

Public Forum Question and Response

Questions from: Mr Vince De Luca

Meeting Date: 14 November 2006

Subject: Need for Reform of the New South Wales Local Government Act 1993

Reform of the New South Wales Local Government Act 1993

a) Can the Administrator please confirm whether the Warringah Council Section 740 Commission of Enquiry made various comments/recommendations regarding the need for reform of Local Government in New South Wales, particularly with regard to whether developers, real estate agents and those with significant pecuniary interests in a council area should be disqualified from holding Local Government Office?

b) Is the Administrator aware, that despite hundreds of complaints to the Department of Local Government by residents across NSW over the last five years concerning alleged breaches of pecuniary interest provisions of the Local Government Act 1993, only 13 cases have been prosecuted to the Pecuniary Interest and Disciplinary Tribunal?

c) Will the Administrator please make representations to the Hon Morris Iemma MP, Premier and the Hon Kerry Hickey MP, on behalf of the Warringah community regarding the need for reform of the Local Government Act and particularly in areas such as:

- Disclosure and publication of a candidate's pecuniary interests and donors prior to an election;
- Amendment so that the definition of a conflict of interest is widened for Councillors and staff, similar to the provisions in Queensland and Western Australia;
- Amendment so that breaches of pecuniary interest and conflict of interest disclosure requirements are investigated by the Police or the ICAC and prosecuted in either a Court of Law or the ICAC and not the Pecuniary Interests and Disciplinary Tribunal; and
- Eligibility of Candidates for Office, ie disqualification of Developers, Development Company Directors and Real Estate Agents from candidature.

Response:

The Administrator responded that he had previously written to the former Minister on this matter and that he is happy to raise it again with the current Minister for Local Government and the Premier. He provided answers to the above questions as follows: Yes He said that he did not wish to comment on the number as he did not know about the quality of the complaints.

The General Manager has tried to improve these provisions through various forums including the Local Government Managers Association. The General Manager added that it is worthwhile working to improve in this area because it is a key issue in local government which requires reform. While it is difficult to act in this area, other states have attempted to address these issues.