



New South Wales

Local Government Amendment Bill 2019

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This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*Clerk of the Legislative Assembly,
Legislative Assembly,
Sydney,*

, 2019



New South Wales

Local Government Amendment Bill 2019

Act No , 2019

An Act to amend the *Local Government Act 1993* with respect to rates, tendering requirements, election planning, mutual recognition of approvals and other regulatory matters; and for other purposes.

EXAMINED

Speaker

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Local Government Amendment Act 2019*.

2 Commencement

- (1) This Act commences on the date of assent to this Act, except as provided by subsection (2).
- (2) Schedule 1 [4], [8]–[13] and Schedule 2.2 commence on a day or days to be appointed by proclamation.

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Schedule 1	Amendment of Local Government Act 1993 No 30	1
[1] Section 55 Requirements for tendering		2
	Omit “at a rate not exceeding the rate so specified” from section 55 (3) (a) and (g) wherever occurring.	3 4
	Insert instead “, if a rate is so specified, at a rate not exceeding the rate so specified”.	5
[2] Section 55 (3) (n)		6
	Omit the paragraph. Insert instead:	7
	(n) a contract involving an estimated expenditure or receipt of an amount of:	8 9
	(i) less than \$250,000 or another amount as may be prescribed by the regulations, or	10 11
	(ii) less than \$150,000 or another amount as may be prescribed by the regulations for a contract involving the provision of services where those services are, at the time of entering the contract, being provided by employees of the council,	12 13 14 15
[3] Section 55 (3) (q)		16
	Insert after section 55 (3) (p):	17
	(q) a contract made with a person or body approved as a disability employment organisation under the <i>Public Works and Procurement Act 1912</i> for the purchase of goods or services in relation to which the person or body is so approved.	18 19 20 21
	Note. Despite the person or body being approved under the <i>Public Works and Procurement Act 1912</i> , that Act does not otherwise apply to the procurement of goods and services by or for a council.	22 23 24
[4] Section 178A		25
	Insert after section 178:	26
178A Appeals relating to mutual recognition of approvals		27
	(1) The regulations may make provision for or with respect to appeals to the Land and Environment Court by applicants or approval holders who are dissatisfied with a determination of a council under a scheme prescribed by the regulations for the mutual recognition of approvals.	28 29 30 31
	(2) The regulations may also confer on the Land and Environment Court a discretion to award compensation, that is payable by a council, in circumstances of a kind referred to in section 179.	32 33 34
[5] Section 218CB Transitional provision for maintenance of pre-amalgamation rate paths		35 36
	Omit “3 rating years” from section 218CB (2). Insert instead “4 rating years”.	37
[6] Section 296AA Councils to plan for administration of elections		38
	Insert after section 296AA (4):	39
	(5) Despite the other provisions of this section, a council may make a resolution under subsection (1) on or before 1 October 2019 for the purposes of an arrangement that includes the ordinary election of councillors in 2020.	40 41 42

[7] Section 296 How elections are to be administered	1
Insert after section 296 (5):	2
(5A) Without limiting subsection (5), an election arrangement for the Electoral Commissioner to administer all elections of a council that is to include the ordinary election of councillors in 2020, or to administer that particular election, may be entered into if:	3
(a) the council resolves on or before 1 October 2019 that an arrangement is to be entered into, and	4
(b) the arrangement is entered into on or before 1 January 2020.	5
[8] Section 379 Delegation of regulatory functions	6
Insert at the end of section 379 (1) (d):	7
, or	8
(e) another council.	9
[9] Section 379 (2B)–(2D)	10
Insert after section 379 (2A):	11
(2B) A council may delegate a regulatory function to another council only with the approval, by resolution, of the other council.	12
(2C) The regulations may prescribe regulatory functions that must not be delegated by a council to another council under this section or limit the circumstances in which a regulatory function may be delegated by a council to another council under this section.	13
(2D) A council may delegate a regulatory function to a joint organisation under a provision of this section whether or not the council is a member council of the joint organisation.	14
[10] Section 379 (3) (c)	15
Insert “a committee of the board of the joint organisation or” before “the executive officer” where firstly occurring.	16
[11] Section 379 (3) (d)	17
Insert at the end of section 379 (3) (c):	18
, or	19
(d) a regulatory function is delegated to another council, the function may be delegated to:	20
(i) a committee of the other council of which all the members are councillors or of which all the members are either councillors or employees of the other council, or	21
(ii) the general manager of the other council and by the general manager to an employee of the other council.	22
[12] Chapter 15, Part 10, Division 5	23
Insert after Division 4 of Part 10 of Chapter 15:	24

Division 5	Exemption from regulatory requirements for fees	1
612	Regulations may exempt certain fees from regulatory requirements	2
(1)	Regulations may be made for or with respect to exempting fees that are charged by a council in connection with a commercial activity specified by the regulations from all or any of the requirements of this Act relating to public notification of council fees or the determination of fees in accordance with a pricing methodology.	3 4 5 6 7
(2)	An exemption made by or under the regulations for the purposes of this section may be unconditional or subject to conditions.	8 9
(3)	A regulation made under this section may validate a fee that was charged by a council before the making of the regulation if the fee would, if charged after the regulation commenced, have been validly imposed.	10 11 12
[13]	Schedule 6 Regulations	13
	Insert after item 8:	14
8AA	A scheme for mutual recognition by councils of approvals under Part 1 of Chapter 7	15 16
	Examples. Model policies for councils relating to mutual recognition	17
	Policies of councils relating to mutual recognition	18
	Arrangements between councils for mutual recognition	19
	Approval of mutual recognition arrangements	20
	Effect of recognition of approvals	21
	Modification and revocation of recognised approvals and conditions of approvals	22
	Compensation by councils for modification or revocation of recognised approvals	23
	Procedures (including applications and payment of fees) for recognition of approvals granted by other councils	24 25
	Records of recognised approvals	26
	Exchange of information relating to recognised approvals	27
	Notice to other councils of recognised approvals	28
	Enforcement of recognised approvals by councils	29
[14]	Schedule 8 Savings, transitional and other provisions consequent on the enactment of other Acts	30 31
	Insert at the end of the Schedule, with appropriate Part and clause numbering:	32
Part	Provision consequent on enactment of Local Government Amendment Act 2019	33 34
	Rate freeze for previously amalgamated councils	35
	Section 218CB (2), as amended by the <i>Local Government Amendment Act 2019</i> , extends to a determination made by the Minister before the commencement of that amendment and in force on that commencement.	36 37 38

Schedule 2	Amendment of other legislation	1
2.1	Government Sector Finance Legislation (Repeal and Amendment) Act 2018 No 70	2
		3
	Schedule 4.89, item [3], proposed section 31 (2)	4
	Insert “or for a local authority under the <i>Local Government Act 1993</i> ” after “ <i>Government Sector Finance Act 2018</i> ”.	5
		6
2.2	Land and Environment Court Act 1979 No 204	7
	Section 18 Class 2—local government and miscellaneous appeals and applications	8
	Insert “, and regulations made under section 178A of,” after “611 of” in section 18 (a).	9
2.3	Local Government (General) Regulation 2005	10
	Clause 163 Application of Part	11
	Omit clause 163 (2).	12
2.4	Public Interest Disclosures Act 1994 No 92	13
[1]	Section 31 Reports to Parliament by public authorities	14
	Omit section 31 (2). Insert instead:	15
	(2) An annual report under this section must be tabled in each House of Parliament by the relevant Minister as soon as practicable after it is prepared unless it is included in an annual report prepared for the purposes of:	16
	(a) the <i>Annual Reports (Departments) Act 1985</i> , or	17
	(b) the <i>Annual Reports (Statutory Bodies) Act 1984</i> , or	18
	(c) the <i>Local Government Act 1993</i> .	19
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		21
[2]	Schedule 2 Savings, transitional and other provisions	22
	Insert at the end of the Schedule, with appropriate Part and clause numbering:	23
Part	Provision consequent on enactment of Local Government Amendment Act 2019	24
		25
	Application of amendment to local authorities	26
	Section 31 (2) (c), as inserted by the <i>Local Government Amendment Act 2019</i> , applies to and in respect of a local authority on and from 1 July next following the substitution of the provision.	27
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