional joint authorities	1
400AAF	Formation of regional joint authorities	2
(1)	The Governor may, by proclamation, establish regional joint authorities for the purposes of this Act.	3 4
(2)	A proclamation under this section must contain the following particulars:	5
(a)	the name of the regional joint authority,	6
(b)	a description of the regional joint authority's area of operations,	7
(c)	the name of each council (referred to in this Part as a <i>constituent council</i>) whose area lies wholly or partly within the regional joint authority's area of operations,	8 9 10
(d)	the membership of a regional joint authority (which may be the number of persons to be elected by each constituent council to the regional joint authority's governing body),	11 12 13
(e)	whether the regional joint authority has service delivery functions,	14
(f)	a description of the regional joint authority's functions, namely:	15
(i)	that the authority has the core functions listed in sections 400AAJ–400AAL, and	16 17
(ii)	if the authority has service delivery functions, that the authority also has the functions listed in section 400M,	18 19
(g)	other functions, including, but not limited to:	20
(i)	regional waste and environmental management (including weeds and floodplain management), or	21 22
(i)	regional economic development, or	23
(iii)	regional library services, or	24
(iv)	corporate services, or	25
(v)	administrative functions,	26
(h)	details of the staffing of the regional joint authority,	27
(i)	details of the governance of the regional joint authority,	28
(j)	financial arrangements (including payment of any “dividends” to constituent councils).	29 30
(3)	A proclamation under this section conferring functions on a regional joint authority as to the control of noxious weeds on land is to be made only with the concurrence of the Minister administering the <i>Noxious Weeds Act 1993</i> .	31 32 33
(4)	A proclamation of the Governor for the purposes of this section may include provisions of the same kind as are referred to in section 213.	34 35
400AAG	Legal status of regional joint authorities	36
(1)	A proclamation establishing a regional joint authority operates to constitute the regional joint authority as a body politic of the State with perpetual succession and the legal capacity and powers of an individual, both in and outside the State.	37 38 39 40
(2)	A regional joint authority is not a body corporate (including a corporation).	41
(3)	A regional joint authority does not have the status, privileges and immunities of the Crown (including the State and the Government of the State).	42 43

(4)	A law of the State applies to and in respect of a regional joint authority in the same way as it applies to and in respect of a body corporate (including a corporation).	1 2 3
400AAH	Area of operations of regional joint authority	4
	The area of operations of a regional joint authority may, in accordance with a proclamation made for the purposes of this Part, comprise the whole or any part of 1 or more areas.	5 6 7
	Division 3	
	Functions of regional joint authorities	8
400AAI	Functions of regional joint authorities may include council functions	9
	The functions of a regional joint authority may, in accordance with a proclamation made for the purposes of this Part, comprise any 1 or more of the functions of a council under this or any other Act.	10 11 12
400AAJ	Functions of all regional joint authorities	13
	The core functions of a regional joint authority are the following:	14
(a)	strategic regional and sub-regional planning and setting of priorities about:	15 16
(i)	regional service delivery, and	17
(ii)	regional infrastructure,	18
(b)	strategic regional collaboration with constituent councils in relation to:	19
(i)	the spatial location of development and its infrastructure servicing, and	20 21
(ii)	service delivery,	22
(c)	strategic collaboration with State and Commonwealth government or with other councils in relation to:	23 24
(i)	infrastructure provision, and	25
(ii)	service provision,	26
(d)	regional advocacy,	27
(e)	inter-governmental advocacy to State and Commonwealth government,	28
(f)	functions of existing county councils under Part 5 before it was substituted,	29 30
(g)	the formation of regional alliances of local government water utilities,	31
(h)	major infrastructure planning,	32
(i)	road network planning (through Regional Roads Groups),	33
(j)	strategic procurement (which may also include accessing State-wide contracts and arrangements),	34 35
(k)	information and technical exchanges between constituent councils,	36
(l)	administrative and technical support of constituent councils.	37
400AAK	Core functions in first year	38
	In addition, the functions of a regional joint authority in its first year include the following:	39 40
(a)	developing a statement of subregional priorities,	41
(b)	developing a subregional land use and infrastructure plan,	42

(c)	developing a single subregional plan for the purposes of section 94 of the <i>Environmental Planning and Assessment Act 1979</i> ,	1
		2
(d)	being the single point of contact for state and federal agencies,	3
(e)	subregional advocacy,	4
(f)	establishing shared services,	5
(g)	undertaking regional procurement.	6
400AAL	Core functions in second and subsequent year	7
	In addition, the functions of a regional joint authority in its second and subsequent years include the following:	8
		9
(a)	the development of a harmonised subregional local environmental plan and development control plan,	10
		11
(b)	collaborating on and promoting subregional hubs (for example, relating to bulky goods or education precincts),	12
		13
(c)	subregional planning for economic development, tourism, cultural development and community development.	14
		15
400AAM	Additional functions of regional joint authority with service delivery functions	16
	If the proclamation constituting a regional joint authority states that a regional joint authority has service delivery functions, the functions of the regional joint authority include the following:	17
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		19
(a)	any function of an existing county council under this Part 5, before the commencement of this section,	20
		21
(b)	providing shared services,	22
(c)	the formation of regional alliances of local government water utilities,	23
(d)	collaboration with State and federal agencies in infrastructure and service provision,	24
		25
(e)	implementation of major infrastructure planning,	26
(f)	implementation of road network planning and major projects (through Regional Roads Groups),	27
		28
(g)	other joint activities specified in the proclamation, including, but not limited to the following:	29
		30
(i)	major infrastructure projects,	31
(ii)	regional waste and environmental management (including weeds and floodplain management),	32
		33
(iii)	regional economic development,	34
(iv)	regional library services,	35
(v)	corporate services.	36
400AAN	Subsidiaries	37
(1)	If the proclamation constituting a regional joint authority states that a regional joint authority has service delivery functions, the regional joint authority may establish subsidiaries to undertake specific functions.	38
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		40
(2)	Any such subsidiary may be a county councils in existence immediately before the commencement of this section.	41
		42
(3)	Each subsidiaries is to be managed by a governing board which:	43

(a)	is comprised of persons appointed by the relevant regional joint authority based on its skills, and	1 2
(b)	may include senior staff of any or all constituent councils, and	3
(c)	may include people with relevant expertise who are not employed or involved in local government.	4 5
(4)	A regional joint authority must prepare an annual statement of intent in relation to each of its subsidiaries, in consultation with the governing board of the subsidiary.	6 7 8
(5)	That statement of intent must ensure that the proposed activities and priorities of the subsidiary align with those of the regional joint authority and its constituent councils.	9 10 11
400AAO	Operation of this Division	12
	Sections 400AAK–400AAM do not limit the functions that may be specified in a proclamation under section 400AAF.	13 14
Division 4	Co-operation with constituent councils	15
400AAP	Delegations by constituent councils	16
	The constituent councils of a regional joint authority may delegate the following powers to the regional joint authority:	17 18
(a)	to plan for subregional land use and infrastructure,	19
(b)	to develop a single subregional plan for the purposes of section 94 of the <i>Environmental Planning and Assessment Act 1979</i> ,	20 21
(c)	to represent constituent councils in negotiations for subregional planning and infrastructure matters,	22 23
(d)	to undertake subregional advocacy,	24
(e)	to procure subregional services and enter into subregional contracts,	25
(f)	to apply for subregional grants.	26
400AAQ	Councils must not undertake function conferred on regional joint authority	27
(1)	A council may not undertake a function conferred on a regional joint authority whose area of operations includes the whole or any part of the council’s area, subject to the regulations or a proclamation made for the purposes of this Part.	28 29 30
(2)	This section does not prevent a council from exercising a function delegated to it by a regional joint authority.	31 32
400AAR	Making of financial contributions by constituent councils	33
(1)	Each council will contribute equal membership fees.	34
(2)	The regulations may make provision for or with respect to the making of financial contributions to a regional joint authority by the constituent councils, including the following:	35 36 37
(a)	the purposes for which contributions may be made,	38
(b)	the circumstances in which contributions may be required,	39
(c)	the assessment of contributions,	40
(d)	the payment of contributions,	41
(e)	the recovery of contributions.	42

Division 5	Governance	1
400AAS	Governing body	2
(1)	A regional joint authority must have a governing body consisting of:	3
(a)	the mayor of each constituent council, and	4
(b)	on additional representative of each constituent council, appointed by resolution of that council, and	5 6
(c)	if the proclamation that sets it up so provides, additional persons elected from among the councillors of the constituent councils in accordance with the regulations.	7 8 9
(2)	Provisions concerning the membership of a regional joint authority's governing body are to be as prescribed by the proclamation establishing the regional joint authority.	10 11 12
(3)	Those provisions may include membership, or observance rights, by other persons, or the provision of advice by persons not involved in local government.	13 14 15
(4)	Schedule 10 makes provision for the members and procedures of the governing body.	16 17
400AAT	Governing body members subject to direction of constituent councils	18
(1)	A constituent council must authorise its representatives on the governing body of a regional joint authority to make decisions that are binding.	19 20
(2)	Representatives of constituent councils are bound by their respective council's decisions.	21 22
400AAU	Government representatives and other observers	23
(1)	A government representative may attend meetings of the governing body of a regional joint authority.	24 25
(2)	Other persons may, with the approval of the governing body, attend meetings of the governing body.	26 27
400AAV	Chairperson and deputy chairperson	28
(1)	The chairperson and deputy person of the governing body of a regional joint authority is the person elected to the office of chairperson by the members of the governing body from among their number.	29 30 31
(2)	The chairperson and deputy chairperson hold office for 1 year, subject to this Act.	32 33
(3)	The office of chairperson and deputy chairperson:	34
(a)	commences on the day the person is elected to the office is declared to be so elected, and	35 36
(b)	becomes vacant when the person's successor is declared to be elected to the office, or on the occurrence of a casual vacancy in the office.	37 38
(4)	The role of the chairperson of a regional joint authority is:	39
(a)	to preside at meetings of the regional joint authority (in accordance with Schedule 10), and	40 41
(b)	to exercise such other functions of the regional joint authority as the regional joint authority determines.	42 43

400AAW	Dispute resolution	1
	If any dispute arises between members of the governing body of a regional joint authority, the constituent councils are to take all necessary steps to resolve the dispute expeditiously by mutual agreement, using the following procedures:	2
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	(a) discussions between the councils' general managers, and	6
	(b) if such discussions do not resolve the dispute, discussions between the councils' mayors.	7
		8
400AAX	Governing body responsible for affairs	9
	The governing body of a regional joint authority is responsible for managing the affairs of the regional joint authority.	10
		11
	Division 6 Support and staff	12
400AAY	General managers' advisory committee to provide support	13
	(1) A regional joint authority is to be supported by a general managers' advisory committee	14
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	(2) The general managers' advisory committee is to consist of the general manager of each constituent council of a regional joint authority.	16
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400AAZ	Executive director of regional joint authority [under contract]	18
	(1) A regional joint authority is to employ an executive director.	19
	(2) The executive director of a regional joint authority has the same functions in relation to the regional joint authority as the general manager of a council has in relation to the council.	20
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		22
400AAZA	Employment of staff	23
	A regional joint authority may employ staff.	24
	Division 7 Accountability	25
400AAZB	Charter of a regional joint authority	26
	(1) A regional joint authority must prepare a charter in accordance with guidelines published by the Department.	27
		28
	(2) A charter must reflect the functions and governance structure of the regional joint authority.	29
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	(3) A regional joint authority, in the exercise of its functions, must pursue its charter.	31
		32
	(4) Nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.	33
		34
400AAZC	Operational guidelines	35
	(1) A regional joint authority must have guidelines (its <i>operating guidelines</i>) that are adopted before the beginning of each year and detail the activities to be engaged in by the regional joint authority during the year.	36
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	(2) A regional joint authority must prepare draft operating guidelines and give public notice of the draft indicating that submissions may be made to the regional joint authority at any time during the period (not less than 28 days)	39
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	that the draft is to be on public exhibition. The regional joint authority must publicly exhibit the draft operating guidelines in accordance with the notice.	1 2
(3)	During the period of public exhibition, the regional joint authority must make the draft operating guidelines available on its website and a copy available for inspection at the office of each constituent council (and at such other places as it may determine).	3 4 5 6
(4)	In deciding on the final operating guidelines to be adopted, a regional joint authority must consider any submissions that have been made concerning the draft guidelines.	7 8 9
(5)	The regional joint authority must post a copy of its operating guidelines on the regional joint authority's website, and on the website of each constituent council, within 28 days after the plan is adopted.	10 11 12
400AAZD	Agreed principles	13
	A regional joint authority is, in the making of decisions and the exercise of its functions, to be guided by the following agreed principles:	14 15
(a)	the delegation of subregional strategic and infrastructure planning functions to the regional joint authority avoid duplications,	16 17
(b)	the need to support a balanced urban development settlement pattern,	18
(c)	the need to support the adopted policies of the regional joint authority through their local decisions on development applications,	19 20
(d)	a shared approach should be taken to local infrastructure planning, recognising spare capacity across borders,	21 22
(e)	that the authority has an obligation to seek views of other councils on matters of subregional interest.	23 24
400AAZE	Plans and programs	25
(1)	A regional joint authority must prepare a 10-year strategic business plan and a 4-year delivery program to guide (but not restrict) operations.	26 27
(2)	A plan or program under this section must be endorsed by constituent councils.	28
(3)	A plan or program under this section must, with the endorsement of constituent councils, be updated as required.	29 30
400AAZF	Integrated planning and reporting guidelines for regional joint authorities	31
(1)	The Departmental Chief Executive is to establish integrated planning and reporting guidelines (referred to in this Chapter as <i>the guidelines</i>) for the purposes of this Part.	32 33 34
(2)	The guidelines can impose requirements in connection with the preparation, development and review of, and the contents of, the community strategic plan, resourcing strategy, delivery program, operational plan, community engagement strategy, annual report and state of the environment report of a regional joint authority.	35 36 37 38 39
(3)	In particular (but without limiting subsection (2)), the guidelines can impose requirements in relation to any of the following:	40 41
(a)	the procedures to be followed in the preparation, development or review of plans, strategies, programs and reports,	42 43
(b)	the matters to be addressed or provided for by plans, strategies, programs and reports,	44 45

	(c) requirements for consultation in connection with the preparation, development or review of plans, strategies and programs,	1 2
	(d) the matters to be taken into account or to which regard is to be had in connection with the preparation, development or review of plans, strategies, programs and reports.	3 4 5
(4)	A regional joint authority must ensure that the requirements of the guidelines are complied with.	6 7
(5)	The guidelines can include other material for the guidance of regional joint authorities in connection with the plans, strategies, programs and reports to which this section applies.	8 9 10
(6)	The Departmental Chief Executive may review and amend the guidelines from time to time.	11 12
(7)	The guidelines and any amendment of the guidelines must be posted on the Department's website and notified in writing to each regional joint authority by the Departmental Chief Executive.	13 14 15
Division 8	Amendment, expansion and dissolution of regional joint authorities	16 17
400AAZG	Expansion of membership by request	18
	If a council makes a request to a regional joint authority to join membership of the authority, the general managers of the constituent councils are required to assess the request and the preparedness of the requesting council to abide by, contribute to add value to the objectives of the authority and the governing body of the authority make recommendations to the councils for acceptance or rejection of request.	19 20 21 22 23 24
400AAZH	Expansion of membership by invitation	25
	If the constituent councils of a regional joint authority consider that it would be advantageous to invite another council to join the membership of the regional joint authority, the general managers of the constituent councils are required to present an argument for membership expansion to the constituent councils for consideration and endorsement.	26 27 28 29 30
400AAZI	Proposal to expand or dissolve a regional joint authority or amend its constitution	31 32
(1)	Two or more councils, a regional joint authority, a public authority or the Departmental Chief Executive may make a proposal to the Minister to expand or dissolve a regional joint authority or to amend the constitution of a regional joint authority.	33 34 35 36
(2)	The Minister may propose to establish or dissolve a regional joint authority or to amend the constitution of a regional joint authority.	37 38
(3)	In either case, a proposal is to be negotiated amongst the constituent councils and with the Minister, with the assistance of expert facilitators provided by the Department.	39 40 41
(4)	In either case, a proposal to amend a regional joint authority must specify whether the organisation will be have service delivery functions.	42 43

400AAZJ	Public notice to be given of a proposal	1
(1)	The Minister must give at least 28 days' public notice of a proposal made to the Minister that the Minister decides to proceed with or of a proposal initiated by the Minister.	2 3 4
(2)	Within the period of public notice, representations concerning the proposal may be made to the Minister by anyone affected by the proposal.	5 6
400AAZK	Minister to seek advice of Ministerial Advisory Group	7
	The Minister must seek the advice of the Ministerial Advisory Group on any proposal for which public notice has been given.	8 9
400AAZL	Minister's recommendation concerning the proposal	10
	After considering all representations received concerning the proposal, and the advice of the Ministerial Advisory Group, the Minister may recommend to the Governor that the proposal be implemented, with or without modifications, or may decline to recommend that the proposal be implemented.	11 12 13 14
400AAZM	Expansion, amendment and dissolution of regional joint authorities	15
(1)	The Governor may, by proclamation, amend or revoke a proclamation in force under section 400AAE for the purpose of amending the constitution of, or of expanding or dissolving, a regional joint authority.	16 17 18
(2)	A proclamation for the purpose of amending the constitution of a regional joint authority:	19 20
(a)	may change the name of the regional joint authority, or	21
(b)	may vary the regional joint authority's area of operations, or	22
(c)	may vary the number of persons who comprise the regional joint authority's governing body, or	23 24
(d)	may vary the number of persons to be elected by each constituent council to the regional joint authority's governing body, or	25 26
(e)	may vary the regional joint authority's functions.	27
(3)	A proclamation of the Governor for the purposes of this section may include provisions of the same kind as are referred to in section 213.	28 29
Division 9	Miscellaneous	30
400AAZN	Application of Act to regional joint authorities	31
(1)	This Act (except Part 1 and Divisions 1 and 2 of Part 2 of Chapter 9, Chapter 10, section 365 and the provisions of Chapter 15 concerning the making and levying of ordinary rates) applies:	32 33 34
(a)	to regional joint authorities in the same way as it applies to councils, and	35
(b)	to the members of the governing bodies of regional joint authorities in the same way as it applies to the councillors of councils.	36 37
(2)	The application of the Act is subject to the further exceptions or modifications (if any):	38 39
(a)	prescribed by the regulations, or	40
(b)	set out in the relevant proclamation under section 400AAE.	41
(3)	In the application of this Act to regional joint authorities and members of governing bodies of regional joint authorities:	42 43

(a)	a reference to the mayor of a council includes a reference to the Chairperson of the governing body of a regional joint authority, and	1 2
(b)	a reference to mayoral office includes a reference to the office of the Chairperson of the governing body of a regional joint authority, and	3 4
(c)	a reference to a councillor includes a reference to a member of a governing body of a regional joint authority.	5 6
[14]	Chapter 12, Part 7	7
	Insert after Part 6:	8
	Part 7 Ministerial Advisory Group	9
4000	Ministerial Advisory Group	10
(1)	There is established by this Act a Ministerial Advisory Group.	11
(2)	The Ministerial Advisory Group is to consist of:	12
(a)	12 part-time members appointed by the Minister, and	13
(b)	the Departmental Chief Executive.	14
(3)	The persons appointed by the Minister as part-time members must have such experience, skills and qualifications as the Minister considers necessary for them to make a contribution to the work of the Ministerial Advisory Group.	15 16 17
(4)	The Minister is to consider any recommendations made by Local Government NSW in relation to the appointment of members.	18 19
(5)	The function of the Ministerial Advisory Group is to advise the Minister about regional joint authorities.	20 21
(6)	Schedule 10 contains provisions relating to the membership and procedure of the Ministerial Advisory Group.	22 23
[15]	Section 412A	24
	Insert after section 412:	25
412A	Accounting requirements about treatment of assets in financial reports	26
(1)	The Department is to prepare accounting requirements about the treatment of assets in financial reports of councils for the purpose of ensuring greater consistency across councils (the <i>asset accounting requirements</i>).	27 28 29
(2)	Without limiting the matters that may be dealt with by the asset accounting requirements, the requirements must deal with the following:	30 31
(a)	a depreciation methodology that correlates with the actual condition of deterioration and considers the council's priorities for the condition of the infrastructure,	32 33 34
(b)	quantifying the useful life of an asset,	35
(c)	determining the realistic residual values of assets,	36
(d)	the componentisation of assets.	37
(3)	The Department must, in preparing the requirements, consult with:	38
(a)	the Audit Office of New South Wales, and	39
(b)	Local Government NSW, and	40

(c)	such other persons as the Department is satisfied are representatives of local government.	1 2
(4)	The requirements must be published on the website of the Department.	3
[16]	Section 413 Preparation of financial reports	4
	Omit section 413 (3). Insert instead:	5
(3)	The general purpose financial report must be prepared in accordance with this Act and the regulations and the requirements of:	6 7
(a)	the asset accounting requirements, and	8
(b)	the publications issued by the Australian Accounting Standards Board, as in force for the time being, subject to the asset accounting requirements and the regulations, and	9 10 11
(c)	such other standards as may be prescribed by the regulations, subject to the asset accounting requirements.	12 13
(4)	In this section:	14
	<i>asset accounting requirements</i> mean the requirements prepared under section 412A.	15 16
[17]	Section 508AA	17
	Insert after section 508:	18
508AA	Council may apply for special variation over a period of years to achieve local works plan	19 20
(1)	A council may apply to the Minister for a special variation specifying a higher cap for 1 or more specified financial years (up to a maximum of 4 years).	21 22
(2)	An application under this section must be made:	23
(a)	by 31 March before the first year to which the application relates, or	24
(b)	by such other date fixed by the Minister by notice published in the Gazette.	25 26
(3)	An application under this section must be made in accordance with any applicable guidelines issued by the Departmental Chief Executive under this Act.	27 28 29
(4)	An application under this section must be accompanied by a plan (a <i>local works plan</i>) that specifies all of the following:	30 31
(a)	the council's plans for local works,	32
(b)	the expenditure associated with the works,	33
(c)	the amount of any proposed rate increase based on that expenditure for each financial year for which a variation is sought,	34 35
(d)	the reasons for which the council seeks a special variation, which must be reasons based on that expenditure,	36 37
(e)	how the views of electors and the community have been taken into account in proposing the special variation, which must include, but is not limited to, the conduct (in such manner as the council thinks appropriate) of an opinion survey or poll of the residents and ratepayers of the council's area,	38 39 40 41 42
(f)	whether consideration has been given to reprioritising proposed expenditures and alternative funding options and why those options are not adequate,	43 44 45

(g)	how the assumptions and proposals in the plan are consistent with the council's long term strategy and financial management policies set out in the council's annual budget.	1 2 3
(5)	A council must not submit a local works plan to the Minister unless the council has:	4 5
(a)	placed the local works plan and any accompanying information on public exhibition for a period (of not less than 30 days) prescribed by the regulations (the <i>submission period</i>) commencing on the day after which notice of the local works plan is first published in a newspaper under this section, and	6 7 8 9 10
(b)	caused notice of the local works plan, and the right to make submissions during the submission period, to be published in a newspaper circulating in the area of the council and on the council's website, and	11 12 13
(c)	caused community sentiment to be surveyed by conducting (in such manner as it thinks appropriate) an opinion survey or poll of the residents and ratepayers of the council's area.	14 15 16
(6)	During the submission period:	17
(a)	any person may inspect the local works plan and any accompanying information and make extracts from or copies of them, and	18 19
(b)	any person may make written submissions to the council with respect to the local works plan (and a submission by way of objection must set out the grounds of the objection).	20 21 22
[18]	Section 508A Special variation over a period of years to achieve local works plan or for other reason	23 24
	Omit section 508A (3). Insert instead:	25
(3)	A determination in respect of the amount of the council's general income may be made only on the application of the council in accordance with section 508AA and if the Minister is satisfied that:	26 27 28
(a)	the attached local works plan adequately outlines the expenditure associated with any proposed rate increase, and	29 30
(b)	the council has demonstrated that there is community support for the variation, and	31 32
(c)	the council's record of compliance with any previous special variation is satisfactory.	33 34
(3A)	A determination in respect of the amount of the annual charge for domestic waste management services provided by the council may be made only on the application of the council made in accordance with any applicable guidelines issued by the Departmental Chief Executive under this Act.	35 36 37 38
[19]	Section 742 Dispute resolution	39
	Omit "county councils" wherever occurring in section 742 (1).	40
[20]	Schedule 2 Membership and procedure of the Boundaries Commission	41
	Omit "5 years from the date of appointment" from clause 1.	42
	Insert instead "such period as is specified in the instrument of appointment, being a period of at least 5 years from the date of appointment".	43 44

[21] Schedule 2, clause 5 (1) (g) and (g1)	1
Omit the paragraph. Insert instead:	2
(g) is appointed as:	3
(i) a public official (within the meaning of the <i>Public Interest Disclosures Act 1994</i>), or	4
(ii) a member of the governing body of a regional joint authority, or	5
(g1) is elected as:	6
(i) a mayor, or	7
(ii) a councillor, or	8
(iii) a Member of the Legislative Assembly or of the Legislative Council, or	9
[22] Schedule 6 Regulations	10
Omit “County councils” from clause 17. Insert instead “Regional joint authorities”.	11
[23] Schedule 6, clause 21	12
Omit “county councils”. Insert instead “regional joint authorities”.	13
[24] Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts	14
Insert after Part 37:	15
Part 38 Provisions consequent on enactment of Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016	16
111 Definition	17
In this Part:	18
<i>amending Act</i> means the <i>Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016</i> .	19
112 Amendments do not apply to proposals under consideration by Boundaries Commission	20
The amendments made to Chapter 9 by the amending Act do not apply to the Boundaries Commission’s consideration of a proposal or inquiry that was in progress immediately before the commencement of the amendments.	21
113 Term of existing mayors not extended	22
The amendment made to section 230 (1) by the amending Act does not apply to a person who held office as mayor immediately before the commencement of the amendment.	23
114 Changes to membership of Boundaries Commission do not apply to proposals under consideration	24
The substitution of Part 3 of Chapter 9, and the amendments made to Schedule 2, by the amending Act does not affect or apply to:	25
(a) a person who was a commissioner of the Boundaries Commission immediately before the commencement of the amendments, or	26

(b)	a proposal or inquiry that was in progress immediately before the commencement of the amendments.	1 2
115	Abolition of county councils	3
(1)	County councils are abolished.	4
(2)	The regulations may make savings and transitional provisions for and with respect to the abolition of county councils, including the transfer of their assets, rights and liabilities.	5 6 7
116	Application of amendments about financial reports	8
	The amendment made to section 413 by the amending Act does not apply to a financial report prepared no later than 3 months after the accounting requirements under section 412A are published.	9 10 11
[25]	Schedules 10 and 11	12
	Insert after Schedule 9:	13
Schedule 10	Constitution and procedure of governing bodies of regional joint authorities	14 15
	(Section 400AAS)	16
Part 1	General	17
1	Definitions	18
	In this Schedule:	19
	<i>appointed or elected member</i> means a person who is appointed or elected under section 400AAS (1) (b) or (c) as a member of the governing body of a regional joint authority.	20 21 22
	<i>Chairperson</i> means the Chairperson of the governing body of a regional joint authority.	23 24
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the governing body of a regional joint authority.	25 26
	<i>member</i> means any member of the governing body of a regional joint authority.	27 28
Part 2	Constitution	29
2	Terms of office of appointed or elected members	30
	Subject to this Schedule and the regulations, an appointed or elected member holds office for such period (not exceeding 2 years) as is specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	31 32 33 34
3	Deputies	35
(1)	A member may, from time to time, appoint a person to be the deputy of the member, and may revoke any such appointment.	36 37
(2)	In the absence of a member, the member's deputy may, if available, act in the place of the member.	38 39

(3)	While acting in the place of a member, a person has all the functions of the member and is taken to be a member.	1 2
(4)	For the purposes of this clause, a vacancy in the office of a member is taken to be an absence of the member.	3 4
(5)	This clause does not operate to confer on the deputy of a member who is the Chairperson or Deputy Chairperson the member's functions as Chairperson or Deputy Chairperson.	5 6 7
4	Vacancy in office of member	8
(1)	The office of an appointed or elected member becomes vacant if the member:	9
(a)	dies, or	10
(b)	completes a term of office and is not re-appointed, or	11
(c)	resigns the office by instrument in writing addressed to the Minister, or	12
(d)	is removed from office by the Minister under this clause, or	13
(e)	is absent from 3 consecutive meetings of the governing body of which reasonable notice has been given to the member personally or by post, except on leave granted by the Minister or unless the member is excused by the Minister for having been absent from those meetings, or	14 15 16 17
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	18 19 20
(g)	becomes a mentally incapacitated person, or	21
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	22 23 24 25
(2)	The Minister may remove an appointed or elected member from office at any time.	26 27
5	Filling of vacancy in office of appointed or elected member	28
	If the office of any appointed or elected member becomes vacant, a person is, subject to this Act and the regulations, to be appointed to fill the vacancy.	29 30
6	Chairperson and Deputy Chairperson	31
(1)	The Chairperson or Deputy Chairperson vacates office as Chairperson or Deputy Chairperson if he or she:	32 33
(a)	is removed from that office by the Minister under this clause, or	34
(b)	resigns that office by instrument in writing addressed to the Minister, or	35
(c)	ceases to be a member of the governing body.	36
(2)	The Minister may at any time remove the Chairperson or Deputy Chairperson from office as Chairperson or Deputy Chairperson.	37 38
7	Disclosure of pecuniary interests	39
(1)	If:	40
(a)	a member has a direct or indirect pecuniary interest in a matter being considered or about to be considered at a meeting of the governing body, and	41 42 43

- (b) the interest appears to raise a conflict with the proper performance of the member's duties in relation to the consideration of the matter, the member must, as soon as possible after the relevant facts have come to the member's knowledge, disclose the nature of the interest at a meeting of the governing body.
- (2) A disclosure by a member at a meeting of the governing body that the member:
- (a) is a member, or is in the employment, of a specified company or other body, or
- (b) is a partner, or is in the employment, of a specified person, or
- (c) has some other specified interest relating to a specified company or other body or to a specified person,
- is a sufficient disclosure of the nature of the interest in any matter relating to that company or other body or to that person that may arise after the date of the disclosure and that is required to be disclosed under subclause (1).
- (3) Particulars of any disclosure made under this clause must be recorded by the governing body in a book kept for the purpose and that book must be open at all reasonable hours to inspection by any person on payment of the fee determined by the governing body.
- (4) After a member has disclosed the nature of an interest in any matter, the member must not, unless the Minister or the governing body otherwise determines:
- (a) be present during any deliberation of the governing body with respect to the matter, or
- (b) take part in any decision of the governing body with respect to the matter.
- (5) For the purposes of the making of a determination by the governing body under subclause (4), a member who has a direct or indirect pecuniary interest in a matter to which the disclosure relates must not:
- (a) be present during any deliberation of the governing body for the purpose of making the determination, or
- (b) take part in the making by the governing body of the determination.
- (6) A contravention of this clause does not invalidate any decision of the governing body.
- (7) This clause applies to a member of a committee of the governing body and the committee in the same way as it applies to a member of the governing body and the governing body.
- 8 Effect of certain other Acts**
- (1) The provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to an appointed or elected member.
- (2) If by or under any Act provision is made:
- (a) requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or
- (b) prohibiting the person from engaging in employment outside the duties of that office,

the provision does not operate to disqualify the person from holding that office and also the office of an appointed or elected member or from accepting and retaining any remuneration payable to the person under this Act as a member.	1 2 3
9 Personal liability	4
A matter or thing done or omitted to be done by the governing body, a member of the governing body or a person acting under the direction of the governing body does not, if the matter or thing was done or omitted to be done in good faith for the purpose of executing this or any other Act, subject a member or a person so acting personally to any action, liability, claim or demand.	5 6 7 8 9
Part 3 Procedure	10
10 General procedure	11
The procedure for the calling of meetings of the governing body and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the governing body.	12 13 14
11 Quorum	15
The quorum for a meeting of the governing body is a majority of its members for the time being.	16 17
12 Presiding member	18
(1) The Chairperson (or, in the absence of the Chairperson, the Deputy Chairperson, or in the absence of both the Chairperson and the Deputy Chairperson, a person elected by the members of the governing body who are present at a meeting of the governing body) is to preside at a meeting of the governing body.	19 20 21 22 23
(2) The presiding member has a deliberative vote.	24
13 Voting	25
A decision supported unanimously by all of the votes cast at a meeting of the governing body at which a quorum is present is the decision of the governing body.	26 27 28
14 Transaction of business outside meetings or by telephone etc	29
(1) The governing body may, if it thinks fit, transact any of its business by the circulation of papers among all the members of the governing body for the time being, and a resolution in writing approved in writing by a majority of those members is taken to be a decision of the governing body made at a meeting of the governing body.	30 31 32 33 34
(2) The governing body may, if it thinks fit, transact any of its business at a meeting at which members (or some members) participate by telephone or other electronic means, but only if any member who speaks on a matter before the meeting can be heard by the other members.	35 36 37 38
(3) For the purposes of:	39
(a) the approval of a resolution under subclause (1), or	40
(b) a meeting held in accordance with subclause (2),	41
the Chairperson and each other member have the same voting rights as they have at an ordinary meeting of the governing body.	42 43

(4)	A resolution approved under subclause (1) is, subject to the regulations, to be recorded in the minutes of the meetings of the governing body.	1 2
(5)	Papers may be circulated among the members for the purposes of subclause (1) by electronic means.	3 4
15	Meetings	5
(1)	The governing body is required to meet at least 4 times each year.	6
(2)	The governing body must hold an annual general meetings that is open to all councillors of constituent councils and to the public.	7 8
(3)	At that annual general meeting:	9
(a)	the regional joint authority must report on and account for its activities, and	10 11
(b)	the priorities and strategies of the regional joint authority for the coming year are to be discussed by the governing board of the regional joint authority and any other person who choses to participate.	12 13 14
16	First meeting	15
	The Minister may call the first meeting of the governing body in such manner as the Minister thinks fit.	16 17
17	General procedure	18
	The procedure for the calling of meetings of the governing body and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the governing body.	19 20 21
Schedule 11	Provisions relating to membership and procedure of Ministerial Advisory Group	22 23
	(Section 400O)	24
1	Definitions	25
	In this Schedule:	26
	<i>appointed member</i> means a person who is appointed under section 400O (2) (a) as a member of the Ministerial Advisory Group.	27 28
	<i>Chairperson</i> means the Chairperson of the Ministerial Advisory Group.	29
	<i>Deputy Chairperson</i> means the Deputy Chairperson of the Ministerial Advisory Group.	30 31
	<i>member</i> means any member of the Ministerial Advisory Group.	32
2	Chair and Deputy Chair of Ministerial Advisory Group	33
(1)	Of the appointed members, 2 are (in and by their respective instruments of appointment or in and by other instruments executed by the Minister) to be appointed as Chair and Deputy Chair of the Ministerial Advisory Group respectively.	34 35 36 37
(2)	The Minister may remove a member from the office of Chair or Deputy Chair of the Ministerial Advisory Group at any time.	38 39
(3)	A person holding office as Chair or Deputy Chair of the Ministerial Advisory Group vacates that office if the person:	40
(a)	is removed from that office by the Minister, or	41 42

(b)	resigns that office by instrument in writing addressed to the Minister, or	1
(c)	ceases to be a member.	2
3	Deputies of members	3
(1)	The Minister may, from time to time, appoint a person to be the deputy of a member, and the Minister may revoke any such appointment.	4 5
(2)	In the absence of a member, the member's deputy:	6
(a)	is, if available, to act in the place of the member, and	7
(b)	while so acting, has all the functions of the member and is taken to be a member.	8 9
(3)	The deputy of a member who is Chair or Deputy Chair of the Ministerial Advisory Group does not (because of this clause) have the member's functions as Chair or Deputy Chair.	10 11 12
(4)	A person, while acting in the place of a member, is entitled to be paid such allowances as the Minister may from time to time determine in respect of the person.	13 14 15
4	Terms of office	16
	Subject to this Schedule, an appointed member holds office for such period (not exceeding 2 years) as may be specified in the member's instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.	17 18 19
5	Allowances	20
	An appointed member is entitled to be paid such allowances as the Minister may from time to time determine in respect of the member.	21 22
6	Vacancy in office of member	23
(1)	The office of an appointed member becomes vacant if the member:	24
(a)	dies, or	25
(b)	completes a term of office and is not re-appointed, or	26
(c)	resigns the office by instrument in writing addressed to the Minister, or	27
(d)	is removed from office by the Minister under this clause or by the Governor under Part 6 of the <i>Government Sector Employment Act 2013</i> , or	28 29 30
(e)	is absent from 4 consecutive meetings of the Ministerial Advisory Group of which reasonable notice has been given to the member personally or in the ordinary course of post, except on leave granted by the Ministerial Advisory Group or unless, before the expiration of 4 weeks after the last of those meetings, the member is excused by the Ministerial Advisory Group for having been absent from those meetings, or	31 32 33 34 35 36 37
(f)	becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or	38 39 40
(g)	becomes a mentally incapacitated person, or	41
(h)	is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable.	42 43 44 45

(2)	The Minister may remove an appointed member from office at any time.	1
7	Filling of vacancy in office of member	2
	If the office of an appointed member becomes vacant, a person is, subject to this Act, to be appointed to fill the vacancy.	3 4
8	Effect of certain other Acts	5
(1)	The provisions of the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service employees do not apply to an appointed member.	6 7 8
(2)	If, by or under any Act, provision is made:	9
(a)	requiring a person who is the holder of a specified office to devote the whole of his or her time to the duties of that office, or	10 11
(b)	prohibiting the person from engaging in employment outside the duties of that office,	12 13
	the provision does not operate to disqualify the person from holding that office and also the office of an appointed member or from accepting and retaining any remuneration payable to the person under this Act as such a member.	14 15 16
(3)	The office of an appointed member is not, for the purposes of any Act, an office or place of profit under the Crown.	17 18
9	General procedure	19
	The procedure for the calling of meetings of the Ministerial Advisory Group and for the conduct of business at those meetings is, subject to this Act and the regulations, to be as determined by the Ministerial Advisory Group.	20 21 22
10	Quorum	23
	The quorum for a meeting of the Ministerial Advisory Group is a majority of the members for the time being.	24 25
11	Presiding member	26
(1)	The Chair of the Ministerial Advisory Group or, in the absence of the Chair, the Deputy Chair of the Ministerial Advisory Group or, in the absence of both, another member elected to chair the meeting by the members is to preside at a meeting of the Ministerial Advisory Group.	27 28 29 30
(2)	The person presiding at any meeting of the Ministerial Advisory Group has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.	31 32 33
12	Voting	34
	A decision supported by a majority of the votes cast at a meeting of the Ministerial Advisory Group at which a quorum is present is the decision of the Ministerial Advisory Group.	35 36 37
13	First meeting	38
	The Minister is to call the first meeting of the Ministerial Advisory Group in such manner as the Minister thinks fit.	39 40
[26]	Dictionary	41
	Insert in alphabetical order:	42

constituent council, in relation to a regional joint authority, means the councils referred to in the proclamation establishing the authority under section 400AAF.

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2
3

Ministerial Advisory Group means the Ministerial Advisory Group established under section 400O.

4
5

regional joint authority means a regional joint authority established under section 400AAF.

6
7

Schedule 2	Amendment of Election Funding, Expenditure and Disclosures Act 1981 No 78	1
		2
[1] Section 83 Application		3
	Omit “(other than Divisions 2A and 2B)” from section 83 (1) (b).	4
[2] Section 83, note		5
	Omit the note.	6
[3] Section 85 Meaning of “political donation”		7
	Omit “or local government election campaigns” from the note to section 85 (3A).	8
[4] Section 87 Meaning of “electoral expenditure” and “electoral communication expenditure”		9
	Omit the note to the section.	10
		11
[5] Part 6, Division 2A, heading		12
	Omit “State”.	13
[6] Section 95AA Application to State elections only		14
	Omit the section.	15
[7] Section 95B Prohibition on political donations that exceed applicable cap		16
	Omit “or local government” from the heading to section 95B (2).	17
[8] Section 95B (2) and (3)		18
	Omit “or local government” wherever occurring.	19
[9] Part 6, Division 2B, heading		20
	Omit “State”.	21
[10] Section 95E Application to State elections only		22
	Omit the section.	23
[11] Section 95F Applicable caps on electoral communication expenditure on State election campaigns		24
	Insert “under this section” after “campaign” in section 95F (12).	25
		26
[12] Section 95G Aggregation of applicable caps for State election		27
	Insert before section 95G (1):	28
	(1A) This section applies to State elections.	29
[13] Sections 95GA and 95GB		30
	Insert after section 95G:	31

95GA	Applicable caps on electoral communication expenditure on local government election campaigns	1
		2
(1)	General	3
	This section applies to local government elections.	4
(2)	The applicable caps on electoral communication expenditure for a local government election campaign are as provided by this section, as modified by section 95G.	5 6 7
(3)	Parties with candidates in an election	8
	For an ordinary local government election, the applicable cap for a party that endorses candidates for election to a council is \$25,000 multiplied by the number of local government areas in which a candidate is so endorsed.	9 10 11
(4)	Subsection (3) does not apply to a party that endorses candidates in a group for election in not more than 10 local government areas.	12 13
(5)	Party candidates in an election	14
	For an ordinary local government election, the applicable cap for a candidate endorsed by a party for election to a council is \$25,000.	15 16
(7)	Independent candidates in ordinary local government election	17
	For an ordinary local government election, the applicable cap for a candidate not endorsed by any party for election to a council is \$35,000.	18 19
(8)	Candidates in by-election	20
	For a by-election for a local government area, the applicable cap for a candidate (whether or not endorsed by a party) is \$50,000.	21 22
(9)	Third-party campaigners	23
	For all ordinary local government elections on one day, the applicable cap for a third-party campaigner is \$130,000.	24 25
(10)	For a by-election for a council, the applicable cap for a third-party campaigner is \$5,000 for each by-election.	26 27
(11)	Additional cap for individual local government areas	28
	The applicable cap for parties and third-party campaigners is subject to an additional cap (within the overall applicable cap) in relation to an ordinary local government election, or by-elections in more than 1 local government area, for electoral communication expenditure incurred substantially for the purposes of the election in a particular local government area, being:	29 30 31 32 33
	(a) in the case of a party—\$12,000 in respect of each such local government area, or	34 35
	(b) in the case of a third-party campaigner—\$5,000 in respect of each such local government area.	36 37
(12)	For the purposes of subsection (11), electoral communication expenditure is only incurred for the purposes of the election in a particular local government area if the expenditure is for advertising or other material that:	38 39 40
	(a) explicitly mentions the name of a candidate in the election in that local government area or the name of the local government area, and	41 42
	(b) is communicated to electors in that local government area, and	43
	(c) is not mainly communicated to electors outside that local government area.	44 45

(13)	Indexation of capped amounts	1
	Each of the amounts referred to in this section is an adjustable amount that is to be adjusted for inflation as provided by Schedule 1.	2 3
95GB	Aggregation of applicable caps for local government elections	4
(1)	General	5
	This section applies to local government elections.	6
(2)	For the purposes of this section, registered parties are <i>associated</i> if:	7
	(a) they endorse the same candidate for a local government election, or	8
	(c) they form a recognised coalition and endorse different candidates for a local government election.	9 10
(3)	Aggregation of expenditure of associated parties	11
	If 2 or more registered parties are associated:	12
	(a) the amount of \$25,000 of electoral communication expenditure in respect of any local government area in which there are candidates endorsed by the associated parties is, for the purpose of calculating the applicable cap on electoral communication expenditure by those parties under section 95GA (2), to be shared by those parties (and is not a separate amount for each of those parties), and	13 14 15 16 17 18
	(b) the amount of \$250,000 of electoral communication expenditure in respect of any group of candidates endorsed by those parties is, for the purpose of calculating the applicable cap on electoral communication expenditure by those parties under section 95GA (4), to be shared by those parties (and is not a separate amount for each of those parties).	19 20 21 22 23
(4)	Aggregation of expenditure of multiple endorsed candidates in local government area	24 25
	The amount of \$50,000 of electoral communication expenditure in respect of an election in an local government area in which there are 2 or more candidates endorsed by the same party (or by associated parties) is, for the purpose of calculating the applicable cap on electoral communication expenditure by the candidates under section 95GA (6), to be shared by those candidates (and is not a separate amount for each of those candidates).	26 27 28 29 30 31
(5)	Aggregation of expenditure of endorsed candidates and parties for by-elections	32 33
	Electoral communication expenditure incurred by a candidate endorsed by a party for a by-election campaign that is of or less than the amount specified in section 95GA for the candidate is to be treated as expenditure that exceeds the applicable cap if that expenditure and any other electoral communication expenditure incurred by the party (or by any associated party) for that by-election exceed the applicable cap so specified for the candidate.	34 35 36 37 38 39
[14]	Section 95H Capped expenditure period	40
	Insert at the end of the section:	41
	(2) The applicable cap on electoral communication expenditure for a local government election applies to electoral communication expenditure during each of the following periods (the <i>capped expenditure period</i>):	42 43 44
	(a) in the case of an election to be held following the expiry of a council by the effluxion of time—the period from and including 1 October in the	45 46

	year before which the election is to be held to the end of polling day for the election,	1
	(b) in any other case—the period from and including the day of the making of the proclamation for the election to the end of polling day for the election.	2 3 4 5
[15]	Section 95I Prohibition on incurring electoral communication expenditure exceeding applicable cap during election campaign	6 7
	Omit “a State” from section 95I (1). Insert instead “an”.	8
[16]	Section 96 Requirements for parties	9
	Omit “a State election campaign unless the payment is made from the State” from section 96 (3).	10 11
	Insert instead “an election campaign unless the payment is made from the”.	12
[17]	Section 96 (4)–(7)	13
	Omit “State” wherever occurring.	14
[18]	Schedule 2 Savings, transitional and other provisions	15
	Insert after Part 12:	16
	Part 13 Provision consequent on enactment of Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016	17 18 19
36	Amendments do not apply to current by-elections	20
	The amendments made by to Part 6 by the <i>Local Government Amendment (Parliamentary Inquiry Recommendations) Act 2016</i> do not apply to a by-election for a local government area for which a proclamation had been made, but an election not held, before the commencement of the amendments.	21 22 23 24

Schedule 3	Amendment of other legislation	1
3.1	Anti-Discrimination Act 1997 No 48	2
	Section 4 Definitions	3
	Omit “county council” from paragraph (b) of the definition of <i>council</i> in section 4 (1).	4
	Insert instead “regional joint authority”.	5
3.2	Bail Regulation 2014	6
	Clause 35 Appropriate State authorities in relation to forfeiture orders	7
	Omit “county council” from clause 35 (2).	8
	Insert instead “regional joint authority”.	9
3.3	Biosecurity Act 2015 No 24	10
[1]	Section 7 General definitions	11
	Omit “county council” from paragraph (d) of the definition of <i>government agency</i> .	12
	Insert instead “regional joint authority”.	13
[2]	Section 370 Local control authority—meaning	14
	Omit “county council” wherever occurring in section 370 (1).	15
	Insert instead “regional joint authority”.	16
3.4	Building and Construction Industry Long Service Payments Act 1986 No 19	17
	Section 3 Definitions	19
	Omit “county council” from paragraph (b) of the definition of <i>worker</i> in section 3 (1).	20
	Insert instead “regional joint authority”.	21
3.5	Building and Construction Industry Long Service Payments Regulation 2011	22
[1]	Clause 7 Non-service days—prescribed days to be disregarded	24
	Omit “county council” from clause 7 (2) (c) (ii).	25
	Insert instead “regional joint authority”.	26
[2]	Clause 13 Exemptions from levy	27
	Omit “county council” from clause 13 (2) (a).	28
	Insert instead “regional joint authority”.	29
3.6	Business Names (Commonwealth Powers) Act 2011 No 44	30
	Section 3 Definitions	31
	Omit “county council” from paragraph (b) of the definition of <i>government worker</i> .	32
	Insert instead “regional joint authority”.	33

3.7 Children (Community Service Orders) Regulation 2015	1
Clause 10 Work sites	2
Omit “county council” from clause 10 (1) (b).	3
Insert instead “regional joint authority”.	4
3.8 Children (Education and Care Services National Law Application) Act 2010 No 104	5
Section 7 Meaning of generic terms in Education and Care Services National Law for the purposes of this jurisdiction	6
Omit “county council” from the definition of <i>public authority</i> .	7
Insert instead “regional joint authority”.	8
3.9 Children (Education and Care Services) Supplementary Provisions Act 2011 No 70	9
Section 38 Application of State Records Act 1998 to certain services	10
Omit “county council” from paragraph (b) of the definition of <i>private children’s service</i> in section 38 (2).	11
Insert instead “regional joint authority”.	12
3.10 Children (Education and Care Services) Supplementary Provisions Regulation 2012	13
Clause 3 Definitions	14
Omit “county council” from the definition of <i>local authority</i> in clause 3 (1).	15
Insert instead “regional joint authority”.	16
3.11 Coastal Protection Act 1979 No 13	17
Section 4 Definitions	18
Omit “county council” from the definition of <i>council</i> in section 4 (1).	19
Insert instead “regional joint authority”.	20
3.12 Contract Cleaning Industry (Portable Long Service Leave Scheme) Regulation 2012	21
[1] Clause 5 Non-service days	22
Omit “county council” from clause 5 (1) (c).	23
Insert instead “regional joint authority”.	24
[2] Clause 5 (2)	25
Omit the definition of <i>county councils</i> . Insert in alphabetical order:	26
<i>regional joint authority</i> means a regional joint authority established under the	27
<i>Local Government Act 1993</i> .	28
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3.13 Dams Safety Act 2015 No 26	1
Section 4 Definitions	2
Omit “county council” from paragraph (e) of the definition of <i>public authority</i> in section 4 (1).	3 4
Insert instead “regional joint authority”.	5
3.14 Data Sharing (Government Sector) Act 2015 No 60	6
Section 4 Definitions	7
Omit “county council” from paragraph (d) of the definition of <i>government sector agency</i> in section 4 (1).	8 9
Insert instead “regional joint authority”.	10
3.15 Defamation Act 2005 No 77	11
Schedule 1 Additional publications to which absolute privilege applies	12
Omit “county council” from clause 26 (b).	13
Insert instead “regional joint authority”.	14
3.16 Duties Act 1997 No 123	15
[1] Section 222 Exempt mortgages and supporting instruments	16
Omit “county council” from section 222 (4) (a).	17
Insert instead “regional joint authority”.	18
[2] Section 277 Councils and regional joint authorities	19
Omit “county council” from section 277 (1).	20
Insert instead “regional joint authority”.	21
[3] Dictionary	22
Omit “county council” from paragraph (c) of the definition of <i>government body</i> .	23
Insert instead “regional joint authority”.	24
3.17 Environmental Planning and Assessment Act 1979 No 203	25
[1] Section 109J Restriction on issue of subdivision certificates	26
Omit “county council” from paragraph (b) of the definition of <i>water supply authority</i> in section 109J (1).	27 28
Insert instead “regional joint authority”.	29
[2] Section 115U Development that is State significant infrastructure	30
Omit “county council” from section 115U (3).	31
Insert instead “regional joint authority”.	32

3.18 Geographical Names Act 1996 No 13	1
Section 2 Definitions	2
Omit “county council” from the definition of <i>Place</i> .	3
Insert instead “regional joint authority”.	4
3.19 Government Information (Public Access) Act 2009 No 52	5
Schedule 4 Interpretative provisions	6
Omit “county council” from the definition of <i>local authority</i> in clause 1.	7
Insert instead “regional joint authority”.	8
3.20 Government Telecommunications Act 1991 No 77	9
Section 3 Definitions	10
Omit “county council” from paragraph (c) of the definition of <i>Government agency</i> in section 3 (1).	11
Insert instead “regional joint authority”.	12
3.21 Health Records and Information Privacy Act 2002 No 71	14
Section 4 Definitions	15
Omit “county council” from the definition of <i>local government authority</i> in section 3 (1).	16
Insert instead “regional joint authority”.	17
3.22 Heritage Act 1977 No 136	18
Section 123 Definitions	19
Omit “county council” from paragraph (b) of the definition of <i>rating or taxing authority</i> .	20
Insert instead “regional joint authority”.	21
3.23 Home Building Regulation 2014	22
[1] Clause 4 Exemptions relating to contracting and advertising	23
Omit “county council” from paragraph (a) of the definition of <i>exempt corporation</i> in clause 4 (3).	24
Insert instead “regional joint authority”.	25
[2] Clause 25 Exemption relating to employees of certain corporations	26
Omit “county council” from clause 25 (a) (i).	27
Insert instead “regional joint authority”.	28
3.24 Independent Commission Against Corruption Act 1988 No 35	29
Section 3 Definitions	30
Omit the definition of <i>local government authority</i> from section 3 (1).	31
Insert instead:	32
	33

local government authority means a council or regional joint authority within the meaning of the *Local Government Act 1993* or any person or body exercising all or any of the functions of such a council, organisation or authority.

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3.25 Independent Pricing and Regulatory Tribunal Act 1992 No 39

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[1] Section 24GA Definitions

6

Omit the definition of *local authority*.

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Insert instead:

8

local authority means a council or regional joint authority within the meaning of the *Local Government Act 1993* or any person exercising all or any of the functions of such a council, organisation or authority.

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11

[2] Schedule 1 Government agencies for which Tribunal has standing reference

12

Omit “County councils”.

13

Insert instead “Regional joint authorities,”.

14

3.26 Industrial Relations (Commonwealth Powers) Act 2009 No 115

15

Section 3 Definitions

16

Omit “county council” wherever occurring in paragraphs (a) and (b) the definition of *local government sector employee* in section 3 (1).

17
18

Insert instead “regional joint authority”.

19

3.27 Land Acquisition (Just Terms Compensation) Act 1991 No 22

20

Section 4 Definitions

21

Omit “county council” from paragraph (c) of the definition of *authority of the State* in section 4 (1).

22
23

Insert instead “regional joint authority”.

24

3.28 Land Development Contribution Management Act 1970 No 22

25

[1] Section 3 Definitions

26

Omit the definition of *county council* from section 3 (1).

27

[2] Section 7 Time when declared land becomes liable for contribution

28

Omit “county council” from section 7 (6).

29

Insert instead “regional joint authority”.

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[3] Section 7 (9)

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Insert after section 7 (8):

32

(9) In this section:

33

regional joint authority means a regional joint authority established under the *Local Government Act 1993*.

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35

3.29 Land Tax Management Act 1956 No 26	1
[1] Sections 21C (1), (2) and (6) (g) and 21D (4)	2
Omit “county council” wherever occurring.	3
Insert instead “regional joint authority”.	4
[2] Section 21C (2)	5
Omit “county council”.	6
Insert instead “regional joint authority”.	7
3.30 Landlord and Tenant (Amendment) Act 1948 No 25	8
Section 8 Definitions	9
Insert “or regional joint authority or any” after “county council” in the definition of <i>rates</i> in section 8 (1).	10 11
3.31 Local Government (General) Regulation 2005	12
[1] Clause 3 Definitions	13
Omit “county council” from the definition of <i>public sewer</i> in clause 3 (1).	14
Insert instead “regional joint authority”.	15
[2] Clause 4 Application of Regulation	16
Omit “county councils” for clause 4 (b).	17
Insert instead “regional joint authorities”.	18
[3] Clause 120 Application of Part	19
Omit “county councils”.	20
Insert instead “regional joint authorities”.	21
[4] Part 9, Division 8, heading	22
Omit “County councils”.	23
Insert instead “Regional joint authorities”.	24
[5] Clause 218 Application of planning and reporting provisions to regional joint authorities	25 26
Omit “county councils” wherever occurring	27
Insert instead “regional joint authorities”.	28
[6] Clause 218 (b) and (c)	29
Omit “county council” wherever occurring.	30
Insert instead “regional joint authority”.	31
[7] Clause 219 Business activity strategic plan of regional joint authority	32
Omit “county councils” wherever occurring in clause 219 (1) (a) and (2)	33
Insert instead “regional joint authorities”.	34

[8] Clause 219 (1) (c)	1
Omit “county council’s”.	2
Insert instead “regional joint authority’s”.	3
[9] Clause 231 Definitions	4
Omit “county council” from the definition of <i>councillor</i> .	5
Insert instead “regional joint authority”.	6
[10] Clause 274 Application of Part and associated Schedules	7
Omit “county council” from clause 274 (3).	8
Insert instead “regional joint authority”.	9
[11] Clause 356E Display of posters	10
Omit “county council” from clause 356E (2) (a) (ii).	11
Insert instead “regional joint authority”.	12
[12] Clause 356F Writing, drawing or depicting electoral matter	13
Omit “county council” from clause 356F (4) (b).	14
Insert instead “regional joint authority”.	15
[13] Part 11, Division 12, heading	16
Omit “, county councils”.	17
[14] Clauses 395 and 396	18
Omit the clauses.	19
[15] Schedules 8 and 9	20
Omit the Schedules.	21
3.32 Maritime Services Act 1935 No 47	22
Section 13TA Erosion or siltation in certain ports	23
Omit “county council” from paragraph (d) of the definition of <i>public authority</i> section 13TA (1).	24
Insert instead “regional joint authority”.	25
3.33 Motor Vehicles Taxation Act 1988 No 111	27
[1] Section 3 Definitions	28
Omit “county council” from section 3 (2) (e).	29
Insert instead “regional joint authority”.	30
[2] Section 16 Vehicles totally exempt from tax	31
Omit “county council” from section 16 (1) (c).	32
Insert instead “regional joint authority”.	33

3.34 National Parks and Wildlife Act 1974 No 80	1
[1] Section 11 Use of services of personnel of public authorities	2
Omit “county council” from section 11 (2).	3
Insert instead “regional joint authority”.	4
[2] Section 69A Definitions	5
Omit “county council” from paragraph (c) of the definition of <i>statutory authority</i> section 69A (1).	6
Insert instead “regional joint authority”.	8
3.35 Native Vegetation Regulation 2013	9
Clause 3 Definitions	10
Omit “county council” from the definition of <i>council</i> in clause 3 (1).	11
Insert instead “regional joint authority”.	12
3.36 Noxious Weeds Act 1993 No 11	13
Section 35 What are the local control authorities	14
Omit “county council” wherever occurring in section 35 (1).	15
Insert instead “regional joint authority”.	16
3.37 Ombudsman Act 1974 No 68	17
Section 5 Definitions	18
Omit “county council” from the definition of <i>local government authority</i> in section 5 (1).	19
Insert instead “regional joint authority”.	20
3.38 Parliamentary Electorates and Elections Act 1912 No 41	21
[1] Section 21AB Tenure of office of Electoral Commissioner	22
Omit “county council” from section 21AB (4) (c).	23
Insert instead “regional joint authority”.	24
[2] Section 151B Exhibition of posters	25
Omit “county council” from the definition of <i>local authority</i> in section 151B (6).	26
Insert instead “regional joint authority”.	27
[3] Schedule 21A Provisions relating to Electoral Commission	28
Omit “county council” from clause 2 (1) (c).	29
Insert instead “regional joint authority”.	30
3.39 Payroll Tax Act 2007 No 21	31
Section 58 Local councils and regional joint authorities	32
Omit “county council”.	33

Insert instead “regional joint authority”.	1
3.40 Pipelines Act 1967 No 90	2
Section 3 Definitions	3
Omit “county council” from paragraph (b) of the definition of <i>public authority</i> in section 3 (1).	4 5
Insert instead “regional joint authority”.	6
3.41 Plumbing and Drainage Act 2011 No 59	7
[1] Section 3 Definitions	8
Omit the definition of <i>county council</i> from section 3 (1). Insert in alphabetical order: <i>regional joint authority</i> means a regional joint authority established under the <i>Local Government Act 1993</i> .	9 10 11
[2] Section 3 (1), definition of “network utility operator”	12
Omit “county council” from paragraph (e) of the definition. Insert instead “regional joint authority”.	13 14
[3] Section 4 Plumbing and drainage work—meaning	15
Omit “county council” from paragraph (b) of the definition of <i>plumbing and drainage work</i> in section 4 (5). Insert instead “regional joint authority”.	16 17 18
[4] Sections 16 (3), 21 (1) (a) and (2), 22 (2) (b) and 23 (2) (b)	19
Omit “county council” wherever occurring. Insert instead “regional joint authority”.	20 21
[5] Section 47 Certain information may be provided to and by plumbing regulator	22
Omit “or county council” from section 47 (1) (a).	23
[6] Section 47 (1) (a1)	24
Insert after section 47 (1) (a) (a1) to a regional joint authority if the authority considers the provision of the information is necessary to enable the authority to exercise its functions (whether under this Act or otherwise), or	25 26 27 28
[7] Section 47 (2)	29
Omit “county council”. Insert instead “regional joint authority”.	30 31
[8] Section 48 Exclusion of liability	32
Omit “county council” from paragraph (c) of the definition of <i>protected person</i> in section 48 (2). Insert instead “regional joint authority”.	33 34 35

[9] Section 52 Regulations	1
Omit “county councils” from section 52 (3).	2
Insert instead “regional joint authorities”.	3
[10] Section 52 (3)	4
Omit “the councils” wherever occurring.	5
Insert instead “the councils or authorities”.	6
3.42 Prices Regulation Act 1948 No 26	7
Section 3 Definitions	8
Omit “county council” from the definition of <i>public utility undertaking</i> in section 3 (1).	9
Insert instead “regional joint authority”.	10
3.43 Privacy and Personal Information Protection Act 1998 No 133	11
Section 3 Definitions	12
Omit “county council,” from the definition of <i>local government authority</i> in section 3 (1).	13
Insert instead “regional joint authority”.	14
3.44 Protection of the Environment Operations Act 1997 No 156	15
Section 317 Appointment of persons to exercise certain functions	16
Omit “county council” from section 317 (1).	17
Insert instead “regional joint authority”.	18
3.45 Protection of the Environment Operations (General) Regulation 2009	19
Clause 56 Pollutants discharged into sewer	20
Omit “county council” from paragraph (c) of the definition of <i>sewage authority</i> in clause 56 (3).	21
Insert instead “regional joint authority”.	23
3.46 Public Authorities (Financial Arrangements) Act 1987 No 33	24
[1] Section 3 Definitions	25
Omit “county council” wherever occurring in the definition of <i>local government authority</i> in section 3 (1).	26
Insert instead “regional joint authority”.	28
[2] Section 29 Definitions	29
Omit “county council” from the definition of <i>public authority</i> .	30
Insert instead “regional joint authority”.	31

3.47 Public Authorities Superannuation Act 1985 No 41	1
Schedule 3 Employers	2
Omit “county council” from Part 3.	3
Insert instead “regional joint authority”.	4
3.48 Public Health Act 2010 No 127	5
Section 5 Definitions	6
Omit “county council” from paragraph (d) of the definition of <i>supplier of drinking water</i> in section 5 (1).	7
Insert instead “regional joint authority”.	8
3.49 Public Interest Disclosures Act 1994 No 92	10
[1] Section 4 Definitions	11
Omit “county council” from paragraph (b) of the definition of <i>local government authority</i> in section 4 (1).	12
Insert instead “regional joint authority”.	13
[2] Section 12B Disclosure concerning local government	14
Omit “county council” from section 12B (1) (b) (iv).	15
Insert instead “regional joint authority”.	16
3.50 Real Property Act 1900 No 25	17
Section 45D Application for title by possession	18
Omit “county council” from section 45D (3) (d).	19
Insert instead “regional joint authority”.	20
3.51 Rural Fires Act 1997 No 65	21
Dictionary	22
Omit “or county council” from the definition of <i>council</i> .	23
Insert instead “regional joint authority”.	24
3.52 Service NSW (One-stop Access to Government Services) Act 2013 No 39	25
[1] Section 3 Definitions	26
Omit “county council” from paragraph (i) of the definition of <i>Government agency</i> in section 3 (1).	27
Insert instead “regional joint authority”.	28
[2] Section 7 Delegation of customer service functions to CEO under other Acts or instruments	29
Omit section 7 (5). Insert instead:	30
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(5)	A customer service function of a council within the meaning of the <i>Local Government Act 1993</i> must not be delegated to the CEO by the council or any other person unless the council, by a resolution of the council, approved the delegation before it was made.	1 2 3 4
(6)	A customer service function of a regional joint authority within the meaning of the <i>Local Government Act 1993</i> must not be delegated to the CEO by the authority or any other person unless the authority, by a resolution of the governing body of the authority, approved the delegation before it was made.	5 6 7 8
[3]	Section 8 CEO may enter agreements to exercise customer service functions	9
	Omit section 8 (4). Insert instead:	10
(4)	An agreement must not be entered into under this section by, or on behalf of, a council within the meaning of the <i>Local Government Act 1993</i> unless the council, by a resolution of the council, approved the agreement before it was entered into.	11 12 13 14
(4A)	An agreement must not be entered into under this section by, or on behalf of, a regional joint authority within the meaning of the <i>Local Government Act 1993</i> unless the authority, by a resolution of the governing body of the authority, approved the agreement before it was entered into.	15 16 17 18
[4]	Sections 12 (2) and 19 (5)	19
	Omit “county council” wherever occurring.	20
	Insert instead “regional joint authority”.	21
3.53	Service NSW (One-stop Access to Government Services) Regulation 2013	22 23
	Clause 5 Sub-delegation of customer service functions by CEO	24
	Omit “county council” from clause 5 (a).	25
	Insert instead “regional joint authority”.	26
3.54	State Authorities Non-contributory Superannuation Act 1987 No 212	27
	Schedule 1 Employers	28
	Omit “county council” from Part 1.	29
	Insert instead “regional joint authority”.	30
3.55	State Authorities Superannuation Act 1987 No 211	31
	Schedule 1 Employers	32
	Omit “county council” from Part 1.	33
	Insert instead “regional joint authority”.	34
3.56	State Records Act 1998 No 17	35
	Section 3 Definitions	36
	Omit “county council” from paragraph (c) of the definition of <i>public office</i> in section 3 (1).	37
	Insert instead “regional joint authority”.	38

3.57 Strata Schemes Development Act 2015 No 51	1
Section 4 Definitions	2
Omit “county council” from paragraph (b) of the definition of <i>water supply authority</i> in section 4 (1).	3 4
Insert instead “regional joint authority”.	5
3.58 Strata Schemes (Freehold Development) Act 1973 No 68	6
Section 5 Definitions	7
Omit “county council” from paragraph (b) of the definition of <i>water supply authority</i> in section 5 (1).	8 9
Insert instead “regional joint authority”.	10
3.59 Strata Schemes (Leasehold Development) Act 1986 No 219	11
Section 4 Definitions	12
Omit “county council” from paragraph (b) of the definition of <i>water supply authority</i> in section 4 (1).	13 14
Insert instead “regional joint authority”.	15
3.60 Strata Schemes (Leasehold Development) Regulation 2012	16
Clause 33 Notice to water supply authorities	17
Omit “county council” from paragraph (b) of the definition of <i>water supply authority</i> in clause 33 (2).	18 19
Insert instead “regional joint authority”.	20
3.61 Superannuation Act 1916 No 28	21
Schedule 3 List of employers	22
Omit “county council” from Part 1.	23
Insert instead “regional joint authority”.	24
3.62 Teaching Service Regulation 2012	25
Clause 8 Holding of local government office	26
Omit “county council”.	27
Insert instead “the governing body of a regional joint authority”.	28
3.63 Waste Recycling and Processing Corporation (Authorised Transactions) Act 2010 No 8	29 30
Schedule 1 Interpretative provisions	31
Omit “county council” wherever occurring in the definition of <i>local authority</i> in clause 1.	32
Insert instead “regional joint authority”.	33

3.64 Water Act 1912 No 44	1
[1] Sections 12 (3) and 14 (1B)	2
Omit “county council” wherever occurring.	3
Insert instead “regional joint authority”.	4
[2] Section 26C Construction of work by Crown for councils or regional joint authorities	5
Omit “county council”.	6
Insert instead “regional joint authority”.	7
[3] Section 26C	8
Omit “council”.	9
Insert instead “council or authority”.	10
3.65 Water Industry Competition Act 2006 No 104	11
[1] Dictionary	12
Omit “county council” wherever occurring in paragraph (f) of the definition of <i>area of operations</i> .	13
Insert instead “regional joint authority”.	14
[2] Dictionary	16
Omit the definition of <i>county council</i> . Insert in alphabetical order:	17
<i>regional joint authority</i> means a regional joint authority established under the <i>Local Government Act 1993</i> .	18
[3] Dictionary, definition of “public water utility”	20
Omit “county council” from paragraph (f) of the definition.	21
Insert instead “regional joint authority”.	22
3.66 Water Industry Competition Amendment (Review) Act 2014 No 57	23
Schedule 1 Amendment of Water Industry Competition Act 2014 No 57	24
Omit “county council” from the definition of <i>public water utility</i> in Schedule 1 [67].	25
Insert instead “regional joint authority”.	26
3.67 Water Industry Competition (General) Regulation 2008	27
Schedule 2 Conditions for retail suppliers’ licences	28
Omit “county council” from paragraph (a) of the definition of <i>relevant Department Head</i> in clause 2 (3).	29
Insert instead “regional joint authority”.	30
3.68 Water Management Act 2000 No 92	32
[1] Dictionary	33
Omit “county council” from paragraph (b) of the definition of <i>local water authority</i> .	34

Insert instead “regional joint authority”.	1
[2] Dictionary, definition of “public authority”	2
Omit “county council” from paragraph (e) of the definition.	3
Insert instead “regional joint authority”.	4
3.69 Water NSW Act 2014 No 74	5
[1] Section 3 Definitions	6
Omit the definition of <i>county council</i> from section 3 (1). Insert in alphabetical order:	7
<i>regional joint authority</i> means a regional joint authority established under the	8
<i>Local Government Act 1993</i> .	9
[2] Section 7 Functions of Water NSW	10
Omit “county councils” from section 7 (1) (c).	11
Insert instead “regional joint authorities”.	12
[3] Section 20 Definition	13
Omit “county councils” from paragraph (b) of the definition of <i>regulatory agencies</i> .	14
Insert instead “regional joint authorities”.	15
3.70 Water (Part 2—General) Regulation 1997	16
Clause 27 Public authorities	17
Omit “A county council”.	18
Insert instead:	19
A regional joint authority	20
3.71 Water (Part 5—Bore Licences) Regulation 1995	21
Clause 8 Prescribed public authorities: sec 116A	22
Omit “A county council”.	23
Insert instead:	24
A regional joint authority	25
3.72 Western Sydney Parklands Act 2006 No 92	26
Section 3 Definitions	27
Omit “county council” from the definition of <i>local authority</i> in section 3 (1).	28
Insert instead “regional joint authority”.	29
3.73 Wilderness Act 1987 No 196	30
Section 2 Definitions	31
Omit “county council” from paragraph (c) of the definition of <i>statutory authority</i> in section	32
2 (1).	33
Insert instead “regional joint authorities”.	34

3.74 Work Health and Safety Act 2011 No 10

1

Section 4 Definitions

2

Omit “county council” from the definition of *local authority* in section 4 (1).

3

Insert instead “regional joint authority”.

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