



MAYORAL SUPPLEMENTARY REPORT

18th July 2006

MM2	MARSDENS LAW SEMINAR
SUPP	FILE: 165 JACH {Folio No. *}

SUMMARY:

To provide an overview of the proceedings of the Marsdens Law seminar.



DESCRIPTION:

Councillors Bowell, Gribbin, McWilliam, myself and the General Manager attended the Marsdens Local Government land and Environment conference at Bankstown on the 14th July 2006. The Marsdens Law Group hosted the conference and there were no registration fees.

The conference was addressed by;

- Peta Seaton MP Shadow Minister for Finance, Energy, the Illawarra and reform of Government
- The Hon Jerrold Cripps QCICAC Commissioner
- Dominic Riordan Manager Investigations and review department of Local Government.
- The Hon Craig Knowles former Minister for Infrastructure and Planning and Natural Resources
- Adam Seton Partner of Marsdens Law Group
- David Baird Partner of Marsdens Law Group
- Grant Butterfield Partner of Marsdens Law Group
- The Hon Justice Brian Preston Chief Judge Land and Environment Court
- The Hon Kerry Hickey Minister for Local Government

Commissioner Cripps outlined that the role of ICAC was to investigate corruption in the public sector. It is not a police force but makes representations to the Director Public Prosecutions. Prior to the Code of Conduct there was no disciplinary procedures Councillors unless a crime had been committed. Commissioner

Cripps does not have a high opinion of the current Code of Conduct which is under review.

Dominic Riordan gave an overview of the Investigations and Review Branch including Public Inquiries, Pecuniary Interests, Dismissal of Council's and Promoting Better Practice.

Craig Knowles spoke on the ageing Population and the increased spending needed on Aged Service Infrastructure with fewer young people to fund these services other sources of finance such as debt financing and use of superannuation funds need to be used with the returns being funded from traditional taxation sources including Local Government Rates.

The three partners from Marsdens spoke on legal proceedings including the precautionary principle that is refusal on the basis that something could happen in the future based on rational or justified foundation, enforcement of breaches under sections 76A, 76B, 121B, 123-125 of the P & A Act and flooding and the necessity under section 733 of the local Government Act to act in good faith.

Case studies in respect of each of the above were demonstrated.

Justice Preston outlined reforms introduced by the Land and Environment Court including reducing time delays for hearings, doing work upfront reducing hearing days, reducing costs and tailoring orders to particular circumstances of the case.

The minister reiterated the need for good leadership and governance in councils and to plan in a strategic way. The community's aspirations should be identified and included in each Council's LEP. Good governance delivers good performance.

Overall the conference was very good and value received by those who attended.

REPORT IMPLICATIONS:

- ***Environmental***

Nil

- ***Social***

Nil

- ***Economic (Financial)***

Nil

- *Policy or Statutory*

Nil

RECOMMENDATION:

That the information be noted.

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J A C Hayes
MAYOR