



LGA Conference Motions

Late motions and an addendum to the Business paper is available at Attachment A of this edition of the LG Weekly.

Draft Quarterly Budget Review & Long Term Financial Plan

Draft guidelines for the Quarterly Budget Review Statement and Long Term Financial Plan have now been released for comment by the Division of Local Government.

***Building Energy Efficiency Disclosure Act 2010* obligations**

Councils may be required to obtain and register a Building Energy Efficiency Certificate (BEEC) to distribute when selling or leasing an office building under the provisions of *the Building Energy Efficiency Act 2010* (the Act).

Local Government Association of NSW and the Shires Association of NSW

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The LHNGC are now accepting expressions of interest for membership. To ensure the needs of their community are heard, council representatives are encouraged to apply.

Item 7: Supporting older people from CALD backgrounds

The Benevolent Society is holding a seminar to launch a new research-to-practice briefing paper *Supporting older people from culturally and linguistically diverse (CALD) Backgrounds*.

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The Australian Emergency Management Institute (AEMI) – Centre for Excellence in Emergency Management is seeking expressions of interest from Local Government employees to participate in a secondment program.

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The Department of Environment, Climate Change and Water (DECCW) has received over 800 notifications from owners or occupiers who believe a site is contaminated. A table outlining DECCW's strategy in assessing and responding to these sites is now available online.

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The latest edition of the Urban Sustainability Support Alliance (USSA) quarterly newsletter is now available.

Item 12: Sustainability Training Package Launch and Training Day

The LGSA is pleased to announce the release of a new training package that will help councils use staff training as a tool to progress their sustainability work and improve the way they operate.

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The Institute of Internal Auditors is presenting a Forum for Local Government. The forum is supported by the Local Government Internal Auditors Network (LGIAN).

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Item 15: Experience + Training Program

Funding for this program is available from the Department of Education, Employment and Workplace Relations (DEEWR). The program helps employers provide quality training for their mature age workers interested in supervising, supporting and mentoring apprentices and trainees.

Item 16: OH&S and First Aid Compliance - Australian Red Cross Survey

This online survey provides an opportunity to have your say on OH&S and First Aid compliance. The Associations are encouraging councils and staff to participate through this online survey.

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Are you interested in learning how to work better with enterprises and industry groups? The National Quality Council's Quality of Assessment Action Group is currently running interactive sessions and developed tools to assist Registered Training Organisations (RTO).

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Item 18: Professional Development for L & D Managers and Officers

Are you a learning and development officer interested in updating current qualification? Take your skills to the next level in Learning Design, as well as Delivery and Assessing Competence, with the new Certificate IV in Training and Assessment.

Item 19: Influencing Skills for Women

Develop skills and knowledge to empower you in reaching greater career goals during and after the Year of the Women in Local Government.

Item 20: In-house Training Services

Councils can gain significant savings by having training workshops customised to their needs and supplied "in-house". Courses include Handling Difficult People, Time Management, Managing Information Overload and Improving Your Business Writing.

Item 21: 2011 Public and in-house Staff Workshops Calendar

Copies of the February to June 2011 calendar are now available from Learning Solutions. In recognition of the International Year of Youth, the new calendar features programs such as Communication Skills for Young Leaders and a Youth Leadership Workshop.

Item 22: Workplace English Language and Literacy (WELL) Assistance

This workplace communication skills development program is useful for councils who are seeking to upskill staff in child care, depot, parks & gardens, streetscape, leisure centres and other operational areas.

Legal

Item 23: *Building Energy Efficiency Disclosure Act 2010* obligations

Councils may be required to obtain and register a Building Energy Efficiency Certificate (BEEC) to distribute when selling or leasing an office building under the provisions of *the Building Energy Efficiency Act 2010* (the Act).

Item 24: Review of Penalty Notices

The New South Wales Law Reform Commission is seeking comments from interested parties on the penalty notice system currently in place in NSW.

Procurement

Item 25: Local Government Procurement Newsletter

The current edition of Local Government Procurement News is now available.

Roads and Transport

Item 26: RTA 2010/11 Regional Roads Funding Information Paper

The Roads and Traffic Authority (RTA) has released the 2010-11 RTA/Local Government Liaison Committee's (LGLC) Regional Roads Funding Assistance to Local Government Information Paper to councils.

Water

Item 27: Murray-Darling Basin Plan – Guide and Consultation

The Murray-Darling Basin Authority (MDBA) has now released the Guide to the proposed Murray-Darling Basin Plan. The Guide proposes significant reductions in the current level of water diversion in order to provide more water to the environment. The MDBA is now undertaking community consultations across the basin.

In the News

Item 28: Media from the LGSA

View the latest media releases distributed by the LGSA

Media Release: Councils to review Guide to the Murray-Darling Basin Plan

Attachment A

Attachment A: LGA Conference Late Motions and Addendums to the Business Paper.

Awards

Item 1: Award opportunities

View the latest Award opportunities for Local Government

NSW Coastal Conference seeks Awards Entries

Has your council made a difference towards the ecological sustainable management of its coastal zone? Nominate them for an Annual NSW Coastal Management Award.

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Conferences and Events

Item 2: Upcoming conferences and events

View upcoming conference and events relevant to Local Government

2010 LGA Conference – A Sustainable Conference

The LGSA and Albury City Council are committed to working together to create a sustainable conference. A number of initiatives have been implemented in the organisation of this event, to reduce the impact on the environment and set a positive precedent.

Internal Auditors Local Government Forum

The Institute of Internal Auditors is presenting a Forum for Local Government. The forum is supported by the Local Government Internal Auditors Network (LGIAN).

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Grants & Funding

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View the latest grant and funding opportunities for Local Government

Experience + Training Program

Experience + Training funding is available from the Department of Education, Employment and Workplace Relations (DEEWR). The program assists employers in providing quality training for their mature age workers interested in supervising, supporting and mentoring apprentices and trainees.

RTA 2010/11 Regional Roads Funding Information Paper

The Roads and Traffic Authority (RTA) has released the 2010-11 RTA/Local Government Liaison Committee's (LGLC) Regional Roads Funding Assistance to Local Government Information Paper to councils.

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General Interest

Item 4: LGA Conference Motions

Late motions and an addendum to the Business paper is available at Attachment A of this edition of the LG Weekly.

Addenda

After further consideration by the Executive, the following motions have been moved from Category 2 to Category 1 for the consideration of the Conference.

Motions 21, 22, 23, and 24 now become motions A2, A3, A4 and A1 respectively and motions 65, 66 and 67 now become motions A5, A6 and A7.

Late Motions

Late motions are published at Attachment A of this edition of the LG Weekly.

It is also available on the LGA Conference website (see Fact Box).

These motions have been categorised as either Category 1 or Category 2 and further classified according to the methodology used with those submitted prior to the deadline.

Only Late Motions which have been determined to be Category 1 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final day of Conference and only by approval of Conference delegates.

Notice

Motion 1 – One Association Convention, will be deferred for the consideration of the Conference to 4pm on the first day of Conference, Monday 25 October.

LGA Conference

24 – 27 October 2010
Albury

Motions and Business Paper

<http://www.lgsa-plus.net.au/www/html/3373-motions-and-business-papers.asp>

Further information

Skye Smith
02 9242 4052
skye.smith@lgsa.org.au

Ref: R08/0024

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General Interest

Item 5: 2010 LGA Conference – A Sustainable Conference

The LGSA and Albury City Council are committed to working together to create a sustainable conference. A number of initiatives that reduce the impact on the environment and set a positive precedent have been implemented.

Albury City will offset greenhouse gas emissions from the 2010 LGA Conference by planting native box gum woodland trees equivalent to the remaining greenhouse gas emissions.

Organisers of the 2010 LGA conference aspire to create a responsible event in support of the global mission to find positive solutions for sustainable development and the climate crisis. We recognise that meetings and events can have negative impacts on both the host communities and the environment if not properly planned.

We have identified six key areas in our quest of hosting a sustainable 2010 LGA Conference in Albury:

1. Resource use and procurement.
2. Energy use and purchase.
3. Greenhouse gas emissions.
4. Waste.
5. Venue and temporary structures.
6. Transportation.

Elite Sponsor Country Energy will provide 100% Green Power for the venue during the LGA Conference.



2010 LGA Conference

24-27 October 2010

Albury Entertainment Centre

Hosted by Albury City Council

Conference website

www.lgaconference.lgsa.org.au

Further information

Registration: Bradley Hayden,

LGA Conference Secretariat

02 6023 6300

bradley@ccem.com.au

Awards & voting delegates:

Karen Rolls, 02 9242 4050

karen.rolls@lgsa.org.au

Motions (submissions closed):

Peter Coulton, 02 9242 4030

Workshops:

LGSA Learning Solutions

02 9242 4081

Ref: R08/0024 MM

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Community

Item 6: EOI - Local Health Network Governing Councils (LHNGC)

The LHNGC are now accepting expressions of interest for membership. To ensure the needs of their community are heard, council representatives are encouraged to apply.

The NSW Government has announced the configuration of 18 Local Health (and Hospital) Networks in NSW and its intention to explore the relationship between Local Government, LHNGC and local health services.

In the meantime, the NSW Government is inviting applications from people interested in becoming a member of a LHNGC. The responsibilities of LHNGC have been outlined and are to include local planning and delivery of clinical services, budget management, clinical governance, patient services, infection control and workforce management.

Members will be expected to actively contribute to the effective governance of these significant public sector organisations which provide a broad range of health services to the NSW community.

To apply, interested individuals are requested to complete an expression of interest and provide a current CV indicating their skills and experience relevant to the role of being a Member of a Governing Council.

EOI Close

C.O.B. Friday, 22 October, 2010

EOI Forms & Information Package

http://www.health.nsw.gov.au/resources/lhn/pdf/Application_form_members_LHN_FOR_APPLICANTS.pdf

Further information

Conduct Guidelines for Members of NSW Boards and Committees

http://www.health.nsw.gov.au/resources/lhn/pdf/DPC_Conduct_Guidelines_for_NSW_Boards.pdf

Discussion Paper

http://www.health.nsw.gov.au/resources/Initiatives/healthreform/lhn_disc_paper_pdf.asp

National Health Reform

<http://www.health.nsw.gov.au/initiatives/healthreform/index.asp>

Press Release

http://www.health.nsw.gov.au/resources/Initiatives/healthreform/pdf/lhns_min_mr.pdf

LGSA Contact

Helen Johnson

Senior Policy Officer – Public Health
02 9242 4028

helen.johnson@lgsa.org.au

Ref: R09/0018 HJ

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Community

Item 7: Supporting older people from CALD backgrounds

The Benevolent Society is holding a seminar to launch a new research-to-practice briefing paper *Supporting older people from culturally and linguistically diverse (CALD) Backgrounds*.

Older people from CALD backgrounds are a significant and growing section of the older population. In some areas, they are the majority user of community care services. This places pressure on services to provide culturally appropriate and sensitive care. It also highlights the need for government and service providers to make issues faced by CALD older people central to planning, funding and delivering aged care services.

Prepared by the Social Policy Research Centre and The Benevolent Society, this Briefing Paper refines evidence from research to guide community care workers and managers in their day-to-day work.

The research will be launched by Pino Migliorino, Chair, Federation of Ethnic Communities Councils of Australia & Chair, NSW Ministerial Advisory Committee on Ageing. The seminar will include presentations by Maria Stephanou, NSW Transcultural Aged Care and Karen Lee, The Benevolent Society.

Seminar

2 November, 2010
9am for a 9.30am Start – 11am
The Benevolent Society
Level 1, 188 Oxford Street,
Paddington

RSVP

28 October
Susanna Eckersley
susannae@bensoc.org.au
02 9339 8064

Ref: R90/1195 MK

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Emergency Management

Item 8: Secondment Program with AEMI

The Australian Emergency Management Institute (AEMI) – Centre for Excellence in Emergency Management is seeking expressions of interest from Local Government employees to participate in a secondment program.

AEMI staff members play a key role in enhancing Australia's capability to mitigate, manage, and recover from disasters. AEMI do this by providing education and training, facilitating high-level forums, nationally significant research and workshops.

The AEMI Secondment Program provides a unique opportunity for an individual to join their team and build experience and knowledge in emergency management. The person will do this in a national multi-agency environment, in an extremely diverse and challenging sector which has a continually changing landscape.

Desired abilities of the applicants

- Experience in the emergency management sector.
- Ability to design, develop, conduct, assess and evaluate education and training programs.
- High level facilitation skills to drive successful outcomes from multi-disciplinary forums.
- Strong analytical and conceptual skills that enable applied research and development in the field of emergency management.
- Strong project management.

Successful applicants may vary between project leader and high level team member. As part of a team, you will work both collaboratively and independently to get work done. It is a two to 12-month seconded position and may involve some interstate travel.

Located at Mount Macedon in Victoria, AEMI is a 45 minute drive from Tullamarine Airport and 60 minutes from the Melbourne CBD.

Applications

Interested applicants should apply in writing to Judy Parker (see Fact Box). The application should include an expression of interest of no more than 750 words, outlining:

- Your experience and your claims against the desired abilities of the role.
- A current resume.
- A letter of support from your agency indicating in principle agreement to release you for a period of between two and 12 months.

On selection, you will be required to gain a Departmental security clearance. Specific terms and conditions will be negotiated.

E.O.I. Close for Secondment to AEMI

COB 22 October 2010

Further information

Judy Parker

AEMI

judy.parker@ag.gov.au

03 5421 5229

Ref: R90/0753 LG

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Environment

Item 9: NSW Coastal Conference seeks Awards Entries

Has your council made a difference towards the ecological sustainable management of its coastal zone? Nominate them for an Annual NSW Coastal Management Award.

The Awards are presented to publicly recognise and acknowledge the contributions of individuals, groups, organisations and agencies toward the ecologically sustainable management of the NSW coastal zone.

To register for the conference or for further information about award categories and how to nominate, visit the conference website (see Fact Box).

Annual NSW Coastal Management Awards

Thursday, 11 November, 2010
ClubCatalina Sports & Leisure Club
(formerly Batemans Bay Bowling & Recreation Club), Batemans Bay

NSW Coastal Conference

10-12 November, 2010
Bateman's Bay

Entries Close

Friday, 22 October, 2010

Further information

www.coastalconference.com

NSW Coastal Conference Managers
amy@eastcoastconferences.com.au

Ref: R90/1159 RV

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Environment

Item 10: List of NSW contaminated sites now online

The Department of Environment, Climate Change and Water (DECCW) has received over 800 notifications from owners or occupiers who believe a site is contaminated. A table outlining DECCW's strategy in assessing and responding to these sites is now available online.

The notifications were received in response to 2008 amendments to the *Contaminated Land Management Act 1997* (CLM Act) clarifying the Section 60 duty to report contaminated sites.

A strategy to systematically assess, prioritise and respond to these notifications has been developed by DECCW. This strategy acknowledges DECCW's obligations to make information available to the public under the Government Information (Public Access) Act 2009.

The sites notified to DECCW and presented in the online table are at various stages of the assessment and/or remediation process.

Understanding the nature of the underlying contamination, its implications and applying a remediation program where required, can take a considerable period of time. The table indicates the management status of each nominated site.

Importantly, the table should not be considered to be a comprehensive, exhaustive list of all contaminated sites in NSW. It only contains sites that DECCW is aware of, with regard to its regulatory role under the CLM Act. An absence of a site from the list does not necessarily imply the site is not contaminated. DECCW relies upon responsible parties to notify contaminated sites.

DECCW will be writing to all councils to advise them of the existence of the online list of notified contaminated sites. Further detailed information may be available from DECCW or the responsible landowner.

Contaminated Sites - Online Table

<http://www.environment.nsw.gov.au/clm/publiclist.htm>

Contaminated Land Management Act 1997

<http://www.environment.nsw.gov.au/legislation/DECCActssummaries.htm#contaminated>

Government Information (Public Access) Act 2009

<http://www.legislation.nsw.gov.au/main/top/view/inforce/act+52+2009+cd+0+N>

Contact

131 555
contlandmgnt@environment.nsw.gov.au

Ref: R90/0897 RV

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Environment

Item 11: Urban Sustainability Support Alliance News

The latest edition of the Urban Sustainability Support Alliance (USSA) quarterly newsletter is now available.

The newsletter showcases councils implementing sustainability projects to ensure that lessons learnt by councils in the journey towards sustainability are shared.

Highlights in this issue include:

- Sustainability Training Package Launch.
- Save Our Swamps (Blue Mountains City Council).
- On the Road to Sustainability (Bega Valley Shire Council).
- Sustainable Illawarra and Food Security.
- Small Wind Energy.

Has your council got a sustainability story to share? Let us know and you could be in our next edition.

USSA Newsletter

www.lgsa.org.au/USSA
in the "newsroom" section.

LGSA Contact

Robbie Beale
USSA Senior Project Officer
02 9242 4056
robbie.beale@lgsa.org.au.

Ref: R07/0020-02 RB

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Environment

Item 12: Sustainability Training Package Launch and Training Day

The LGSA is pleased to announce the release of a new training package that will help councils use staff training as a tool to progress their sustainability work and improve the way they operate.

The launch will be a hands-on "Train the Trainer" day. It will include a closer look at the Sustainability Training Package and will be an opportunity to work through the process of delivering a training program in your council using the training package.

The Sustainability Training Package includes:

- Step-by-step guide for preparing and facilitating a structured workshop.
- PowerPoint presentations.
- Handouts.
- Training aids.
- Evaluation forms.
- Templates.
- Tips for group activities and facilitation techniques.

The package is intended to share the learning from training work undertaken within the Urban Sustainability Support Alliance (USSA) program in 2009 and 2010.

Workshop participants will receive a copy of the Training Package. It will also be available online in December 2010.

Who is the Training Package for?

The Sustainability Training Package is aimed at council staff such as educators, sustainability coordinators, human resource training officers and those looking to use training as a tool to progress sustainability in their council.

Sustainability Training Package Launch and Training Day

18 November 9.30am-3pm
Sydney

Cost

FREE

Register

<https://lgsa.wufoo.com/forms/sustainability-training-package-launch/>

Further information

www.lgsa.org.au/ussa

Niki Carey

02 9242 4159

ussa@lgsa.org.au

Ref: R07/0020-02 NC

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Finance

Item 13: Draft Quarterly Budget Review & Long Term Financial Plan

Draft guidelines for the Quarterly Budget Review Statement and Long Term Financial Plan have now been released by the Division of Local Government for comment.

Quarterly Budget Review Statement (QBRS)

The first draft of the Quarterly Budget Review Statement (QBRS) document was issued in May 2010 to councils and others in the Local Government sector. The Division of Local Government (DLG) received a large number of submissions in response.

A revised draft has now been re-issued for comment prior to finalisation and implementation. General managers should ensure that councillors are given an opportunity to review and comment on the document, as they are in a position to gain the most from this initiative.

The requirements in the revised draft document have been simplified to ensure that councils are able to comply with the new provisions while providing councillors with sufficient information to make informed decisions.

Long Term Financial Plan (LTFP)

Councils implementing Integrated Planning and Reporting (IP&R) are required to develop a long term financial plan. To assist councils in developing a 10 year LTFP, the DLG has developed a guidance paper. The paper will become an annexure to the Resourcing Strategy section of the IP&R Manual issued earlier this year.

The LTFP document is being released as a draft to allow councils and other interested parties to provide comment and feedback on the content of the document.

Comments Due

COB Friday, 19 November, 2010
Comments on both papers are to be emailed to the DLG
finance@dlg.nsw.gov.au

Draft Guidance Documents

www.dlg.nsw.gov.au

Further information

Refer to the DLG Circular 10/25

Ref: R03/0025 SMcB

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Finance

Item 14: Internal Auditors - Local Government Forum

The Institute of Internal Auditors is presenting a Forum for Local Government. The forum is supported by the Local Government Internal Auditors Network (LGIAN).

This Forum recognises the growing emphasis on the importance of audit committees and the internal audit function. This forum has been designed to encourage dialogue and enable sector-focused discussion on the critical components of internal audit, while providing a roadmap to make internal audit a value-add function rather than a cost centre.

The community expects openness and transparency from their local council, but they also want value and financial sustainability. While internal audit core competencies are in the area of internal control, risk and governance – typically, internal audit's scope will include value-adding services such as effectiveness and efficiency of operations and safeguarding of assets.

Topics covered

- Local government: future directions.
- The audit committee: meeting expectations.
- Getting value from service delivery reviews.
- Working with audit committees: seeing the value.
- Streamlining procurement: the Lake Macquarie case study.
- Infrastructure asset management.
- Effective enterprise risk management.
- Delivering quality in a small audit shop.

Who should attend

All stakeholders – including mayors, councillors, independent audit committee members, general managers, risk managers and internal auditors – are encouraged to come along, learn and share information with industry experts and practitioners.

Internal Auditors Forum

9.30am – 5.30pm
Friday, 5 November, 2010
The Menzies Hotel, Sydney

Institute of Internal Auditors

www.iaa.org.au

Further information

The Institute of Internal Auditors
maja.carroll@iaa.org.au

02 9267 9155

1800 236 366 (outside Sydney)

Ref: R03/0025 SMcB

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Industrial Relations

Item 15: Experience + Training Program

Funding for this program is available from the Department of Education, Employment and Workplace Relations (DEEWR). The program helps employers provide quality training for their mature age workers interested in supervising, supporting and mentoring apprentices and trainees.

Experience + Training allows eligible employers to apply for \$4,950 (inc. GST) to pay for, or contribute to, the cost of approved training for a mature age worker.

Funding for Experience + Training is provided to the employer in two instalments:

- A 'start up' payment of \$3,500 (includes GST).
- A 'completion' payment of \$1,450 (includes GST).

Funding must be used to pay for, or contribute to, the cost of a Certificate III (or above) level course for a mature age worker. The course must be delivered in Australia by a Registered Training Organisation (RTO).

Any remaining funds can be used to pay for, or contribute to, the cost of:

- Administrative expenses involved in identifying and enrolling the worker in a suitable training course.
- Supporting the business to allow the worker to complete the course while still in employment.
- Evidence gathering/skills assessments to allow the worker to gain Recognition of Prior Learning.
- Applying for relevant tickets (such as forklift tickets) or licences.
- Additional training activity that is not at the Certificate III level or above, but would be of benefit to the worker (e.g. literacy or numeracy training, Certificate I or II level training, statements of attainment etc).

Employers are encouraged to work with their employee to seek Recognition of Prior Learning, which could significantly reduce the amount of time required to achieve a qualification.

Experience + Training Guidelines 2010-14 and Application Form

<http://www.deewr.gov.au/Employment/Programs/ExpPlus/Employers/Documents/ExpPlusGuidePrint.pdf>

www.deewr.gov.au/Employment/Programs/ExpPlus/Employers/Pages/TrainGuideandAppForm.aspx

Ref: I97/0023-07 NS

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Industrial Relations

Item 16: OH&S and First Aid Compliance - Australian Red Cross Survey

This online survey provides an opportunity to have your say on OH&S and First Aid compliance. The Associations are encouraging councils to participate.

The survey results will be used to help the Australian Red Cross provide critical feedback to a number of authorities, legislators, industry groups and training providers about First Aid Compliance.

The survey should take approximately three minutes to complete.

Australian Red Cross Survey

Closes Monday 18 October 2010

http://www.surveymonkey.com/s.aspx?PREVIEW_MODE=DO_NOT_USE_THIS_LINK_FOR_COLLECTION&sm=y6ESijs61zB%2bexqKdIH79TqWPrWzRQxNMSRpCZZ%2fpRE%3d

Further information

www.redcross.org.au

Ref: I90/0049-04 NS

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Industrial Relations

Item 17: Enterprises/industry groups and RTOs

Are you interested in learning how to work better with enterprises and industry groups? The National Quality Council's Quality of Assessment Action Group is currently running interactive sessions and developed tools to assist Registered Training Organisations (RTO).

Councils are invited to attend an interactive information session, exploring ways they can work collaboratively with these groups to provide effective skills training.

Enterprise or Industry Group

Learn how to choose an RTO that suits your industry; develop and maintain close working relationships; and ensure training and assessment is designed and delivered to meet skill needs.

Registered Training Organisations

Learn how to work effectively with enterprises or industry group to develop and maintain the relationship so that you build a reputation for delivering high quality training solutions. Also explore ways to use industry associations to learn about industry needs.

Interactive Sessions

Sydney, Thursday 11 November, from 9am-12pm and from 1-4pm.

Cost

FREE

Registrations & Further Information

<http://www.surveymonkey.com/s/3QP29ZJ>

www.precisionconsultancy.com.au

Further information

Mitch Cleary

Precision Consultancy

03 9606 0118

mitch@precisionconsultancy.com.au

Ref: I97/0023-07 NS

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Learning

Item 18: Professional Development for L & D Managers and Officers

Are you a learning and development officer interested in updating current qualification? Take your skills to the next level in Learning Design, as well as Delivery and Assessing Competence, with the new Certificate IV in Training and Assessment.

At least two years of training experience is recommended in order to join the five-day program which will be presented by Management Consultancy International, a Registered Training Organisation.

Certificate IV in Training & Assessment

Part 1 - 11 & 12 November

Part 2 - 7, 8 & 9 December

Local Government Training Centre,
28 Margaret Street, Sydney

Cost

\$1,100 (no GST on accredited courses) for the 5 days' training, course materials and assessment.

Registrations

<http://www.lgsa.org.au/www/html/152-courses-for-staff.asp>

Contact

Learning Solutions

Jennifer Fanning

02 9242 4181

learning@lgsa.org.au

Ref: I98/0012 RN

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Learning

Item 19: Influencing Skills for Women

Develop skills and knowledge to empower you in reaching greater career goals during and after the Year of the Women in Local Government.

This one-day interactive and participative workshop will be especially helpful to women who need to achieve results and manage projects without official positional power/authority.

- Discover your own influence style.
- Learn how to adjust your style to a variety of influence situations.
- Develop a personal plan to apply in your world.
- Improve your ability to reach your goals and maintain and build strong relationships.

Participants will be introduced to a powerful yet simple influence model and have numerous opportunities to practice it during the workshop.

Influencing Skills for Women

Friday 26 November
Sydney

Cost

One day workshop
\$462 (inc. GST)

Registrations

<http://www.lgsa.org.au/www/html/152-courses-for-staff.asp>

Contact

Learning Solutions
Jennifer Fanning
02 9242 4181
learning@lgsa.org.au

Ref: I98/0012 RN

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Learning

Item 20: In-house Training Services

Councils can gain significant savings by having training workshops customised to their needs and supplied "in-house". Courses include **Handling Difficult People**, **Time Management**, **Managing Information Overload** and **Improving Your Business Writing**.

The following one-day skills programs can be conducted on council premises:

Handling Difficult People – For staff who need to know how to diffuse an angry situation.

Time Management – There is an old saying "I was given a book on time management but didn't have time to read it." If this is you, then you should consider attending this highly interactive workshop, which is tailored to Local Government.

Managing Information Overload: Speed Reading – We all have the potential to at least double or triple our reading speed and improve our comprehension. Depending on our motivation, we can read at thousands of words per minute. Enhance your performance by learning this new skill.

Improve Your Business Writing (Two-day workshop) – If you struggle to write correspondence, reports and submissions which do not get the result you want, then this excellent practical workshop will help. For a more focused topic, you can also consider a Report Writing or English Grammar and Punctuation workshop.

To receive a comprehensive proposal within the next few days, contact us with your details and the names of the courses you are enquiring about.

Further information

<http://www.lgsa.org.au/www/html/153-in-house-training-services.asp>

Contact

Darryl Rubiolo
Learning Solutions
02 9242 4182
learning@lgsa.org.au

Ref: I98/0012 RN

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Learning

Item 21: 2011 Public and in-house Staff Workshops Calendar

Copies of the February to June 2011 calendar are now available from Learning Solutions. In recognition of the International Year of Youth, the new calendar features programs such as **Communication Skills for Young Leaders** and a **Youth Leadership Workshop**.

The following programs for women are available as public workshops:

- Assertive Skills.
- Springboard Women's Development Program.
- Leadership Skills for Aspiring Women.
- Influencing Skills for Women.

Learning Solutions also coordinates the International Association for Public Participation (IAP2) Certificate in Public Participation Training which assists council staff to engage with the community. The modules are:

- Module 1 – Planning for Effective Public Participation (two days).
- Module 2 – Effective Communication for Public Participation (one day).
- Module 3 – Techniques for Effective Public Participation (two days).

Learning Solutions also has new programs on offer such as Managing Different Generations and Coaching Council Leaders.

Further information or copies of the calendar:

Jennifer Fanning
LGSA Learning Solutions
02 92424081
learning@lgsa.org.au

Registrations

<http://www.lgsa.org.au/www/html/152-courses-for-staff.asp>

Ref: I98/0012 RN

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Learning

Item 22: Workplace English Language and Literacy (WELL) Assistance

This workplace communication skills development program is useful for councils who are seeking to upskill staff in child care, depot, parks & gardens, streetscape, leisure centres and other operational areas.

The Sydney Institute of TAFE NSW has a consultant to assist employers with on-the-job English Language and Literacy support for their workers. Commonwealth funding (75%) is available for the WELL program.

Councils interested in applying for funding can contact Elisa Beecham (see Fact Box) who will consult and advise them and complete the application on their behalf. There is no charge for this service.

Guidelines for the WELL Program

www.deewr.gov.au/well

Contact:

Elisa Beecham
WELL Consultant, Business
Development Directorate
0418 297 382
elisa.beecham@tafensw.edu.au
TAFE NSW - Sydney Institute,
Building I, Mary Ann St, Ultimo NSW
2007

Ref: I96/0053RN

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Legal

Item 23: *Building Energy Efficiency Disclosure Act 2010* obligations

Councils may be required to obtain and register a Building Energy Efficiency Certificate (BEEC) to distribute when selling or leasing an office building under the provisions of *the Building Energy Efficiency Act 2010* (the Act).

From 1 November 2010, constitutional corporations that sell or lease office space greater than 2,000m²:

- Must obtain and register a Building Energy Efficiency Certificate (BEEC), in accordance with sections 11 or 12 of the Act when selling or leasing a disclosure affected office building or area of a building.
- Must include the BEEC energy efficiency star rating for the building in any advertisement for the sale, lease or sublease of the building or area in accordance with section 15 of the Act.

During a transition phase in the first 12 months of the program, a National Australian Built Environment Rating System (NABERS) energy efficiency star rating for the base building or whole building can be used in place of a BEEC. From 1 November 2011, a BEEC will need to be disclosed. Further information on what this entails is available on the Commercial Building Disclosure program website reference above.

All constitutional corporations for the purposes of Section 51 of the Australian Constitution are bound by the Act and Councils should seek their own legal advice on whether they fall into the category of a constitution corporation.

Commercial Building Disclosure Program

<http://cbd.gov.au>

Further information

Frank Loveridge

9242 4125

frank.loveridge@lgsa.org.au

Ref: R06/0041 FL

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Legal

Item 24: Review of Penalty Notices

The New South Wales Law Reform Commission is seeking comments from interested parties on the penalty notice system currently in place in NSW.

In particular, the Law Reform Commission is seeking information relating to:

- Whether current penalty amounts are commensurate with the objective seriousness of the offences to which they relate.
- The consistency of the current penalty amounts for the same or similar offences.
- The formulation of principles and guidelines for a uniform and transparent method of fixing penalty amounts and their adjustment over time.
- Whether penalty notices should be issued to children and young people, having regard to their limited earning capacity and the requirement for them to attend school up to the age of 15. If so:
 - Whether penalty amounts for children and young people should be set at a rate different to adults.
 - Whether children or young people should be subject to a shorter conditional "good behaviour" period following a write off of their fines.
 - Whether the licence sanctions scheme under the Fines Act 1996 should apply to children and young people.
- Whether penalty notices should be issued to people with an intellectual disability or cognitive impairment.
- Any related matters.

To assist in the preparation of responses, the NSW Law Reform Commission has prepared a Consultation Paper which is available on their website (see Fact Box).

LGSA seeking comment

The Associations will be preparing a whole of Local Government submission on this matter and are seeking information from all councils in the first instance to assist in the preparation of the submission (see Fact Box).

Comments to LGSA

Due Friday 12 November, 2010
To Frank Loveridge (see below)

Submissions to NSW Law Reform Commission

Due 30 November, 2010.

NSW Law Reform Commission Consultation Paper

http://www.lawlink.nsw.gov.au/lawlink/lrc/ll_lrc.nsf/pages/LRC_index.

Further information

Frank Loveridge
LGSA Legal Officer
02 9242 4125
frank.loveridge@lgsa.org.au

Ref: R08/0024 FL

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Procurement

Item 25: Local Government Procurement Newsletter

The current edition of Local Government Procurement News is now available.

This edition of LGP news includes:

- Local Government Procurement 2010 Annual Conference.
- Vendor Panel Update.
- Current Contracts.
- Current Tenders.
- IPWEA NSW 2010 Works Officers Conference.
- What's Going on with LGP Approved Contractors.
- IPWEA NSW Regional Conferences.

September Edition - LGP News

<http://www.lgp.org.au/www/html/1159-news-and-updates.asp?intSiteID=3>

Ref:

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Roads and Transport

Item 26: RTA 2010/11 Regional Roads Funding Information Paper

The Roads and Traffic Authority (RTA) has released the 2010-11 RTA/Local Government Liaison Committee's (LGLC) Regional Roads Funding Assistance to Local Government Information Paper to councils.

This paper has been prepared for the RTA LGLC as part of the process of improving the partnership and communication between RTA and councils and making funding arrangements more transparent.

The paper includes information about the level of funding assistance for Regional Roads for 2010/11, and describes how the distribution of funds is determined, giving details of each council's block grant.

It also summarises councils' reported expenditure and outputs on Regional Roads in 2008/09.

Access the Information Paper

http://www.rta.nsw.gov.au/doingbusinesswithus/downloads/lgr/information_councils_dl1.html

RTA's Local Government Programs

<http://www.rta.nsw.gov.au/doingbusinesswithus/lgr/index.html>

RTA Contact/Further Information

Steve Baker
RTA Local Government Policy Unit
02 8588 5643

LGSA Contact

Richard Connors
LGSA Senior Policy Officer
Roads and Transport
02 9242 4073
Richard.Connors@lgsa.org.au

Ref: R90/0724 RC

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Water

Item 27: Murray-Darling Basin Plan – Guide and Consultation

The Murray-Darling Basin Authority (MDBA) has now released the Guide to the proposed Murray-Darling Basin Plan. The Guide proposes significant reductions in the current level of water diversion in order to provide more water to the environment. The MDBA is now undertaking community consultations across the basin.

The Guide, released on 8 October, is the first part of a three-stage process consisting of the Guide, the proposed Basin Plan and the Basin Plan.

The Guide gives stakeholders an overview of the proposed Basin Plan ahead of its release and an additional opportunity for feedback before the formal consultation and submission process on the proposed basin plan begins.

It comprises of the following volumes:

- Volume 1 - A comprehensive overview.
- Volume 2 - Technical background information. This volume was not yet available at the time of writing.
- 19 volumes containing brief descriptions of the environmental water needs and sustainable diversion limits in individual catchments.

At the basin scale, the Guide proposes significant reductions in the current long-term average surface water diversion from 13,700 GL per year to between 10,700 GL and 9,700 GL per year (reduction between 3,000 GL and 4,000 GL per year or 22% to 29%) and in the current long-term average groundwater diversion (1,700 GL) by an aggregate 186 GL or an average reduction of about 10% across the basin.

If the proposed reductions in surface water diversions were to be achieved through reductions in watercourse diversions only (excluding interception activities such as farm dams and plantation forestry), reductions would range from 27 to 37%.

In terms of socio-economic impacts, the Guide states that proposed reductions might reduce the basin's gross value of irrigated agriculture production by approximately \$805 million/year (3,000 GL/y reduction), which is around 13% of current gross value of irrigated agriculture production. Taking into account flow-on effects to regional economies (e.g. water-dependent businesses and related small and medium-sized enterprises), this would be expected to translate into a long term, permanent reduction in the basin's gross regional product in the order of 1.1% and a fall in basin-wide employment of around 800 full-time jobs.

The MDBA notes that other studies had indicated a higher reduction in employment, however, that it was important to note that these figures represented a gross impact and did not take any offsetting benefits into account.

In terms of socio-economic impacts on a regional scale, it is important to note that the volumes on individual catchments neither include information on socio-economic impacts on regional communities nor on transition opportunities and structural adjustment needs.

The MDBA is now undertaking an intensive consultation period and will hold information sessions across the Basin and in Adelaide, Sydney, Brisbane and Melbourne. Dates and locations of session are available from the MDBA's website.

The Guide

<http://thebasinplan.mdba.gov.au/guide/>

Community Information Sessions

www.mdba.gov.au/communities/latest-news/guide-to-proposed-basin-plan-announced.

Ref: R90/1056-12 SM

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In the News

Item 28: Media from the LGSA

View the latest media releases distributed by the LGSA

Local Government in NSW leads the way with paid parental leave

11 October 2010

<http://www.lgsa.org.au/www/html/3552-monday-11-october-local-government-in-nsw-leads-the-way-with-paid-parental-leave-.asp?intSiteID=1>

A progressive new Industrial Award has been endorsed by the Local Government and Shires Associations of NSW (LGSA), with NSW Local Government set to become one of the first industries to offer 18 weeks parental leave at full pay to both mothers and fathers as an Award entitlement.

Councils to review Guide to the Murray-Darling Basin Plan

8 October 2010

<http://www.lgsa.org.au/www/html/3548-8-october-2010-councils-to-review-guide-to-the-murray-darling-basin-plan-.asp?intSiteID=1>

The Local Government and Shires Associations of NSW (LGSA) have acknowledged today's release of the Guide to the proposed Murray-Darling Basin Plan, saying they will be thoroughly reviewing the document to ensure socio-economic impacts on regional communities are adequately addressed, and that town water supplies are not included in water cutbacks.

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Attachment A

Attachment A: LGA Conference Late Motions and Addendums to the Business Paper.

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Local Government Association of NSW

2010 Conference

Addendum and Late Motions

Addenda

The following motions have been moved from Category 2 to Category 1 for the Consideration of the Conference.

Motions A1 – A4 (formally Category 2 motions 24, 21, 22, and 23) will be dealt with following Motion 54 in the business paper, within the *Modernising the Financing of Local Government* session.

A1 - Shoalhaven

* JOINT REGIONAL PLANNING PANELS

Modernising the Financing of Local Government

The NSW Local Government Association reaffirms its diametrical opposition to Joint Regional Planning Panels

Specifically, the LGA believes that:

- JRPPs take powers away from local communities to determine the future of their urban environment
- JRPPs do not allow local communities to hold to account the decision-makers who preside over matters presented before the JRPP.
- JRPPs comprise members who do not necessarily come from the communities affected by the panels decisions
- The *Environmental Planning and Assessment Act* amendments state that JRPP members are representatives of the Crown and not the local community (see s23G(5)).

The NSW Local Government Association calls on the NSW Government to abolish Joint Regional Planning Panels and return planning and development powers to local communities.

Note from Council:

The introduction of Joint Regional Planning Panels has seen important planning and development decisions handed to the NSW Government and its representatives for determination. The introduction of JRPPs have undermined the capacity of democratically elected representatives to ensure community participation and accountability in the development assessment and determination process.

With a NSW Election due to be held on March 26 2011, it is important that Local Government continue to lobby for the return of planning and development powers to democratically elected local representatives that can be held accountable for their decisions.

The centralisation of decision-making in the hands of un-elected bureaucrats continues to be a source of great frustration for local communities. It is critical that local councils remain united in their fight to ensure we see a return of planning and development powers to local people.

Executive Note:

If carried, this motion will cover motions A2, A3, and A4.
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A2 - North Sydney *RETURNING POWERS OF JOINT REGIONAL PLANNING PANELS TO LOCAL GOVERNMENT

Modernising the Financing of Local Government

That the Local Government Association calls on the Department of Planning to consider the removal of Joint Regional Planning Panels and handing their planning powers back to local government.

The purpose of this motion is to provide Local Council's with the ability to determine development applications which do not have state significance.

Note from Council:

On 28 June 2008, the Environmental Planning and Assessment Amendment Act 1979 (EP&AA Act), introduced a new regime of determination bodies for development applications, one of which is a Joint Regional Planning Panel (Regional Panel). Regional Panels commenced operation on the 1 July 2009.

Regional Panels were established to determine regionally significant development applications. The purpose of their establishment was to try and provide greater transparency, objectivity and independence in the planning process through merit-based decision making and thereby building the community's confidence in the planning system that the environment will be protected and that community concerns are addressed. It was also to provide the property industry with the confidence that their applications are being dealt with promptly, fairly and professionally.

The NSW Government considers that JRPPs will provide greater expertise and independence than local councils on regional planning issues by bringing together local representatives and experts in development disciplines which are free of any political or other influence and to determine development applications strictly on their merits.

The Department of Planning has recently completed an Interim Review of Operation for the Regional Panels. As part of this review, the Department is considering opportunities to improve determination times of certain types of applications which currently require determination by a Regional Panel, without compromising the need for an assessment processes based entirely on merit.

Amendments are currently underway for State Environmental Planning Policy (Major Development) 2005, to return to Councils the consent authority role for section 96(1A) modification applications under the EP&A Act, where the relevant development consent has been determined by a Regional Panel.

Further, on 10 July 2010, the Minister for Planning had written to the Mayors of all NSW Councils seeking to join in an initiative that will see a range of applications currently dealt with by the Regional Panels, determined by Council officers under delegation. The instances where delegation is proposed to be given to Council include:

- **Straightforward Applications** - applications that have not received any objections and the assessment report recommends approval (either with or without conditions).
- **Designated Development** - applications with a Capital Investment Value of \$5 million or less, regardless of whether objections have been received or not and provided the assessment report recommends approval (with or without conditions).
- **Areas and precincts** - applications located in particular areas and precincts where detailed planning has occurred, regardless of whether there have been objections received, provided the proposed development is strictly in accordance with identified key planning controls, and where the assessment report recommends approval (with or without conditions).

However, the delegation does not apply to applications where the Panel Chair advises Council in advance that the delegation will not apply to a particular application.

It is noted that every application in each of the three circumstances above is subject to the approval of the Panel Chair. If the Panel Chair was not satisfied with the determination of the delegated applications then the delegation would not be given.

It would appear that despite the review, the Minister and the State Government still have no confidence in Councillors dealing with major applications because they will all be politicised.

Executive Note:
Covered by motion A1

A3 - Maitland

***PROPOSED CHANGES TO JRPP APPLICATIONS**

Modernising the Financing of Local Government

That the Local Government Association write to the Minister for Planning advising that Council is the democratic elected body representing its Local Government area and the elected representatives are, therefore, the appropriate body to which the JRPP should delegate the responsibility for planning matters.

Executive Note:
Covered by motion A1

A4 - Holroyd

***JOINT REGIONAL PLANNING PANELS DELEGATIONS TO COUNCIL OFFICERS**

Modernising the Financing of Local Government

That the Local Government Association of NSW forward a submission to the Minister for Planning in relation to the proposal to delegate some applications back to council officers, that the State Government decide to either:

- return all Joint Regional Planning Panels applications to the council for determination (with the option for these to be determined by the elected council, not just officers); or
- the Joint Regional Planning Panels deal with all applications.

Note from Council:

Council strongly believes that major planning issues must be resolved within council, not by external representatives chosen by the Government. Councillors are elected to represent the views of the electors, and must not be excluded from the decision making on major developments.

Executive Note:
Covered by motion A1

Motions A5 to A7 (formally Category 2 motions 65, 66, and 67) will be dealt with following Motion 131 in the business paper, within the *Modern Approaches to Community Wellbeing* session.

A5 - Ryde

***NATIONAL ALGWA CONFERENCE 2010**

Modern Approaches to Community Wellbeing

That the Local Government Association encourages all NSW Councils to send a delegation of staff and Councillors to the National ALGWA Women's Conference, which will be held in Ryde on 25 – 27 November as a fitting finale to the Year of Women in Local Government.

Note from Council:

The City of Ryde is delighted to host the National Australian Local Government Womens Association (ALGWA) Conference, 25-27 November 2010.

The three day conference will offer inspirational forums, workshops, speakers and discussions that will focus on the opportunities for increasing the participation of women in all aspects of local government.

This high profile event will be a fitting finale to the Year of Women in Local Government. It is anticipated that the legacies arising from the Conference will provide sustained benefit for women working in local government for many years to come.

Pre-registration is available at: <http://www.ryde.nsw.gov.au/algwa> or go to www.algwa.org.au for further information.

Executive Note:

This motion is a reaffirmation of our existing practice and has been publicised in advance to gain maximum coverage.

A6 - Ryde***WORKSHOPS FOR CITIZENS CONSIDERING STANDING FOR ELECTION****Modern Approaches to Community Wellbeing**

That the Local Government Association works with the NSW Division of Local Government, ROCS and all member councils to implement public workshops to encourage citizens to consider standing for election at the 2012 Local Government election.

Note from Council:

The intent of this motion is to encourage greater participation by a broader demographic from our local communities in considering standing for election as a Local Government Councillor in 2012.

The diverse demographic of many NSW Local Government Areas is not often reflected in the composition of their elected Councillors. A number of surveys at a national and State level have consistently revealed the profile of a Local Government Councillor to be most likely a middle aged, retired (or semi-retired), Caucasian male.

In every Local Government Area there are a diverse array of people engaged in meaningful activities that support their community's social, economic, cultural and environmental growth. It is therefore in the community's interest to encourage participation in local government by people that reflect as far as possible their community's actual age, cultural and gender demographic.

If we as current elected Councillors are truly serious about 'modernising local government' then we must recognise the urgent need for greater participation in Local Government by women; younger people; people at different stages of their working life; people from different cultural backgrounds and people from different socio-economic backgrounds.

The aim of the proposed public workshops is that they be coordinated by the LGA and staged over the State over the next two years to enable a sufficient lead time for potential Local Government candidates to develop a sound understanding of Local Government, learn more about what is involved in becoming a Councillor; and understand the mechanics of running for public office.

A number of Councils (including Ryde) have previously run public workshops prior to Local Government elections – however quite often these workshops are not sufficiently resourced to enable meaningful engagement, follow up and potential mentoring of prospective candidates. Another challenge is often the

timing of such forums – the workshop needs to be held with sufficient time still available to prospective candidates to mobilise the resources to run an effective campaign.

The involvement of the Local Government Association, in conjunction with the Division of Local Government; the Regional Organisations of Councils and LGA member councils will enable a streamlined approach to encouraging greater participation across the entire community in running for Local Government. Broader levels of participation as a Local Government Councillor will deliver strong and lasting benefits for all of our communities.

Executive Note:

This motion is a reaffirmation of our existing position where representations have been made.

A7 - Ryde *REPORTING BY LGA ON PARTICIPATION OF WOMEN IN LOCAL GOVERNMENT

Modern Approaches to Community Wellbeing

That the Local Government Association provides a report to each LGA Conference on its efforts to increase the role of women (staff and elected Councillors) in Local Government.

Note from Council:

This motion calls on the Association to provide quantifiable information to each LGA Conference on the LGA's initiatives to increase the participation of women in local government (both staff and elected representatives).

It is noted that there are a number of motions regarding women's issues and gender equity moved at each LGA Conference, but there does not appear to be a clear process within the LGA for reporting back to member Councils on how these adopted Conference motions are subsequently implemented.

For example, in 2009, the following motion was adopted by Conference:

68 - Ryde *Women in Local Government

That in support of the Local Government Managers Association (LGMA) declaring 2010 as the year of Women in Local Government, the Local Government Association be requested to provide support and work with all member Councils in developing initiatives to support women in the Local Government sector, either as employees or as elected Councillors.

Despite the motion being carried, there is no formal record of the work that the LGA has undertaken during 2010 with its member Councils to support women in the local government sector. There was no further feedback to Ryde in relation to the actions progressed in response to the adopted motion. This is a missed opportunity.

Providing a standard report on the LGA's efforts (and its outcomes) regarding strategies to increase the participation of women within the NSW Local Government sector at each LGA Conference, would give member Councils a useful mechanism for sharing information and experiences in terms of their own Council's efforts to promote gender equity.

Executive Note:

The Association, in co-operation with the Shires Association, promoted the participation of Women in Local Government through the following actions in 2010:

- Continued to serve on the Joint Ministerial Advisory Council on Women in Local Government (JMAC) (represented by Cr Barham and Cr Miller);
- Continued to promote and help judge the NSW Ministers' Awards for Women in Local Government;
- Signed on as a Gold Partner proudly supporting 2010 Year of Women in Local Government and promoted the year through all correspondence;

- Offered a variety of training through Learning Solutions such as two public Springboard programs, one in house Springboard program, a public Fine Tuning the Balance for Women in Local Government, an in house Leadership Skills for Aspiring Women and a new program titled Influencing Skills for Women;
- Renewed the case to NSW Ministers for Local Government and for Women for funding for a long-term mentoring project for women candidates and first term councillors;
- Contributed to ALGA's publication entitled Women in Politics showing the way in 2010;
- Participated in the Women in Politics at the 2010 National Assembly of Local Government (represented by Cr McCaffery);
- Opened dialogue with the NSW Opposition on funding and programs for improving participation rate of women in Local Government as councillors; and
- Promoted the National ALGWA Women's Conference to be held in Ryde in November to councils.

Late Items

The following motions were received following the cut off date for the Business paper and have been classified according to the methodology used with those submitted prior to the deadline. Only Late Motions which have been determined to be Category 1 motions will be dealt with by the Conference, and will only be dealt with at the final session on the final day of Conference and only by approval of Conference delegates.

Category 1

L1 - The Executive

*CHANGE TO LGA RULES

Procedural

That the Local Government Association of New South Wales make application to the Industrial Registrar under the relevant legislation (state and federal) to amend the Association's Rules, as suggested below, so that:

1. Delegates representing the Aboriginal Land Council at a Conference are entitled to be nominated and elected to the Executive Committee of the Association, and
2. The number of voting delegates representing the Aboriginal Land Council is reduced from 27 to 9.

Executive Note:

Rule 5(b) of the Association's Rules currently provides that the Aboriginal Land Council ("ALC") is entitled to be an Ordinary Member of the Association subject to the payment of an annual subscription in accordance with Rule 12, Annual Subscriptions. Rule 33(a) of the Association's Rules provides that it is a prerequisite for any person to be nominated or elected to the Executive Committee of the Association that he or she be a Councillor of a Council which is an Ordinary Member of the Association.

The word "Councillor" is defined at Rule 2 to mean "*a person elected or appointed to civic office under the Local Government Act 1993 (NSW), but does not include an Administrator*" and the word "Council" is defined to mean "*a council constituted under the Local Government Act 1993 (NSW)*".

As a consequence, Delegates representing the ALC at a Conference are not currently entitled to be nominated or elected to the Executive Committee of the Association unless they have also been elected or appointed to civic office under the *Local Government Act 1993 (NSW)*.

Under the current Rules, the ALC can have up to 27 voting delegates attend the Conference provided that there may only be a maximum of three delegates from each of the nine Local Aboriginal Land

Council Regions defined under the *Aboriginal Land Rights Act 1983* (see Rule 19). The nine (9) regions include Central Region, Mid North Coast Region, Northern Region, North Coast Region, North Western Region, South Coast Region, Sydney and Newcastle Region, Western Region and Wiradjuri Region.

If the Rules are amended so that voting delegates from the ALC become entitled to be nominated and elected to the Executive Committee of the Association then the allowable number of ALC delegates to the Conference should also be reduced so that the value of ALC votes is more consistent with the value of votes of other ordinary member councils.

As can be seen from the following table, which highlights the populations and voting allocation of the LGA's largest 20 councils, the current ALC allocation is inconsistent with comparatively sized councils.

	Council	Population	Votes
1	Blacktown	291,612	7
2	Sutherland	215,868	7
3	Wollongong	198,324	7
4	Lake Macquarie	195,559	7
5	Fairfield	190,657	7
6	Bankstown	182,178	7
7	Penrith	180,766	7
8	Liverpool	176,903	7
9	Sydney City	172,685	7
10	Baulkham Hills	170,965	7
11	Gosford	163,957	7
12	Parramatta	161,912	7
13	Hornsby	159,211	7
14	Newcastle	152,659	7
	NSW ALC	149,999	27
15	Campbelltown	149,071	5
16	Wyong	146,589	5
17	Warringah	141,686	5
18	Canterbury	139,985	5
19	Randwick	129,171	5
20	Ku-ring-gai	108,135	5

The Executive recommends that the number of voting delegates representing the ALC be amended to nine (9), with a maximum of one (1) from each of nine (9) Regions. For the purpose of voting in membership of the Executive Committee and in the composition of the Executive Committee, it is proposed that eight (8) of the nine Regions would be categories as country councils and the Sydney and Newcastle Region would be categorised as a metropolitan council.

The Executive recommends that the Association's Rules be amended as follows:

1. Amend Rule 2, Definitions, by inserting the following definition of an Aboriginal councillor:

"Aboriginal councillor" shall mean a councillor of the New South Wales Aboriginal Land Council who is elected to represent a Region as defined under the *Aboriginal Land Rights Act 1983* (NSW).
2. Replace the capital "C" in "Country Council" at Rule 2, Definitions, with a lower case "c".
3. Replace the capital "C" in "Metropolitan Council" at Rule 2, Definitions, with a lower case "c".

4. Amend Schedule A by inserting the following paragraph under the list of metropolitan councils identified in the schedule:

“The Sydney and Newcastle Region as defined by the *Aboriginal Land Rights Act 1983* (NSW).”

5. Amend the table at Rule 19 to provide as follows:

Group No.	Population	Delegates
(1)	Less than 10,000	1
(2)	10,000 - 20,000	2
(3)	20,000 - 50,000	3
(4)	50,000 - 100,000	4
(5)	100,000 - 150,000	5
(6)	Over 150,000	7
(7)	County councils and Associate Members	2
(8)	Aboriginal Land Council	9*

(* A maximum of one delegate from any one Region as defined by the *Aboriginal Land Rights Act 1983*).

6. Amend Rule 33(a) to provide as follows:

“It shall be a prerequisite for any person to be nominated or elected to the Executive Committee of the Association or to hold office as a member of the Executive Committee of the Association that he or she be a Councillor of a Council or an Aboriginal councillor of the Aboriginal Land Council which is an Ordinary Member of the Association. No delegate from a Council which is an Associate Member shall be eligible to be, nor shall be, a member of the Executive Committee.”

L2 - Eurobodalla *INTERNAL AUDIT GUIDELINES WHICH EXCLUDE THE MAYOR FROM MEMBERSHIP OF THE AUDIT COMMITTEE

Modernising the Financing of Local Government

That the Local Government Association request the Division of Local Government to amend 4.3 *Structure and Membership* of the Internal Audit Guidelines to permit the Mayor to be a member of the Audit Committee.

Note from Council:

In order to ensure that the Mayor is fully aware of council's internal audit and budgetary controls it is essential that the Mayor remain a member of the Audit Committee.

L3 - Penrith *TENDERING WITH RESPECT TO ELECTED LOCAL GOVERNMENT ORGANISATIONS

Modernising the Financing of Local Government

That section 377 (1) of the Local Government Act 1993 – General power of the council to delegate – be amended to allow councils to delegate to Regional Organisation of Councils (ROC's), strategic alliances or groupings of councils, the power and authority to allow them to accept tenders on behalf of member councils.

This can be simply achieved by the following amendment to the clause:

377 (1) A council may, by resolution, delegate to the general manager or any other person or body (not including another employee of the council) any of the functions of the council, other than the following:

The acceptance of tenders which are required under this Act to be invited by the council,
INSERT THE WORDS

..... except where by individual resolution, a Council may delegate to a Regional Organisation of Councils (ROC's), strategic alliances or grouping of Councils, the authority to undertake and accept or reject tenders on behalf of member councils.

Such an action may not take place unless the majority of members have passed such a motion and is binding only to those councils which elect to be part of the tender process.

Note from Council:

There will be a significant cost saving in staff and resource time if individual council resolutions are not required for tenders that involve ROCS, strategic alliances or grouping of councils. It will also result in an improved and streamlined process and outcome.

It has been identified on a number of occasions that while the tendering sections of the Local Government Act (1993) (section 55) and the Tendering Regulations allow Regional Organisations of Councils (ROC's), strategic alliances or groupings of councils to conduct a tender process, the requirements of the legislation are overly restrictive in that each participating council must adopt an individual resolution to accept, or reject, a tender at the conclusion of the process.

Given the number of councils that may be involved in a regional tender and the fact that they invariably have different meeting dates and cycles, the administrative and bureaucratic processes involved in requiring individual council resolutions is inefficient to the best outcome that may be achieved.

The efficiency of the process can be significantly improved with a simple amendment to section 377 (1) of the Local Government Act 1993, to allow councils to delegate the tender function to Regional Organisations of Councils (ROC's), strategic alliances or groupings of councils.

There are already sufficient measures within section 55 of the Act and the Tendering Regulations to ensure that appropriate governance and accountability standards are maintained during the tender process.

This additional power of delegation would allow the Regional Organisations of Councils (ROC's), strategic alliances or groupings of councils to accept and negotiate a tender without the need for individual council resolutions. It is envisaged that any subsequent contractual or related documentation required by the tender would still need to be executed by all parties to the agreement.

Executive Note:

Carried by motion 53

L4 - Parramatta

***AFFORDABLE RENTAL HOUSING SEPP**

Modern Approaches to the Natural and Built Environment

That the Association seek a commitment from the Minister for Planning to consult with the Association and affected Councils in the review of the Affordable Rental Housing SEPP and that this review should include limits on the number of boarding houses and a requirement that all boarding houses should have an on-site manager.

Note from Council:

The Affordable Rental Housing SEPP was introduced in 2009. The SEPP allows Boarding Houses to be developed in all residential zones, only some boarding houses will require onsite managers and there is no control over the potential concentration of boarding houses in any location.

Boarding houses do not require carparking which for small boarding houses in a suitable location is probably acceptable if there are a number of larger boarding houses in an area, then parking will become an issue.

The Minister for Planning has advised a review of the SEPP although there appears to be no process for this review and Local Government is not being consulted.

L5 - Canada Bay *RELOCATION OF STOP LINES AT TRAFFIC SIGNALS TO IMPROVE PEDESTRIAN SAFETY AND ASSIST CYCLISTS

Modern Approaches to the Natural and Built Environment

That the Local Government Association make representations to the NSW Government and RTA to change traffic signal design standards so that stop lines are placed 2 metres prior to pedestrian crossing lines, and that the area between the stop line and pedestrian crossing line be marked with cross hatching and/or green paint to provide greater separation of vehicles from pedestrians and to provide cyclists with space to wait at red lights.

Note from Council:

Currently the RTA design for traffic signals, at intersections, requires that the stop line be aligned with the primary signal post. i.e. the first approach post on the kerb side. This means that the stop line is often less than 1metre from the edge of the pedestrian crossing. In the interests of pedestrian safety and providing priority to push bikes where possible the stop line should be at least 2 metres prior to the pedestrian crossing lines. This would be the same situation as pedestrian only signals where there is often far more separation between vehicles and pedestrians.

The current design standard indicates a dashed line for the pedestrian area and a full line for the stop line at signaled intersections. Moving the stop line further away would not cause confusion but certainly provide added safety.

L6 - Cessnock *DRAFT BIODIVERSITY CERTIFICATION ASSESSMENT METHODOLOGY

Modern Approaches to the Natural and Built Environment

That the Local Government Association asks the Department of Environment, Climate Change and Water to withdraw the current Draft Biodiversity Certification Assessment Methodology and replace it with a methodology which;

- a) is not a cost impost on Local Government,
- b) will not result in particular endangered species (for example the Green and Golden Bell Frog, Mountain Pigmy Possum and Southern hairy Nosed Wombat) having their lives and habitats destroyed without offsets being provided for those species, and
- c) is independently verified to improve or maintain biodiversity outcomes.

Modern Approaches to Community Wellbeing

- a) That the Local Government Association of NSW gives its support to the Cancer Council of NSW “Saving Life” Campaign by calling on all State political parties to give due consideration to the five issues outlined for future State Government action to reduce the impact of cancer on all NSW communities.
- b) That the Local Government Association of NSW encourages councils to lend their support to the Cancer Council NSW “Saving Life” campaign by:-
- Informing their community about the campaign so that citizens can also lend their support to the campaign; and
 - Write letters of support for the campaign to the Premier and to the Leader of the Opposition calling on them to give due consideration to the five issues outlined for future State Government action to reduce the impact of cancer on all NSW communities.

Note from Council:

The Cancer Council has advised that almost 100 people are diagnosed with cancer every day in NSW and every year over 13,000 families lose a loved-one to cancer in our State. Unfortunately, the diagnosis and treatment of cancer places a significant burden on the health and wellbeing of every community in NSW. Our State Government has the power to change this, to see that less people get cancer, and that those who do will get the burden-free treatment and care that they need, when they need it.

In the lead up to the State election in March 2011, Cancer Council NSW has prioritised five issues for future State Government action:-

- More radiotherapy services across NSW;
- Burden-free transport and accommodation for cancer patients;
- The best possible cancer care for all – regardless of where you’re treated;
- Smoke-free dining and drinking at all venues, including outdoor and partially enclosed settings, to ensure uniformity across all communities in NSW;
- Stronger safeguards on the sale of tobacco.

With these solutions the State Government can help achieve our common aspirations for healthier, more liveable communities, where the risks and impacts of cancer are reduced significantly.

Category 2

The following late motions have been determined Category 2 motions.

L8 - Wyong *OPPOSITION TO COMMERCIAL WHALING WITHIN THE SOUTHERN OCEAN WHALE SANCTUARY

That the Local Government Association write to the International Whaling Commission (IWC) to oppose the proposal endorsing the killing of whales such as Blue whales, Humpback whales and Fin whales within the Southern Ocean Whale Sanctuary.

Executive Note:

This motion is consistent with existing policy

**L9 - Penrith
SOUTH WALES**

***OPPOSITION TO THE PRIVATISATION OF ELECTRICITY PROVIDERS IN NEW**

That the Local Government Association re-affirms its policy position opposing the privatisation of electricity providers in New South Wales and that this be endorsed as the LGA policy statement.

Note from Council:

A number of motions were tabled at the LGA Conference in 2008 and 2007 opposing the privatisation of the electricity industry in NSW and subsequently LGA opposition to the privatisation of NSW Electricity, water and sewerage assets became policy. It is timely that the Association re-affirms its commitment to this position.

LGA Policy Statement

Local Government opposes the privatisation of NSW electricity water and sewerage assets.

Electricity generation and distribution assets and water and sewerage assets are essential public infrastructure which must be maintained in public ownership to ensure that the public interest is served.

Local government does not accept that the State Government is the legitimate owner of electricity distribution assets which were appropriated from Local Government and therefore does not acknowledge its right to sell them.

Executive Note:

This is a matter of existing policy.

L10 - Parramatta

***ILLEGAL DUMPING STRATEGY**

That the Local Government Association approach the Division of Local Government in support of Parramatta City Council in the implementation of an illegal dumping strategy as a base for a uniform approach that could be used throughout NSW and in particular the Greater Sydney Metropolitan Area.

Note from Council:

The merits of the strategy introduced by Parramatta City Council were the adoption of the strategy which included the mapping of all hot spot areas with a targeted inspection program. Clear processes for dealing with illegally dumped waste including identification contact properties owners and removal of orphan waste within strict time frames. The strategy supports an overall approach and commitment from all areas of Council to target illegal dumping and reduce the burden on Council for the removal of orphan waste and reducing the associated costs incurred by targeting the problem in a proactive program.

Executive Note:

The matter of illegal dumping is subject to continuing dialogue with DECCW and will be canvassed with DECCW/LGSA Liaison Committee in January/February 2011, when information about the strategy has been obtained from Parramatta City.

L11- Parramatta

***PARKING POLICY**

That the Local Government Association approach the Division of Local Government in support of Parramatta City Council in the implementation of a Parking Enforcement Policy as a model for NSW Councils.

Note from Council:

Parramatta City Council has recently adopted a Parking Policy. The merits of the Policy include clear objectives for the management of parking within the city to reflect the community needs and expectations. Clear guidelines that provide consistency for Council. The changing of perception of

Council officers so that they become ambassadors of the City (not just parking officers). A review of the title and presentation of officers with a uniform and title change to Community safety officers. Providing options for penalty reviews that include the SDRO or Council's independent review panel. Reducing associated legal costs to Court challenges due to errors and or mitigating circumstances. Assists in staff training by having clear guidelines promoting consistency with management of parking related matters.

Executive Note:

The Associations are conducting a review of council parking policies with the objective of identifying good practice models. The Parramatta model will be included in the review.

L12 - Blacktown

***CLOSURE OF PUBLIC LANEWAYS**

That the Local Government Association calls on the NSW State Government to transfer the responsibility for determining applications for the closure of public laneways under the Roads Act, 1993 from the State Government to individual Councils.

Note from Council:

Under the provisions of the Roads Act, 1993 the Minister for Lands is responsible for the determination of applications for the closure of public laneways with the process carried out on behalf of the State Government by NSW Land & Property Management Authority. It is considered that Councils as the planning authority for their local government area, are better placed to take a holistic approach to determining these matters as they have a greater understanding of the needs of residents and local planning issues. Councils have the capacity to consider on balance both the concerns of the residents who immediately adjoin laneways and who are often subjected to vandalism, break-ins and other anti-social behaviour and the needs of other residents who require the laneway for access to schools, bus stops, shops and medical facilities, reserves and for visiting friends and relatives. It is considered that the State Government adheres to strict inflexible guidelines based around access rather than concerns of the residents who adjoin laneways and are regularly subjected to anti-social behaviour.

Executive Note:

This motion is subject to ongoing representations.

L13 - Armidale Dumaresq

***INSOLVENCY PRACTITIONERS**

The Local Government Association of NSW call upon the Federal Government to adopt and implement the recommendations of the Senate Economics Committee Inquiry into Liquidators and Administrator's Report entitled: "The regulation, registration and remuneration of insolvency practitioners in Australia: the case for a new framework as a matter of priority.

Executive Note:

Referred to the Executive to allow consideration of Senate Liquidators and Administrators report.

L14 - Ashfield *PLACEMENT OF TELECOMMUNICATIONS FACILITIES AND THE LOW IMPACT DETERMINATION 1997

1. That the Local Government Association of NSW calls on the Federal Government to review the Telecommunications (Low Impact) Determination 1997, which allows carriers to bypass the DA processes of local Councils, particularly in reference to draft heritage items and draft conservation areas.

2. That for any building, item or precinct, already listed as a heritage item, or as being within a conservation area, telecommunications providers must be required to submit any proposal to install a transmitter to the local DA process.
3. Further, that all telecommunication carriers be required not to place telecommunications facilities within a specified radius of schools, childcare facilities and other locations, such as nursing homes, which are deemed sensitive, according to a strengthened precautionary principle. (The NSW Department of Education and Training recommendation is 500 metres).

Note from Council:

Telecommunications legislation, particularly the Telecommunications (Low Impact) Determination 1997, gives telecommunications providers undue power. In the Summer Hill case, despite the obvious sensitivity of placing a telecommunications tower in a residential area, almost adjacent to an early childhood centre, close to aged care facilities and within 500 metres of a Primary School; despite the further sensitivity of placing such a tower on a draft heritage item, within a draft conservation area (both listed for more than two years) the low Impact 1997 Determination enabled Telstra to act without reference to any certifying authority. In doing so, Telstra defied the overwhelming majority of local residents, the opposition of Ashfield Council and the advocacy of the Federal Member.

Local residents organised and ran an exemplary and honourable community campaign. Despite this, Telstra was able to act with arrogant impunity. One of the lessons to be learnt from this is that the 1997 legislation needs to be reviewed to make the 'telcos' more accountable.

Executive Note:

This motion is consistent with existing policy.

L15 - Lane Cove *ELIGIBILITY CRITERIA FOR APPOINTMENT TO BOARD OF THE LOCAL GOVERNMENT SUPERANNUATION SCHEME

That the constitution of the Board of the Local Government Superannuation Scheme (LGSS) be amended to include the following eligible criteria as a basis for appointment as a member of the LGSS board:-

- a) At least one member of the board must have a tertiary qualification in accounting or finance and be a member of the Institute of Chartered Accountants; and
- b) That the composition of the remaining board members be no less than 75% of people that have a business related tertiary qualification.

Note from Council:

Councils will be aware that LGSS is requesting increased contributions from councils to top up the defined benefits scheme as the investment returns during the Global Financial Crisis were less than the required 7% return.

From the information available it would appear that the investment strategy pursued by the Board of the LGSS fund did not best suit the goal of achieving the long term 7% return.

To minimise the chance of this re-occurring, it is recommended that the constitution of the Board of the LGSS be amended so that at least one board member has tertiary qualification in accounting or finance and be a member of the Institute of Chartered Accountants and 75% of the remaining board members have a business related tertiary qualification. In this way the board would have sufficient finance and business experience and knowledge to make informed investment decisions that affect all NSW councils.

The Cooper review commissioned by the Federal Government into Super Systems supports this view and recommends that boards of Super Funds should demonstrate on an annual basis that they have the collective skill set to govern the super funds for which they are responsible for.

Executive Note:

The issue of the appointment of Directors to the LGSS Board was dealt with by the 2009 Conference with the following resolution being passed:

That the Local Government Association adopt the following process for the appointment of Directors to LGSS Pty. Ltd., the trustee of the Local Government Superannuation Scheme:

1. *At least six months prior to the expiration of a Directors terms of appointment, the Association will call for expressions of interest from councillors interested in being considered for appointment as a Director of LGSS;*
2. *The call for expressions will be by way of notice in the Local Government Weekly Circular;*
3. *No later than three months prior to the expiration of the existing term, a report will be prepared for the executive of the LGA by the Secretary General detailing all applications received and advising whether or not each applicant meets the requirements of the "Fit and Proper" policy of LGSS. The report will also advise how the qualifications of each applicant fit the Collective Competency and Core Competency matrices of the policy; including a recommended short list*
4. *The LGA Executive will then determine the appointment;*
5. *An existing Director is eligible for re-appointment provided that she or he remains a councillor;*

Subject to (5) above, an appointment will be for a maximum term of four years.

The Executive believes that the existing Fit and Proper Policy of LGSS incorporating the Collective Competency and Core Competency matrices ensures an appropriate mix of skills and qualifications across the breadth of the LGSS Board.

For completeness however Councillors' attention is drawn to the note which was provided to the 2009 conference which further explains LGSS' existing policy and further details of APRA's requirements:

The following is an extract from a report presented to the LGA Executive in relation to this matter.

LGSS has eight Directors, four appointed as employer representatives (three by the LGA, one by the Shires Association), and four appointed as member representatives by various unions. The union representatives are often paid employees of the unions. Of recent times, the LGA Directors have been appointed by the President of the LGA and endorsed by the LGA Executive.

Given the nature of its operations, LGSS is subject to regulatory supervision both by the Australian Securities and Investments Commission (ASIC) and the Australian Prudential Regulation Authority (APRA). It operates principally under the Commonwealth Superannuation Industry (Supervision) Act 1993 and Regulations 1994.

It is a requirement of the legislation that LGSS must have a "fit and proper" policy for the appointment of Directors, and that Directors must be appointed in accordance with and abide by this policy.

It is instructive to note APRA Guidance Note SGN110.1 which details how APRA interprets the "fit and proper" standard. In particular, APRA states that –

- *The fit and proper standard should not be used to prevent individuals from being part of a group that is being licensed merely because they are not technical experts in the superannuation field;*
- *A licensee should be able to demonstrate, on an ongoing basis, sufficient knowledge regarding the duties and responsibilities of a licensee to make informed decisions in the best interest of beneficiaries based on the advice of technical experts;*
- *The “fitness” or “competency” limb of the standard may be met on a collective basis.*

In respect of the final point above, LGSS’s “fit and proper” policy provides for both a Collective Competency Matrix and a Core (individual) Competency Matrix to ensure the right balance of competencies within the Board. These matrices are reviewed annually by an independent expert review organisation.

The LGSS “fit and proper” policy document provides guidance as to what factors should be taken into consideration in the appointment of a Director. They are:-

- a) the skills, knowledge, expertise, diligence and soundness of judgement of the person to undertake and fulfil the duties and responsibilities of a director;*
- b) the person’s competence in fulfilling occupational, managerial or professional responsibilities previously and/or in the conduct of their current duties;*
- c) whether the person has demonstrated a lack of willingness to comply with legal obligations, regulatory requirements or professional standards, or been obstructive, misleading or untruthful in dealing with regulatory bodies or a court;*
- d) whether the person:*
 - *has breached a fiduciary obligation;*
 - *has a conflict of interest which may influence the Trustee or the individual’s ability to carry out their role and functions with the degree of probity and independence required or with regard to the duty of care to Scheme members, or has failed to deal appropriately with such conflicts;*
 - *has perpetrated or participated in negligent, deceitful, or otherwise discreditable business or professional practices;*
 - *has been reprimanded, or disqualified, or removed, by a professional or regulatory body in relation to matters relating to the person’s honesty, integrity or business conduct;*
 - *has seriously or persistently failed to manage personal debts or financial affairs satisfactorily in circumstances where such failure caused loss to others;*
 - *has been substantially involved in the management of a business or company which has failed, where that failure has been occasioned in part by deficiencies in that management;*
 - *is of bad repute in any business or financial community or any market;*
 - *was the subject of civil or criminal proceedings or enforcement action, in relation to the management of an entity, or commercial or professional activities, which are determined adversely to the person (including by the person consenting to an order or direction, giving an undertaking, not to engage in unlawful or improper conduct) and which reflected adversely on the person’s competence, diligence, judgment, honesty or integrity;*

- e) *whether there are any other matters or things that the nominee may consider relevant to enable the Trustee to reach a judgment on the fitness and propriety of the nominee.*
- f) *whether the person, if appointed to the Board, will assist the Trustee in effectively discharging its duties and obligations.*

In order to be eligible for appointment as a Director, LGSS procedure requires that the person must:

- *be assessed by the Shareholder making the appointment as being “fit” in accordance with LGSS’s “Fit and Proper” policy (which, in turn, is in accordance with APRA’s regulatory requirements);*
- *certify that they are a “Proper person” or that the Shareholder making the appointment has determined that they are a “Proper person” in terms of LGSS’s “Fit and Proper” policy;*
- *confirm by statutory declaration that they are not a “Disqualified Person”, and*
- *consent in writing to their appointment.*

The Superannuation Industry (Supervision) Act (the “SIS Act”), provides, as a minimum, that a “disqualified person” may not be, or act, as a responsible officer of a superannuation entity. Grounds for automatic disqualification include conviction of a dishonesty offence, insolvency, or the making of a civil penalty order against the person. In addition, APRA may disqualify an individual on the basis of the contravention of the SIS Act, the Financial (Collection of Data) Act 2001, or if the individual is otherwise “not a fit and proper person”.

APRA also takes the view that persons prohibited from being a director under the Corporations Act or similar overseas legislation would also automatically be ineligible for appointment.