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Update Summary

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UPDATE 184

NOVEMBER 2023

**LOCAL GOVERNMENT LAW AND PRACTICE
NEW SOUTH WALES**

S White

Updated by L Groom

Material Code 42609004

Print Post Approved PP255003/00393

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New and updated commentary has been provided by Lawrie Groom

New Developments

New:

- Allegations against agents of the City of Canterbury Bankstown Council and the previous City of Bankstown Council, inserted at, [ND.1970]
- Allegations against agents of the Hills Shire Council and property developers in the region, inserted at, [ND.1980]
- Model Media Policy, inserted at, [ND.1990]
- Councillor misconduct review released, inserted at, [ND.2000]
- Citizenship ceremonies, inserted at, [ND.2010]
- Amendments to tendering provisions and consultation on new procurement guidelines, inserted at, [ND.2020]
- Guidelines for Risk Management and Internal Audit, inserted at, [ND.2030]
- Cyber Security Guidelines, inserted at, [ND.2040]
- Guidelines on the Use and Management of Credit Cards, inserted at, [ND.2050]
- Plan for demerger of Cootamundra-Gundagai Regional Council, inserted at, [ND.2060]
- Australian Council of Local Government, inserted at, [ND.2070]
- Workplace health and safety regulator's improvement notice – Parramatta City Council, inserted at, [ND.2080]
- Planning and managing bushfire equipment, inserted at, [ND.2090]
- Inquiry into corruption allegations concerning Inner West Council and others, inserted at, [ND.2100]
- New conduct framework proposed, inserted at, [ND.2110]
- More flexible and streamlined planning and zoning; road funding, inserted at, [ND.2120]
- Noise guide for councils, has been inserted, at [ND.2130]
- Powers and notices guideline for authorised officers and enforcement officers, has been inserted, at [ND.2140]
- The changing role of local government in Australia: national survey findings, has been inserted, at [ND.2150]
- Local Government (General) Amendment (Minimum Amounts of Rate) Regulation 2023, has been inserted, at [ND.2160]
- Local Government (General) Amendment (Tendering) Regulation 2023, has been inserted, at [ND.2170]
- Local Government (Regional Joint Organisations) Amendment Proclamation 2023, has been inserted, at [ND.2180]
- NSW State Elections; new Minister for Local Government and his responsibilities, has been inserted, at [ND.2190]
- Local Government Remuneration Tribunal 2023 determination of mayoral and

- councillor fees, has been inserted, at [ND.2200]
- ICAC public inquiry concluded: Inner West Council and Transport for NSW – allegations concerning conduct of employees and others (Operation Hector), has been inserted, at [ND.2210]
- Electoral Funding Amendment (Registered Clubs) Bill 2023, has been inserted, at [ND.2220]
- Local Government NSW policy platform, has been inserted, at [ND.2230]
- Audit report on the regulation and monitoring of local government, has been inserted, at [ND.2240].

Chapters 8 - 18

Updated:

- The Court of Appeal had observed that the power to enact section 220 came from section 5 of the Constitution Act 1902. See *Hoxton Park Residents Action Group Inc v Liverpool City Council* (No 2) [2011] NSWCA 363, at [LGA.220.20].

Government Information (Public Access) Act 2009

New:

- Section 14 Commentary, inserted at, [GIPAA.PT5.10].

Roads Act 1993

New:

- Section 71 Commentary, inserted at, [RA.71.10].

Local Government Act 1993

Updated:

- The bias rule applies to multi-member public authorities. See *Seek Justice Pty Ltd v Minister for Planning* [2022] NSWLEC 127, at [LGA.8.40].
- Exclusive use and occupation otherwise than in accordance with a lease or licence is prohibited. Non-exclusive use is not proscribed. See *Seek Justice Pty Ltd v Minister for Planning* [2022] NSWLEC 127, at [LGA.45.20].
- Damages for breach of contract are awarded to place the injured party in the position in which it would have been, had the contract been performed. See *123 259 932 Pty Ltd v Cessnock City Council* [2023] NSWCA 21, at [LGA.55.110].

