

**Address by Barry O'Farrell, MP, NSW Leader of the Opposition,  
to the Local Government Association 2009 Annual Conference  
at Tamworth, 26 October, 2009.**

Thank you for the invitation to play a role in your 2009 annual conference here in Tamworth.

At the outset I want to congratulate Tamworth Council, Mayor James Treloar and all councillors and council staff for winning the prestigious AR Bluett Award.

I also want to pay tribute to the late Robert Wilson OAM who tragically died last month.

Robert commenced his local government career in 1965, with Peak Hill Municipal Council and served as Mayor briefly before its amalgamation with Goobang Shire Council.

He was elected to the merged Parkes Shire Council in 1981 and was Shire President/Mayor from 1985 until his retirement from local government last year.

In 1997 Robert received the Order of Australia for his extraordinary service to local government.

It's people like Robert Wilson whose selfless contribution to local government have left legacies for future generations of local communities across the State.

Farewell Robert Wilson – you will really be missed in the Parkes area and throughout the local government community of NSW.

At last year's LGA Conference in Broken Hill, when referring to the ascension of Mr. Rees to the premiership, I observed that, in NSW, the changes flowing from the manoeuvrings within the NSW Labor Party bore more than a passing resemblance to the aftermath of a volcanic explosion.

Delegates, a year on and it's not clear that anything has changed.

Events of eight weeks ago reveal that the leadership instability within the NSW ALP is continuing. It's also clear that influence of factional warlords Joe Tripodi and Eddie Obeid continues unabated.

These internal manoeuvrings continue to distract the Rees Government from the problems faced by communities across the State.

They confirm that public interest continues to run a poor race to the personal ambitions of individual ministers and the Labor Party.

Regrettably for us all Labor has reverted to its tried and tested mantra: "If it's broken - don't fix it".

Yet fix it we must. To overcome Labor's complacency and neglect. And to restore the opportunity and quality of life that people deserve.

To guide our work, we have set ourselves five key priorities to turn our State around:

- Rebuild a strong NSW economy through lower taxes and business growth.
- Return quality services - such as health, transport, education and community safety – by putting first the needs of the people who rely on them.
- Renovate the infrastructure that makes a difference to both our economy and people's lives.
- Restore honesty to government by cleaning up politics in NSW.
- Re-empower local communities by giving people a real say in the decisions that affect their lives.

Unashamedly it is about putting economic growth at the centre of government again.

Like you, the NSW Liberals & Nationals know that without a strong bottom line, little can be achieved.

Our focus will be on the whole of our State and not Labor's flawed version of NSW – Newcastle, Sydney and Wollongong.

And as we set about the task of rebuilding NSW we are determined to build genuine partnerships with a variety of sectors of the State.

## Planning

No area better demonstrates the difference of approach between the NSW Liberals & Nationals and the NSW ALP than planning.

Labor has consistently sought to take increasing control of local planning issues, dismissing and ignoring the views of local councils and communities in the process.

The NSW Liberals & Nationals are determined to again restore the community and public interest at the centre of government in NSW.

We trust people and want to empower them to make decisions. We also believe that local decision-making delivers better outcomes for communities.

Because of our beliefs and having witnessed the impact on local communities of Labor's flawed approach to planning, the NSW Liberals & National are committed to fundamental reform of the State's planning system.

**Firstly, we are committed to returning local planning powers to local communities - through their councils.**

We believe that local residents, through councils, are best placed to make local planning decisions, which affect their towns and suburbs. After all, it's local residents and not Macquarie Street planners who have to live with the results of these planning decisions.

We will ensure that the State Government respects and honours planning agreements made with local government and we're determined to end the inordinate delays councils and communities face in finalising planning instruments like LEPs.

We will not as Planning Minister Keneally hysterically claimed in Parliament last week require 'all councils to appoint planning panels'. That's the type of Labor lie the public now sees through.

I understand certain councils have chosen to use independent planning assessment panels to assist them in planning matters – and I support their right to make such choices.

But choice is a word that is absent from Labor's planning lexicon – along with an absence of trust in local communities and their councils to make the best decisions for their area.

### **Secondly, we will scrap 'Part 3A' of the Environmental Planning & Assessment Act.**

Part 3A has become the number one means used by Labor's Planning Minister to override local communities.

Originally intended only for use on "state significant developments", it has been increasingly used to override the decision-making powers of local councils and their residents.

The guidelines promised to limit and govern its use have never been delivered and the wide ranging powers Part 3A gives the Planning Minister have created corruption risks in the planning system – and that's ICAC's view.

And, of course, in recent weeks the Land and Environment Court has used language about certain decisions made using Part 3A powers with language – 'land bribe', 'prejudice' and 'partiality' – that allow even non-lawyers to discern the court's view of this power.

### **Thirdly, the NSW Liberals & Nationals will completely overhaul the State's 30 year-old planning legislation.**

We will do so principally to ensure it provides greater certainty, transparency, timeliness and merit-based decision-making.

The fact is that, after more than a decade of constant 'patching', the State's planning legislation that at its inception was innovative and inclusive of the community is struggling to cope with modern day demands.

Even Frank Sartor now admits it needs overhauling and that's why one of his last acts as Planning Minister was to establish a Legislative Council inquiry into the legislation.

I note the Planning Minister – who recently admitted finally reading the Act almost a year after her appointment to the position – is also now acknowledging the need for a re-write.

**Fourthly, we will appoint a Minister for Planning and Infrastructure.**

We are determined to put an end to the problems caused to communities across NSW by Labor's failure to match decisions to increase populations with funded programs to improve infrastructure like roads, rail services, water and sewage.

We understand that infrastructure is the other side of the planning coin and we want to ensure we never forget the fact in government.

**Fifthly, we will appoint a separate Minister for Heritage**

We believe heritage is important and the appointment of a separate Minister for Heritage will ensure there is an advocate for heritage both publicly and at the Cabinet table.

This will end the inherent conflict of interest faced by Labor's planning minister who is meant to be responsible for both 'development' and heritage conservation.

A NSW Liberals & Nationals Government will remove heritage agencies from the planning portfolio and vest them in a separate portfolio oversighted by a Minister for Heritage.

**Sixthly, we will implement campaign finance reforms**

We are committed to reform of the State's campaign finance laws to help restore community confidence in government decision-making and end Labor's 'decisions for donations' culture.

Our reforms will include:

- capping donations and restricting them to Australian citizens;
- imposing limits on election spending, including on third parties, whether unions or business groups etc;
- introducing an effective lobbyists register and banning so-called 'success' fees; and
- strengthen the powers of ICAC to specifically include oversight issues relating to donations/decisions.

These planning reforms will again place public interest at the centre of the State's planning system and ensure that the views of communities are again heard and respected.

They reflect the commitment of the NSW Liberals & Nationals to public interest and to local government.

## Restoring Democracy to Local Communities

We understand there is no more fundamental issue for local government than the right of communities to determine who governs them.

If a council is dismissed, for instance on the basis of an ICAC recommendation, the earliest possible return to local democracy is of critical importance.

Currently, the length of any administration is a matter determined solely by State Government that currently displays an aversion to restoring local democracy and allowing democratic elections.

An aversion – as ever – based on ensuring that Labor’s political interests are protected.

Something best reflected in the Rees Government’s treatment of the citizens of Wollongong where the length of council administration seems driven by the time it will take voters to forget the corruption involving Labor councillors that led to the sacking.

The NSW Liberals & Nationals are determined to end Labor’s approach as part of our commitment to a return to a negotiated, reasonable and co-operative relationship with local government.

I have asked our local government spokesman Chris Hartcher, to work with your Association, to identify possible legislative measures to ensure that, if an administrator is appointed, the objective of the earliest possible return to a locally elected council is enshrined in law.

That we are keen to do so, again reflects our determination to respect and effectively partner with local government.

## Local Government Elections

Submissions from local government to the NSW Parliament’s Joint Standing Committee on Electoral Matters Inquiry into the 2008 Local Government Elections have revealed the depth of councils’ concerns and costs about the way the Electoral Commission of NSW conducted the elections.

A litany of problems were outlined in the submissions, including the location and number of polling booths, the pre-poll process, shared returning officers, insufficient staffing and the timeliness and accuracy of the results.

The Commission’s \$26 million charge to local government deserves special mention as it incorporated some really creative accounting (under the banner of “cost recovery”) and represents one of the worst examples of cost shifting which I’ve seen.

A random sample of councils revealed the cost of conducting the elections had increased by 68% since the previous elections – when council rates had increased by 14.4% over the same period.

Shoalhaven Council's costs were up 99% and Blacktown's by 79%. Even where no election was required – as in the case of Botany Bay – a bill was still presented.

Most business owners could only dream about such a revenue stream.

Adding insult to injury there was also an administration fee of \$2.3 million charged to councils. A figure that is eerily similar to the amount NSW Treasury required the Electoral Commission to pay it last financial year.

A NSW Liberals & Nationals Government will change the law to give councils the choice of either again allowing general managers to administer of local government elections or engaging the Electoral Commission of NSW to do it for them.

Any changes will, of course, ensure the appointment of suitably qualified independent returning officers and managing the relevant election costs.

Our changes are intended to substantially reduce the costs of elections and also resolve many of the problems identified in councils' submissions to the inquiry.

It reflects our determination to empower people and our commitment to the third tier of government.

## Conclusion

Delegates - the precursor to good government is good governance.

The most fundamental precursor to good governance is a positive ethic of transparency, accountability and most importantly – honesty.

I can assure you that the NSW Liberals & Nationals are firmly committed and dedicated to restoring good government to the people of NSW at both the state and local government level.

Along with Chris Hartcher and my other colleagues, I look forward a strong partnership between state and local government in NSW.

It will be vital to achieving our goal of restoring opportunity to the people of our State.

I'm keen to continuing to work with your Executive on issues which are of concern to you.

To work in partnership ahead of the election – the type of partnership we are committed to continuing after that election.