

# LOCAL GOVERNMENT LAW JOURNAL

Volume 15, Number 1

July 2009

## CASENOTES

<b>Council of the City of Liverpool v Turano .....</b>	<b>5</b>
<b>East Melbourne Group v Minister for Planning .....</b>	<b>10</b>
<b>Newcastle City Council v Northern Residential Pty Ltd .....</b>	<b>14</b>
<b>Triguboff v Valuer-General .....</b>	<b>19</b>
<b>R&amp;R Fazzolari Pty Ltd v Parramatta City Council; Mac's Pty Ltd v Parramatta City Council .....</b>	<b>23</b>
<b>Arnold v Minister Administering the Water Management Act 2000 (No 3) .....</b>	<b>27</b>

## POLICY AND PRACTICE

<b>Adaptive policy response by local governments to climate change .....</b>	<b>32</b>
<b>Burning with indignation: Arson, law and the 2009 Victorian bushfires .....</b>	<b>35</b>

## ARTICLES

### **Droughts, floods and South East Queensland water reform – Michael Walton**

By 2007 South East Queensland was facing serious drought conditions. The combined South East Queensland dam capacity had dropped to below 20% and South East Queenslanders were experiencing Level 6 (extreme water restrictions). The drought evidenced serious systemic weaknesses in the institutional arrangements for water supply in South East Queensland. This led the Queensland government to undertake substantial water reform. The purpose of this article is to provide background to the water reforms, a summary of the reforms and details of the “last minute” changes to the proposal for a single distribution entity owned and run by the 10 South East Queensland local governments. ....

46

### **Local government reform in Western Australia: Amalgamation – Mark Gregory, Lee Rossetto and Stephen Willey**

Local government reform is an issue which is germane across Australian States and Territories. In Western Australia the newly-elected Coalition Government is encouraging local governments to consider voluntary amalgamations as means of achieving reform. Forced amalgamations have not been ruled out if voluntary amalgamations do not deliver the requisite reform. This article examines the forces driving the reform agenda, explains the law as it relates to local government amalgamations and explores the range of issues that must be considered if amalgamations are to be entertained and progressed. ....

55



# Submission requirements

All contributions to the journal are welcome and should be emailed to the Production Editor, *Local Government Law Journal*, at [LTA.lglj@thomsonreuters.com](mailto:LTA.lglj@thomsonreuters.com) for forwarding to the Editor.

## Licences

- It is a condition of publication in the journal that contributors complete a licence agreement. Licence agreements can be downloaded at [http://www.thomsonreuters.com.au/support/as\\_contributors.asp](http://www.thomsonreuters.com.au/support/as_contributors.asp) and emailed with the submission or mailed separately to the Production Editor, *Local Government Law Journal*, Thomson Reuters (Professional) Australia Limited, PO Box 3502, Rozelle, NSW 2039.

## Letters to the Editor

- By submitting a letter to the Editor of this journal for publication, you agree that Thomson Reuters, trading as Lawbook Co, may edit and has the right to, and may license third parties to, reproduce in electronic form and communicate the letter.

## Manuscript

- Manuscript must be original, unpublished work that has not been submitted or accepted for publication elsewhere, including for online publication.
- Personal details (name, qualifications, position) for publication and a delivery address, email address and phone number must be included with the manuscript on a separate page.
- Manuscript must be submitted electronically via email in Microsoft Word format.
- Manuscript should not exceed 15,000 words for articles or 3,000 words for section commentary or book reviews.
- An abstract of 100-150 words must be included at the head of articles.
- Authors are responsible for the accuracy of case names, citations and other references. Proof pages will be emailed to contributors but excessive changes cannot be accommodated.
- **Graphics** (diagrams and graphs) to be grayscale; in .jpeg format; no more than 12 cm in width; within a box; of high resolution (at least 300 dpi); font is to be Times New Roman, no more than 10pt. The heading for a graphic should be placed outside the box.

## Peer review

- This journal complies with the Higher Education Research Data Collection (HERDC) Specifications for peer review. Each article is, prior to acceptance, reviewed in its entirety by a suitably qualified expert who is independent of the author.

## Style

1. **Levels of headings** must be clearly indicated (no more than four levels).
2. **Unpointed style** is to be used – there are no full stops after any abbreviation or contraction.
3. **Cases:**
  - Where a case is cited in the text, the citation follows immediately after the case name, not as a footnote.
  - Authorised reports must be cited where published, and one other reference can be used in addition.
  - For “at” references use media-neutral paragraph numbers within square brackets whenever available.
  - For international cases best references only should be used.
4. **Legislation** is cited as follows:
  - *Trade Practices Act 1974* (Cth), s 51AC (including in full within footnotes).
5. **Books** are cited as follows:
  - Ross D, *Ross on Crime* (3rd ed, Lawbook Co, Sydney, 2006) pp 100-101.
  - In footnotes do not use *ibid* or *op cit*. Repeat author surname and add footnote reference to first mention.
    - <sup>1</sup> Hayton D, “Unique Rules for the Unique Institution, The Trust” in Degeling S and Edelman J (eds), *Equity in Commercial Law* (Lawbook Co, Sydney, 2005) p 284.
    - <sup>2</sup> Hayton, n 1, p 286.
6. **Journals** are cited as follows:
  - Kirby M, “The Urgent Need for Forensic Excellence” (2008) 32 Crim LJ 205.
  - In footnotes do not use *ibid* or *op cit*. Repeat author surname and add footnote reference to first mention.
    - <sup>3</sup> Trindade R and Smith R, “Modernising Australian Merger Analysis” (2007) 35 ABLR 358.
    - <sup>4</sup> Trindade and Smith, n 3 at 358-359.
  - Wherever possible use official journal title abbreviations.
7. **Internet references** are cited as follows:
  - Ricketson S, *The Law of Intellectual Property: Copyright, Designs and Confidential Information* (Lawbook Co, subscription service) at [16.340], <http://www.thomsonreuters.com.au/default.asp> viewed 25 June 2007. Underline the URL and include the date the document was viewed.

## SUBSCRIPTION INFORMATION

The *Local Government Law Journal* comprises three parts a year.

Customer service and sales inquiries:  
**Tel: 1300 304 195 Fax: 1300 304 196**  
**Web: [www.thomsonreuters.com.au](http://www.thomsonreuters.com.au)**  
**Email: [LTA.Service@thomsonreuters.com](mailto:LTA.Service@thomsonreuters.com)**

Editorial inquiries:  
**Tel: (02) 8587 7000**

**HEAD OFFICE**  
100 Harris Street PYRMONT NSW 2009  
Tel: (02) 8587 7000 Fax: (02) 8587 7100



**THOMSON REUTERS**

© 2009 Thomson Reuters (Professional) Australia Limited  
ABN 64 058 914 668

Lawbook Co.

Published in Sydney

**ISSN 1324–1265**

Typeset by Thomson Reuters (Professional) Australia Limited, Pyrmont, NSW

Printed by Ligare Pty Ltd, Riverwood, NSW