



Australian Government
Productivity Commission

Performance Benchmarking of
Australian Business Regulation:
The Role of Local Government
as Regulator

Productivity Commission
Research Report
Volume 2

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The Productivity Commission

The Productivity Commission is the Australian Government's independent research and advisory body on a range of economic, social and environmental issues affecting the welfare of Australians. Its role, expressed most simply, is to help governments make better policies, in the long term interest of the Australian community.

The Commission's independence is underpinned by an Act of Parliament. Its processes and outputs are open to public scrutiny and are driven by concern for the wellbeing of the community as a whole.

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A Conduct of the benchmarking study

This appendix details:

- the progress of the study (below)
- how the study was initiated (the Terms of Reference — section A.1)
- the organisations and individuals that have participated in this study (sections A.2–A.5).

The Commission advertised the study in national and metropolitan newspapers following receipt of the Terms of Reference on 4 July 2011, and an initial circular advertising the study was distributed to interested parties. The Commission released an Issues Paper in September 2011 to assist participants in preparing their submissions. The Commission released a draft report on 2 April 2012. The 67 submissions received by the Commission for this study are listed in table A.1.

In conducting this study, the Commission has been assisted by an Advisory Panel comprised of representatives from the Australian Government, state and territory governments and the Australian Local Government Association (table A.2).

In addition, the Commission met with a number of industry stakeholders, including business groups, individual businesses and government departments. A list of those meetings is in table A.3. The Commission also held a roundtable with representatives of small- and medium-sized businesses, local government associations and government stakeholders on 24 April 2012 (table A.4).

The Commission undertook a survey of local governments as part of the study and all local governments were invited to participate. Those local governments that responded to the survey are listed in table A.5. A list of all local governments in Australia and their local government classification are listed in table A.6. The Commission also surveyed all state governments and the Northern Territory Government.

The Commission would like to thank all those who have contributed to the study.

A.1 Terms of Reference

A1.1 Text of the overarching terms of reference (11 August 2006)

The Productivity Commission is requested to undertake a study on performance indicators and reporting frameworks across all levels of government to assist the Council of Australian Governments (COAG) to implement its in-principle decision to adopt a common framework for benchmarking, measuring and reporting on the regulatory burden on business.

Stage 1: Develop a range of feasible quantitative and qualitative performance indicators and reporting framework options

In undertaking this study, the Commission is to:

1. develop a range of feasible quantitative and qualitative performance indicators and reporting framework options for an ongoing assessment and comparison of regulatory regimes across all levels of government.

In developing options, the Commission is to:

- consider international approaches taken to measuring and comparing regulatory regimes across jurisdictions; and
 - report on any caveats that should apply to the use and interpretation of performance indicators and reporting frameworks, including the indicative benefits of the jurisdictions' regulatory regimes;
2. provide information on the availability of data and approximate costs of data collection, collation, indicator estimation and assessment;
 3. present these options for the consideration of COAG. Stage 2 would commence, if considered feasible, following COAG considering a preferred set of indicators.

The Stage 1 report is to be completed within six months of commencing the study. The Commission is to provide a discussion paper for public scrutiny prior to the completion of its report and within four months of commencing the study. The Commission's report will be published.

Stage 2: Application of the preferred indicators, review of their operation and assessment of the results

It is expected that if Stage 2 proceeds, the Commission will:

1. use the preferred set of indicators to compare jurisdictions' performance;
2. comment on areas where indicators need to be refined and recommend methods for doing this.

The Commission would:

- provide a draft report on Stage 2 for public scrutiny; and
- provide a final report within 12 months of commencing the study and which incorporates the comments of the jurisdictions on their own performance. Prior to finalisation of the final report, the Commission is to provide a copy to all jurisdictions for comment on performance comparability and relevant issues. Responses to this request are to be included in the final report.

In undertaking both stages of the study, the Commission should:

- have appropriate regard to the objectives of Commonwealth, state and territory and local government regulatory systems to identify similarities and differences in outcomes sought;
- consult with business, the community and relevant government departments and regulatory agencies to determine the appropriate indicators.

A review of the merits of the comparative assessments and of the performance indicators and reporting framework, including, where appropriate, suggestions for refinement and improvement, may be proposed for consideration by COAG following three years of assessments.

The Commission's reports would be published.

PETER COSTELLO

11 August 2006

A.1.2 COAG's response to stage 1 report (13 April 2007)

In its communiqué of 13 April 2007 (COAG 2007, Regulatory Reform Plan, p. 10), COAG responded to the Commission's stage one report as follows:

- COAG has agreed to proceed to the second stage of a study to benchmark the compliance costs of regulation, to be undertaken by the Productivity Commission. Benchmarking the compliance costs of regulation will assist all governments to identify further areas for possible regulation reform. The benchmarking study will examine the regulatory compliance costs associated with becoming and being a business, the delays and uncertainties of gaining approvals in doing business, and the regulatory duplication and inconsistencies in doing business interstate. COAG has asked Senior Officials to finalise by the end of May 2007 any variations to the areas of regulation to be benchmarked in the three-year program outlined in the Commission's feasibility study *'Performance Benchmarking of Australian Business Regulation'*. COAG noted the Commonwealth will fully fund the benchmarking exercise.

A.1.3 Letter from the Treasurer requesting the Commission to commence the second stage of the benchmarking program



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- 3 SEP 2007



Mr Gary Banks AO
Chairman
Productivity Commission
PO Box 80
BELCONNEN ACT 2616

Dear Mr Banks

On 11 August 2006 I requested that the Productivity Commission conduct a two stage study on performance benchmarking of Australian business regulation. The Commission's stage one report, released on 6 March 2007, concluded that benchmarking of regulatory burdens across jurisdictions is feasible and would complement other initiatives to monitor and reform regulation.

Accordingly, and consistent with the decision of 13 April 2007 by the Council of Australian Governments, I request that the Commission commence stage two of the study extending over the next three years. In keeping with the terms of reference, stage two of the study is to examine the regulatory compliance costs associated with becoming and being a business, the delays and uncertainties of gaining approvals in doing business, and the regulatory duplication and inconsistencies in doing business interstate.

The Commission is requested to begin stage two of the study by providing a draft and final report on the quantity and quality of regulation, and results of benchmarking the administrative compliance costs for business registrations within 12 months.

In undertaking stage two of the study, the Commission is requested to convene an advisory panel, comprising representatives from all governments, to be consulted on the approach taken in the first year. The panel should be reconvened at strategic points, providing advice on the scope of the benchmarking exercise and facilitating and coordinating data provision. It must also be given the opportunity to scrutinise and comment on the preliminary results.

The Commission is requested to review the benchmarking exercise at the conclusion of year three and report on options for the forward programme of the benchmarking exercise.

Yours sincerely


PETER COSTELLO

A.1.4 Letter from the Assistant Treasurer requesting the Commission to continue second stage of the benchmarking program with the 2009 workplan



The Hon Chris Bowen MP
Assistant Treasurer
Minister for Competition Policy and Consumer Affairs

16 DEC 2008

Mr Gary Banks AO
Chairman
Productivity Commission
GPO Box 1428
CANBERRA CITY ACT 2601

Dear Mr ^{Gary}Banks

I am writing to you regarding the 2009 work plan of the Productivity Commission's Performance Benchmarking of Australian Business Regulation study.

In response to your request of 12 September 2008, this matter was raised at the 24 October 2008 Council of Australian Governments' Business Regulation and Competition Working Group meeting.

The BRCWG:

- noted the merit in continuing the benchmarking work program;
- agreed that occupational health and safety and food safety regulation should be considered by the Commission in year 2;
- requested that the Commission complete the OH&S and food safety benchmarking reports by December 2009; and
- agreed to revisit the Commission's future work plan in relation to the benchmarking study in 12 months time.

I would be grateful if you could undertake whatever action is necessary to fulfil the BRCWG's direction. The Commission may structure its work as it sees fit within the timeframe indicated above.

I have copied this letter to the Minister for Finance and Deregulation and the Minister Assisting the Finance Minister on Deregulation.

Yours sincerely

CHRIS BOWEN

PO Box 6022
Parliament House
CANBERRA ACT 2600



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<http://assistant.treasurer.gov.au>

A.1.5 Letter from the Assistant Treasurer requesting the Commission to commence this study

Performance Benchmarking of the Role of Local Government as a Regulator

Productivity Commission Act 1998

I, Bill Shorten, Assistant Treasurer, pursuant to Parts 2 and 4 of the Productivity Commission Act 1998 hereby request that the Productivity Commission undertake a research study to benchmark the extent to which particular approaches to the exercise of regulatory responsibilities by local government authorities, affect costs incurred by business, both within and between jurisdictions.

The responsibilities of local government authorities in Australia can be wide-ranging, covering areas such as food safety, planning and zoning, development and environmental assessment. In addition to requirements to enforce certain powers delegated to them by state and territory governments, local governments in most jurisdictions have the ability to make and enforce local regulations.

In undertaking this study, the Commission is to:

1. Identify the nature and extent of regulatory responsibilities exercised by local government authorities (including on behalf of other levels of government) where these responsibilities are likely to impose material costs on business, and significant variations in the distribution of these responsibilities between jurisdictions;
2. Clarify to what extent local governments implement and enforce national and state/territory policies (sometimes differently), and to what extent they apply additional policies of their own.
3. Identify indicators and use them to assess whether different regulatory responsibilities, and the approach to the exercise of those responsibilities, have a material effect on costs experienced by business; and
4. Identify whether particular approaches to the exercise of regulatory roles by local government have the capacity to reduce unnecessary costs incurred by business while sustaining good regulatory outcomes, and could therefore be described as best practice.
5. To reduce the consultation requirements for local governments, the Commission: may draw on previous evidence from benchmarking approaches to business registration, food safety, and planning, zoning and development approvals; may employ a range of approaches (including sampling and roundtables) to establish local governments' practices, including with respect to the objectives of the regulation concerned; and may

wish also to draw on good overseas practices of regulation by sub-national governments.

A report is to be completed within 12 months of the receipt of this Terms of Reference. The Commission is to provide both a draft and final report, and the reports will be published.

[signed]

Bill Shorten
Assistant Treasurer

Received 4 July 2011

A.2 Submissions

Table A.1

<i>Participant</i>	<i>Submission number</i>
Accommodation Association of Australia	17
AcroCert Pty Ltd	2
Adelaide City Council	DR43
Aged Care Association Australia – NSW & Aged and Community Services	
Association of NSW and ACT Inc	22
Amble In Self Contained Accommodation	31
Armidale Dumaresq Council	DR49
Australian Institute of Architects	40
Australian Institute of Building	DR63
Australian Institute of Building Surveyors	DR67
Australian Land Management Group	DR53
Australian Local Government Association (ALGA)	DR52
Australian Logistics Council	15
Australian Trucking Association	8
Boorowa Council	DR66
Brisbane City Council	DR64
Brisbane City Council	DR65
Brisbane City Council	26
Business Council of Australia	38
Business SA	DR48
Business SA	9
Chamber of Commerce	36
Civil Contractors Federation	DR50
Coles Supermarkets Australia	5
CPA Australia	7
Department of Resources, Energy and Tourism	37
Department of Resources, Energy and Tourism	DR54
Dollary, Professor Brian	3
Evans, Graham	16
GHD Pty Limited	19
GHD Pty Limited	20
Hosted Accommodation Australia Limited	13
Housing Industry Association Limited	34
Institute of Public Works Engineering Australia	21
Jones, DG	4
Koopman, Jack	41
Ku-ring-gai Council (Confidential)	DR58
Local Government Association of Queensland	6
Local Government Association of South Australia (Confidential)	DR55
Master Builders Australia	DR62
Master Grocers Association	39
Mobile Carriers Forum	14
Mobile Carriers Forum	DR46

<i>Participant</i>	<i>Submission number</i>
Municipal Association of Victoria (MAV)	10
National Farmers Federation	30
National Tourism Alliance	28
National Transport Commission	35
Nekon Pty Limited	24
NSW Business Chamber	DR42
NSW Business Chamber	11
NSW Farmers' Association	23
NSW Small Business Commissioner	DR44
NSW Small Business Commissioner	18
Property Council of Australia	DR60
Queensland Government	DR51
Queensland Tourism Industry Council	33
Redland City Council	DR56
Scahill, Frank	12
Small Business Development Corporation	29
South Australian Farmers Federation	25
Southern Waste Solutions SWS (Confidential)	1
Tasmanian Government	27
Tweed City Council	DR61
Victorian Caravan Parks Association Inc.	32
WA Local Government Association	DR47
Wagga Wagga City Council	DR45
Wagga Wagga City Council	DR59
Warringah Council	DR57

A.3 Advisory committee meetings

Table A.2 **Government Advisory Panel Roundtable
26 August 2011, 6 March 2012 and 19 June 2012, Canberra**

Commonwealth	Queensland
Department of Finance and Deregulation	Department of Premier and Cabinet
Victoria	Department of Treasury
Department of Premier & Cabinet	Western Australia
Department of Treasury and Finance	Department of Treasury
NSW	Northern Territory
Department of Premier & Cabinet	Department of Treasury
South Australia	Department of the Chief Minister
Department of Premier and Cabinet	Tasmania
ALGA	Department of Treasury
Australian Local Government Association	

A.4 Visits and consultations

Table A.3

<i>Commonwealth Government</i>
Treasury
Department of Finance
Department of Regional Australia, Regional Development & Local Government
<i>Australian Capital Territory</i>
Australia Local Government Association (ALGA)
Australian Logistics Council
Australian Trucking Association
Council of Small Business of Australia
Telstra Corporation Ltd
UTS Centre for Local Government
<i>South Australia</i>
Business SA
SA Local Government Association
Local Government and Regional Communities (Department of Planning and Local Government)
South Australian Farmers Federation
<i>New South Wales</i>
Business Council of Australia
Independent Pricing and Regulatory Tribunal (IPART)
National Tourism Alliance
NSW Business Chamber
NSW Farmers Federation
NSW Local Government & Shires Association
NSW Premier & Cabinet
Property Council
Cloverhill Dairies
Illawarra Vendors Association
Kiama Council
Lake Illawarra Authority
NSW Division of Local Government
Regional Development Australia - Far South Coast
Scarratt & Associates - Surveyors and Land Development Consultants
Shoalhaven City Council
Southern Council Group
<i>Western Australia</i>
Chamber of Commerce and Industry WA
Chamber of Minerals and Energy
Department of Local Government
Department of Premier & Cabinet and Department of Treasury
Parking Association of Australia
Pastoralist and Graziers Association
Small Business Development Corporation
Tourism Western Australia
Western Australian Local Government Association WALGA

Victoria

Bed and Breakfast, Farmstay and Accommodation Association
Department of Planning and Community Development
Department of Planning and Community Development
Department of Premier & Cabinet
Department of Treasury and Finance
Grattan Institute
Municipal Association of Victoria
National Housing Supply Council
Sensis
VicRoads – Regional Services
Victorian Competition & Efficiency Commission (VCEC)
Victorian Farmers Federation
Victorian Tourism Industry Council

Queensland

Brisbane City Council
North Queensland Local Government Association (NQLGA)
Queensland Office for Regulatory Efficiency
Queensland Tourism Industry Council
Townsville Chamber of Commerce
Townsville City Council
Townsville Enterprise Ltd

Northern Territory

Chamber of Commerce and Industry Darwin
Department of Housing, Local Government and Regional Services
Local Government Association of the Northern Territory (LGANT)
Minerals Council of Australia
Northern Land Council
Tourism NT
Treasury and Advisory Panel

Tasmania

Advisory Panel
Local Government Association
Tasmanian Chamber of Commerce & Industry
Tasmania Hospitality Association

New Zealand

Auckland Council
Business NZ
Department of Internal Affairs Te Tari Taiwhenua
Local Government NZ
Ministry for the Environment
NZ Business Roundtable
NZ Productivity Commission
Wellington City Council

Table A.4 Roundtable attendees

24 April 2012, Canberra

Australian Local Government Association	Australian Competition and Consumer Commission
Department of Innovation, Industry, Science, Research and Tertiary Education	Department of Regional Australia, Local Government, Arts and Sport
Local Government and Shires Association NSW	NSW Small Business Commissioner
Municipal Association of Victoria	NSW Business Chamber
Local Government Association of Queensland	Housing Industry Association
Brisbane City Council	Master Builders Australia
Small Business Development Corporation WA	Business Enterprise Centres Australia
Council of Small Business Organisations of Australia	Charles Harvey

A.5 Surveys and providers of information

Table A.5 Council responses by jurisdiction**NSW**

Albury City Council	Armidale Dumaresq Council	Bankstown City Council
Bathurst Regional Council	Blue Mountains City Council	The Council of the City of Botany Bay
Broken Hill City Council	Burwood Council	Cabonne Council
Campbelltown City Council	Clarence Valley Council	Cootamundra Shire Council
Dubbo City Council	Eurobodalla Shire Council	Gosford City Council
Griffith City Council	Greater Hume Shire Council	Harden Shire Council
Hawkesbury City Council	Inverell Shire Council	Junee Shire Council
Kempsey Shire Council	Leichhardt Municipal Council	Lismore City Council
Maitland City Council	North Sydney Council	Parramatta City Council
Port Macquarie-Hastings Council	Randwick City Council	Ryde City Council
Shellharbour City Council	Shoalhaven City Council	Snowy River Shire Council
Strathfield Municipal Council	Sutherland Shire Council	Council of the City of Sydney
Temora Shire Council	Tumbarumba Shire Council	Upper Lachlan Shire Council
Uralla Shire Council	Wagga Wagga City Council	The Council of the Shire of Wakool
Warren Shire Council	Willoughby City Council	Woollahra Municipal Council
Wyong Shire Council		

VIC

Banyule City Council	Boroondara City Council	Campaspe Shire Council
Colac Otway Shire Council	East Gippsland Shire Council	Glen Eira City Council
Greater Geelong City Council	Horsham Rural City Council	Indigo Shire Council
Latrobe City Council	Manningham City Council	Melbourne City Council
Melton Shire Council	Mitchell Shire Council	Moonee Valley City Council
Mornington Peninsula Shire Council	Murrindindi Shire Council	Nillumbik Shire Council
Port Phillip City Council	Stonnington City Council	Whittlesea City Council
Wyndham City Council	Yarra City Council	Yarra Ranges Shire Council

WA

Armada City	Ashburton Shire	Bassendean Town
Brookton Shire	Broome Shire	Busselton Shire
Cockburn City	Dalwallinu Shire	Dardanup Shire
Goomalling Shire	Gosnells City	City of Greater Geraldton
Irwin Shire	City of Joondalup	Leonora Shire
Mandurah City	Melville City	Mosman Park Town
Murray Shire	Narrogin Shire	Perth City
Plantagenet Shire	Subiaco City	Swan City
Victoria Park Town	Victoria Plains Shire	Wanneroo City
Williams Shire	Wongan-Ballidu Shire	York Shire

SA

Adelaide City Council
City of Charles Sturt
City of Mitcham
City of Prospect
Corporation of the City of
Whyalla
District Council of Franklin
Harbour
District Council of Robe
Flinders Ranges Council
Wakefield Regional Council

Adelaide Hills Council
City of Holdfast Bay
City of Mount Gambier
City of Salisbury
Corporation of the Town of
Walkerville
District Council of Mount Barker
District Council of Tumby Bay
Regional Council of Goyder
Wattle Range Council

Campbelltown City Council
City of Marion
City of Playford
City of West Torrens
District Council of Cleve
District Council of Orroroo
Carrieton
District Council of Yorke Peninsula
Tatiara District Council
City of Unley

QLD

Balonne Shire Council
Cassowary Coast Regional
Council
Gold Coast City Council
Mackay Regional Council
Murweh Shire Council
Redland City Council
Townsville City Council

Banana Shire Council
Cook Shire Council
Ipswich City Council
McKinlay Shire Council
Paroo Shire Council
Scenic Rim Regional Council
Winton Shire Council

Brisbane City Council
Gladstone Regional Council
Logan City Council
Moreton Bay Regional Council
Pormpuraaw Aboriginal Shire
Council
Somerset Regional Council

TAS

Derwent Valley Council
George Town Council
Latrobe Council

Dorset Council
Huon Valley Council
Northern Midlands Council

Flinders Council
Kingborough Council
West Tamar Council

NT

Alice Springs Town Council

Darwin City Council

Litchfield Council

Table A.6 Local governments and their classification

NSW			
Albury City Council	(UR)	Harden Shire Council	(R)
Armidale Dumaresq Council	(UR)	Hawkesbury City Council	(UF)
Auburn City Council	(UM)	Hay Shire Council	(R)
Ballina Shire Council	(UR)	Holroyd City Council	(UM)
Balranald Shire Council	(R)	Hurstville City Council	(UM)
Bankstown City Council	(UM)	Inverell Shire Council	(R)
Bathurst Regional Council	(UR)	Jerilderie Shire Council	(R)
Bega Valley Shire Council	(UR)	Junee Shire Council	(R)
Bellingen Shire Council	(R)	Kempsey Shire Council	(UR)
Berrigan Shire Council	(R)	Kogarah City Council	(UM)
Blacktown City Council	(UM)	Ku-ring-gai Council	(UM)
Bland Shire Council	(R)	Kyogle Council	(R)
Blayney Shire Council	(R)	Lachlan Shire Council	(R)
Blue Mountains City Council	(UF)	Lake Macquarie City Council	(UR)
Bogan Shire Council	(R)	Lane Cove Municipal Council	(UM)
Bombala Council	(R)	Leeton Shire Council	(R)
Boorowa Council	(R)	Leichhardt Municipal Council	(UM)
Bourke Shire Council	(R)	Lismore City Council	(UR)
Brewarrina Shire Council	(R)	Liverpool City Council	(UF)
Broken Hill City Council	(UR)	Liverpool Plains Shire Council	(R)
Burwood Council	(UM)	Lockhart Shire Council	(R)
Byron Shire Council	(UR)	Lord Howe Island	(RT)
Cabonne Council	(R)	Maitland City Council	(UR)
Camden Council	(UF)	Manly Council	(UM)
Campbelltown City Council	(UF)	Marrickville Council	(UM)
Canterbury City Council	(UM)	Mid-Western Regional Council	(UR)
Carrathool Shire Council	(R)	Moree Plains Shire Council	(R)
Central Darling Shire Council	(RT)	Mosman Municipal Council	(UM)
Cessnock City Council	(UR)	Murray Shire Council	(R)
City of Canada Bay Council	(UM)	Murrumbidgee Shire Council	(R)
City of Lithgow Council	(UR)	Muswellbrook Shire Council	(R)
Clarence Valley Council	(UR)	Nambucca Shire Council	(R)
Cobar Shire Council	(RT)	Narrabri Shire Council	(R)
Coffs Harbour City Council	(UR)	Narrandera Shire Council	(R)
Conargo Shire Council	(R)	Narromine Shire Council	(R)
Coolamon Shire Council	(R)	Newcastle City Council	(UR)
Cooma-Monaro Shire Council	(R)	North Sydney Council	(UM)
Coonamble Shire Council	(R)	Oberon Council	(R)
Cootamundra Shire Council	(R)	Orange City Council	(UR)
Corowa Shire Council	(R)	Palerang Council	(R)
Council of the City of Sydney	(UCC)	Parkes Shire Council	(R)
Cowra Shire Council	(R)	Parramatta City Council	(UM)
Deniliquin Council	(UR)	Penrith City Council	(UF)
Dubbo City Council	(UR)	Pittwater Council	(UM)
Dungog Shire Council	(R)	Port Macquarie-Hastings Council	(UR)
Eurobodalla Shire Council	(UR)	Port Stephens Council	(UR)
Fairfield City Council	(UM)	Queanbeyan City Council	(UR)
Forbes Shire Council	(R)	Randwick City Council	(UM)
Gilgandra Shire Council	(R)	Richmond Valley Council	(UR)
Glen Innes Severn Council	(R)	Rockdale City Council	(UM)
Gloucester Shire Council	(R)	Ryde City Council	(UM)
Gosford City Council	(UF)	Shellharbour City Council	(UR)
Goulburn Mulwaree Council	(UR)	Shoalhaven City Council	(UR)
Great Lakes Council	(UR)	Silverton Village	(RT)
Greater Hume Shire Council	(R)	Singleton Council	(UR)
Greater Taree City Council	(UR)	Snowy River Shire Council	(R)
Griffith City Council	(UR)	Strathfield Municipal Council	(UM)
Gundagai Shire Council	(R)	Sutherland Shire Council	(UM)
Gunnedah Shire Council	(R)	Tamworth Regional Council	(UR)
Guyra Shire Council	(R)	Temora Shire Council	(R)
Gwydir Shire Council	(R)	Tenterfield Shire Council	(R)

NSW (continued)

The Council of the City of Botany Bay	(UM)	Walgett Shire Council	(R)
The Council of the Municipality of Ashfield	(UM)	Warren Shire Council	(R)
The Council of the Municipality of Hunters Hill	(UM)	Warringah Council	(UM)
The Council of the Municipality of Kiama	(UR)	Warrumbungle Shire Council	(R)
The Council of the Shire of Hornsby	(UF)	Waverley Council	(UM)
The Council of the Shire of Wakool	(R)	Weddin Shire Council	(R)
The Hills Shire Council (formerly Baulkham Hills (A))	(UF)	Wellington Council	(R)
Tibooburra	(RT)	Wentworth Shire Council	(R)
Tumbarumba Shire Council	(R)	Willoughby City Council	(UM)
Tumut Shire Council	(R)	Wingecarribee Shire Council	(UR)
Tweed Shire Council	(UR)	Wollondilly Shire Council	(UF)
Upper Hunter Shire Council	(R)	Wollongong City Council	(UR)
Upper Lachlan Shire Council	(R)	Woollahra Municipal Council	(UM)
Uralla Shire Council	(R)	Wyong Shire Council	(UF)
Urana Shire Council	(R)	Yass Valley Council	(R)
Wagga Wagga City Council	(UR)	Young Shire Council	(R)
Walcha Council	(R)		

Victoria

Alpine Shire Council	(R)	Mansfield Shire Council	(R)
Ararat Rural City Council	(R)	Maribyrnong City Council	(UM)
Ballarat City Council	(UR)	Maroondah City Council	(UM)
Banyule City Council	(UM)	Melbourne City Council	(UCC)
Bass Coast Shire Council	(UF)	Melton Shire Council	(UF)
Baw Baw Shire Council	(UR)	Mildura Rural City Council	(UR)
Bayside City Council	(UM)	Mitchell Shire Council	(UR)
Benalla Rural City Council	(R)	Moir Shire Council	(UR)
Boroondara City Council	(UM)	Monash City Council	(UM)
Borough of Queenscliffe	(UF)	Moonee Valley City Council	(UM)
Brimbank City Council	(UM)	Moorabool Shire Council	(UR)
Buloke Shire Council	(R)	Moreland City Council	(UM)
Campaspe Shire Council	(UR)	Mornington Peninsula Shire Council	(UF)
Cardinia Shire Council	(UF)	Mount Alexander Shire Council	(R)
Casey City Council	(UM)	Moyness Shire Council	(R)
Central Goldfields Shire Council	(R)	Murrindindi Shire Council	(R)
Colac Otway Shire Council	(UR)	Nilumbik Shire Council	(UF)
Corangamite Shire Council	(R)	Northern Grampians Shire Council	(R)
Darebin City Council	(UM)	Port Phillip City Council	(UM)
East Gippsland Shire Council	(UR)	Pyrenees Shire Council	(R)
Frankston City Council	(UM)	South Gippsland Shire Council	(UR)
Gannawarra Shire Council	(R)	Southern Grampians Shire Council	(R)
Glen Eira City Council	(UM)	Stonnington City Council	(UM)
Glenelg Shire Council	(UR)	Strathbogie Shire Council	(R)
Golden Plains Shire Council	(R)	Surf Coast Shire Council	(UF)
Greater Bendigo City Council	(UR)	Swan Hill Rural City Council	(UR)
Greater Dandenong City Council	(UM)	Towong Shire Council	(R)
Greater Geelong City Council	(UR)	Wangaratta Rural City Council	(UR)
Greater Shepparton City Council	(UR)	Warrnambool City Council	(UR)
Hepburn Shire Council	(R)	Wellington Shire Council	(UR)
Hindmarsh Shire Council	(R)	West Wimmera Shire Council	(R)
Hobsons Bay City Council	(UM)	Whitehorse City Council	(UM)
Horsham Rural City Council	(UR)	Whittlesea City Council	(UF)
Hume City Council	(UF)	Wodonga City Council	(UR)
Indigo Shire Council	(R)	Wyndham City Council	(UF)
Kingston City Council	(UM)	Yarra City Council	(UM)
Knox City Council	(UM)	Yarra Ranges Shire Council	(UF)
Latrobe City Council	(UR)	Yarriambiack Shire Council	(R)
Loddon Shire Council	(R)		
Macedon Ranges Shire Council	(UR)		
Manningham City Council	(UM)		

Queensland

Aurukun Shire Council	(R)	Logan City Council	(UM)
Balonne Shire Council	(RT)	Longreach Regional Council	(R)
Banana Shire Council	(RT)	Mackay Regional Council	(UR)
Barcaldine Regional Council	(R)	Mapoon Aboriginal Shire Council	(R)
		Maranoa Regional Council, (formerly	
Barcoo Shire Council	(R)	Roma (R))	(RT)
Blackall-Tambo Regional Council	(R)	McKinlay Shire Council	(R)
Boulia Shire Council	(R)	Moreton Bay Regional Council	(UM)
Brisbane City Council	(UCC)	Mornington Shire Council	(R)
Bulloo Shire Council	(R)	Mount Isa City Council	(UR)
Bundaberg Regional Council	(UR)	Murweh Shire Council	(R)
Burdekin Shire Council	(RT)	Napranum Aboriginal Shire Council	(R)
Burke Shire Council	(R)	North Burnett Regional Council	(RT)
Cairns Regional Council	(UR)	Northern Peninsula Area Regional Council	(R)
Carpentaria Shire Council	(R)	Palm Island Aboriginal Shire Council	(R)
Cassowary Coast Regional Council	(UR)	Paroo Shire Council	(R)
Central Highlands Regional Council	(UR)	Pormpuraaw Aboriginal Shire Council	(R)
Charters Towers Regional Council	(RT)	Quilpie Shire Council	(R)
Cherbourg Aboriginal Shire Council	(R)	Redland City Council	(UM)
Cloncurry Shire Council	(RT)	Richmond Shire Council	(R)
Cook Shire Council	(RT)	Rockhampton Regional Council	(UR)
Croydon Shire Council	(R)	Scenic Rim Regional Council	(UF)
Diamantina Shire Council	(R)	Somerset Regional Council	(UF)
Doomadgee Aboriginal Shire Council	(R)	South Burnett Regional Council	(UR)
Etheridge Shire Council	(R)	Southern Downs Regional Council	(UR)
Flinders Shire Council	(R)	Sunshine Coast Regional Council	(UM)
Fraser Coast Regional Council	(UR)	Tablelands Regional Council	(UR)
Gladstone Regional Council	(UR)	Toowoomba Regional Council	(UR)
Gold Coast City Council	(UM)	Torres Shire Council	(R)
Goondiwindi Regional Council	(RT)	Torres Strait Island Regional Council	(R)
Gympie Regional Council	(UR)	Townsville City Council	(UR)
		Western Downs Regional Council	
Hinchinbrook Shire Council	(RT)	(formerly Dalby (R))	(UR)
Hope Vale Aboriginal Shire Council	(R)	Whitsunday Regional Council	(UR)
Ipswich City Council	(UM)	Winton Shire Council	(R)
Isaac Regional Council	(UR)	Woorabinda Aboriginal Shire Council	(R)
Kowanyama Aboriginal Shire Council	(R)	Wujal Wujal Aboriginal Shire Council	(R)
Lockhart River Aboriginal Shire Council	(R)	Yarrabah Aboriginal Shire Council	(R)
Lockyer Valley Regional Council	(UR)		

South Australia

Adelaide City Council	(UCC)	City of Tea Tree Gully	(UM)
Adelaide Hills Council	(UF)	City of Unley	(UM)
Alexandrina Council	(UF)	City of Victor Harbor	(UR)
Anangu Pitjantjatjara Yankunytjatjara	(RT)	City of West Torrens	(UM)
Barossa Council	(UF)	Clare and Gilbert Valleys Council	(R)
Berri Barmera Council	(R)	Coorong District Council	(R)
Campbelltown City Council	(UM)	Corporation of the City of Whyalla	(UR)
City of Burnside	(UM)	Corporation of the Town of Walkerville	(UM)
City of Charles Sturt	(UM)	District Council of Barunga West	(R)
City of Holdfast Bay	(UM)	District Council of Ceduna	(R)
City of Marion	(UM)	District Council of Cleve	(R)
City of Mitcham	(UM)	District Council of Coober Pedy	(UR)
City of Mount Gambier	(UR)	District Council of Copper Coast	(R)
City of Norwood Payneham and St Peters	(UM)	District Council of Elliston	(R)
City of Onkaparinga	(UF)	District Council of Franklin Harbour	(R)
City of Playford	(UF)	District Council of Grant	(R)
City of Port Adelaide Enfield	(UM)	District Council of Karoonda East Murray	(R)
City of Port Lincoln	(UR)	District Council of Kimba	(R)
City of Prospect	(UM)	District Council of Lower Eyre Peninsula	(R)
City of Salisbury	(UM)	District Council of Loxton Waikerie	(R)

South Australia (continued)

District Council of Mallala	(R)	Municipal Council of Roxby Downs	(UR)
District Council of Mount Barker	(UR)	Naracoorte Lucindale Council	(R)
District Council of Mount Remarkable	(R)	Nipapanha	(RT)
District Council of Orroroo Carrieton	(R)	Northern Areas Council	(R)
District Council of Peterborough	(R)	Port Augusta City Council	(UR)
District Council of Robe	(R)	Port Pirie Regional Council	(R)
District Council of Streaky Bay	(R)	Regional Council of Goyder	(R)
District Council of Tumby Bay	(R)	Renmark Paringa Council	(R)
District Council of Yankalilla	(R)	Rural City of Murray Bridge	(R)
District Council of Yorke Peninsula	(R)	Southern Mallee District Council	(R)
Flinders Ranges Council	(R)	Tatiara District Council	(R)
Gerard	(RT)	Town of Gawler	(UF)
Kangaroo Island Council	(R)	Wakefield Regional Council	(R)
Kingston District Council	(R)	Wattle Range Council	(R)
		Wudinna District Council (formerly Le	
Light Regional Council	(R)	Hunte (DC))	(R)
Maralinga Tjarutja (AC)	(RT)	Yalata	(RT)
Mid Murray Council	(R)		

Western Australia

Albany City	(UR)	Dumbleyung Shire	(R)
Armadale City	(UF)	Dundas Shire	(RT)
Ashburton Shire	(RT)	East Fremantle Town	(UM)
Augusta-Margaret River Shire	(R)	East Pilbara Shire	(RT)
Bassendean Town	(UM)	Esperance Shire	(R)
Bayswater City	(UM)	Exmouth Shire	(RT)
Belmont City	(UM)	Fremantle City	(UM)
Beverley Shire	(R)	Greater Geraldton	(UR)
Boddington Shire	(R)	Gingin Shire	(R)
Boyup Brook Shire	(R)	Gnowangerup Shire	(R)
Bridgetown-Greenbushes Shire	(R)	Goomalling Shire	(R)
Brookton Shire	(R)	Gosnells City	(UF)
Broome Shire	(RT)	Halls Creek Shire	(RT)
Broomehill-Tambellup Shire	(R)	Harvey Shire	(UR)
Bruce Rock Shire	(R)	Irwin Shire	(R)
Bunbury City	(UR)	Jerramungup Shire	(R)
Busseton Shire	(UR)	Joondalup City	(UM)
Cambridge Town	(UM)	Kalamunda Shire	(UF)
Canning City	(UM)	Kalgoorlie-Boulder City	(UR)
Capel Shire	(R)	Katanning Shire	(R)
Carnamah Shire	(R)	Kellerberrin Shire	(R)
Carnarvon Shire	(R)	Kent Shire	(R)
Chapman Valley Shire	(R)	Kojonup Shire	(R)
Chittering Shire	(R)	Kondinin Shire	(R)
Claremont Town	(UM)	Koorda Shire	(R)
Cockburn City	(UM)	Kulin Shire	(R)
Collie Shire	(R)	Kwinana Town	(UF)
Coolgardie Shire	(RT)	Lake Grace Shire	(R)
Coorow Shire	(R)	Laverton Shire	(RT)
Corrigin Shire	(R)	Leonora Shire	(RT)
Cottesloe Town	(UM)	Mandurah City	(UF)
Cranbrook Shire	(R)	Manjimup Shire	(R)
Cuballing Shire	(R)	Meekatharra Shire	(RT)
Cue Shire	(RT)	Melville City	(UM)
Cunderdin Shire	(R)	Menzies Shire	(RT)
Dalwallinu Shire	(R)	Merredin Shire	(R)
Dandaragan Shire	(R)	Mingenew Shire	(R)
Dardanup Shire	(R)	Moora Shire	(R)
Denmark Shire	(R)	Morawa Shire	(R)
Derby-West Kimberley Shire	(RT)	Mosman Park Town	(UM)
Donnybrook-Balingup Shire	(R)	Mount Magnet Shire	(RT)
Dowerin Shire	(R)	Mount Marshall Shire	(R)

Western Australia (continued)

Mukinbudin Shire	(R)	Stirling City	(UM)
Mundaring Shire	(UF)	Subiaco City	(UM)
Murchison Shire	(RT)	Swan City	(UF)
Murray Shire	(R)	Tammin Shire	(R)
Nannup Shire	(R)	Three Springs Shire	(R)
Narembeen Shire	(R)	Toodyay Shire	(R)
Narrogin Shire	(R)	Trayning Shire	(R)
Narrogin Town	(UR)	Upper Gascoyne Shire	(RT)
Nedlands City	(UM)	Victoria Park Town	(UM)
Ngaanyatjarraku Shire	(RT)	Victoria Plains Shire	(R)
Northam Shire	(R)	Vincent Town	(UM)
Northampton Shire	(R)	Wagin Shire	(R)
Nungarin Shire	(R)	Wandering Shire	(R)
Peppermint Grove Shire	(UM)	Wanneroo City	(UF)
Perenjori Shire	(R)	Waroon Shire	(R)
Perth City	(UCC)	West Arthur Shire	(R)
Pingelly Shire	(R)	Westonia Shire	(R)
Plantagenet Shire	(R)	Wickepin Shire	(R)
Port Hedland Town	(RT)	Williams Shire	(R)
Quairading Shire	(R)	Wiluna Shire	(RT)
Ravensthorpe Shire	(R)	Wongan-Ballidu Shire	(R)
Rockingham City	(UM)	Woodanilling Shire	(R)
Roebourne Shire	(RT)	Wyalkatchem Shire	(R)
Sandstone Shire	(RT)	Wyndham-East Kimberley Shire	(RT)
Serpentine-Jarrahdale Shire	(R)	Yalgoo Shire	(RT)
Shark Bay Shire	(RT)	Yilgarn Shire	(R)
South Perth City	(UM)	York Shire	(R)

Tasmania

Break O'Day Council	(R)	Huon Valley Council	(R)
Brighton Council	(UR)	Kentish Council	(R)
Burnie City Council	(UR)	King Island Council	(R)
Central Coast Council	(UR)	Kingborough Council	(UF)
Central Highlands Council	(R)	Latrobe Council	(R)
Circular Head Council	(R)	Launceston City Council	(UR)
Clarence City Council	(UF)	Meander Valley Council	(R)
Derwent Valley Council	(R)	Northern Midlands Council	(R)
Devonport City Council	(UR)	Sorell Council	(R)
Dorset Council	(R)	Southern Midlands Council	(R)
Flinders Council	(R)	Tasman Council	(R)
George Town Council	(R)	Waratah-Wynyard Council	(R)
Glamorgan Spring Bay Council	(R)	West Coast Council	(R)
Glenorchy City Council	(UF)	West Tamar Council	(UF)
Hobart City Council	(UCC)		

Northern Territory

Alice Springs Town Council	(UR)	Katherine Town Council	(UR)
Barkly Shire Council	(RT)	Litchfield Council	(R)
Belyuen Community Government Council	(R)	MacDonnell Shire Council	(RT)
Central Desert Shire Council	(RT)	Roper Gulf Shire Council	(RT)
City of Palmerston	(UR)	Tiwi Islands Shire Council	(RT)
Coomalie Community Government Council	(R)	Victoria Daly Shire Council	(RT)
Darwin City Council	(UCC)	Wagait Shire Council	(UF)
East Arnhem Shire Council	(RT)	West Arnhem Shire Council	(RT)

Classifications:

Remote (RT); Rural (R); Urban Capital City (UCC); Urban Fringe (UF); Urban Metropolitan (UM); Urban Regional (UR).

B Approach to gathering information

In conducting this study, the Commission drew on submissions, consultations and surveys of local governments, local government peak bodies, state governments, state government agencies and businesses and on a number of other data sources.

Gathering information for benchmarking

The most effective way to collect much of the information required for the study was through surveys. While other information sources and information from past studies reduced the length of surveys, they were still quite extensive, reflecting the general lack of comparative data in this area.

In addition to the surveys conducted by the Commission and a survey conducted by Sensis of small and medium-sized businesses, other sources of information included:

- submissions
- studies and reviews completed by state government agencies
- previous Commission benchmarking reports, regulatory review reports and surveys concerning local government, planning and zoning and business regulation
- data collected by the Australian Bureau of Statistics
- information from local government websites and annual reports
- other conversations and informal data requests with Australian and overseas local government authorities, state government agencies, businesses and their representative organisations.

B.1 Surveys

Several groups were surveyed. These were local governments, local government associations, state government agencies and businesses.

Local governments were sent a number of surveys. Every LG was sent a general survey, which asked questions about approaches used to create and enforce regulation. There were also six survey modules designed to collect information on regulatory areas with a significant role for local government (as they apply to businesses). Most local governments were sent a least one of the modules.

The surveys are discussed in more detail below and copies of the surveys can be found on the Commission's website.

Information from governments

Survey of state government agencies

Various state and territory agencies are responsible for ensuring local governments are operating according to the relevant local government acts and regulations. This includes whether they are operating honestly and transparently, whether they have sufficient capacity to operate and whether they are operating in an efficient way.

Other functions include:

- collecting data and conducting reviews
- monitoring and reviewing newly introduced local government regulations
- encouraging the uptake of best practice.

The survey of state government agencies asked questions about:

- definitions of local governments
- areas in which local governments are allowed to regulate and limits imposed on their powers
- views about how well they regulate in certain areas
- processes state agencies use to monitor or approve local government regulation
- responsibilities LG authorities have to enforce state laws and regulations
- views of the operational and financial capacities of local governments
- cooperation between local governments
- responsibilities of local governments for regulation by type of regulatory area (planning, building, food, environment, etc).

The surveys were sent to a member of the Advisory Panel of each state and the Northern Territory during December 2011. In order to answer the survey questions input would be required from a number of number of agencies, not just the relevant

local government agency. The state and territory agencies with overall responsibility for overseeing LGs are shown in table B.1 below.

Table B.1 State government agencies

<i>State</i>	<i>Agency</i>
NSW	Division of Local Government, Department of Premier and Cabinet
Vic	Local Government Victoria, Department of Planning and Community Development
Qld	Office of Local Government, Department of Local Government and Planning
SA	Office for State/Local Government Relations, Department of Planning and Local Government
WA	Department of Local Government
Tas	Local Government Division, Department of Premier and Cabinet
NT	Local Government, Department of Housing, Local Government and Regional Services

Regulatory matrices

In order to gain an overall view of the types of regulations and regulatory processes for which local government authorities were responsible, two additional tick box surveys (referred to as regulatory matrices) were also developed. Both matrices asked which regulations involved a regulatory role for LG authorities that could impact upon businesses:

- The first matrix asked what processes LG authorities were responsible for by types of regulation (examples of regulation types include: regulation of food businesses; regulation of construction hours; and regulation of road-side parking; etc). Processes included approvals, monitoring, appeals and referrals to state agencies. This matrix also asked for the name of relevant Acts or Regulations, whether private certifiers were allowed and whether LG authorities provided services in the areas they were regulating.
- The second matrix asked what regulatory roles LG authorities had been delegated by legislation, including whether they were responsible for: creating, administering or enforcing rules; or referring prescribed matters to state or territory agencies. The matrix also asked which state agencies administer relevant legislation.

The local government associations of each state were sent the first matrix and the state and territory government local government agencies were sent both matrices.

Appendix F contains copies of the regulatory matrices that were sent to the state governments and the NT.

General survey of local government authorities

The general survey was sent out in early December 2011 to 559 local authorities (out of a possible 565) — of these, 557 were local governments and two were local authorities set up by private corporations to provide local services (Weipa Town Authority and Nhulunbuy Corporation Limited¹).

Prior to finalisation, the survey was sent to local government associations for their comments on wording (whether questions would be interpreted as expected and whether local governments would have sufficient knowledge/information to answer specific questions).

The main topics covered by the general survey of local government authorities were:

- the independence of local governments in the creation of regulation
- the operational capacities of local governments in terms of numbers of staff employed and their qualifications to deal with different regulatory areas
- the financial resources available to local governments and whether they are sufficient
- statutory and other charges on businesses
- expenditures on regulatory functions relating to businesses
- resources spent on different areas of regulations
- types and quality of interactions with state/territory government agencies
- whether regulatory functions between local and state levels are well coordinated
- regulatory functions undertaken by the private sector
- possible conflicts when local governments are service providers and regulators of potential competitors
- coordination of regulatory functions with other local governments
- details of amalgamations.

¹ These local authorities were established in conjunction with Rio Tinto Alcan (or its predecessors).

Surveys of specific areas of local government regulation

Along with the general survey of local governments, most local governments were sent one or two survey modules covering specific areas of regulation.

Specific survey modules were prepared for the following topics:

1. Planning, zoning and development regulation
2. Food safety regulation
3. Building and construction regulation
4. Road, traffic, transport and parking regulation
5. Public health and safety regulation
6. Environmental regulation.

The state local government associations were consulted on the development of the modules.

Allocating survey modules to local governments

The six survey modules were grouped into four survey packs to reduce the number of questions each LG authority had to answer. The four survey packs included the general survey and either:

- food safety
- planning, zoning and development assessment
- building and construction and traffic
- public health and safety and environmental issues.

Rather than sending all surveys to every local government, module packs were allocated randomly. The allocation method was as follows:

- local government authorities were separated into a number of categories according to:
 - whether or not they had responded to surveys for previous benchmarking studies conducted by the Commission (for either the food safety or zoning and planning surveys)
 - their state

Figure B.1 Distribution of survey modules to LG authorities

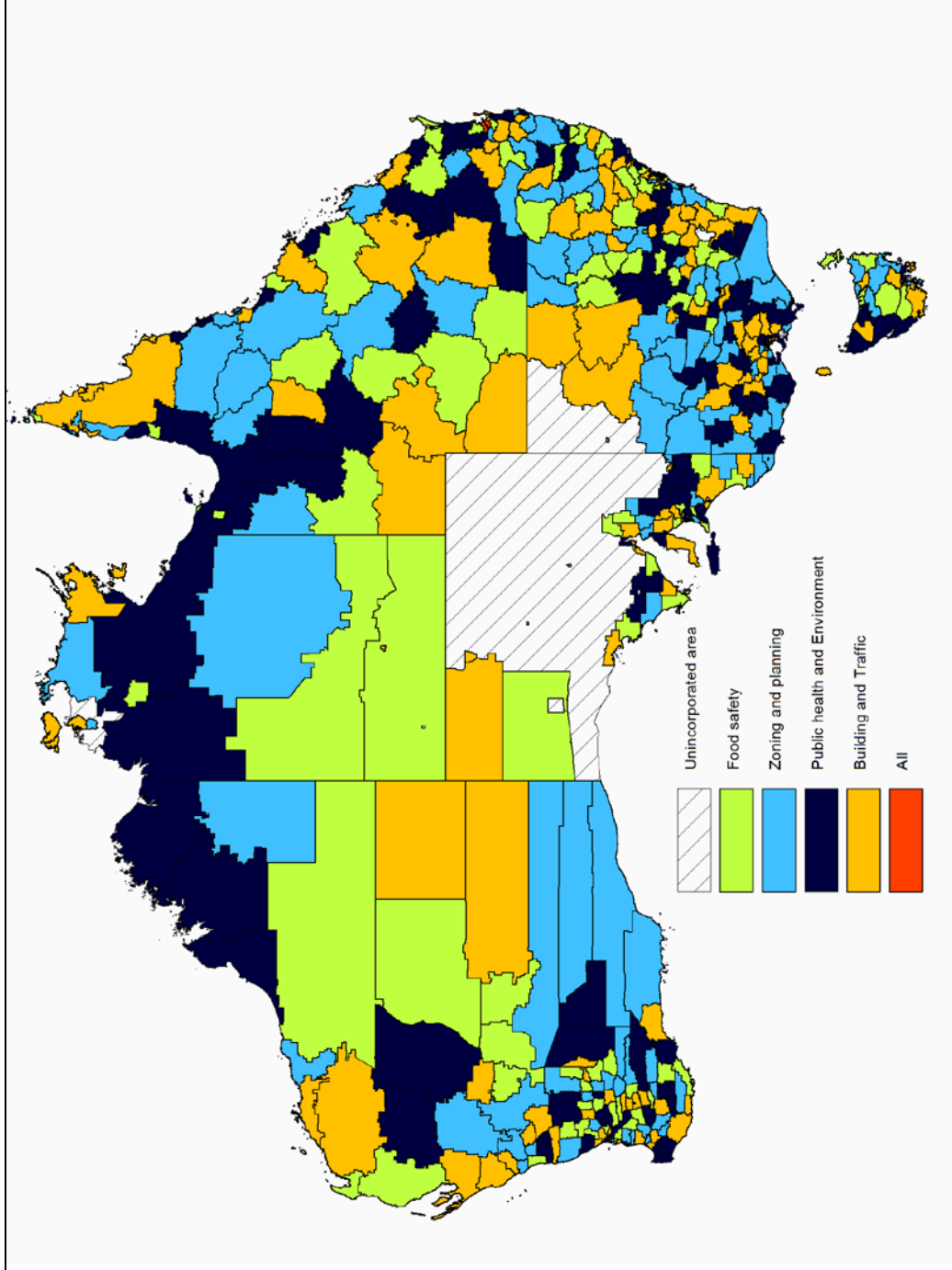
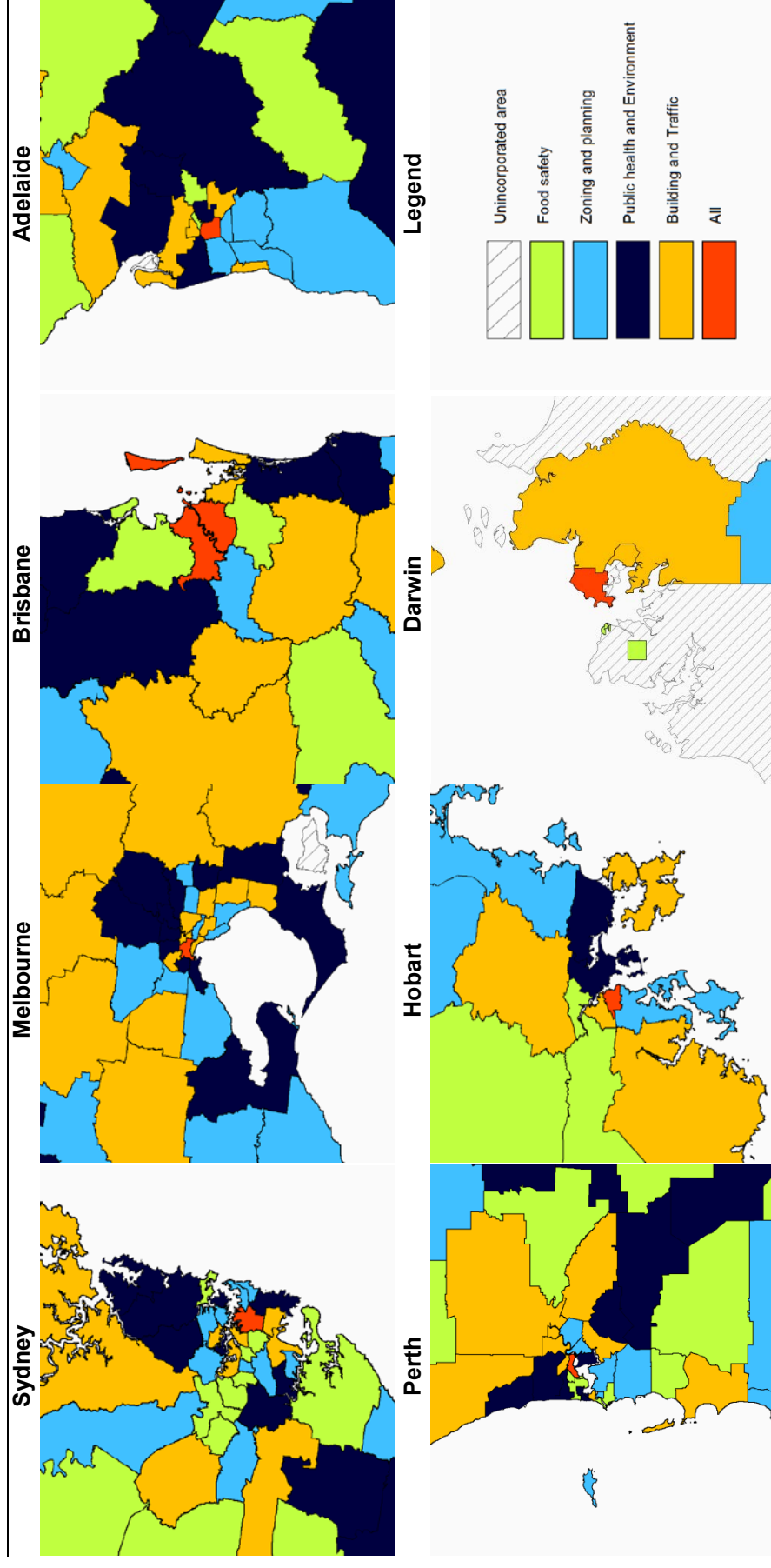


Figure B.2 Distribution of survey modules to LG authorities — Inserts



-
- their local government authority classification (capital city, urban metropolitan, urban fringe, urban regional, rural and remote — see chapter 2 for a discussion of these classifications)
 - the City Councils of Adelaide, Brisbane, Darwin, Hobart, Melbourne, Perth and Sydney received all survey modules unless they had answered a similar survey for previous benchmarking studies (in which case that particular survey module was omitted)
 - each of the other local governments were ordered into sub-categories by respondent, state and classification
 - the ordering of the LG authorities within each sub-category was then determined by assigning them a random number
 - finally, for each ordered sub-category list, authorities were cyclically allocated survey module packs. For respondent local governments the allocations were from one to four and for the non-respondent local governments the allocations were from four to one (ie for respondent local governments, the first local government was allocated module one, the second module two and so on; the fifth was then allocated module one again etc)
 - as Victoria already collects and publishes detailed information on the food safety activities of local governments, their local governments were not allocated the food safety survey modules.

Table B.2 shows the number of each of the local government surveys sent. A map of the surveys sent by local government area is also shown in figures B.1 and B.2 (figure B.2 shows the areas within and near capital cities in greater detail). Table B.3 lists the LGs surveyed.

Table B.2 Local government surveys sent

<i>Survey</i>	<i>number of local governments receiving surveys</i>
General survey	559
Building	148
Environment	150
Food	108
Health	150
Planning	150
Transport	149

Table B.3 Local government authorities surveyed

NSW	Eurobodalla	Mid-Western Regional
Albury	Fairfield	Moree Plains
Armidale Dumaresq	Forbes	Mosman
Ashfield	Gilgandra	Murray
Auburn	Glen Innes Severn	Murrumbidgee
Ballina	Gloucester	Muswellbrook
Balranald	Gosford	Nambucca
Bankstown	Goulburn Mulwaree	Narrabri
Bathurst Regional	Great Lakes	Narrandera
Bega Valley	Greater Hume	Narromine
Bellingen	Greater Taree	Newcastle
Berrigan	Griffith	North Sydney
Blacktown	Gundagai	Oberon
Bland	Gunnedah	Orange
Blayney	Guyra	Palerang
Blue Mountains	Gwydir	Parkes
Bogan	Harden	Parramatta
Bombala	Hawkesbury	Penrith
Boorowa	Hay	Pittwater
Botany Bay	Hills	Port Macquarie-Hastings
Bourke	Holroyd	Port Stephens
Brewarrina	Hornsby	Queanbeyan
Broken Hill	Hunters Hill	Randwick
Burwood	Hurstville	Richmond Valley
Byron	Inverell	Rockdale
Cabonne	Jerilderie	Ryde
Camden	Junee	Shellharbour
Campbelltown	Kempsey	Shoalhaven
Canada Bay	Kiama	Silverton Village
Canterbury	Kogarah	Singleton
Carrathool	Ku-ring-gai	Snowy River
Central Darling	Kyogle	Strathfield
Cessnock	Lachlan	Sutherland
Clarence Valley	Lake Macquarie	Sydney
Cobar	Lane Cove	Tamworth
Coffs Harbour	Leeton	Temora
Conargo	Leichhardt	Tenterfield
Coolamon	Lismore	Tumbarumba
Cooma – Monaro	Lithgow	Tumut
Coonamble	Liverpool	Tweed
Cootamundra	Liverpool Plains	Upper Hunter
Corowa	Lockhart	Upper Lachlan
Cowra	Lord Howe Island	Uralla
Deniliquin	Maitland	Urana
Dubbo	Manly	Wagga Wagga
Dungog	Marrickville	Wakool

Table B.3 Local government authorities surveyed (continued)

NSW cont.	Greater Shepparton	Wodonga
Walcha	Hepburn	Wyndham
Walgett	Hindmarsh	Yarra
Warren	Hobsons Bay	Yarra Ranges
Warringah	Horsham	Yarriambiack
Warrumbungle	Hume	
Waverley	Indigo	Queensland
Weddin	Kingston	Aurukun
Wellington	Knox	Balonne
Wentworth	Latrobe	Banana
Willoughby	Loddon	Barcaldine
Wingecarribee	Macedon Ranges	Barcoo
Wollondilly	Manningham	Blackall – Tambo
Wollongong	Mansfield	Boulia
Woollahra	Maribyrnong	Brisbane
Wyang	Maroondah	Bulloo
Yass Valley	Melbourne	Bundaberg
Young	Melton	Burdekin
	Mildura	Burke
Victoria	Mitchell	Cairns
Alpine	Moira	Carpentaria
Ararat	Monash	Cassowary Coast
Ballarat	Moonee Valley	Central Highlands
Banyule	Moorabool	Charters Towers
Bass Coast	Moreland	Cherbourg
Baw Baw	Mornington Peninsula	Cloncurry
Bayside	Mount Alexander	Cook
Benalla	Moyne	Croydon
Boroondara	Murrindindi	Diamantina
Brimbank	Nillumbik	Doomadgee
Buloke	Northern Grampians	Etheridge
Campaspe	Port Phillip	Flinders
Cardinia	Pyrenees	Fraser Coast
Casey	Queenscliffe	Gladstone
Central Goldfields	South Gippsland	Gold Coast
Colac Otway	Southern Grampians	Goondiwindi
Corangamite	Stonnington	Gympie
Darebin	Strathbogie	Hinchinbrook
East Gippsland	Surf Coast	Hope Vale
Frankston	Swan Hill	Ipswich
Gannawarra	Towong	Isaac
Glen Eira	Wangaratta	Lockhart River
Glenelg	Warrnambool	Lockyer Valley
Golden Plains	Wellington	Logan
Greater Bendigo	West Wimmera	Longreach
Greater Dandenong	Whitehorse	Mackay
Greater Geelong	Whittlesea	Mapoon

Table B.3 Local government authorities surveyed (continued)

Queensland cont.	Clare and Gilbert Valleys	Tumby Bay
Maranoa	Cleve	Unley
McKinlay	Cooper Pedy	Victor Harbor
Moreton Bay	Coorong	Wakefield
Mornington	Copper Coast	Walkerville
Mount Isa	Elliston	Wattle Range
Murweh	Flinders Ranges	West Torrens
Napranum	Franklin Harbour	Whyalla
North Burnett	Gawler	Wudinna
Northern Peninsula Area	Goyder	Yankalilla
Palm Island	Grant	Yorke Peninsula
Paroo	Holdfast Bay	
Pormpuraaw	Kangaroo Island	Western Australia
Quilpie	Karoonda – East Murray	Albany
Redland	Kimba	Armadale
Richmond	Kingston	Ashburton
Rockhampton	Light	Augusta – Margaret River
Scenic Rim	Lower Eyre Peninsula	Bassendean
Somerset	Loxton Waikerie	Bayswater
South Burnett	Mallala	Belmont
Southern Downs	Marion	Beverley
Sunshine Coast	Mid Murray	Boddington
Tablelands	Mitcham	Boyup – brook
Toowoomba	Mount Barker	Bridgetown – Greenbushes
Torres	Mount Gambier	Brookton
Torres Strait Island	Mount Remarkable	Broome
Townsville	Murray Bridge	Broomehill – Tambellup
Weipa	Naracoorte Lucindale	Bruce Rock
Western Downs	Northern Areas	Bunbury
Whitsunday	Norwood Payneham and St Peters	Busselton
Winton	Onkaparinga	Cambridge
Woorabinda	Orroroo/Carrieton	Canning
Wujal Wujal	Peterborough	Capel
Yarrabah	Playford	Carnamah
	Port Adelaide Enfield	Carnarvon
South Australia	Port Augusta	Chapman Valley
Adelaide	Port Lincoln	Chittering
Adelaide Hills	Port Pirie	Claremont
Alexandrina	Prospect	Cockburn
Anangu Pitjantjatjara	Renmark Paringa	Collie
Barossa	Robe	Coolgardie
Barunga West	Roxby Downs	Coorow
Berri Barmera	Salisbury	Corrigin
Burnside	Southern Mallee	Cottesloe
Campbelltown	Streaky Bay	Cranbrook
Ceduna	Tatiara	Cuballing
Charles Sturt	Tea Tree Gully	Cue

Table B.3 Local government authorities surveyed (continued)

<i>Western Australia cont.</i>	Moora	Waroona
Cunderdin	Morawa	West Arthur
Dalwallinu	Mosman Park	Westonia
Dandaragan	Mount Magnet	Wickepin
Dardanup	Mount Marshall	Williams
Denmark	Mukinbudin	Wiluna
Derby – West Kimberley	Mundaring	Wongan – Ballidu
Donnybrook – Balingup	Murchison	Woodanilling
Dowerin	Murray	Wyalkatchem
Dumbleyung	Nannup	Wyndham – East Kimberley
Dundas	Narembeen	Yalgoo
East Fremantle	Narrogin (Shire)	Yilgarn
East Pilbara	Narrogin (Town)	York
Esperance	Nedlands	
Exmouth	Ngaanyatjarraku	<i>Tasmania</i>
Fremantle	Northam	Break O'Day
Gingin	Northampton	Brighton
Gnowangerup	Nungarin	Burnie
Goomalling	Peppermint Grove	Central Coast
Gosnells	Perenjori	Central Highlands
Greater Geraldton	Perth	Circular Head
Halls Creek	Pingelly	Clarence
Harvey	Plantagenet	Derwent Valley
Irwin	Port Hedland	Devonport
Jerramungup	Quairading	Dorset
Joondalup	Ravensthorpe	Flinders
Kalamunda	Rockingham	George Town
Kalgoorlie/Boulder	Roebourne	Glamorgan – Spring Bay
Katanning	Sandstone	Glenorchy
Kellerberrin	Serpentine – Jarrahdale	Hobart
Kent	Shark Bay	Huon Valley
Kojonup	South Perth	Kentish
Kondinin	Stirling	King Island
Koorda	Subiaco	Kingborough
Kulin	Swan	Latrobe
Kwinana	Tammin	Launceston
Lake Grace	Three Springs	Meander Valley
Laverton	Toodyay	Northern Midlands
Leonora	Trayning	Sorell
Mandurah	Upper Gascoyne	Southern Midlands
Manjimup	Victoria Park	Tasman
Meekatharra	Victoria Plains	Waratah – Wynyard
Melville	Vincent	West Coast
Menzies	Wagin	West Tamar
Merredin	Wandering	
Mingenew	Wanneroo	

Table B.3 Local government authorities surveyed (continued)

Northern Territory	Darwin	Palmerston
Alice Springs	East Arnhem	Roper Gulf
Barkly	Katherine	Tiwi Islands
Belyuen	Litchfield	Victoria – Daly
Central Desert	Nhulunbuy	Wagait
Coomalie	MacDonnell	West Arnhem

Responses to the local government surveys

The number of responses to the various local government surveys for this study are shown in tables B.4 and B.5. The geographical distribution of respondents is shown in figure B.3. For this report, the Commission also drew upon results of local government surveys from previous benchmarking studies on food safety and zoning and planning (PC 2009a, 2011b).

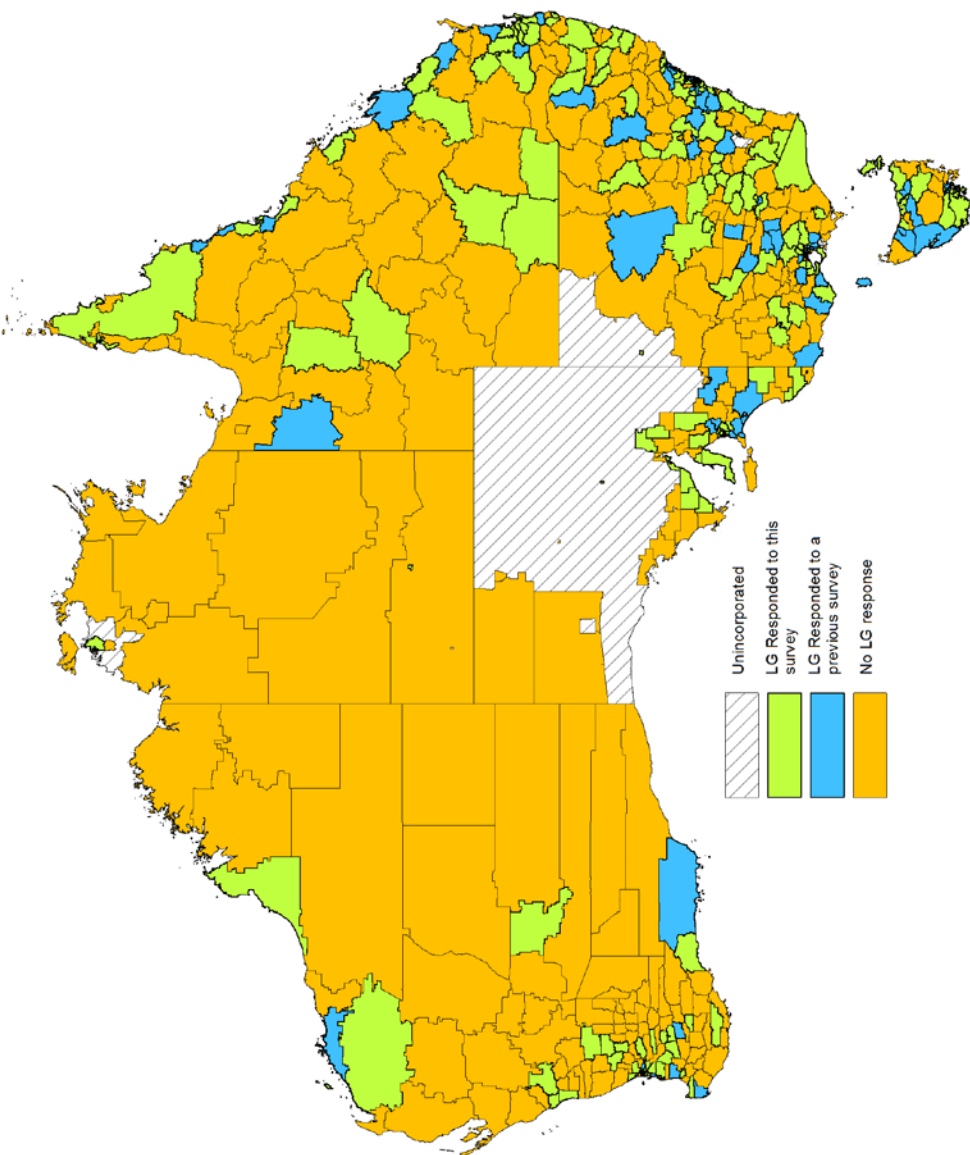
Table B.4 Responses to the local government surveys

<i>Survey</i>	<i>Responses</i>
General survey	130
Building	49
Environment	52
Food	42
Health	54
Planning	47
Transport	45
Total	419

Table B.5 Responses to the local government surveys by jurisdiction

<i>State/NT</i>	<i>Responses</i>
NSW	138
Vic	63
Qld	49
SA	63
WA	77
Tas	19
NT	10
Total	419

Figure B.3 Local government survey responses



Information from businesses

Sensis survey of small and medium sized businesses

The Commission sought information from businesses on the impact of local government regulation on their activities. Among the responses sought were: the number of local governments² with which they had regulatory dealings; the regulatory areas with which they were required to comply; the nature of regulatory interactions (such as applying for permits or being inspected); perceptions of regulatory processes (fairness, transparency, complexity, time-taken, reasonableness of charges and quality and consistency of guidance received, etc); whether their overall impressions of regulatory dealings with local government authorities were positive or negative; and any aspects they thought could be improved.

The Commission engaged Sensis Pty Ltd (Sensis) to include the questions in its quarterly *Business Index* survey (box B.1). Prior to the survey being conducted, Sensis tested it with a small number of businesses. The survey was then conducted by phone during November and December 2011.

Box B.1 The Sensis survey of small and medium businesses

The Sensis survey of businesses began in 1993 and has become one of the most extensive and regular surveys of businesses in Australia. The December 2011 survey was based on telephone interviews conducted with 1913 small business and medium business drawn from metropolitan and major non-metropolitan regions.

Initially, the survey focussed on businesses employing less than 20 people, but in November 2000 it was expanded to include medium-sized businesses (those between 20 and 199 employees).

The survey covers all industries with the exception of mining and agriculture.

Sources: Sensis (2009, 2011).

One of the advantages of incorporating the Commission's questions in the Sensis survey was that it had a representative sample of small and medium firms spread across all states and territories. Another advantage was that the firms to be surveyed had already agreed to participate in the quarterly survey of SME business activity,

² Businesses were also asked whether they had dealings with the ACT or NT governments (which provide local-government type services and regulatory functions).

with the additional questions on local government regulation only expected to add a few minutes to the normal time taken to complete the survey. Hence the survey was expected to only constitute a minor additional burden on the participating businesses.

The numbers of respondents are shown in tables B.6 to B.9 below (by industry, jurisdiction, geographic region of council and business size) and in figure B.4 (by postcode).

Table B.6 Sensis survey — respondents by industry
Only includes respondents with a regulatory dealing

<i>Industry</i>	<i>Proportions (weighted)</i>	<i>Unweighted numbers</i>
	(%)	(no.)
Manufacturing	7.5	141
Construction	11.6	99
Wholesale trade	7.2	71
Retail trade	20.9	182
Hospitality	6.8	173
Transport and storage	5.2	58
Communication, finance and business services	23.6	199
Health and community services	7.2	89
Cultural, recreational and other services	9.9	90
Total respondents with a regulatory dealing	100.0	1 102

Source: Survey of small and medium businesses (2011).

Table B.7 Sensis survey — respondents by jurisdiction
Only includes respondents with a regulatory dealing

<i>State</i>	<i>Proportions (weighted)</i>	<i>Unweighted numbers</i>
	(%)	(no.)
NSW	37.5	198
Victoria	24.0	185
Queensland	18.4	197
South Australia	9.1	121
Western Australia	6.2	132
Tasmania	2.4	103
Northern Territory	0.7	77
ACT	1.7	89
Total respondents with a regulatory dealing	100.0	1 102

Source: Survey of small and medium businesses (2011).

Table B.8 Sensis survey — respondents by geographic region of council they last dealt with

Only includes respondents with a regulatory dealing

<i>State</i>	<i>Proportions (weighted)</i>	<i>Unweighted numbers</i>
	(%)	(no.)
Urban Capital City	8.4	92
Urban Metropolitan	32.3	355
Urban Fringe	9.7	107
Urban Regional	22.5	248
Rural	5.3	58
Remote	1.3	14
Territory government	1.9	21
Unknown	18.8	207
Total respondents with a regulatory dealings	100.0	1 102

Source: Survey of small and medium businesses (2011).

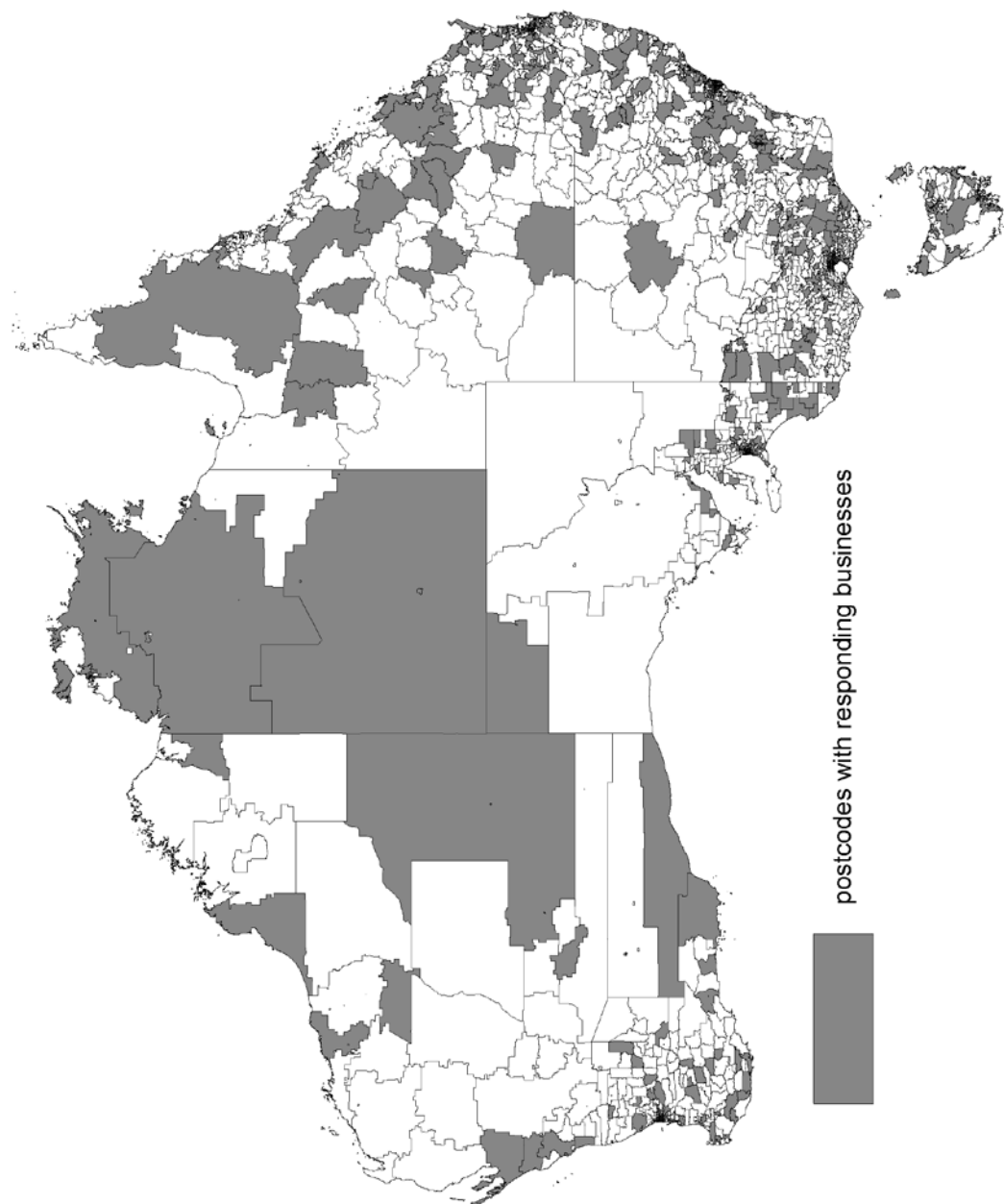
Table B.9 Sensis survey — by business size

Only includes respondents with a regulatory dealing

<i>State</i>	<i>With a regulatory dealing (weighted)</i>	<i>Unweighted numbers</i>
	(%)	(no.)
Urban Capital City	71.5	788
Urban Metropolitan	23.0	253
Urban Fringe	5.5	61
Total respondents with a regulatory dealing	100.0	1 102

Source: Survey of small and medium businesses (2011).

Figure B.4 Small and medium businesses survey responses (by postcodes)



The survey data provided to the Commission included weights for each firm that responded to the survey. These weights, when applied to survey responses, provide for statistical measures that better reflect the actual population of SMEs in each jurisdiction. For example, the weighting corrects for the over-representation of medium sized firms (relative to the population) within the sample for some jurisdictions. The use of weighted data better allows for assessments to be made regarding the population of SMEs within each jurisdiction, rather than simply just those firms responding to the survey.

The data collected through this process is presented throughout the report along with any caveats applicable to the data and its interpretation.

Drawing on previous studies of local government performance

Consistent with the terms of reference for this study, information collected by other agencies has been drawn upon. This includes surveys of local governments as well as ABS surveys of local government areas. These are listed in table B.10.

Table B.10 Other surveys of LG authorities or LG areas used in the report

<i>Author and year</i>	<i>Survey or publication</i>	<i>Topic covered</i>
Victorian Competition and Efficiency Commission 2010	<i>Local Government for a Better Victoria: An inquiry into streamlining local government regulation, Draft Report.</i>	Building Regulation
NSW Department of Planning and Infrastructure 2012	<i>Local Development Performance Monitoring 2010-11.</i>	Building Regulation
NSW Food Authority 2011	<i>Summary Report of NSW Enforcement Agencies' Activities: Food retail and food service sector for 1 July 2010 to 30 June 2011.</i>	Food Safety
Queensland Health 2011	<i>Report on Local Government Activities 2010: Food Act 2006.</i>	Food Safety
SA Health 2011	<i>Food Act Report: Year ending 30 June 2011.</i>	Food Safety
Public and Environmental Health Council 2011	<i>Public & Environmental Health Act 1987: Reports provided by SA local councils for the period 2008-2009.</i>	Food safety
ABS	Counts of Australian Businesses, including Entries and Exits, June 2007 to June 2009, Cat. no. 8165.0 (accessed 3 January 2012).	Number of businesses by LG area
ABS	Regional Population Growth, June 2009, Cat. no. 3218.0, (accessed 3 January 2012).	Population by LG area

C Benchmarking methodology

C.1 What is benchmarking?

Benchmarking identifies and measures (where appropriate) differences in organisational practices for the purpose of undertaking relevant comparisons between peers, be they businesses or governments. A system, or aspect of a system, may be benchmarked by comparing the way peers achieve the same or similar results. Benchmarking can also be used to determine the relative performance of organisational practices over time and facilitate a process of continual improvement.

Why benchmark business regulation?

The purpose of regulation is to underpin social and economic order by shaping incentives and influencing as well as determining how businesses and the general community interact and behave. They can help societies deal with otherwise intractable economic, social and environmental problems.

In order to achieve the benefits of regulation, various costs are imposed on businesses, government and the community more broadly. There are cases, however, where unnecessary regulatory burdens are imposed on businesses which exceed what is necessary to achieve the desired policy objective. Potential sources of unnecessary regulatory burden include:

- excessive coverage, including through informal codes of practice or procedural rules not defined in legislation
- regulation that is redundant or not justified by policy intent
- excessive reporting or recording requirements
- variation in definitions and reporting requirements
- inconsistent and overlapping reporting requirements
- incentives and barriers that impact on business choices
- inconsistent, inappropriate or excessive enforcement of regulation irrespective of risk posed by the type of business activity or the compliance history of the business involved.

Business regulation benchmarking compares the costs imposed on business by particular regulatory regimes, or parts of regulatory regimes, with the aim of identifying what works well (for example, increasing cost effectiveness) and why. The insights gained from business regulatory benchmarking can reduce the regulatory burdens on businesses by promoting the adoption of ‘best practice’ regulatory frameworks and driving consistency in regulatory approaches across jurisdictions.

C.2 Approaches to regulatory benchmarking

Types of benchmarking

There are two broad benchmarking frameworks that can be used to identify unnecessary regulatory burdens depending on the objective of the benchmarking exercise.

- *Standards benchmarking* — The identification of ‘best practice’ standards or theoretical policy targets that regulatory entities can aspire to in developing and implementing changes to regulatory processes. It can be used to monitor the progress towards the achievement of burden reduction targets and can be useful when benchmarking administration and enforcement activities.
- *Performance benchmarking* — The comparison of performance across regulatory entities using a range of indicators. It can help identify the extent of unnecessary burdens for similar regulatory processes and/or outcomes across jurisdictions. Where data is available, this form of benchmarking can also help assess the impact of regulatory improvement initiatives over time.

Considerations in designing and undertaking regulatory benchmarking

The appropriate form of benchmarking and what it can achieve is influenced by:

- *Objectives* — the rationale and purpose for benchmarking regulatory burdens
- *Coverage* — the regulatory burdens that can be measured and compared
- *Performance indicators* — the appropriate measures of performance for each burden to be benchmarked
- *Data management* — the availability and comparability of relevant data for performance indicators
- *Reporting* — the interpretation and presentation of results.

Objectives

While benchmarking can be used to serve many purposes, with regard to the business regulation benchmarking exercise of which this review is a part, the Council of Australian Governments (COAG) considers the overarching purpose is to identify (and quantify) the types of unnecessary burdens of concern to business, given policy objectives. An additional objective is identifying leading practices among jurisdictions. In this regard, the Commission's work can be expected to encourage consideration and discussion of opportunities to achieve regulatory goals at lower cost.

The objective of identifying unnecessary burdens is delivered in a number of broad ways:

- identifying differences in regulatory requirements for regulations with similar objectives across jurisdictions
- comparing the magnitude of regulatory burdens imposed by regulations with similar objectives across jurisdictions
- identifying the extent of regulatory duplication and inconsistency
- identifying inconsistencies and poor practice in the design, administration or enforcement of regulation.

The objective of identifying leading practices is delivered by evaluating the differences and identifying those that appear to be the most cost effective and/or which most resemble agreed best practice standards.

Coverage

There are two broad types of regulatory costs which can result in unnecessary burdens — administrative compliance costs and economic costs.

All regulations impose administrative compliance costs related to monitoring, evaluation and reporting activities. These administrative compliance costs include:

- paperwork costs — associated with providing information in accordance with regulatory conditions. Such activities include filling out forms, record-keeping and obtaining advice from external sources (consultants, lawyers, accountants)
- non-paperwork costs — associated with the impact of regulation on the operation of the business. Such costs include: additional investment in physical and human capital to conform with regulations; 'capital holding' costs resulting from regulation induced delays; time spent undertaking regulatory requirements

(for example, audits or inspections of premises or processes); and, costs in addressing inconsistent and duplicative regulation in different jurisdictions.

Regulations can impose economic costs on business which artificially distort the distribution of resources devoted to particular activities (that is, allocative efficiency). In addition, regulation can affect the efficient use of resources over time (that is, dynamic efficiency), affecting competitiveness, innovation and entrepreneurial activity. Economic costs of poor regulation cannot always be robustly benchmarked as it is difficult to specifically identify their impact on the broader economy and, therefore, estimate the benefits and costs associated with alternative activities.

Performance indicators

Key aspects of performance can be represented and compared using performance indicators. Performance indicators may either be quantitative (statistical) or qualitative (descriptive). Quantitative indicators can reveal the size of relative differences in regulatory burden, whereas qualitative indicators can only rank regulatory burdens or jurisdictional performance based on a subjective interpretation of the information gathered.

While direct indicators of performance are desirable, indirect indicators are often used due to measurement difficulties or data availability. In addition, qualitative indicators, such as case studies, can be a useful way to illustrate differences in regulatory systems where comparisons of quantitative indicators are not meaningful.

The main criteria for developing and selecting performance indicators are:

- *Acceptability and ease of interpretation* — Indicators should be sufficiently simple to be interpreted by intended users. They should be unambiguous in what they are measuring and have broad support.
- *Data availability and cost* — The information required for an indicator should be obtainable at a reasonable cost in relation to its value. Data gaps or limitations can reduce the value of the information provided by the indicator.
- *Comparability* — The data collected should allow for meaningful comparisons between jurisdictions. Where data are not comparable across jurisdictions, benchmarking over time within jurisdictions would be particularly important.
- *Robustness* — The benchmarking should produce consistent results over time.
- *Significance and relevance* — An indicator should be significant in the sense that it represents an important aspect of business regulatory burden and relevant

to ensure that policy responses to improve results based on it can achieve the underlying objective of reducing unnecessary burdens.

- *Timeliness* — Indicators should provide information within reasonable time periods.

Data management

Data management refers to the protocols required for the collection, collation and assessment of data and information to compile performance indicators.

Data management collection processes should not be too onerous on business — ideally, performance indicators should be derived from data received from business as part of the operation of the regulatory system. For example, most jurisdictions have certain regulatory areas where businesses are required to regularly report on their activities. Unless there is consistency in the data collected, however, it is unlikely that this information can be used to compare the business burdens associated with similar regulatory systems between jurisdictions.

In many cases, performance indicators of regulatory burdens cannot be easily developed or measured as the underlying data required are not collected. In such circumstances, it may be necessary to collect relevant data and information concerning regulatory burdens from businesses directly through surveys or interviews. Where data is collected through these methods, the questions should be targeted to minimise the burden on businesses.

Reporting

The nature of reporting benchmarking processes and outcomes influences the capacity of stakeholders to evaluate, understand and use the benchmarking information according to their respective needs. It can also have significant cost implications depending on the level of detail presented in relation to the methodology used, processes undertaken and results reported.

C.3 What is appropriate benchmarking strategy for this study?

The Commission has been asked to benchmark regulatory burdens associated with regulations imposed and/or administered by local government authorities. There are a wide variety of regulatory systems to consider with around 560 local government authorities in the six states and one territory where they are located. In addition,

equivalent regulatory systems in the ACT are explored where they exhibit ‘leading practices’.

Local government authorities exercise regulatory functions on behalf of state and territory governments under delegated authority. These regulatory areas are suitable for benchmarking within and between jurisdictions, particularly where state and territory authorities require the regular reporting of information associated with regulatory activities.

Local government authorities may also create their own regulations, giving rise to substantial differences in their regulatory activities within jurisdictions. It is more difficult to benchmark these regulations as they often exist in one jurisdiction or a small number of jurisdictions, but it may be possible to identify if any aspects are unnecessary in that there additional costs are incurred without further progress towards the regulatory goal.

Some of the regulatory areas examined in this study can be benchmarked using a ‘standards’ methodology, particularly where jurisdictions, such as the Australian Government and/or states, have developed and attempted to implement consistent frameworks or guidelines.

A ‘standards’ methodology may be appropriate for benchmarking some aspects of the burdens imposed by food safety, building and construction standards and other areas where COAG has agreed to implement nationally consistent regulatory systems. In some areas, the states and territories have amended the agreed standards as part of the implementation process and there may be significant value in identifying the regulatory burden associated with these changes.

A ‘standards’ methodology is also appropriate in assessing the administration and enforcement of regulation. For example, the concepts of responsive enforcement and the use of risk management by regulators are best practice standards against which actual practice can be compared.

‘Performance’ benchmarking is likely to be the appropriate methodology for most of the areas of interest in this study where local government authorities are given considerable freedom in how they pursue particular regulatory outcomes and/or where there is no agreed best practice standard.

Quantitative data for performance benchmarking indicators may be derived from either submissions, surveys undertaken by the Commission as part of this or other studies (such as previous benchmarking studies) and other publically available information (such as annual performance reports).

Where quantitative indicators are either not available nor applicable, qualitative indicators and case studies can be used to identify unnecessary regulatory burdens and examine different local government approaches to regulatory activities.

Comparisons of performance indicators may assist in identifying leading practices associated with effective and efficient regulatory structures and processes employed by local governments within each jurisdiction.

D Local government diversity

Across and within jurisdictions, there is substantial diversity in the regulatory roles and functions of LGs. While this diversity can be attributed to differences in regulatory and governance frameworks between jurisdictions, it can also reflect other factors, including differences in LG geography, demography, financial capacity, and community needs and aspirations.

Using the Commission's LG classifications developed in chapter 2, this appendix explores other aspects of LG diversity that can affect the efficiency and effectiveness of LG regulatory performance. The Commission has relied on data provided in 2011 by Department of Regional Australia, Regional Development and Local Government (DORA), now known as Department of Regional Australia, Local Governments, Arts and Sport (DRALGAS).

As noted in chapter 2, the Commission is aware that some jurisdictions may prefer to use a different approach to classifying individual LGs and, in particular, that some jurisdictions may have an alternative definition to DORA for the metropolitan boundary of their capital cities (for example, as provided in their own capital city strategic land use plans). However, the Commission is satisfied that the data provided by DORA is robust and that any difference in approach between DORA's classifications and the jurisdictions will not have a material effect on conclusions drawn in this study.

Geographical distribution

The geographical distribution of LGs by LG classification in 2011 is shown in Figure D.1. In 2011, in all jurisdictions except Queensland and the Northern Territory, LGs were predominantly rural. In Queensland and the Northern Territory, LGs were predominantly remote. Victoria had the largest proportion of urban LGs, followed by New South Wales, and Queensland and Western Australia had the least.

Victoria had the largest proportion of urban metropolitan councils. Neither Tasmania nor the Northern Territory had any urban metropolitan councils and Queensland had a low proportion. Unlike capital city LGs in other jurisdictions which were responsible only for central business districts, Hobart City Council and

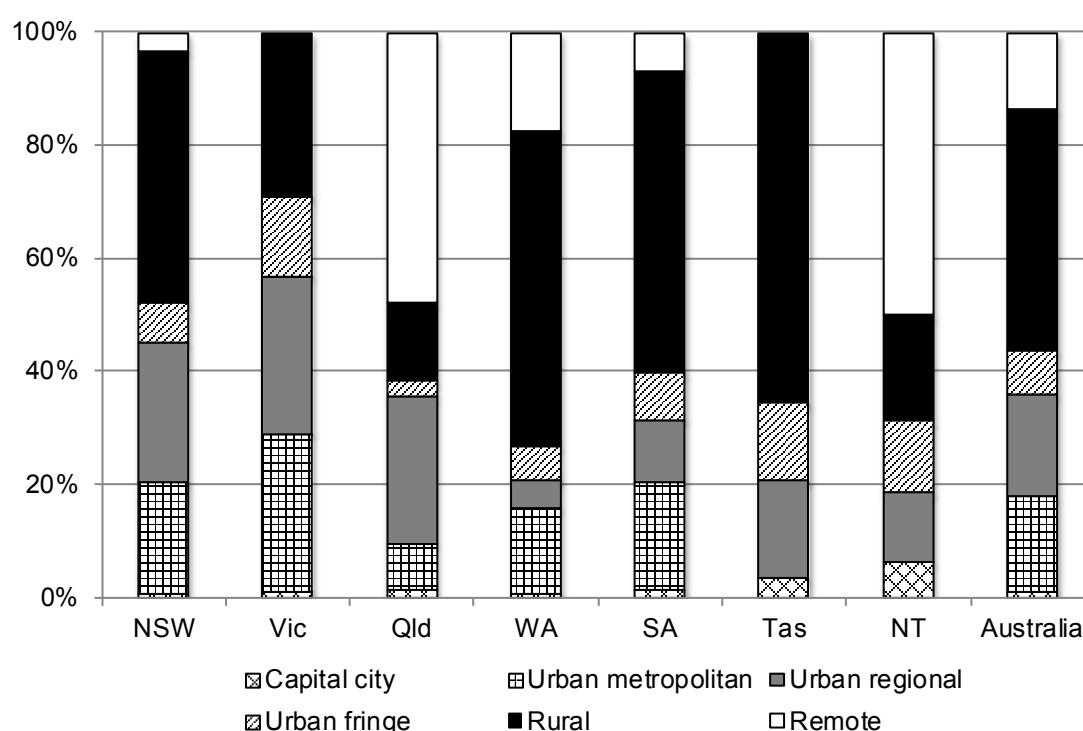
the City of Darwin were responsible for the entire metropolitan area. Brisbane City Council, which had the largest population of all LGs in Australia at over 1 million people (roughly equivalent to the combined populations of Tasmania, the Northern Territory and the Australian Capital Territory), was responsible for the vast majority of the metropolitan area.

Tasmania had the largest proportion of urban fringe councils, closely followed by Victoria, and Queensland had the least. Neither Victoria nor Tasmania had any remote LGs.

Differences in distribution patterns by LG classifications can be explained by diversity in size of LG land areas within each LG classification. For example, the relatively small proportion of remote LGs in Western Australia was due to their substantial geographical size and the sparse pattern of settlement. Equally, the relatively low proportion of urban metropolitan LGs in Queensland was related to the large geographical area governed by the City of Brisbane.

Figure D.1 Jurisdictional composition of LGs^a

By LG classification, 2011



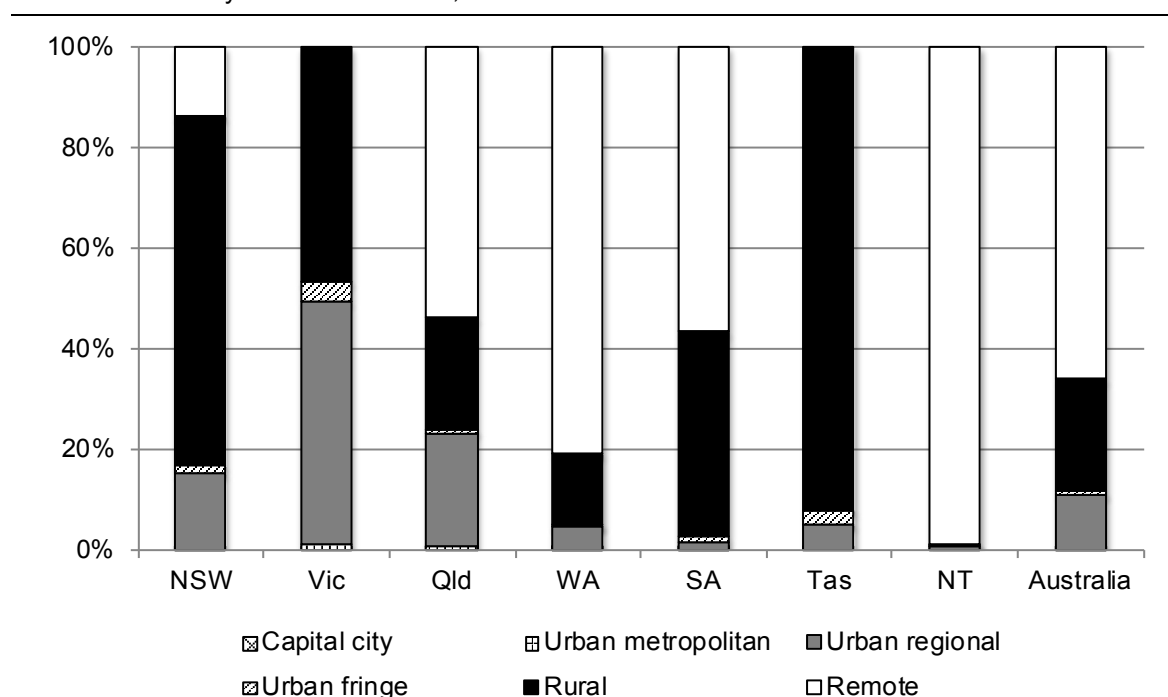
^a Based on the Productivity Commission's approach to classifying local government. Excludes data for Silverton Village (New South Wales), Tibooburra (New South Wales), Gerard (South Australia), Nipapanha (South Australia), and Yalata (South Australia).

Data sources: DORA classifications of LG (2011, unpublished); PC calculations.

Land area

The distribution of LG land areas by LG classification in 2011 is provided in figure D.2. The unincorporated land areas in New South Wales, Victoria, South Australia, Tasmania and the Northern Territory are not included in the data because they are not governed by a LG. Unincorporated land in South Australia comprises a large proportion of overall land area in that jurisdiction.

Figure D.2 **Distribution of local government land area within jurisdictions**
By LG classification^a, 2011



^a Based on the Productivity Commission's approach to classifying local government. Excludes data for Silverton Village (New South Wales), Tibooburra (New South Wales), Gerard (South Australia), Nipapanha (South Australia), and Yalata (South Australia).

Data sources: DORA classification of LG (2011, unpublished); ABS land area data (2010 unpublished); PC calculations.

In 2011, land areas of LGs varied substantially across, and within, jurisdictions. Across Australia, the median LG land area was 2339 km². Median LG land areas were substantially larger in Queensland and the Northern Territory; and substantially smaller in Victoria, Tasmania and South Australia. The largest LG land area was the East Pilbara Shire in Western Australia, which extended over 370 000 km² — over one and a half times the land area of Victoria; while the smallest was Peppermint Grove Shire, also in Western Australia, which covered just over 1 km².

For Queensland, Western Australia, South Australia and the Northern Territory, most land area was governed by a small number of remote LGs. In contrast, in New South Wales and Tasmania, most land area was governed by rural LGs. In Victoria, land area was fairly evenly split between rural and urban regional LGs.

Population and population density

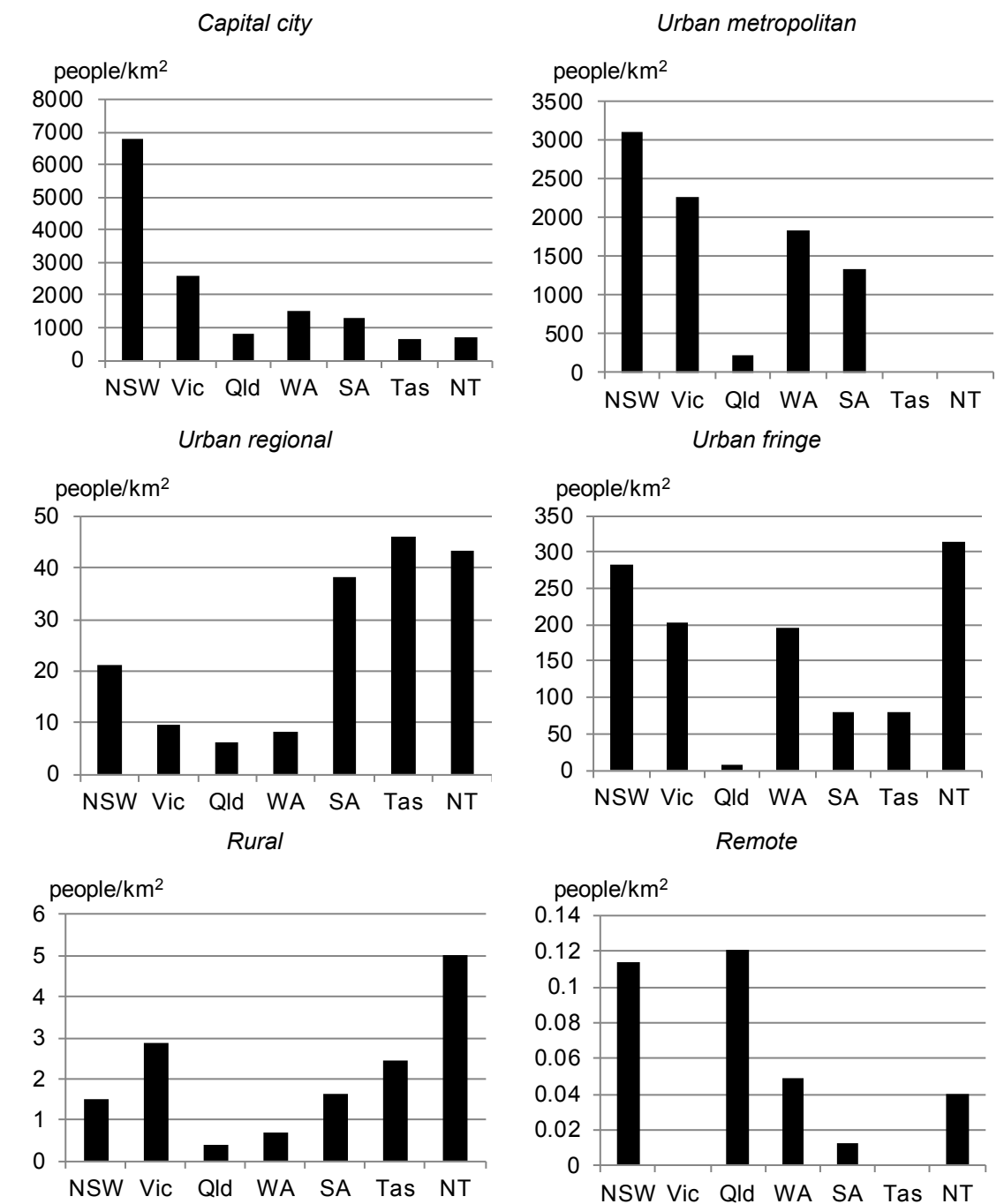
In 2011, across Australia, the median population for LGs was 13 000 people. Median LG populations were substantially higher in Victoria and New South Wales; and substantially lower in Queensland and Western Australia. Victoria was the most densely populated state with a median population density across all LG classifications of 26 people per km² and Western Australian was the least with a median LG population density of approximately 6 people per km². Brisbane City Council in Queensland had the largest population with over a million people and Tibooburra in New South Wales had the smallest with only 57 people.

The LG with the highest population density was Waverley Council in New South Wales which had 7508 people per km². The LG with lowest population density was Maralinga Tjarutja in South Australia which had approximately 1 person per 1000km².

Figure D.3 provides median LG population densities by LG classification. In most jurisdictions, capital city LGs were, by far, the most densely populated. However, in Western Australia and South Australia, there was less of a distinction between the population densities of capital city and urban metropolitan LGs. Compared to most other jurisdictions, the urban regional and fringe LGs in the Northern Territory were more densely populated. Across all classifications, and as expected, the remote and rural LGs were the most sparsely populated. The Northern Territory had the most densely populated rural LGs with a median density of 5 people per km²; while Queensland had the most densely populated remote LGs with a median density of 1 person per km².

Figure D.3 **LG population density within jurisdictions**

By LG classification, 2009-10



^a Based on the Productivity Commission's approach to classifying local government. Excludes data for Silverton Village (New South Wales), Tibooburra (New South Wales), Gerard (South Australia), Nipapanha (South Australia) and Yalata (South Australia).

Data sources: ABS (*Regional Population Growth, Australia, 2009-10*, Cat. no. 3218.0); ABS land area data (2010 unpublished); DORA classification of LG (2011, unpublished); PC calculations.

Household income

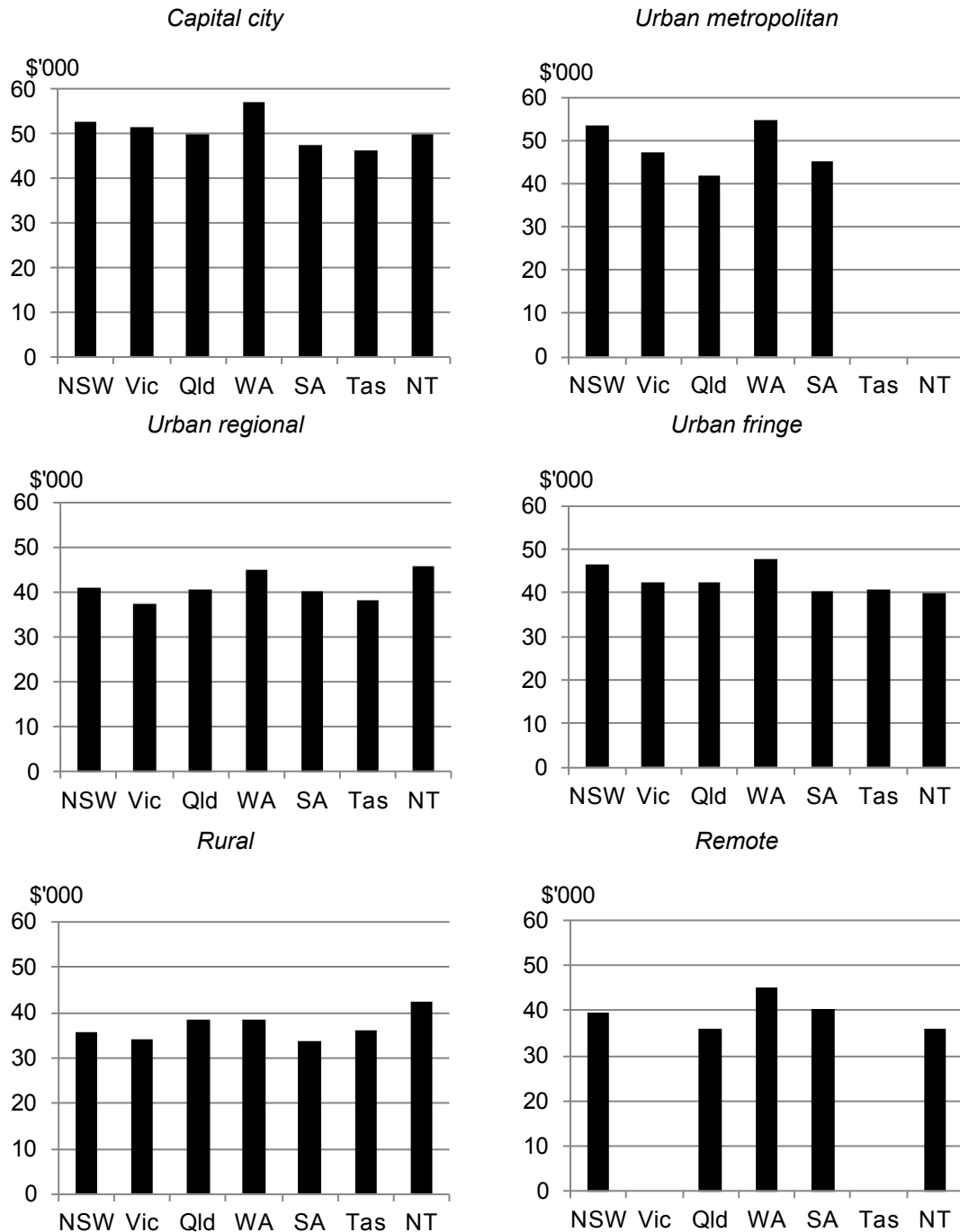
To measure the diversity of household incomes across and within jurisdictions, the Commission has used ABS data for average wage and salary income (which excludes unincorporated business income; investment income; superannuation and annuity income; and government pensions and allowances). Based on this measure, in 2011, the median average LG household income for Australia was \$39 555. Across the jurisdictions, it was highest for LGs in Western Australia at \$41 869 and lowest for LGs in Tasmania at \$37 387. The diversity of LG median average household incomes by LG classification in 2011 is shown in figure D.4. The LGs with highest and lowest average household incomes in each jurisdiction are identified (along with their LG classification) in table D.1.

Compared to the other LG classifications, median average household incomes were generally higher for capital city and urban metropolitan LGs and lower for rural and remote LGs. Among capital city LGs, household incomes were highest in City of Perth at \$57 277; and lowest in the Hobart City Council at \$46 541. Compared to all other jurisdictions, Western Australia also had the highest median average household incomes for LGs classified as urban metropolitan, urban fringe and remote. Across most LG classifications, median average household incomes were generally lower in South Australia, Tasmania and the Northern Territory. Across all LG classifications, rural LGs in South Australia had the lowest median household incomes followed by rural LGs in Victoria.

The range of household incomes across LGs was widest in New South Wales and narrowest in Tasmania. In each jurisdiction, the LG classifications for LGs with the lowest average household incomes were either rural or remote. In contrast, the LG classifications for LGs with the highest average household incomes varied substantially. To a large extent, the variation in LG classifications for LGs with the highest average household incomes reflected the distribution of economic activity across Australia as a result of the mining boom. For example, in Queensland, Western Australia and South Australia, where mining activity was significant, LGs with the highest average household incomes were predominantly urban regional, rural or remote. In the other jurisdictions, LGs with highest average household incomes were predominantly urban metropolitan.

Figure D.4 **LG median average household income^a**

By LG classification ^b, 2009-10



^a Based on ABS data for average wage and salary income (excludes unincorporated business income; investment income; superannuation and annuity income; and government pensions and allowances). ^b Based on the Productivity Commission's approach to classifying local government. Excludes data for Silverton Village (New South Wales), Tibooburra (New South Wales), Gerard (South Australia), Nipapanha (South Australia), and Yalata (South Australia).

Data sources: ABS (*Estimates of Personal Income for Small Areas, Time Series, 2003-04 to 2008-09*, Cat. no. 6524.0); DORA classification of LG (2011, unpublished); PC calculations.

Table D.1 LGs with highest and lowest average household incomes^a
2008-09

<i>Highest</i>			<i>Lowest</i>		
<i>Name</i>	<i>LG classification^b</i>	<i>Average income (\$)</i>	<i>Name</i>	<i>LG classification^b</i>	<i>Average income (\$)</i>
NSW Mosman Municipal Council	Urban metropolitan	105 954	Guyra Shire Council	Rural	30 911
Vic Bayside City Council	Urban metropolitan	65 568	Yarriambiack Shire Council	Rural	30 035
Qld Isaac Regional Council	Urban regional	71 093	Woorabinda Aboriginal Shire Council	Remote	30 333
WA Roebourne Shire	Remote	75 772	Wickepin shire	Rural	27 586
SA Roxby Downs	Urban regional	76 204	Karoonda East Murray	Rural	28 796
Tas West Coast Council	Rural	48 472	Tasman Council	Rural	30 302
NT Litchfield Council	Rural	50 437	Tiwi Islands	Remote	29 645

^a Based on ABS data for average wage and salary income (excludes unincorporated business income; investment income; superannuation and annuity income; and government pensions and allowances). ^b Based on the Productivity Commission's approach to classifying local government. Excludes data for Silverton Village (New South Wales), Tibooburra (New South Wales), Gerard (South Australia), Nipapanha (South Australia), and Yalata (South Australia).

Sources: ABS (*Estimates of Personal Income for Small Areas, Time Series, 2003-04 to 2008-09*, Cat. no. 6524.0); DORA classifications of LG (2011, unpublished); PC calculations.

Local government income and expenditure

In undertaking comparisons of LG fiscal conditions within jurisdictions, and across LG classifications, the Commission has been constrained by a lack of disaggregated financial data. Although LGs have a statutory obligation to publish financial information in their annual reports, the only state that has a central collection of this data is New South Wales. Although disaggregated financial information has been requested as part of this study, due to concerns about its completeness and comparability (including from within the sector), the following analysis relies on ABS data which reports broad categories of revenue and expenditure for LGs aggregated across jurisdictions. For each jurisdiction, LG revenues and expenditures (in aggregate and per capita) in 2009-10 are provided in table D.2.

Table D.2 Local government income and expenditure
2009-10

	<i>NSW</i>	<i>Vic</i>	<i>Qld</i>	<i>WA</i>	<i>SA</i>	<i>Tas</i>	<i>NT</i>
Income (\$m)	9 827	7 067	39 729	3 070	1 806	686	435
Income per capita (\$)	1 359	1 274	8 808	1 339	1 101	1 351	1 972
Expenditure (\$m)	8 705	5 886	39 778	2 677	1 608	628	484
Expenditure per capita (\$)	1 204	1 061	8 819	1 167	980	1 237	2 194
Net operating balance(\$m)	1 121	1 121	-49	393	198	59	-49
Net Lending(+)/ Borrowing(-) (\$m)	-80	-80	-6 571	-72	-33	-11	-37

Sources: ABS (*Government Finance Statistics, Australia, 2009-10*, Cat. no. 5512.0); PC calculations.

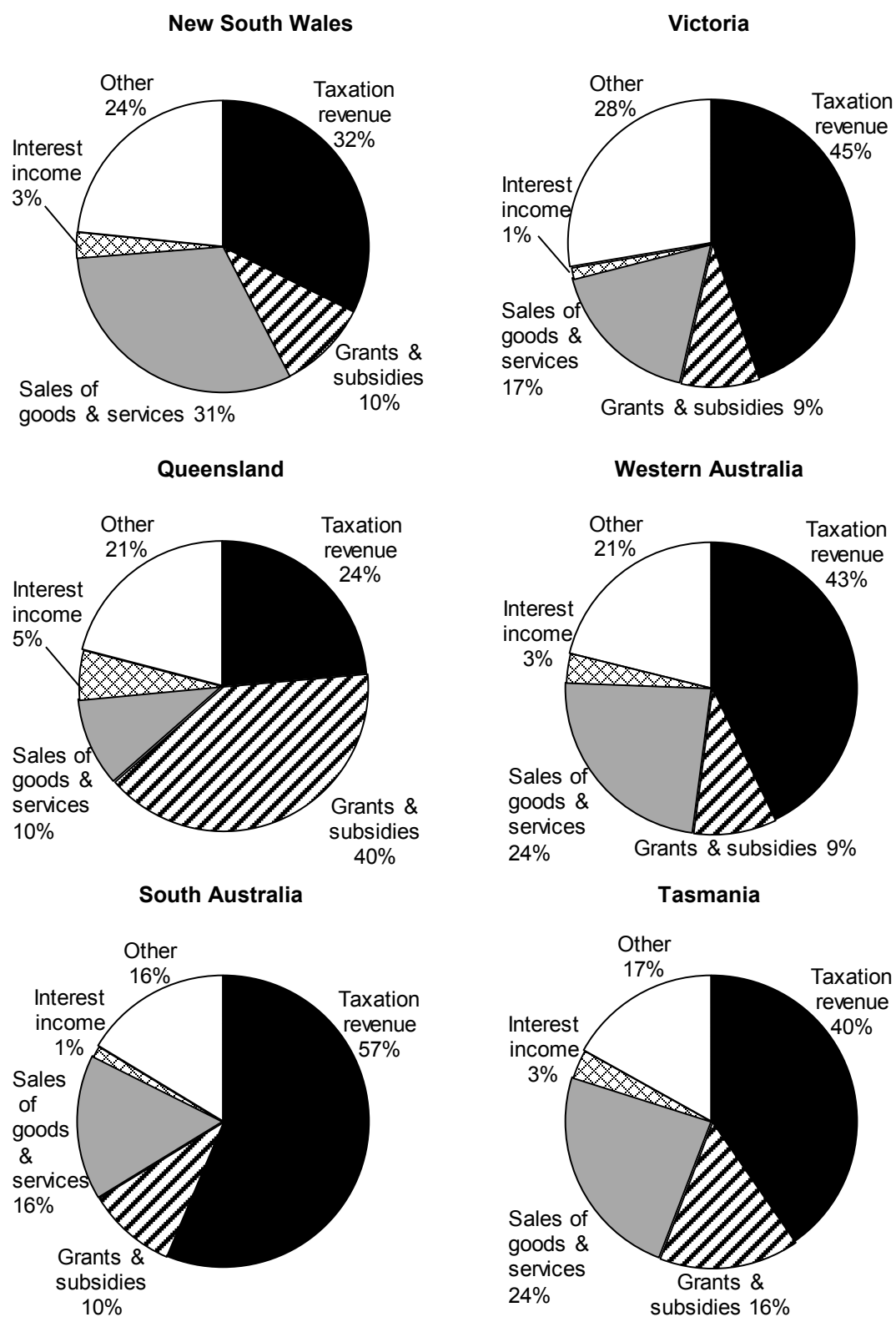
Except in Queensland and the Northern Territory, LGs in aggregate within jurisdictions had net operating surpluses. However, after taking into account net acquisitions of non-financial assets (including depreciation), they were all net borrowers. Queensland had substantially higher LG income and expenditure than any other jurisdiction, which, in part, could be attributed to the provision of water and sewerage and additional services by LGs in that jurisdiction.

Sources of revenue

LGs have the capacity to raise their own revenue through the imposition of municipal rates and user charges (including fees for regulatory activities) and their investment activities. They also receive grants and subsidies from higher levels of government.

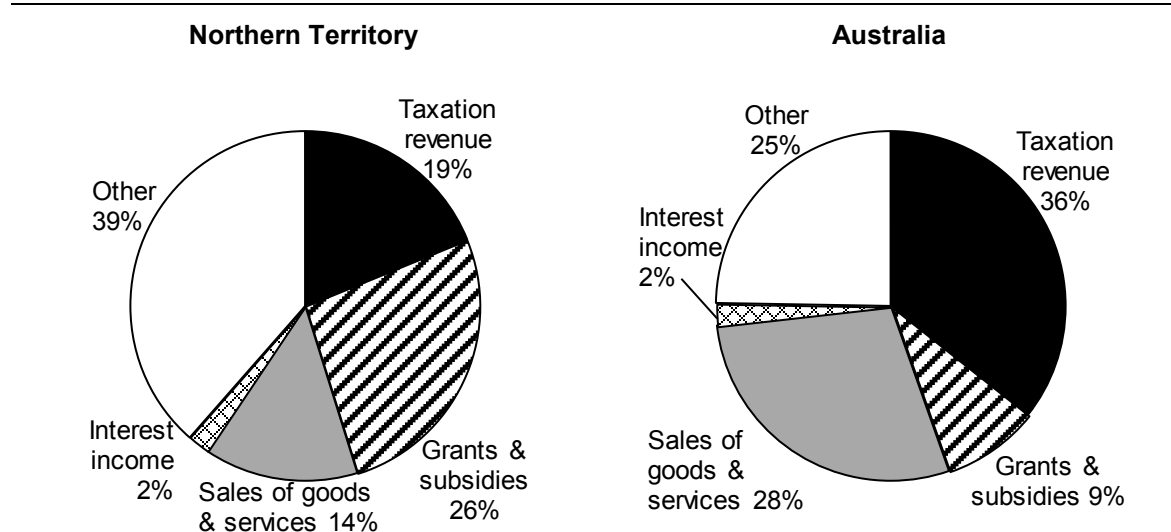
Comparisons of LG revenue sources across jurisdictions are shown in Figure D.5. Due to a general lack of comparable disaggregated data across and within jurisdictions, the Commission has relied on ABS data which broadly defines LG income sources across five categories. Within these categories ‘taxation revenue’ refers only to revenue from municipal rates (ABS, pers. comm., 15 February 2012).; while revenue from ‘sales of goods and services’ is largely from user charges (including fees for regulatory services) (ABS, pers. comm., 5 October 2011). According to Figure D.5, except for Queensland, a majority of LG revenue was derived from its own sources rather than grants from higher levels of government.

Figure D.5 LG revenue sources^a across the jurisdictions
2009-10



(Continued)

Figure D.5 (Continued)



^a Taxation revenue is predominantly municipal rates revenue; grants and subsidies includes funding from both the Commonwealth, state and/or territory governments. Sales of goods and services is predominantly user fees. Revenue from regulatory activities is included in sales of goods and services.

Data source: ABS (*Government Finance Statistics, Australia, 2009-10*, Cat. no. 5512.0).

In all jurisdictions except Queensland and the Northern Territory, the largest proportion of LG revenue was raised through taxation revenue (that is, municipal rates). South Australia raised the highest proportion at 57 per cent, followed by Victoria at 45 per cent; while Northern Territory raised the least at 19 per cent. In contrast, New South Wales raised the highest proportion from sales of goods and services (predominantly user charges) at 31 per cent; while Queensland raised the least at 10 per cent.

In Queensland and the Northern Territory, the largest source of revenue for LGs was from government grants and subsidies. Government grants and subsidies comprised 40 per cent of overall LG revenue in Queensland; and 26 per cent in the Northern Territory. The jurisdictions with the lowest proportion of revenue from government grants and subsidies were Victoria and Western Australia at 9 per cent.

The ability of LGs to charge fees for regulatory activities is examined in subsequent chapters. Funding to LGs by the Australian, state and territory governments is discussed in chapter 2.

Types of expenditure

There is limited data on LG expenditure by function. In 2008, the Commission estimated LG expenditure per capita by function across the Australian Classification of Local Governments (PC 2008a). These estimates are provided in table D.3.

Compared to urban LGs, rural and remote LGs had higher overall expenditure per capita, on average, across all functions. This may be attributed to their requirement to: maintain more kilometres of roads per capita; pay higher input costs; and provide a more extensive mix of services as they fill service gaps, which are more likely to be undertaken by higher levels of government or the private sector in urban areas. In addition, these LGs may have less ability to capture scale economies (PC 2008a).

For all LG classifications, the function that received the highest proportion of LG expenditure was either ‘transport and communication’ or ‘housing and community amenities’. Rural and remote LGs spent proportionally more on transport and communication services; while urban LGs spent proportionally more on housing and community amenities. Compared to the other LG classifications, the proportion of expenditure by urban metropolitan LGs was substantially lower on transport and communications and substantially higher on recreation and culture. Capital city LGs spent proportionally more on public order and safety than LGs in the other classifications.

Fiscal capacity

The fiscal capacity of a LG depends on its ability and willingness to raise revenue to pay for public services, including regulatory functions. It is related to a range of factors which include population density and demographics; natural endowments; and levels of economic activity.

Measuring LG fiscal capacity is complex and the Commission has not sought to do so as part of this study since many aspects are largely out of scope of the terms of reference (such as LGs’ ability and willingness to raise municipal rates). However, the Commission did estimate LG fiscal capacity based on the after tax income of local communities in 2008 (PC 2008a).

These estimates showed:

- capital city LGs had the highest fiscal capacity, principally attributed to high business incomes and comparatively small resident populations
- while some remote LGs also had high levels of fiscal capacity due to substantial business income from mining and petroleum activity in their area, there were others which had particularly low fiscal capacity including some indigenous LGs
- on average, urban LGs had intermediate levels of fiscal capacity with urban fringe councils having the lowest levels (PC 2008a).

Table D.3 LG expenditure by function and classification^{a,b}
2005-06, Median expenditure per capita

<i>Function</i>	<i>Local Government Classification (LGC)</i>					
	<i>Capital city</i>	<i>Urban metro</i>	<i>Urban fringe</i>	<i>Urban regional</i>	<i>Rural</i>	<i>Remote</i>
Transport and communications						
Median expenditure per capita (\$)	\$419	\$12	\$160	\$263	\$664	\$1 584
(Per cent of total median LGC expenditure per capita)	(18.9%)	(2.3%)	(23.6%)	(26.4%)	(41.7%)	(34.1%)
Housing and community amenities						
Median expenditure per capita (\$)	\$590	\$150	\$183	\$259	\$295	\$761
(Per cent of total median LGC expenditure per capita)	(26.6%)	(28.3%)	(27.0%)	(26.0%)	(18.5%)	(16.4%)
General public services						
Median expenditure per capita (\$)	\$298	\$126	\$105	\$175	\$287	\$1 115
(Per cent of total median LGC expenditure per capita)	(13.5%)	(23.8%)	(15.5%)	(17.5%)	(18.0%)	(24.0%)
Recreation and culture						
Median expenditure per capita (\$)	\$409	\$148	\$132	\$157	\$172	\$289
(Per cent of total median LGC expenditure per capita)	(18.5%)	(27.9%)	(19.5%)	(15.7%)	(10.8%)	(6.2%)
Health						
Median expenditure per capita (\$)	\$20	\$8	\$9	\$11	\$26	\$258
(Per cent of total median LGC expenditure per capita)	(0.9%)	(1.5%)	(1.3%)	(1.1%)	(1.6%)	(5.6%)
Social security and welfare						
Median expenditure per capita (\$)	\$50	\$38	\$24	\$30	\$21	\$195
(Per cent of total median LGC expenditure per capita)	(2.3%)	(7.2%)	(3.5%)	(3.0%)	(1.3%)	(4.2%)
Education						
Median expenditure per capita (\$)	\$10	\$3	\$9	\$3	\$5	\$65
(Per cent of total median LGC expenditure per capita)	(0.5%)	(0.6%)	(1.3%)	(0.3%)	(0.3%)	(1.4%)
Public order and safety						
Median expenditure per capita (\$)	\$14	\$14	\$16	\$17	\$17	\$32
(Per cent of total median LGC expenditure per capita)	(14%)	(2.6%)	(2.4%)	(1.7%)	(1.1%)	(0.7%)
Other ^c						
Median expenditure per capita (\$)	\$405	\$31	\$40	\$83	\$105	341
(Per cent of total median LGC expenditure per capita)	(18.3%)	(5.8%)	(5.9%)	(8.3%)	(6.6%)	(7.3%)
Total						
Median expenditure per capita (\$)	\$2 215	\$530	\$678	\$998	\$1 592	\$4 640

^a Based on 7 observations for capital city, 86 observations for urban metropolitan, 107 observations for urban regional, 50 observations for urban fringe, 299 observations for rural, and 75 observations for remote councils. ^b Estimates may differ from ABS or other published sources. ^c Other includes expenditures not classified elsewhere, including fuel and energy, agriculture, forestry and mining.

Source: PC (2008a); PC calculations.

E Local government in the United Kingdom and New Zealand

This appendix examines the structure, roles and responsibilities of local government (LG) in the United Kingdom and New Zealand with a focus on regulatory reforms that foster cooperation and harmonisation between, and within, levels of government to reduce the burden of regulation on business. This appendix provides background material that can be used to inform leading practices identified in chapter 2 and chapter 4.

E.1 Local government in the United Kingdom

The United Kingdom has a centralized unitary system of government with all legislative power vested in the national government. It has a central bicameral parliament with a devolved sub-national parliament in Scotland, and devolved sub-national assemblies in Wales and Northern Ireland. By right, according to law, each of these sub-national parliaments or assemblies could have its powers broadened, narrowed or changed by an Act of the UK Parliament.¹

In the United Kingdom, LG does not have constitutional standing. Rather, it is established in the legislation of the central, or sub-national, governments.² Compared to LGs in Australia, LGs in the United Kingdom have a much broader range of roles and responsibilities including education and housing.

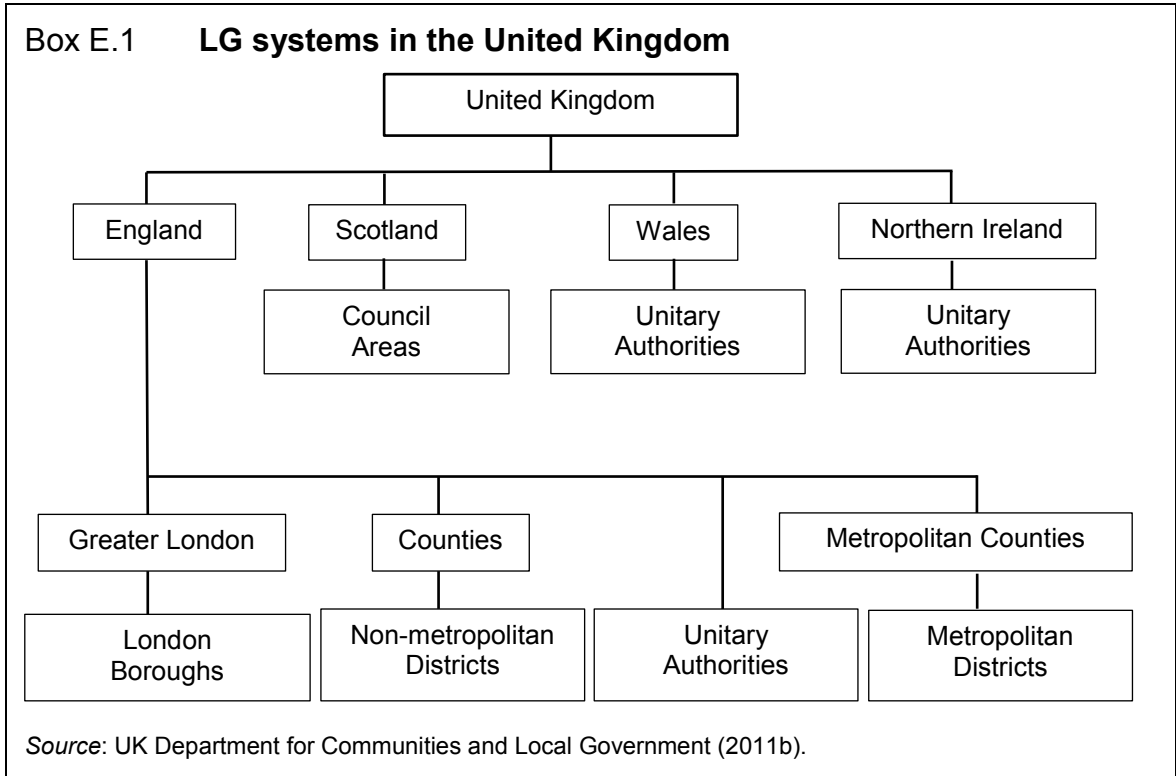
Recent legislation has given LGs in the United Kingdom more freedom to address local priorities. Under the *Localism Act 2011*, LGs have been given a ‘general power of competence’ giving them the legal capacity to do anything that an individual can do, provided that it is not specifically prohibited. In addition to providing new freedoms and flexibilities for LG, this Act has increased the

¹ However, the fact that the Scottish parliament and Welsh sub-national assembly have been established following a referendum would make it politically difficult to significantly alter their powers without popular consent.

² In Scotland, Wales and Northern Ireland, there are Local Government Acts which establish local government. Since England does not have its own devolved parliament, local government legislation is determined by the UK parliament.

accountability of LG to local communities and made the planning system more democratic by ensuring that decisions about housing are taken locally (UK Department for Communities and Local Government 2011a).

The current structure of LG is shown in box E.1.



In the United Kingdom, the general trend of structural reforms has been the establishment of unitary authorities, which provide all LG services to their local communities, where these have been shown to provide the most efficient form of service delivery.

Scotland, Wales and Northern Ireland now operate with a unitary, single tier of LG. In contrast, the LG system in England remains complex. It comprises both:

- a single tier system in the form of unitary authorities, London boroughs and metropolitan distinct councils
- a two tier system in which county councils form the upper tier and ‘district’ or borough councils form the lower tier.

In those parts of England where LGs operate within a two tier system, LG functions are divided according to the tier which allows the most efficient service delivery. The general division for major LG responsibilities is provided in table E.1.

Table E.1 LG responsibilities for major services

<i>Major service</i>	<i>Shire areas</i>			<i>Metropolitan areas</i>		<i>London</i>
	<i>Unitary Authorities</i>	<i>County councils</i>	<i>District councils</i>	<i>Metropolitan districts</i>	<i>London boroughs</i>	<i>Greater London Authority</i>
Education	✓	✓	✗	✓	✓	✗
Highways	✓	✓	✗	✓	✓	✓
Transport planning	✓	✓	✗	✓	✓	✓
Passenger transport	✓	✓	✗	✓	✗	✓
Social care	✓	✓	✗	✓	✓	✗
Housing	✓		✓	✓	✓	✗
Libraries	✓	✓	✗	✓	✓	✗
Leisure and recreation	✓	✗	✓	✓	✓	✗
Environmental health	✓	✗	✓	✓	✓	✗
Waste collection	✓	✗	✓	✓	✓	✗
Waste disposal	✓	✓	✗	✓	✓	✗
Planning applications	✓	✗	✓	✓	✓	✗
Strategic planning	✓	✓	✗	✓	✓	✓
Local taxation collection	✓	✗	✓	✓	✓	✗

Source: UK Department for Communities and Local Government (2011b).

LG as regulator

The principal regulatory role for local authorities in the United Kingdom is the administration and enforcement of national laws. The main legislative categories for which LGs have regulatory functions are listed in table E.2. However, they also have the power to make local laws to address local priorities where national legislation has not addressed the issue of concern. Government departments approve the formulation of by-laws and ensure there is no conflict with existing government policy. In practice, LGs make very few local laws (LBRO, pers. comm., 15 September 2011).

Table E.2 Legislative categories for LARS

<i>Category</i>	<i>Functions</i>
Agriculture	Regulation of fertilisers and feeding stuffs.
Animal Health and Welfare	Regulation of pets, farmed animals, animal trade and movement, animal diseases and animal by-products.
Environmental Protection	Regulation of the air, land, water, waste and recycling, local environment and pollution (including noise, water pollution, industrial pollution and contaminated land).
Fire Prevention	Fire safety regulations in commercial and residential premises. Provide advice on fire prevention.
Food Safety, Standards and Hygiene	Regulating the whole of the food chain from farm to fork (which covers marketing, labelling, regional and local food, organic, wine, milk, eggs poultry and beef labelling.) Hygiene governs the conditions under which food is manufactured, prepared, stored and sold.
Health and Safety	Responsibility for health and safety enforcement in offices, shops and other parts of the service sector. Enforcement is mainly through environmental health specialists.
Housing	Regulation of the landlord and tenant sector in terms of minimum safety standards. This area also covers empty homes, homes in multiple occupation, tenancy deposit scheme and health and safety.
Licensing	Licensing and subsequent regulation of people's behaviour, places and vehicles. This includes alcohol and public entertainment, door supervisors and gambling.
Trading Standards	Regulation of businesses and protection of consumers, including areas such as consumer credit, fair trading, product safety, scams, rogue traders, metrology and under age sales.

Source: LBRO (2009).

Regulatory functions are split between national regulators and Local Authorities Regulatory Services (LARS). There is not a national regulator for all areas enforced by LGs (for example, there is not a national regulator for under age sales of alcohol) and not all national regulators have interactions with LARS (for example, those covering the privatised industries, financial sector or education). Nor does the regulatory responsibilities of national regulators always extend beyond England.³ The extent to which national regulators enforce legislation with LARS, and/or provide guidance to them, varies with each national regulator. In particular, the nature and intimacy of these relationships depends fundamentally on the division of legislative responsibility between LARS and national regulators; and the extent to which national regulators delegate authority to the LARS. The national regulators which have direct involvement with LARS and the division of regulatory responsibility between national regulators and LARS are listed in table E.3.

³ Although there is usually an equivalent body in a devolved administration, a national regulator may work in partnership with the devolved administration and have a dedicated office.

Table E.3 National regulators and LARS^a

<i>National regulator</i>	<i>United Kingdom coverage</i>				<i>Shared/Delegated responsibilities with LARS</i>	
	<i>England</i>	<i>Wales</i>	<i>Scotland</i>	<i>Northern Ireland</i>	<i>Inspection/ Compliance</i>	<i>Enforcement/ Prosecution</i>
Animal Health	✓	✓	✓	b	Shared	Delegated
Environment Agency	✓	✓	c	d	Shared	Shared
Food Standards Agency	✓	✓	✓	✓	Delegated	Delegated
Gambling Commission	✓	✓	✓	e	Shared	Shared
Health and Safety Executive	✓	✓	✓	f	Shared	Shared
Meat Hygiene Service	✓	✓	✓	g	na	na
National Measurement Office	✓	✓	✓	✓	Delegated	Delegated
Office of Fair Trading	✓	✓	✓	✓ ^h	Shared	Shared

^a There are others such as the Health Protection Agency, Intellectual Property Office and the UK Border Agency that may also have an interest. ^b Livestock and Meat Commission for Northern Ireland. ^c Scottish Environment Protection Agency. ^d Northern Ireland Environment Agency. ^e Department for Social Development. ^f Health and Safety Executive for Northern Ireland. ^g Livestock and Meat Commission for Northern Ireland. ^h Department for Enterprise Trade and Investment. na not available.

Source: LBRO (2009).

In practice, LARS delivered by individual LGs can differ substantially. As each LG operates as an autonomous entity, LARS will reflect variations in the ways that different LGs choose to fulfil their statutory responsibilities and the levels of resources that they devote to enforcement and monitoring activities. In addition, LARS will depend on whether the LG operates as a unitary authority or within a two tier system. The division of LARS' functions apportioned by local authority type is provided in table E.4.

Table E.4 Division of LARS' functions by local authority type

<i>Main enforcement function</i>	<i>District</i>	<i>County</i>	<i>Single tier</i>
Alcohol and entertainment licensing	✓	✗	✓
Animal health	✗	✓	✓
Public health	✓	✗	✓
Environmental protection (air pollution, noise pollution, nuisance)	✓	✗	✓
Fair trading	✗	✓	✓
Food labelling	✗	✓	✓
Food safety	✓	✗	✓
Health and safety	✓	✗	✓
Infectious disease control	✓	✗	✓
Pest control	✓	✗	✓
Pricing	✗	✓	✓
Private rented housing standards	✓	✗	✓
Product safety	✗	✓	✓
Taxi licensing	✓	✗	✓
Weights and measures	✗	✓	✓

Sources: LBRO (2009); LBRO (pers. comm., 2 March 2012).

Performance Monitoring

In 2006, the UK Government launched a wide 'local government improvement agenda'.⁴ An outcome was the establishment of the National Indicator Set (NIS)⁵ as the only measures for central government to monitor LG performance. The NIS reduced an estimated 1200 narrowly prescribed indicators down to around 200 outcomes based requirements — substantially reducing the reporting burden on LG. Under the NIS, performance targets were set in Local Area Agreements (LAAs) between central governments and local authorities and reviewed by a partnership of seven inspectorates coordinated by the National Audit Commission. However, since the 2010 election, the NIS has been substantively removed.

The performance monitoring of some services and activities have been left to the discretion of local authorities. In 2010, the (then) Local Authorities Coordinators of Regulatory Services (LACoRS) and the Local Better Regulation Office (LBRO) published a *LARS Excellence Framework* as a guide for local authorities to self-assess quality in service delivery. This framework adopts a non-prescriptive,

⁴ Initially articulated in the UK Government's white paper, *Strong and Prosperous Communities*.

⁵ The devolved administrations were developing, or have developed, their own similar performance frameworks for local authorities. For example, in Wales, the Programme for Improvement sets out performance indicators for LARS as negotiated through Local Delivery Agreements subject to consultation by the Welsh Assembly Government and monitored by the Data Unit of the Welsh Assembly.

principles and outcomes based approach to measure performance against four broad themes and criteria. As stated by the LACoRS and LBRO:

This assessment process puts the responsibility on the self-assessing service to identify strengths and examples of excellence or innovation to share, as well as identify areas for improvement and take action to address them. (2010, p. 8).

Regulatory reform

Since the late 1990s, the focus of UK regulatory reforms has been ‘Better regulation’ with the objective of reducing the cost to business of complying with out-dated and unnecessary regulations. Better regulation is currently used as a policy instrument to achieve economic growth. The most recent UK government statement on better regulation was contained in *Enterprise: Unlocking the United Kingdom’s Talent* (UK BERR 2008), which (re)confirmed the regulatory framework as one of the five enabling policies for enterprise.

The key agency advising the UK Government on the development and implementation of regulatory reforms is the Better Regulation Executive (BRE), situated in the Department for Business, Innovation and Skills (BIS). The ‘better regulation agenda’ has not only reduced the stock and flow of new legislation, through statutory regulatory impact and red tape reduction programs but has also resulted in regulatory reforms which have substantially improved the effectiveness and consistency of regulatory functions across governments including:

- in 2007, the development of a Regulator’s Compliance Code, with statutory force, and underpinned by Hampton Principles to rationalise national inspection and enforcement arrangements
- in 2007, the establishment of the Local Better Regulation Office (LBRO) and, in 2009, the Primary Authority (PA) Scheme to improve the consistency and quality of enforcement by LARS
- in 2007, the identification of national enforcement priorities (NEPs) for LARS and, in 2011, the identification of national priority regulatory outcomes (NPROs)
- in 2008, the implementation of the *Regulatory and Enforcement Sanctions (Regulatory Enforcement and Sanctions) Act 2008*, underpinned by Macrory principles (see box E.2), to ensure that regulators have access to a flexible set of modern sanctioning tools
- in 2011, *Principles for Economic Regulation*, to guide the high-level institutional design of national frameworks by central governments.

Box E.2 **The Macrory best practice sanctioning principles**

In 2006, Professor Richard Macrory conducted a review of the system of sanctioning powers available to regulators, *Regulatory Justice: Making Sanctions Effective*, with the aim of understanding how to reduce the inconsistency of LARS regulatory enforcement while improving the level of compliance among UK businesses. The Macrory Review was directly borne from the Hampton Review, which had found that regulators' penalty regimes were cumbersome and ineffective.

Macrory developed seven best practice sanctioning principles. These are:

- regulators should publish an Enforcement Policy
- regulators should measure outcomes not just outputs
- regulators should justify their choice of enforcement actions each year to stakeholders, ministers and Parliament
- regulators should follow-up enforcement actions where appropriate
- enforcement should be in a transparent manner
- regulators should be transparent in the way in which they apply and determine administrative penalties
- regulators should avoid perverse incentives that might influence the choice of sanctioning response.

These principles underpin the Regulatory and Enforcement Sanctions (Regulatory Enforcement and Sanctions) Act 2008.

Source: Macrory (2006).

Many of these reforms were driven by a 2005 review, *Reducing Administrative Burden: Effective Inspection and Enforcement* (commonly referred to as the Hampton Review). This review concluded that, while local authorities serve as a key source of advice to business and deliver both national and local regulatory objectives supporting a wide range of policy areas in the process, they are hindered by the diffuse structure of local authority regulation:

... [and] not least difficulties arising from the lack of both effective priority setting from the centre and the lack of effective central and local coordination (Rogers 2007, p. 8).

Some of these reforms have been identified in chapter 2 as leading practices and are discussed in more detail below.

The Local Better Regulation Office

Up until 2012, the LBRO operated as an executive, non-departmental public body accountable to the BIS through the BRE. The LBRO was established for the express purpose of improving interactions between regulators and businesses to make them

more productive, for the benefit of both parties. The principle focus of the LBRO is the LARS undertaken by, or delegated to, local authorities.

Under the *Regulatory Enforcement and Sanctions Act 2008*, the LBRO had a range of statutory duties and powers which included:

- managing the short list of NPROs
- operating the PA scheme (see below)
- advising the government on local regulation
- issuing guidance to local authorities
- encouraging innovation and good practice
- developing formal partnerships with national regulators.

The LBRO was also involved in the design and implementation of many initiatives designed to improve LG performance and spread best practice (see box E.3).

Box E.3 LBRO initiatives to improve LG performance

Research initiatives being developed by the Local Better Regulation Office (LBRO) to improve LG performance and spread best practice include:

- creation of a common framework for excellence, agreed and shared by LG, to simplify and reduce the burden reporting performance and to promote excellence
- research into impacts and outcomes of LG regulatory services activity, to improve outcomes through better knowledge of where regulatory services have an impact
- systematic mapping of data flows across the LG regulatory system to reduce the burden of data requests, improve efficiency and service quality, and foster cooperation between national regulators, central government departments and local authorities
- developing a common risk assessment framework, to reduce duplication and encourage consistency in how local authorities undertake risk assessments of businesses
- developing a common competency framework for regulators, which will increase local authorities' awareness of any competency gaps and assist in skill development plans.

Source: VCEC (2010).

In 2012, the functions of the LBRO were transferred to BIS to be delivered by a dedicated, streamlined unit called the Better Regulation Delivery Office (BRDO). In contrast to the LBRO, which was principally concerned with implementing regulatory reforms at the local level, the BRDO has a broader focus on improving the delivery of regulation across all levels of government (that is, enforcement and compliance).

Identifying NPROs for local authorities

In 2007, the UK Government commissioned a review, *National Enforcement Priorities for Local Authority Regulatory Services*, to develop a short list of NEPs for LARS. The short list was intended to ensure that, with the devolution of regulatory responsibilities to local authorities under the Localism agenda, sufficient resources were devoted to those regulatory areas where a coordinated, cohesive and consistent regulatory approach at the local level was necessary to achieving the objectives of higher levels of government. As stated in the review:

Local authorities are often the sole enforcement agents for delivering regulatory objectives. If they were to choose not to carry out enforcement action in some areas because the need at local level was not obvious or politically relevant, some objectives of central government may not be met. Where the objective of the law is to protect ‘life and limb’, and where non enforcement might expose large numbers of people to high risk, there will be an expectation by the public at large, consumers or workers that enforcement action will occur (Rogers 2007, p. 31).

To prioritise national policy areas enforced by LARS, the Review used an evidence-based approach to evaluate the risks that national policies aimed to control and the effectiveness of actions taken by local authorities. A map of the national enforcement priorities identified in the review and assessed against increasing risk or harm is provided in box E.4. In 2011, based on evidence that suggested that there had been no significant commitment of LARS’ resources to the NEPs, the LBRO developed a new approach which identified NPROs. The NPROs are listed in chapter 2 (see box 2.3).

Statutory Regulatory Compliance Code

The Hampton Review recommended a new approach to regulation by placing an emphasis on ‘securing compliance’ rather than routinely carrying out inspections. In 2008, the ‘Hampton principles’ were enshrined in a statutory *Regulators’ Compliance Code*⁶ which requires regulators to plan regulation and inspection in a way that causes least disruption to the economy. Since then, all national regulators and local authorities across the United Kingdom have been working to embed the code across all regulatory activities. The BRE has responsibility to undertake ‘Hampton Implementation Reviews’ to measure their progress. The seven ‘Hampton Principles’ and the Regulators’ Compliance Code are described in more detail in chapter 2 (see box 2.3).

⁶ Currently subject to a post implementation review to enhance accessibility.

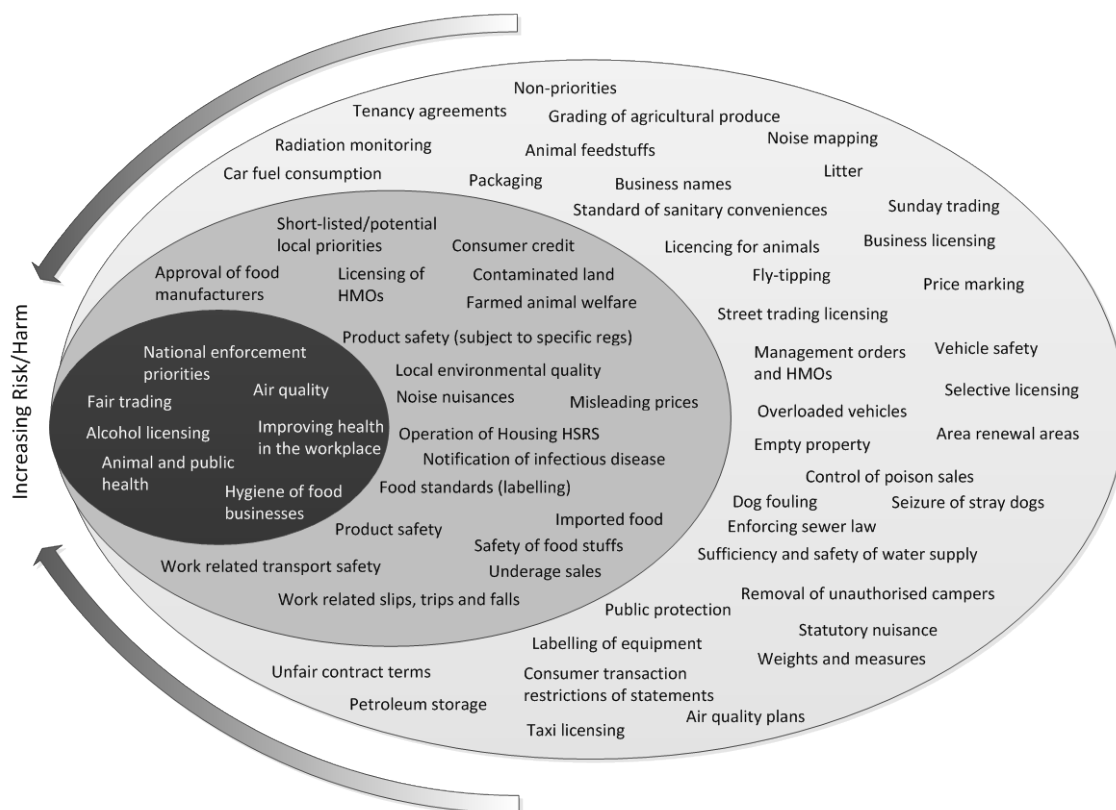
Box E.4 LARS enforcement priorities measured against increasing risk or harm

In 2007, the Rogers review, *National Enforcement Priorities for Local Authority Regulatory Services*, recommended five national enforcement priorities (NEPs) for local authority regulatory services (LARS). The Review's recommendations were intended to ensure that local authorities could benefit from devolution without compromising regulatory outcomes or exposing business to inconsistent enforcement. The Rogers review selected its NEPs from a short list of 60 contenders by evaluating them against the risk that the policy areas tried to control with the effectiveness of the actions taken by local authorities. This process is represented in the figure below.

The five NEPs were:

- air quality, including regulation of pollution from factories and homes
- alcohol, entertainment and late night refreshment licensing and its enforcement
- hygiene of business selling, distributing and manufacturing food and the safety of food in the premises
- improving health in the workplace
- fair trading (trade description, trade marking, mis-description, doorstep selling).

The NEPs were reviewed by the LBRO in 2011 and subsequently updated using an outcomes based approach.



Sources: Rogers (2007); LACoRS (2007).

Primary Authorities scheme

The Primary Authority (PA) scheme was established in 2009 under the *Regulatory Enforcement and Sanctions Act 2008* to provide more regulatory consistency and certainty for businesses which operate across a number of local authorities. Key features of the PA scheme are outlined in chapter 2 (see box 2.4).

According to BIS:

... [the Primary Authority] provides a secure basis for business to plan investment and work strategically with local regulators in managing regulatory risks (UK BIS 2010, p. 10).

In addition to addressing inconsistent administration and enforcement of regulations across local authorities, the LBRO has identified a number of additional benefits of the PA scheme including a fundamental shift towards more collaborative approaches to achieving compliance between business and LGs.

In its first two years of operation, the PA scheme has achieved a significant take up rate with 1090 partnerships established between 317 businesses and 63 local authorities covering major supermarkets, retailers, manufacturers and a number of smaller regional enterprises. In 2011, the UK Government announced that the PA scheme will extend to other LARS functions and expand to include coverage for a larger range of businesses.⁷

In Australia, the Victorian Competition and Efficiency Commission, as part of its *Inquiry on Streamlining Local Government Regulation* (VCEC 2010), has examined the PA scheme closely. In its draft report, VCEC identified advantages and disadvantages. These are listed in box E.6. On balance, VCEC concluded:

The primary authority scheme is a promising innovation, which offers the potential to reduce inconsistencies where they are imposing significant costs on businesses ... it would be useful to implement the scheme on a trial basis, for example, in an area such as the registration of food premises under Victoria's safety regulations, to permit a subsequent judgement about extending it to other council regulatory services (2010, p. 282).

⁷ Especially small to medium enterprises through Trade Associations.

Box E.6 VCEC's assessment of advantages and disadvantages of the Primary Authority scheme

In the draft report to their Inquiry on streamlining local government regulation, *Local Government for a Better Victoria*, the Victorian Competition and Efficiency Commission (VCEC 2010) examined the Primary Authorities scheme closely and identified advantages and disadvantages.

VCEC considered that the scheme potentially has considerable advantages which include:

- businesses operating in multiple jurisdictions can rely on a single source of consistent advice
- firms self-select to enter the scheme in order to receive a consistent approach to enforcement of regulation
 - because the costs of inconsistency are difficult to quantify, policy makers struggle to determine how many resources should be devoted to reducing inconsistencies. The PA scheme solves this problem because firms will only enter the scheme if the benefits to them from less inconsistency exceed the costs of achieving it
- the scheme can be financed through fees, without call on the public purse
- competition between councils to be a primary authority reduces concerns that councils will charge excessive fees
- councils with weak enforcement capability can rely on the advice of stronger councils.

However, VCEC identified that the risk with the scheme was that firms may seek agreements with councils that are seen as 'soft' on enforcement, consequently undermining enforcement generally. VCEC noted three safeguards against this:

- the requirement that the local authority be suitable at the time that the partnership is first registered
- the Local Better Regulation Office (LBRO) can revoke a partnership that is not working effectively
- LBRO makes determinations when there are disputes between the primary authority and other councils and could allow enforcement action that the primary authority has blocked.

VCEC concluded that the Primary Authority scheme was:

- most suitable for regulations where subjective judgements about local conditions are less important, for example, compliance with food safety plans
- less suited to areas such as planning, where decisions are dominated by judgements about impacts on local amenity.

Source: VCEC (2010).

E.2 Local government in New Zealand

New Zealand has a centralized unitary system of government with a unicameral parliament and all legislative power vested in the central government. LG has no formal constitutional standing. The framework for local authorities, and their powers, depends on central government legislation which can be amended or revoked at any time by the national parliament.

The core legislation pertaining to the system of local government in New Zealand is the *Local Government Act 2002* (New Zealand).⁸ Like Australia and the UK, this Act confers a power of general competence to LG — although this is narrower than in these other countries.

As in Australia, LG in New Zealand has traditionally provided a narrow range of property-based services. Although there are no constitutionally defined heads of power, central government generally retains responsibility for defence, policing, courts, education and health services. However, unlike Australia, the scope of LG in New Zealand extends to civil defence preparedness, harbour navigation and safety, marine pollution and some water management.

The current structure of LG in New Zealand is provided in box E.7. There are two types of LG:

- ‘regional councils’ with boundaries defined along river catchments to reflect their primary responsibilities for resource management
- ‘territorial authorities’ with boundaries defined around local communities with similar economic and social identities, characteristics and aspirations.

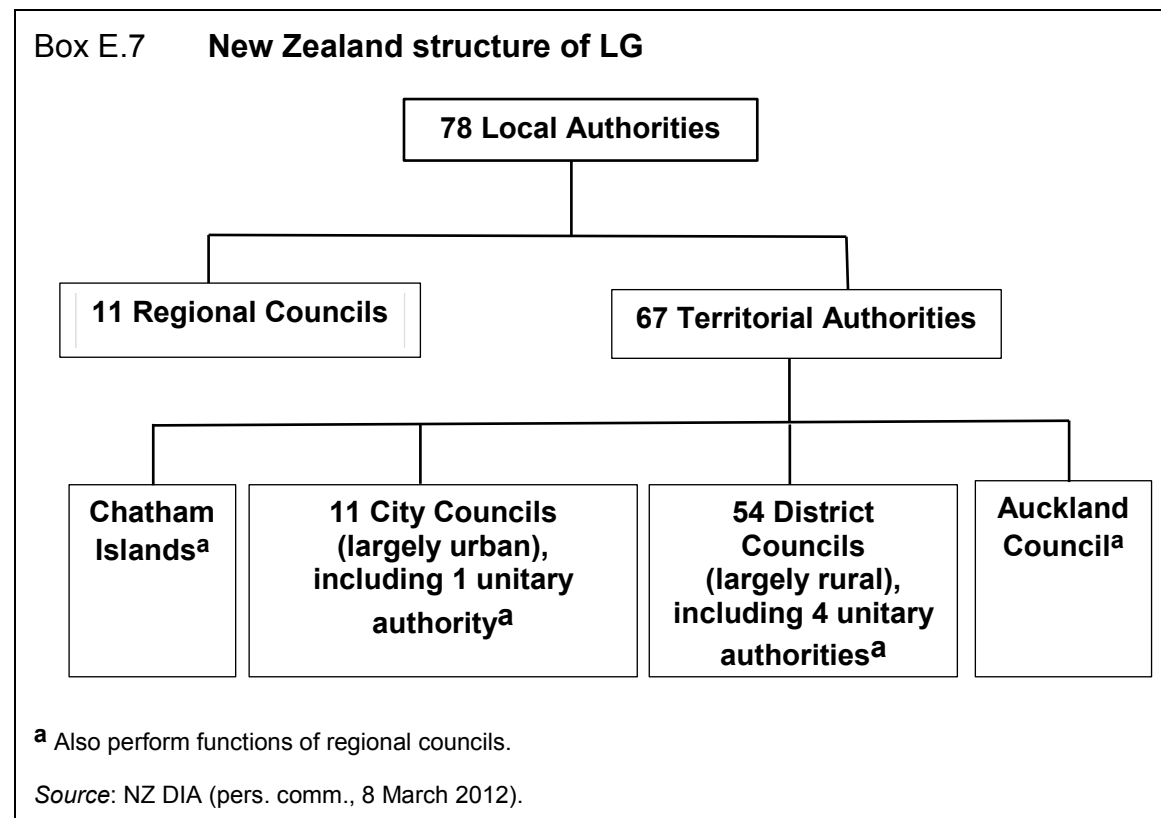
The two types of authorities have been designed to be complementary rather than hierarchical. Regional councils do not generally have powers over territorial authorities, except in a few specific cases such as the regional policy statement made under the *Resource Management Act 1991*.⁹

While most territorial authorities operate wholly within one region, there are a few that cross regional council boundaries. There are six territorial authorities, including Auckland Council, which combine the functions of regional councils — these are

⁸ Other framework legislation includes the *Local Authorities (Members’ Interests) Act 1968*; the *Local Electoral Act 2001*; *Local Government Official Information and Meetings Act 1987*, and the *Local Government (Rating) Act 2002*, all of which are administered by the Department of Internal Affairs.

⁹ These are Gisborne District Council, Tasman District Council, Marlborough District Council, Nelson City Council and Auckland Council.

called ‘unitary authorities’.¹⁰ LG roles and responsibilities, and their division between regional and territorial authorities, are provided in table E.5.



In broad terms, regional councils are primarily responsible for the integrated management and regulation of natural and physical resources of the region; while territorial councils have a greater responsibility for service delivery and for regulatory functions relating to the built environment, public health and safety, and the prevention of nuisance.

Not all regional and territorial councils undertake the activities listed for each class of council in table E.5. Not only do LGs differ substantially in regard to population, land size and socio-economic and economic composition but they also have discretion in relation to many activities they undertake, as long as they have consulted their communities in making the decision. As a result there is considerable diversity in the range of activities provided by both types of LG.

¹⁰ In addition, the isolated Chatham Islands operates like a unitary authority.

Table E.5 Division of LG roles and responsibilities by authority type

<i>Regulatory role</i>	<i>Regional councils</i>	<i>Territorial authorities</i>
Resource management (including planning)	Water, soil and coastal planning	Land use planning and development control
Building	Dam construction and safety	Building consents and inspection
Land transport planning	Regional area	City or district area
Public health and safety	Relating to harbour, lake and river safety and administration, including harbourmaster services and marine pollution (within the 12 mile zone).	Relating to the supply of water, food and liquor, wastewater, waste disposal, the fencing of swimming pools and dog control
Civil defence and emergency management	Regional area	City or district area
Hazardous substances, new organisms and biosecurity	Control of regional plant and animal pests/biosecurity	Control of hazardous substances.
Public nuisances		Full responsibility
<i>Service provision</i>	<i>Regional councils</i>	<i>Territorial authorities</i>
Transport	Mass passenger transport services Economic development	Local roads and related services
Water supply		Water supply Stormwater and wastewater collection, treatment and disposal
Flood protection	Regional area	District area
Parks, reserves and other recreation and sports facilities	Regional area	District area
Economic development and tourism	Regional area	District area
Additional		Refuse collection and disposal Libraries, museums, art galleries and zoos Public halls and other venues Cemeteries and crematoria Public conveniences Car parking facilities Housing Childcare and grants for community activities Rural fire services Airfield and wharves

Sources: Local Government Forum NZ (2007); NZ DIA (pers. comm., 8 March 2012).

LG as regulator

In New Zealand, LGs have responsibility to undertake regulatory roles devolved under central government legislation. In addition to the Local Government Act, there are at least 20 other central government statutes that devolve significant regulatory functions to LG. The most important statutes are listed in table E.6 along with the respective central agency responsible for their administration.

Table E.6 Other central government legislation devolving regulatory responsibilities to local government^a

<i>Legislation</i>	<i>Central agency responsible for administration</i>
<i>Biosecurity Act 1993</i>	Ministry of Agriculture and Forestry
<i>Building Act 2004</i>	Department of Building and Housing
<i>Civil Defence Emergency Management Act 2002</i>	Ministry of Civil Defence and Emergency Management
<i>Dog Control Act 1996</i>	Department of Internal Affairs
<i>Forest and Rural Fires Act 1977</i>	Department of Internal Affairs Department of Conservation
<i>Freedom Camping Act 2011</i>	Department of Internal Affairs Department of Conservation
<i>Food Act 1981</i>	Ministry of Agriculture and Forestry
<i>Gambling Act 2003</i>	Department of Internal Affairs
<i>Hazardous Substances and New Organisms Act 1996</i>	Ministry for the Environment
<i>Health Act 1956</i>	Ministry of Health
<i>Impounding Act 1955</i>	Department of Internal Affairs
<i>Land Transport Management Act 2003</i>	Ministry of Transport
<i>Land Transport Act 1998</i>	Ministry of Transport
<i>Litter Act 1979</i>	Department of Internal Affairs
<i>Maritime Transport Act 1994</i>	Maritime New Zealand
<i>Public Works Act 1981</i>	Ministry of Transport Ministry of Agriculture and Forestry Land Information New Zealand
<i>Reserves Act 1977</i>	Department of Conservation
<i>Resource Management Act 1991</i>	Ministry for the Environment
<i>Sale of Liquor Act 1989</i>	Ministry of Justice
<i>Soil Conservation and Rivers Control Act 1941</i>	Ministry for the Environment
<i>Transport Act 1962</i>	Ministry for Transport
<i>Utilities Access Act 2010</i>	The Treasury

^a This is not a comprehensive list of the New Zealand legislation that devolves regulatory responsibilities to local government.

Sources: Parliamentary Counsel Office (2012); NZ DIA (pers. comm., 8 March 2012).

Under the *Local Government Act 2002*, LGs are able to make and enforce their own local laws. However, unlike the core LG legislation in most Australian jurisdictions, the New Zealand legislation is quite specific about the areas in which LG can make

by-laws and the division of these powers between regional councils and territorial authorities. In particular:

- territorial authorities are able to make by-laws to protect the public from nuisance, to protect, promote and maintain public health and safety and to minimise the potential for offensive behaviour in public places. Specific provision is also made for the adoption of by-laws for the control of liquor in public places
- regional councils are able to make by-laws in respect of regulating their forestry operations, parks and reserves, flood protection and control works and water supply works.

In this regard, the *Local Government Act 2002* also requires LG to:

- follow a prescribed ‘Special Consultative Procedure’ (SCP) to engage the local community
- determine, before commencing the by-law making process, whether a by-law is the most appropriate way of addressing the perceived problem
- review by-laws within 5 years after they are made and thereafter at 10 year intervals, otherwise they will lapse 2 years after the date by which they were due to be reviewed.

Structural reform

In 1989, the New Zealand government radically re-organised LG into its current two-tier structure. Prior to the reorganisation, there were about 830 local authorities including united and regional councils; city, borough and county councils; community councils; and a large number of special purpose boards. The principle objective of the LG re-organisation was to enhance administrative capabilities and operational efficiencies of LG:

- the original intention was for regional councils to operate alongside territorial authorities with a division of responsibilities based on an assumption that regional functions would be difficult, costly and inefficient for territorial authorities to provide separately (Office of the Minister of Local Government NZ 2011)
- regional councils were given primary responsibility for resource management, stemming originally from water management but also in anticipation of the wider environmental range under the *Resource Management Act 1991* (Royal Commission on Auckland Governance 2007)

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- the rationale for establishing the unitary councils (see above) was based on their small populations and rating bases and the saving in administrative costs that could be achieved from consolidating territorial and regional functions (Royal Commission on Auckland Governance 2007).

As measured against the system that it replaced, commentators have judged New Zealand's current LG system favourably on efficiency grounds. However, against this, Dollery, Keough and Crase (2007) have argued that the LG system finished with 'too much and not enough' leaving small communities feeling powerless and cities still governed by multiple councils that remained too fragmented:

Despite these successes, major problems emerged in the political domain of New Zealand local government. In particular, the resultant disenfranchised communities were resentful and unrepentant ... In essence, the reform program ignored the fact that LG needs to operate at two different levels to be effective. Efficacious local governance requires a coherent political identity representing distinct communities, but there also needs to be a structure for managing regional common interests. This can be achieved in one of two ways: from the "bottom up" or from the "top down". The New Zealand process consisted of a purely "top down" approach and thus alienated grassroots constituencies (2007, p. 59).

As noted in Chapter 2, these issues have become more apparent to the New Zealand central government. In 2011, the (then) Minister of Local Government publicly stated that the current system of LG was challenging for smaller councils which lack the skills and capacities to deal with complex issues relating to changing demographics; ageing infrastructure; and unforeseen, adverse and high-impact events (such as natural disasters); and for city councils which have struggled to integrate and coordinate activities under current fragmented governance structures. In addition, the Minister raised concerns about the lack of community engagement in LG processes (Office of the Minister of Local Government NZ 2011).

A Royal Commission into the governance arrangements for Auckland concluded that a two tier system of LG had resulted in weak and fragmented regional governance and poor community engagement (Royal Commission on Auckland Governance 2007). In 2010, the New Zealand central government amalgamated Auckland's territorial and regional authorities into a single unitary authority with a unique governance structure established by the *Local Government (Auckland Council) Act 2009*.¹¹

In 2011, partly in recognition that the heightened influence of the Auckland Council could have serious implications for LG as a whole, the (then) central Government

¹¹ And the related *Local Government (Tamaki Makaurau Reorganisation) Act 2009* and *Local Government (Auckland Transitional Provisions) Act 2010*.

announced a comprehensive review of LG, *Smarter Government, Stronger Communities: Towards Better Local Governance and Public Services*. As (then) stated, the purpose of the review was to consider:

- the structure, functions and funding of LG, including the usefulness of unitary authorities for metropolitan areas
- the relationship between LG and central government, including the efficiency of LG's participation in regulatory systems.

The review was to be completed 2014 with development of options and consultation starting in 2012 (Office of the Minister of Local Government NZ 2011). In 2012, the *Smarter Government, Stronger Communities* review was superseded by the current government's *Better Local Government* reform program intended to improve the legislative framework for LG.

Legislative reform

Over the last twenty years, there has been substantial reform to New Zealand legislation with a direct impact on the roles, responsibilities and functions of LG.

The Local Government Act

Similar to the reformed LG legislation in Australia and the United Kingdom, the New Zealand *Local Government Act 2002* is permissive and provides LG with a general power of competence. However, unlike similar legislation in the United Kingdom and Australia, there are other provisions in the Act that serve to impose direct, statutory limits on these powers.

In particular, the Act requires local authorities to:

- focus on core activities defined as network infrastructure, public transport services, solid waste collection and disposal, the avoidance or mitigation of natural hazards, libraries, museums, reserves, recreational facilities and other community infrastructure
- avoid duplication of services or functions by agreeing on protocols for communication and co-ordination between local authorities
- prepare a long term plan, to be reviewed every three years, which describes activities that local authorities will undertake, including how they are to be funded and how they contribute to community outcomes the local authority is aiming to achieve
- ensure processes for consulting with Maori and to establish and maintain opportunities for Maori to contribute to decision making processes.

The direct requirement for LG to focus on core activities was introduced¹² to address public concerns that LGs were providing services, which could be reasonably undertaken by the private sector, at the expense of reduced service provision in areas where LG authorities are likely to be sole providers or at increased expense to ratepayers (Hide 2009). In general, this amendment has been well received by businesses and individuals. However, concerns have been raised in some business sectors currently reliant on LG services that are (now) not explicitly identified as a core LG activity in the Act. In particular, the reforms have been criticised by the Tourism Industry Association New Zealand (TIANZ). In its submission addressing the amendment bill, the TIANZ stated:

TIA is very concerned about the emphasis in this Bill for local authorities to focus on core activities. To do so could jeopardise ongoing investment by councils in tourism development that is mutually beneficial for both local authorities and the tourism sector. An end to LG investment in the visitor industry could lead to a decline in economic activity in many regions of New Zealand (2010, p. 2).

Most recently, as part of the *Better Local Government* reform program which aims to improve the legislative framework for LGs, the NZ central government has sought to re-focus the purpose of LG from, broadly, ‘promoting the social, economic, environmental, and cultural well-being of their communities, taking a sustainable development approach’ to, more narrowly, ‘providing good quality local infrastructure, public services and regulatory functions at the least cost to households and business’ (NZ DIA 2012).

The Resource Management Act 1991

The *Resource Management Act 1991* (RMA) administered by the Ministry for the Environment established an integrated framework for the ‘sustainable management’ of New Zealand’s natural and physical resources. It replaced a multitude of fragmented planning and environmental regimes established under sixty nine Acts and amended Acts (now repealed) and nineteen regulations and orders (now revoked).

The purpose of the RMA is for ‘sustainable management’ — that is, the use, development and protection of natural and physical resources in a way, or at a rate, which enabled people and communities to provide for their social, economic, and cultural well-being and for their health and safety while:

¹² It was an amendment implemented under the *Local Government Act 2002 Amendment Act 2010*. Another amendment implemented at this time was designed to reduce restrictions on the use of the private sector to deliver LG services and, in particular, to improve the flexibility of local authorities to choose effective and efficient delivery methods for water.

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- sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations
 - safeguarding the life-supporting capacity of air, water, soil, and ecosystem
 - avoiding, remedying or mitigating any adverse effects of activities on the environment.

In addition, the principles of the RMA include:

- matters of national importance that must be recognised and provided for — including natural character of the coastal environment, wetlands, lakes and rivers, biodiversity, outstanding natural features and landscapes; Maori culture, traditions, ancestral lands and water sites public access; and historic heritage
- matters that all decisions ‘shall have particular regard to’ — including Kaitiakitanga¹³, efficient use and development of natural and physical resources, efficiency of the end use of energy, amenity values, finite characteristics of natural and physical resources, climate change and renewable energy
- taking account the Treaty of Waitangi.

The RMA prescribes regulatory responsibilities for local government. The division of these responsibilities across regional and territorial authorities is provided in table E.7. For example, the RMA:

- imposes a statutory requirement on regional councils to prepare regional policy statements, and regional coastal plans, which must give effect to national policy statements
- requires territorial councils to prepare district plans for resource management within their local areas which must not only give effect to national policy statements of central government but also regional policy statements by regional councils.

Although the RMA has been commended for its ‘umbrella function’, which allows all consent decisions about a project to be considered in one process and should reduce costs otherwise associated with applications for multiple permits, businesses have generally been highly critical of the Act. Many of their concerns have related to fundamental concepts in the Act which have been inherently difficult to define and could have subjective interpretations such as ‘sustainable management’, ‘intrinsic values’, ‘treaty principles’, ‘Kaitiakitanga’ and ‘environment’. The general business view has been that the Act has operated as a barrier to investment

13 The traditional Maori system of environmental guardianship is Kaitiakitanga. Kaitiakitanga reflects the notion that people are the ‘offspring’ of nature and are responsible to their ancestors and descendants to protect the natural environment which are their ‘kin’.

because it has been unpredictable, expensive, protracted and often subject to undue influence from local lobby groups, especially the indigenous Maori. The RMA has also been criticised by the indigenous Maori who have indicated that it has not adequately taken into account the interests and values of New Zealand's indigenous people.

Table E.7 Division of regulatory responsibilities across local authorities under the Resource Management Act

<i>Regional councils</i>	<i>Territorial authorities</i>
Controls for: <ul style="list-style-type: none"> • Soil conservation • Water quality and quantity (freshwater and seawater) • Air, water and land pollution • Biodiversity conservation • Coastal marine and freshwater ecosystems • Natural hazards (avoidance and mitigation) • Hazardous substances • Contaminated land (identification and monitoring) • Activities in the coastal marine area (in conjunction with the Minister of Conservation) • Introduction of plants into water bodies • Allocation of natural resources • Strategic integration of infrastructure with land use 	Controls for: <ul style="list-style-type: none"> • Effects of the use of land and associated natural and physical resources • Natural hazards • Management of hazardous substances, Contaminated sites and biodiversity conservation to the extent that they are affected by land use • Land subdivision • Noise • Activities on the surfaces of rivers and lakes

Source: EDS (2011).

Regulatory reform

The New Zealand central government has recognised regulatory reform as the first of six key policy drivers¹⁴ to raise New Zealand's economic performance and essential to improving productivity growth, international competitiveness and living standards (Key 2009). In 2011, the focus of the (then) Government's regulatory reform agenda was:

... to ensure that regulations deliver their objectives at least economic cost, thereby contributing the maximum net benefit to society (NZ Treasury 2011).

In 2009, the Government released its first Government Statement on Regulation: *Better Regulation, Less Regulation*. This Statement contained two key commitments:

¹⁴ The other key policy drivers identified are: investment in infrastructure, better public services, education and skills, innovation and business assistance, and a world-class tax system.

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- to introduce new regulation only when the government is satisfied that is required, reasonable and robust
 - to review existing regulation to identify and remove requirements that are unnecessary, ineffective and excessively costly.

The *Better Regulation, Less Regulation* statement was backed by measures which include:

- annual regulatory plans by all departments of all known and anticipated proposals to introduce, amend, repeal or review legislation, including tertiary regulation to the extent possible
- enhanced certification requirements to strengthen accountability for meeting the government's regulatory commitments
- post-implementation reviews for proposals that are formally assessed by the Treasury's Regulatory Impact Analysis Team (RIAT) as inadequate (or that by-pass the government's regulatory impact analysis (RIA) regime)
- regulatory scans to be undertaken by agencies responsible for regulation on a systematic basis to identify regulation that is unnecessary, ineffective, or excessively costly
- regulatory reporting on how the government is meeting the commitments in the statement.

The lead agencies for advising government on the development and implementation of the government's regulatory reform program were The Ministry of Economic Development, jointly with the Treasury.

In 2009, the (then) Government also established the Regulatory Responsibility Taskforce. to review processes for improving the quality of regulation in New Zealand. An outcome of work undertaken by the Taskforce is the *Regulatory Standards Bill 2011*. Notably, this Bill aims to improve parliamentary laws and regulations by specifying principles of responsible regulatory management to apply to the Government in pursuing its policy objectives, and through specific statutory reporting requirement on its compliance with the principles.

The principles for good regulation as set out by the Regulatory Responsibility Taskforce and included in the *Regulatory Standards Bill 2011* are outlined in box E.8. To date, the main focus of the regulatory reform program has been at the central government level. Notably, the legislative principles for good regulation apply to all central Acts of Parliament (including local Acts), statutory regulations,

and tertiary legislation but exclude regulations (that is, by-laws) made by LG.¹⁵ The Commission is unaware of any government initiatives to extend the program to LG.

Box E.8 New Zealand statutory principles for good regulation

In developing the set of statutory principles for good regulation to be included in the *Regulatory Standards Bill 2011*, the Regulatory Responsibility Taskforce provided a simplified and streamlined set of criteria that accord with broadly accepted principles of good legislation rather than novel principles. These are:

(a) *Rule of law* – legislation should be clear and accessible, not adversely affect rights, or impose obligations retrospectively, treat people equally before the law, and resolve issues of legal right and liability by application of law, rather than the exercise of administrative discretion

(b) *Liberties* – legislation should not diminish a person's liberty, personal security, freedom of choice or action, or rights to own, use or dispose of property, except as necessary to provide for any such liberty, freedom or right of another person

(c) *Taking of property* – legislation should not take or impair, or authorise the taking or impairment of, property, without the consent of the owner, unless it is necessary in the public interest and full compensation is provided to the owner, such compensation to be provided, to the extent practicable, by or on behalf of the persons who obtain the benefit of the taking or impairment

(d) *Taxes and charges* – legislation should not impose, or authorise the imposition of, taxes, except by or under an Act, nor should it impose or authorise charges that exceed the reasonable cost of providing the goods or services, or the benefit that payers are likely to obtain

(e) *Role of Courts* – legislation should preserve the Courts' role of authoritatively determining the meaning of legislation, and where legislation authorises a public entity to make decisions that may adversely affect any person or property, it should state appropriate criteria for making those decisions, and provide a right of appeal on the merits against those decisions to a Court or other independent body

(f) *Good law making* – legislation should not be made unless those likely to be affected by the legislation have been consulted and there has been a careful evaluation of the need for legislation to address the issues concerned. Furthermore the benefits of any legislation should outweigh its costs, and any legislation should be the most effective, efficient and proportionate response to the issue available.

Sources: Regulatory Responsibility Taskforce (2009); *Regulatory Standards Bill 2011*.

¹⁵ However, because provisions for the making of local by-laws are contained in a number of principle Acts and regulations, any proposed bills or regulations that aimed to amend such provisions may be subject to the legislative principles for good regulation.

Intergovernmental coordination and cooperation

Like Australia, a key issue for the New Zealand model of government has been the management of the tension between the fundamental role of LG to autonomously respond to the needs and aspirations of each local community and the involvement of local authorities in implementing policies at a national level to achieve national outcomes and objectives. A further issue in the New Zealand context has been the division and coordination of responsibilities between regional and territorial authorities.

At the national level

At the national level, LG is represented by Local Government New Zealand (LGNZ) which operates similarly to ALGA in Australia. Membership is voluntary and open to all territorial authorities and regional councils.¹⁶ The LGNZ National Council¹⁷ sets policy and strategic direction; prepares submissions on relevant central government legislation and regulations; promotes good practice; leads strategic communication; and provides a professional development program for elected members.

In 2000, the Central-Local Government Forum was established to ensure regular meetings between the political executive of Parliament (the Prime Minister and other senior Cabinet Ministers) and senior LG leaders and to provide an opportunity to discuss issues of mutual concern and interest. The Forum is held at least annually and is chaired jointly by the Prime Minister and the President of LGNZ. It is attended by senior Ministers and LGNZ National Councillors.

While the Central Local Government Forum has not been specifically designed to reconcile or prioritise central government policy and regulatory objectives against local priorities, or to achieve consistency across local authorities in the delivery of central government regulatory functions delegated to them, it has been influential in establishing policies which assist in this area including a work program in DIA which is specifically focussed on the development of policies involving local authorities in regulatory activities. An outcome of this work program is the *Policy Development Guidelines for Regulatory Functions Involving Local Government* (see box E.9).

¹⁶ All 78 local authorities are currently members.

¹⁷ The National Council is a body elected by local authorities designed to be representative of the different types of councils. It also receives advice from a Maori Advisory Committee, Te Maruata (consisting of Maori elected members).

Box E.9 **Policy Development Guidelines for Regulatory Functions Involving Local Government**

In response to initiatives agreed at the Central-Local Government Forum in 2004, the Department of Internal Affairs has developed *Policy Guidelines for Regulatory Functions Involving Local Government*. These guidelines are designed to:

- identify and discuss key issues to consider in developing regulatory policy, and/or formulating an implementation program
- outline how LG sector representatives can be involved in policy development processes, to provide valuable first hand, practical and contextual information and perspectives in considering these matters.

The purpose of these guidelines is to improve the quality of policy development where:

- a regulatory solution is among the preferred options to achieve desired outcomes
- local authorities will, or may be, involved in the administration or implementation of the regulatory framework
- existing local authority functions may be changed or removed through a policy option.

The guidelines indicate that it is desirable to involve local authorities in the implementation of government regulatory policy to take account of local discretion; local circumstances; and information or resourcing synergies.

Policy guidance is provided on a range of matter including:

- division of responsibilities between territorial authorities or regional councils
- consideration of funding impacts for increased or amended regulatory responsibilities
- taking into account that the cost of activities may vary significantly between local authorities of differing size, population density, location and character
- clarity about the extent and limits of local discretion and the manner in which it is to be exercised
- clear identification of outcomes and objectives
- decision making and reporting.

Source: NZ DIA (2006)

Currently, in New Zealand, there is not ‘a consistent, coordinated approach within central government to local government’ (NZ DIA, pers. comm., 8 March 2012). As stated by the Department of Internal Affairs (DIA) in their briefing to the 2011 incoming government:

The Department considers that the absence of a coordinated and consistent approach to policies affecting local government can result in:

- conflicting policy objectives;

-
- unnecessary duplications and costs;
 - inefficiencies in delivery and confusion about accountability across government and within local authorities; and
 - the cumulative effects of cross-government reforms on local government not being planned, assessed or managed.

... A further issue is that some policy areas are multi-faceted and dealt with in several portfolios, as well as by regional councils and/or territorial authorities. This can be challenging for all parties, and can be an inefficient way of planning, operating, and making decisions. Significant decisions that may have a national impact are being made at regional and local levels, and no one central government agency has the policy lead or has oversight of local government performance (NZ DIA 2011, p. 9).

In 2011, the nature and conventions of the relationship between local and central government, including the efficiency of LG's participation in regulatory systems, was a core focus of a comprehensive review of LG initiated by the (then) central government, *Smarter Government, Stronger Communities: Towards Better Local Governance and Public Services*. In particular, the review was to consider:

- how the efficient allocation of functions should be determined between spheres of government
- if limits should be placed on the powers of central government to make decision that affect LG and the communities it represents
- whether the existing relationships between central government and local authorities should be supplemented by an overarching framework.

In 2012, the *Smarter Government, Stronger Communities* review was superseded by the current government's *Better Local Government* reform program intended to improve the legislative framework for LG. The first phase of reforms have been implemented by the *Local Government Act 2002 Amendment Bill*.¹⁸ The balance of the reforms have been designed to feed into a second Local Government Reform Bill proposed for 2013.¹⁹ Of particular relevance to improving the coordination and cooperation of regulatory functions between the tiers of government, the New Zealand government has announced an Inquiry by the New Zealand Productivity Commission (NZPC) to develop a framework for the division of regulatory

¹⁸ This Bill seeks to refocus the purpose of local government, introduce fiscal responsibility requirements, strengthen council governance provisions, and streamline council reorganisation procedures.

¹⁹ Aside from the New Zealand Productivity Commission Inquiry into the regulatory roles of LG, the balance of the *Better Local Government* reforms include a local government efficiency taskforce to review the planning, consultation and reporting requirements of the Local Government Act, 2002; an expert advisory group to investigate the efficiency of local government infrastructure provisions; and a review about the use of development contributions (NZ DIA 2012).

responsibilities between central and local governments. Among other things, the terms of reference for the Inquiry specifically requires the NZPC to:

- develop principles to guide decisions about which regulatory functions are best undertaken by central or local government
- identify functions that are likely to benefit from a reconsideration of the balance of delivery between central and local government, or where central government could improve the way in which it allocates these functions to local government' (NZPC 2012).

At the local level

A key issue for intergovernmental coordination at the local level is the division of regulatory responsibility between regional and territorial authorities.

Under the *Local Government Act 2002*, there is some flexibility for authorities at both levels to undertake new functions, including opportunities to transfer responsibilities from territorial to regional level, or vice versa. However, to avoid territorial and regional functions being duplicated, the Act requires all local authorities in a region to enter into 'triennial agreements' which contain protocols for communication and co-ordination. These agreements effectively limit the power of general competence of regional councils to activities that they have previously performed by requiring a detailed statement of the process for consultation on proposals for substantial new regional council activities. The Act also includes a process for resolving any situations where agreement cannot be reached.

In most cases, central government legislation will specify the division of regulatory responsibility between regional and territorial authorities. In terms of allocating new functions, *The Policy Development Guidelines for Regulatory Functions Involving Local Government* (NZ DIA 2006) indicate that central government should have due regard for:

- the scale and nature of the matter to be regulated including the areas of benefit from particular activities and policies and the area over which coordinated activities and enforcement will be most effective
- the synergies between the regulatory activity being considered, and existing functions, roles and activities at each level of LG
- whether the existing relationships between central government and local authorities should be supplemented by an overarching framework.

Despite a direct legislative approach to coordination between the tiers of LG, the New Zealand government continues to identify regulatory duplication across the

tiers of LG in key functional areas including planning, transport, community and economic development and civil defence. These overlapping roles and responsibilities of regional and territorial authorities were to be considered as part of the previous government's *Smarter Government, Stronger Communities* review and will be considered as part of the current government's *Better Local Government* reform program.

F State and territory legislation

There are a significant number of pieces of state legislation (and some Northern Territory legislation) for which local government plays a regulatory or referral role. These are listed in full here, and summarised in table F.1 and figure F.1. A regulatory role is broadly defined to include creating, imposing, enforcing or administering rules that prescribe the actions of others, and does not include service provision; a referral role indicates where LG is responsible for referring an application to a state agency.

Table F.1 State laws under which local government has regulatory responsibilities

	<i>No. laws</i>	<i>No. laws requiring referrals</i>	<i>No. coordinating agencies</i>
NSW	50	6	15
Vic	42	21	17
Qld	18	8	4
WA	110	7	6
SA	59	3	12
Tas	19	1	5
NT	5	0	2

Source: Productivity Commission survey of state governments (2011–12, unpublished).

These lists may not capture all the appropriate Acts and regulations as all jurisdictions struggled to provide the Commission with a list of all legislation that creates a regulatory role for LG, with some providing conflicting advice on several occasions.

The following lists of relevant legislation show that Western Australia has by far the largest number of Acts with regulatory requirements administered by LGs. New South Wales, Victoria and South Australia also have a significant number of Acts, and all other jurisdictions have less than 20 (figure F.1).

Most jurisdictions have fewer than ten Acts with referral requirements. Laws requiring referrals are on topics such as:

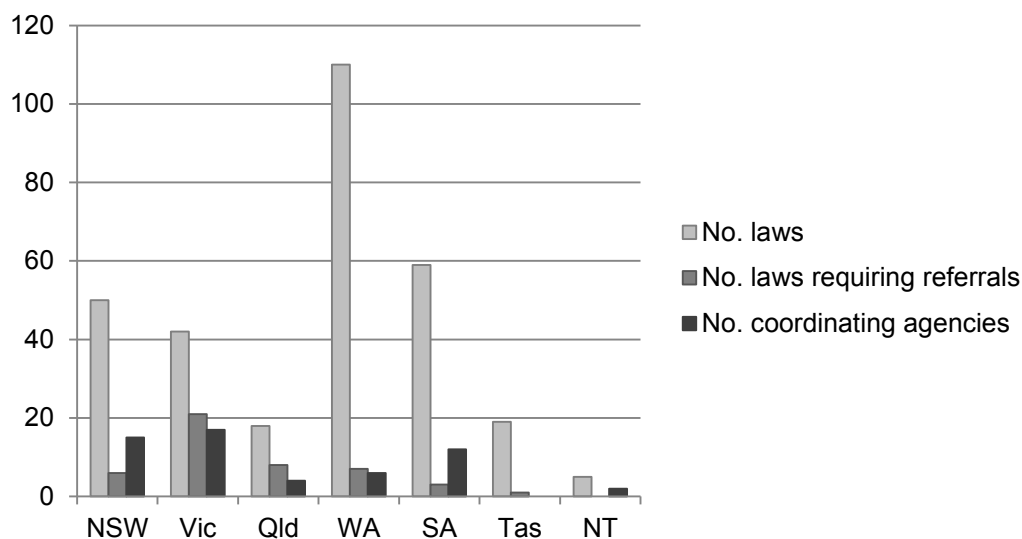
- planning, building or development
- food and liquor
- companion animals

- health (sewerage)
- roads.

The number of agencies involved in administering these Acts is a factor in the complexity of institutional arrangements facing LG. In New South Wales, LGs must deal with 21 state agencies when engaging in regulatory activities under the various Acts; in Victoria and Queensland the number is 17 and 13 respectively, and elsewhere LGs deal with six or fewer state agencies (figure F.1).

Figure F.1 Number of laws

Laws with regulatory or referral role for LG, and number of state departments or agencies administering those laws



Data source: Productivity Commission survey of state governments (2011–12, unpublished).

The key piece of legislation for LG is the LG Act in each jurisdiction which set out their key functions, powers and responsibilities (table F.2). Specific LGs and their boundaries are also established under these Acts.

Queensland and the Northern Territory have recently re-enacted their LG Acts, and other LG Acts are between 13 and 23 years old. All jurisdictions amend their LG Acts regularly, which could either indicate that they are being kept up-to-date, or that LGs are required to keep abreast of a large amount of legislative change in addition to their regular responsibilities. Frequent change is particularly difficult for smaller LGs which may not have the resources to fully understand what is required and implement it. The New South Wales Act has been amended 180 times in the 19 years since it was passed – an average of almost ten amendments per year. Other jurisdictions average less than 5 amendments per year.

New South Wales also has the longest Act, at 579 pages, compared to Northern Territory at 155 pages. All jurisdictions have a portal allowing access to current legislation, however the Tasmanian site does not allow the Act to be downloaded.

Table F.2 Local Government Acts

<i>Act</i>	<i>Pages in Act</i>	<i>Age of Act (years)</i>	<i>No. amending Acts</i>	<i>Average amending Acts per year</i>
NSW <i>Local Government Act 1993</i>	579	19	180	9.5
Vic <i>Local Government Act 1989</i>	467	23	81	3.5
Qld <i>Local Government Act 2009</i>	312	3	13	4.3
WA <i>Local Government Act 1995</i>	476	17	47	2.8
SA <i>Local Government Act 1999</i>	306	13	30	2.3
Tas <i>Local Government Act 1993</i>	182 ^a	19	24	1.3
NT <i>Local Government Act 2008</i>	155	4	7	1.8

^a Act not available for download; number of pages estimated from copying the text of the Act from the website.

In four states there are separate Acts for the capital cities which delegate responsibilities to the capital city LG. These Acts are listed in table F.3.

Table F.3 City Acts

<i>Act</i>	<i>Comment</i>
NSW <i>City of Sydney Act 1988</i>	Includes special provisions for Sydney city and Sydney City Council
Vic <i>City of Melbourne Act 2001</i>	Prescribes electoral arrangements for the Melbourne City Council; also specifies additional objectives for the Council
Qld <i>City of Brisbane Act 2010</i>	Creates the Brisbane City Council and its powers and responsibilities (Brisbane is not covered by the LG Act)
SA <i>City of Adelaide Act 1998</i>	Facilitates greater coordination between the state and LG including through the creation of the Capital City Committee; provides some special arrangements for Adelaide City Council.

Tables F.4 to F.10 list the state and territory Acts and regulations that create a regulatory role for LG.

Table F.4 New South Wales

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Local Government (General) Regulation 2005	✓	Division of Local Government	Administered by Local Government.
Swimming Pools Regulation 2008	✓	Division of Local Government	Administered by Local Government.
Food Act 2003	✓	NSW Food Authority (DTIRIS)	All councils are enforcement agencies.
Companion Animals Regulation 2008	✓		Councils are deemed 'registration agents' under clause 13 of the regulation.
Impounding Act 1993	✓	Division of Local Government	Councils are impounding authorities under the Act.
Swimming Pools Act 1992	✓	Division of Local Government	Councils are local authorities under the Act. They have a role in enforcement and education.
Companion Animals Act 1998	✓	Division of Local Government	Councils are local authorities under the Act. They have a role in registering companion animals and in enforcement. They also have an educational role.
Noxious Weeds Regulation 2008	✓	Department of Primary Industries (DTIRIS)	Councils can issue penalty notices for offences prescribed in the Act and Regulation.
Building Professions Act 2005	✓	Department of Planning and Infrastructure	Councils have a role as building certifiers.
Graffiti Control Act 2008	✓	Attorney General's Department and Division of Local Government	Councils have power to issue penalty notices for offences relating to sale or display of spray paint cans.
Government Information (Public Access) Act 2009	✓	Office of the Information Commissioner	Councils may determine applications for information.
Coastal Protection Act 1979	✓	Office of Environment and Heritage	Councils prepare coastal zoning management plans and may undertake inspection activities relating to illegal dumping on beaches.
Food Regulation 2010	✓	NSW Food Authority (DTIRIS)	In accordance with s.111 of the Food Act 2003, the NSW Food Authority appoints a council as an enforcement agency (s. 111(1)). The Authority issues an Instrument of Appointment (and associated Schedule if applicable). Under s.111(2) (b), the Authority may only appoint a relevant body (ie, council) to

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Table F.4 New South Wales (continued)

Act or regulation	Referral		Comment on LG role
	Regulatory	State agency responsible for administration and coordination	
Crown Lands Regulation 2006	✓	Primary Industries (Department of Trade and Investment, Regional Infrastructure and Services – DTIRIS)	be an enforcement agency when it has considered the resources and skills that will be available to the relevant body to enable the exercise of functions of an enforcement agency. The Authority seeks written assurance of the resources and skills. In many cases local government is appointed as 'reserve trust manager' of many of the Crown reserves in its local government area under Section 95 of the Crown Lands Act 1989. In the case of a reserve trust that is managed by a council, the council must comply with Schedule 4(3) of the Crown Lands Regulation 2006 regarding record keeping.
Noxious Weeds Act 1993	✓	Department of Primary Industries (DTIRIS)	Local control authority under the Act.
Public Health Act 1991	✓	Ministry of Health	Local Control Authority under the Act (re swimming pools, legionella control, drinking water and skin penetration premises).
State Environmental Planning Policy (Sydney Drinking Water Catchment) 2011	✓	Sydney Catchment Authority (DTIRIS)	Local councils are consent authorities.
Strata Schemes (Freehold Development) Act 1973	✓	Land and Property Information	Local councils certify strata plans.
Strata Schemes (Leasehold Development) Act 1986	✓	Land and Property Information	Local councils certify strata plans.
Public Health (Tobacco) Act 2008	✓	Ministry of Health	Local councils may undertake inspection activities.
Protection of the Environment Operations Act 1997	✓	Office of Environment and Heritage (OEHS)	Local councils regulate non-scheduled activities (Section 6(2) of the Act).
Roads Act 1993	✓	Roads and Maritime Services, Department of Lands and Division of Local Government	Local government has powers to build and install traffic control devices (ie signs, roundabouts).

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Table F.4 New South Wales (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Road Transport (General) Act 2005	✓		Roads and Maritime Services	Local government has powers to issue parking permits, administer pay parking schemes and set parking fees.
Road Transport (Safety and Traffic Management) Act 1999	✓		Roads and Maritime Services	Local government has powers to issue parking permits, administer pay parking schemes and set parking fees.
Heritage Act 1977	✓		Office of Environment and Heritage	Local government has primary responsibility for managing local heritage, and some powers in relation to state heritage listings. For example, currently around half of councils are authorised to make Heritage Orders.
Rural Lands Protection Act 1998	✓		Primary Industries (DTIRIS)	Local government is the controlling authority with respect to a stock water place that has also been declared a town water supply (section 130).
Liquor Act 2007	✓	✓	Office of Liquor, Gaming and Racing (DTIRIS)	Local government may make disturbance complaints and initiate disciplinary action against licensees.
Crown Lands Act 1989	✓		Primary Industries (Department of Trade and Investment, Regional Infrastructure and Services – DTIRIS)	Local governments are appointed as a reserve trust manager (includes making decisions on regulating the use of reserves).
Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005	✓	✓	Division of Local Government	Note: This is administered under delegation by the Department of Planning and Infrastructure and is due for review.
Forestry Act 1916	✓		Forests NSW (DTIRIS)	NSW Local Environment Plans use a zoning definition that says authorised activities are all activities allowed by the Forestry Act 1916.
Mining Act 1992	✓	✓	Resources & Energy: Mineral Resources	Since most extractive resources are not proclaimed minerals in terms of the <i>Mining Act 1992</i> , DTIRIS does not have a formal, statutory role in their development, except for mine safety under the <i>Mines Inspection Act 1901</i> . However, the Department has a long-established accepted role amongst state and local government agencies of assessing extractive resources and providing advice relevant to their management. Local councils and NSW Department of Planning.

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Table F.4 New South Wales (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Filming Related Legislation Amendment Act 2008 No 39	✓		Screen NSW	and Infrastructure are responsible for the approval of extractive industry proposals and the ongoing management of extractive resource operations. Specific measures contained in the package include measures related to the way in which Councils grant approvals for filming, certain exemptions, fees etc. The Act covers a wide range of planning, development and building matters, eg LEPs and zoning, development assessment and approvals, building regulations. Councils are the consent authorities for some matters. Note that the Act also includes a role for councils in some other regulatory areas such as threatened species conservation, mining and contaminated land management.
Environmental Planning and Assessment Act 1979	✓	✓	Department of Planning and Infrastructure	
State Environmental Planning Policy (Mining, Petroleum Production and Extractive Industries) 2007 (Mining SEPP)	✓			
Gambling (Two-up) Act 1998	✓	✓	Office of Liquor, Gaming and Racing	The Mining SEPP was gazetted in February 2007. The Mining SEPP, which applies state-wide, consolidates and updates many existing planning provisions related to mining, petroleum production and extractive industries as well as introducing new provisions to improve and facilitate the sustainable management of the State's mineral, petroleum and extractive resources. The SEPP introduced a requirement for a compatibility test for any proposed development in the vicinity of existing mines, quarries and petroleum production facilities or resources of state or regional significance. the Minister can authorise Broken Hill City Council to conduct game of two-up at an approved location and in accordance with any conditions under the Minister's authorisation. The Council is able to enter into arrangements with other persons to conduct two-up games on behalf of the Council. The Council can also charge and receive payment from this arrangement and can receive a commission on bets and winnings in respect of games of two-up. The Council can make rules with respect to the conduct of two-up provided that they are not inconsistent with the Act, Regulation or conditions imposed by the Minister. Inspectorate functions remain under the responsibility of the Minister and Police.

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Table F.4 New South Wales (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Impounding Regulation 2008	✓		Division of Local Government	the regulation prescribes additional penalty notice offences that can be issued by councils.
State Environmental Planning Policy (Exempt and Complying Development Codes) 2008	✓			The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 has the effect of creating certain exemptions from DA in relation to filming.
Graffiti Control Regulation 2009	✓		Attorney General's Department and Division of Local Government	under clause 11 of the Regulation, Councils are authorised to issue penalty notices under section 16 of the Act.
Coastal Protection Regulation 2011	✓		Office of Environment and Heritage	under clause 16 of the regulation, Councils are authorised for the purpose of delegating the functions of Coastal Authorities. This delegation can be evoked to confer powers to the council to administer the regulations, determine compliance and obtain records for purposes connected to compliance.
Environmental Planning and Assessment Regulation 2000	✓	✓	Department of Planning and Infrastructure	Under s23(1) of the Act the Minister may delegate any of the Minister's, the corporation's or the Director-General's functions conferred or imposed by or under the Act to a local council.
				Under s23(1B) of the Act a joint regional planning panel may delegate any of the panel's functions to a council for an area situated wholly or partly in a part of the State for which the panel is appointed.
				Under s23(1) of the Act the Minister may delegate any of the Minister's, the corporation's or the Director-General's functions conferred or imposed by or under the Act to a local council.
				Under s23(1B) of the Act a joint regional planning panel may delegate any of the panel's functions to a council for an area situated wholly or partly in a part of the State for which the panel is appointed.
Forestry Regulation 2009	✓		Forests NSW (DTIRIS)	Under the Forestry Regulation 2009 the Forestry Commission may delegate its functions to a local council for the purposes of section 10A (1) (d) of the Act.
Road Transport (General) Regulation 2005	✓		Roads and Maritime Services	Under the Road Transport (General) Regulation 2005, Local government is authorised to issue penalty notices in relation to: Road Rules 2008 (re. parking);

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Table F.4 New South Wales (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Local Government Act 1993	✓	Division of Local Government, Department of Premier and Cabinet	Road Transport (Mass, Loading and Access) Regulation 2005; and Road Transport (Safety and Traffic Management) Regulation 1999 (cl.100, cl. 102, cl. 126 and cl. 132).
Building Professionals Regulation 2007	✓	Department of Planning and Infrastructure	Various functions, including regulatory (approvals and orders) service, ancillary, financial and administrative.
Protection of the Environment Operations (Clean Air) Regulation 2010	✓	Office of Environment and Heritage (OEH)	The following regulations specify standards for emission testing, set fees for licences, penalty infringement notices, etc and local government issues the penalty infringement notices (PINs), although, the role of the appropriate regulatory authority is conferred by the main Act.
Protection of the Environment Operations (General) Regulation 2009	✓	Office of Environment and Heritage (OEH)	As above
Protection of the Environment Operations (Hunter River Salinity Trading Scheme) Regulation 2002	✓	Office of Environment and Heritage (OEH)	As above
Protection of the Environment Operations (Noise Control) Regulation 2008	✓	Office of Environment and Heritage (OEH)	As above
Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008	✓	Office of Environment and Heritage (OEH)	As above
Protection of the Environment Operations (Waste) Regulation 2005	✓	Office of Environment and Heritage (OEH)	As above

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Table F.5 Victoria

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Building Regulations Act 1994	✓		Building Commission	
Building Act 1993	✓	✓	Department of Planning and Community Development	
Building Code of Australia 1996		✓		
Catchment and Land Protection Act 1994	✓	✓	Department of Sustainability and Environment	
Cemeteries and Crematoria Act 2003	✓		Department of Health	Municipal Council may manage a public cemetery.
City of Melbourne Act 2001	✓		Department of Planning and Community Development	Establishes the City of Melbourne as a local government.
Conservation, Forests and Lands Act 1987	✓		Department of Sustainability and Environment	Council may be management committee for an area of land.
Country Fire Authority Act 1958	✓		Department of Sustainability and Environment	
Country Fire Authority Regulations 2004	✓		Department of Sustainability and Environment	
Crown Lands (Reserves) Act 1978	✓		Department of Sustainability and Environment	LG can decide how crown land is used and therefore impact businesses.
Cultural and Recreational Lands Act 1963		✓	Department of Sustainability and Environment	
Domestic Animals Act 1994	✓		Department of Primary Industries	LG operate as registration authorities of domestic animals.
Emergency Management Act 1986	✓	✓	Office of the Emergency Services Commissioner	LG authorities required to have emergency management plans.
Environment Protection Act 1970	✓	✓	Department of Sustainability and Environment	Authorises LG to enforce provisions of the Act.
Food (Forms and Registration Details) Regulations 2005	✓		Department of Health	LGAs ensure that businesses use the forms as prescribed in the regulations.

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Table F.5

Victoria (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Food Act 1984	✓		Department of Health	LGAs have primary responsibility for registration of food businesses and enforcement of the Act.
Housing Act 1983	✓	✓	Department of Planning and Community Development	
Impounding of Livestock Act 1994	✓		Department of Primary Industries	
Liquor Control Reform Act 1998	✓	✓	Consumer Affairs	
Local Government Act 1989	✓	✓	Department of Planning and Community Development	Creates Local Government authorities.
Land Act 1958	✓	✓	Department of Sustainability and Environment	
Marine Act 1988	✓	✓	Transport Safety Victoria (TSV)	In some cases LGs are appointed as waterway managers and then have capacity to recommend the making of rules to TSV and enforce rules made.
Metropolitan Fire Brigades Act 1958	✓			
Nudity (Prescribed Areas) Act 1983	✓		Department of Planning and Community Development	
Parks Victoria Act 1998	✓		Department of Sustainability and Environment	
Planning and Environment Act 1987	✓	✓	Department of Planning and Community Development	Local councils have responsibilities as 'planning authorities' for management of local planning schemes, and 'responsible authorities' for the assessment of planning permit applications.
Planning and Environment Planning Schemes) Act 1996	✓	✓	Department of Planning and Community Development	
Prevention of Cruelty to Animals Act 1986	✓	✓	Department of Primary Industries	

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Table F.5 **Victoria** (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Residential Tenancies Act 1997	✓	Department of Planning and Community Development	
Public Health and Wellbeing Act 2008	✓	Department of Health	LGs responsible for registering certain businesses (beauty Therapy, hairdressing, skin penetration, tattooing, other prescribed businesses) and enforcing the requirements of the Act.
Public Health and Wellbeing Regulations 2009	✓	Department of Health	LGs responsible for registering certain businesses (beauty Therapy, hairdressing, skin penetration, tattooing, other prescribed businesses) and enforcing the requirements of the Act.
Road Management Act 2004	✓	VicRoads	Local governments are "road managers" for roads that that own and manage within their jurisdiction.
Road Safety Act 1986	✓	Department of Transport	
Shop Trading Reform Act 1996	✓	Department of Business and Innovation	
Shop Trading Reform (Polls) Regulations 1996		Department of Business and Innovation	
Subdivision Act 1988	✓	Department of Sustainability and Environment	
Transport Integration Act 2010	✓	Department of Transport	
Tobacco Act 1987	✓	Department of Health	
Valuation of Land Act 1960	✓	Department of Sustainability and Environment	LG undertake valuations to set rates – do so under provisions of Act.
Water Act 1989	✓	Department of Sustainability and Environment	

Source: Productivity Commission survey of state governments (2011–12; unpublished).

Table F.6 **Queensland**

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Animal Management (Cats and Dogs) Act 2008	✓	Department of Local Government & Planning	Ability to set some fees, enforce provisions, etc.
Animal Management (Cats and Dogs) Regulation 2009	✓	Department of Local Government & Planning	
Building Act 1975	✓	Department of Local Government & Planning	
City of Brisbane (Operations) Regulation 2010	✓	Department of Local Government & Planning	
City of Brisbane Act 2010	✓	Department of Local Government & Planning	Powers to make local laws.
Food Act 2006	✓	Queensland Health	
Food Regulation 2006	✓	Queensland Health	
Liquor Act 1992	✓	Queensland Liquor Licensing Division, Treasury	Referral of noise regulation of licensed premises in certain areas to local government.
Local Government (Operations) Regulation 2010	✓	Department of Local Government & Planning	
Local Government Act 2009	✓	Department of Local Government & Planning	
Public Health (Infection Control for Personal Appearance Services) Act 2003	✓	Queensland Health	
Public Health Act 2005	✓	Queensland Health	
Public Health Regulation 2005	✓	Queensland Health	LG's administer the provisions relating to public health risks involving asbestos, mosquitoes, rats and mice.
Sustainable Planning Act 2009	✓	Department of Local Government & Planning	
Sustainable Planning Regulation 2009	✓	Department of Local Government & Planning	

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Table F.6 **Queensland** (continued)

Act or regulation	Referral		State agency responsible for administration and coordination	Comment on LG role
	Regulatory	Referral		
Tobacco and Other Smoking Products Act 1998	✓		Queensland Health	LG may administer. Confined to deal with issues relating to tobacco in public places only where LG choose to do so.
Transport Infrastructure Act 1994	✓	✓		Various approval and other powers in relation to signage, state-controlled roads, roadside service centres, roadside rest facilities and other roadside businesses.
Transport Operations (Marine Safety) Act 1994	✓			A local government employee or officer can be appointed as a shipping inspector under the Act.
Transport Operations (Road Use Management) Act 1995	✓	✓	Department of Transport and Main Roads	Various approval, law making and other powers in relation to signage, roads, roadwork, parking, abandoned vehicles and traffic signs.

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Table F.7 Western Australia

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Agriculture and Related Resources (Declared Plants and Restricted Animals) Regulations 1982	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources (Searches for Declared Plants and Animals) Regulations 2003	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Declared Animals) Regulations 1985	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (European House Borer) Regulations 2006	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Fencing) Regulations 1985	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Interference with Experiments) Regulations 1980	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Poison) Regulations 1983	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Agriculture and Related Resources Protection (Property Quarantine) Regulations 1981	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Small Hive Beetle) Regulations 2009	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Spraying Restrictions) Regulations 1979	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection (Traps) Regulations 1982	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Agriculture and Related Resources Protection Act 1976	✓	Agriculture Protection Board of Western Australia, The	LG may have enforcement role on some aspects.
Building Regulations 1989	✓	Department of Commerce	LG has role in approvals (outside of study period, but new Building Act 2011 will change role).
Bush Fires (Infringements) Regulations 1978	✓	Fire and Emergency Services Authority of WA	LG regulates burnoffs.
Bush Fires Act 1954	✓	Fire and Emergency Services Authority of WA	LG regulates burnoffs.
Bush Fires Regulations 1954	✓	Fire and Emergency Services Authority of WA	LG regulates burnoffs.
Caravan Parks and Camping Grounds Act 1995	✓	Department of Local Government	LG regulates.
Caravan Parks and Camping Grounds Regulations 1997	✓	Department of Local Government	LG regulates.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Cemeteries Act 1986	✓		Department of Local Government	LG regulates cemeteries, funerals and funeral directors.
Child Care Services (Child Care) Regulations 2006	✓		Department for Communities	LG has role – enforcement.
Child Care Services (Family Day Care) Regulations 2006	✓		Department for Communities	LG has role – enforcement.
Child Care Services (Outside School Hours Care) Regulations 2006	✓		Department for Communities	LG has role – enforcement.
Child Care Services (Outside School Hours Family Day Care) Regulations 2006	✓		Department for Communities	LG has role – enforcement.
Child Care Services (Rural Family Care) Regulations 2010	✓		Department for Communities	LG has role – enforcement.
Child Care Services Act 2007	✓		Department for Communities	LG has role – enforcement.
Child Care Services Regulations 2007	✓		Department for Communities	LG has role – enforcement.
Conservation and Land Management Act 1984	✓		Department of Environment and Conservation	LG has administrative/legislative role in relation to local government lands, cattle management and timber in road reserves. Also have decision making roles through joint management agreements.
Conservation and Land Management Regulations 2002	✓		Department of Environment and Conservation	LG has minor administrative/enforcement role.
Construction Camp Regulations	✓			
Contaminated Sites Act 2003	✓		Department of Environment and Conservation	LG is to consider in making planning decisions.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Control of Vehicles (Off-road Areas) Act 1978	✓	Department of Local Government	LG regulates.
Control of Vehicles (Off-road Areas) Regulations 1979	✓	Department of Local Government	LG regulates.
Disability Services Act 1993 (amended 2004)	✓	Disability Services Commission	LG implementing Disability Access and Inclusion Plans to improve access and inclusion for people with disability in communities.
Dividing Fences Act 1961	✓	Department of Commerce	LG regulates dividing fences.
Dividing Fences Regulations 1971	✓	Department of Commerce	LG regulates dividing fences.
Dog Act 1976	✓	Department of Local Government	LG regulates.
Dog Regulations 1976	✓	Department of Local Government	LG regulates.
Environmental Protection (Abattoirs) Regulations 2001	✓	Department of Environment and Conservation	LG may have enforcement role on some aspects.
Environmental Protection (Landfill) Levy Act 1998	✓	Department of Environment and Conservation	LG may have enforcement role on some aspects.
Environmental Protection (Noise) Regulations 1997	✓	Department of Environment and Conservation	LG has significant admin/enforcement role.
Control of Vehicles (Off-road Areas) Act 1978	✓	Department of Local Government	LG regulates.
Control of Vehicles (Off-road Areas) Regulations 1979	✓	Department of Local Government	LG regulates.
Disability Services Act 1993 (amended 2004)	✓	Disability Services Commission	LG implementing Disability Access and Inclusion Plans to improve access and inclusion for people with disability in communities.
Dividing Fences Act 1961	✓	Department of Commerce	LG regulates dividing fences.
Dividing Fences Regulations 1971	✓	Department of Commerce	LG regulates dividing fences.
Dog Act 1976	✓	Department of Local Government	LG regulates.
Dog Regulations 1976	✓	Department of Local Government	LG regulates.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Environmental Protection (Abattoirs) Regulations 2001	✓		Department of Environment and Conservation	LG may have enforcement role on some aspects.
Environmental Protection (Landfill) Levy Act 1998	✓		Department of Environment and Conservation	LG may have enforcement role on some aspects.
Environmental Protection (Noise) Regulations 1997	✓		Department of Environment and Conservation	LG has significant admin/enforcement role.
Environmental Protection (Unauthorised Discharges) Regulations 2004	✓		Department of Environment and Conservation	LG has minor enforcement role.
Environmental Protection Act 1986	✓		Department of Environment and Conservation	LG plays a minor enforcement role, primarily in relation to noise. LG officers may be appointed authorised persons or inspectors under this Act.
Environmental Protection Regulations 1987	✓		Department of Environment and Conservation	LG has minor admin/enforcement role.
Extractive Industry Local Laws - Quarries Licence	✓		Department of Local Government	LG has significant role.
Fire Brigades Act 1942			Fire and Emergency Services Authority of WA	LG has minor administrative role.
Fitzgerald Street Bus Bridge Act 1991	✓		Department of Planning	LG has administration / approval / enforcement roles.
Fly Eradication Regulations	✓		Department of Health	LG has significant admin/enforcement role.
Food Act 2008	✓		Department of Health	LG has significant admin/enforcement role.
Food Regulations 2009	✓		Department of Health	LG has significant admin/enforcement role.
Forrest Place and City Station Development act 1985	✓		Department of Planning	LG has administration / approval / enforcement roles.
Hairdressing Establishment Regulations 1972	✓		Department of Health	LG has role – enforcement.
Health (Air-handling and Water Systems) Regulations 1994	✓		Department of Health	LG has significant admin/enforcement role.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Health (Aquatic Facilities) Regulations 2007	✓	Department of Health	LG has significant admin/enforcement role.
Health (Asbestos) Regulations 1992	✓	Department of Health	LG has significant admin/enforcement role.
Health (Cloth Materials) Regulations 1985	✓	Department of Health	LG has significant admin/enforcement role.
Health (Construction Work) Regulations 1973	✓	Department of Health	LG has significant admin/enforcement role.
Health (Garden Soil) Regulations 1998	✓	Department of Health	LG has significant admin/enforcement role.
Health (Offensive Trades Fees) Regulations 1976	✓	Department of Health	
Health (Pesticides) Regulations 2011	✓	Department of Health	LG has significant admin/enforcement role.
Health (Poultry Manure) Regulations 2001	✓	Department of Health	LG has significant admin/enforcement role.
Health (Prescribed Insect Pests) Regulations 1991	✓	Department of Health	LG has significant admin/enforcement role.
Health (Public Buildings) Regulations 1992	✓	Department of Health	LG has significant admin/enforcement role.
Health (Section 112(2) Prohibition) Regulations 2006	✓	Department of Health	LG has significant admin/enforcement role.
Health (Temporary Sanitary Conveniences) Regulations 1997	✓	Department of Health	LG has significant admin/enforcement role.
Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974	✓	✓ Department of Health	LG has significant admin/enforcement role.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Health Act (Laundries and Bathrooms) Regulations	✓		Department of Health	LG has significant admin/enforcement role.
Health Act (Underground Water Supply) Regulations 1959	✓	✓	Department of Health	LG has significant admin/enforcement role.
Health Act 1911	✓		Department of Health	LG has significant admin/enforcement role.
Heritage of Western Australia Act 1990	✓		Heritage Council of Western Australia	LG has role in preparing heritage register and enforcement.
Heritage of Western Australia Regulations 1991	✓		Heritage Council of Western Australia	LG has role in preparing heritage register and enforcement.
Hope Valley-Wattleup Redevelopment Act 2000	✓		Department of Planning	LG has administration / approval / enforcement roles.
Liquor Control Act 1988	✓		Department of Racing, Gaming and Liquor	LG limited role - mainly section 40 certificates in liquor licensing approval process.
Litter Act 1979	✓		Department of Environment and Conservation	LG has significant admin/enforcement role.
Litter Regulations 1981	✓		Department of Environment and Conservation	LG has significant admin/enforcement role.
Local Government (Building Surveyors) Regulations 2008	✓		Department of Commerce	LG has minor administrative role.
Local Government (Functions and General) Regulations 1996	✓		Department of Local Government	LG - local laws, thoroughfares, commercial enterprises, provision of goods and services and other matters.
Local Government (Miscellaneous Provisions) Act 1960	✓		Department of Local Government / Department of Commerce	LG - pools, parking and other matters / D of C - building matters.
Local Government (Miscellaneous Provisions) Act 1960	✓		Department of Local Government / Department of Commerce	LG has role in approvals (outside of study period, but new Building Act 2011 will change role).

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Local Government (Parking for Disabled Persons) Regulations 1988	✓	Department of Local Government	LG has major role.
Local Government (Uniform Local Provisions) Regulations 1996	✓	Department of Local Government	LG regulates – thoroughfares and effect of development on local government property.
Local Government Act 1995	✓	Department of Local Government	LG has major role.
Main Roads (Control of Advertisements) Regulations 1996	✓	Commissioner of Main Roads	LG has delegated powers on advertising by roads and other matters.
Main Roads Act 1930	✓	Commissioner of Main Roads	LG has delegated powers on advertising by roads and other matters.
Metropolitan Water Supply and Sewerage Act 1909	✓	Department of Water	LG has some enforcement role.
Occupational Safety and Health Act 1984	✓	Department of Commerce (WorkSafe)	LG has limited role in administration and enforcement.
Occupational Safety and Health Regulations 1996	✓	Department of Commerce (WorkSafe)	LG has limited role in administration and enforcement.
Perry Lakes Redevelopment Act 2005	✓	Department of Planning	LG has administration / approval / enforcement roles.
Perth Parking Management Act	✓	Department of Transport	LG has major role.
Perth Parking Management Regulations 1999	✓	Department of Transport	LG has major role.
Piggeries Regulations 1952	✓	Department of Health	LG has significant admin/enforcement role.
Planning and Development (Development Assessment Panels) Regulations 2011	✓	Department of Planning	LG has significant role.
Planning and Development Act 2005	✓	Department of Planning	LG has significant role.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Planning and Development Regulations 2009	✓	✓	Department of Planning	LG has significant role.
Port Kennedy Development Agreement Act 1992	✓		Department of Planning	LG has administration / approval / enforcement roles.
Power of Entry and Inspection Regulations	✓		Department of Planning	LG has significant role.
Road Traffic Act 1974	✓		Department of Transport	LG has some role in traffic management.
Road Traffic Code WA	✓		Department of Transport	LG has some role in traffic management.
Sewerage (Lighting, Ventilation and Construction) Regulations 1971	✓		Department of Health	LG has significant admin/enforcement role.
Soil and Land Conservation Act 1945	✓		Department of Agriculture and Food	LG may have enforcement role on some aspects.
Soil and Land Conservation Regulations 1992	✓		Department of Agriculture and Food	LG may have enforcement role on some aspects.
Strata Titles Act 1985	✓		Western Australian Land Information Authority (Landgate)	LG has administrative role.
Strata Titles General Regulations 1996	✓		Western Australian Land Information Authority (Landgate)	LG has administrative role.
Swan Valley Planning Act 1995	✓		Department of Planning	LG has administration / approval / enforcement roles.
Town Planning Regulations 1967	✓	✓	Department of Planning	LG has significant role.
Waste Avoidance and Resource Recovery Act 2007	✓		Department of Environment and Conservation	LG has significant legislative, admin and enforcement role.
Waste Avoidance and Resource Recovery Regulations 2008	✓		Department of Environment and Conservation	LG has significant legislative, admin and enforcement role.

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Table F.7 Western Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Wildlife Conservation (Reptiles and Amphibians) Regulations 2002	✓		Department of Environment and Conservation	LG has admin role - reptile/amphibian licences require LG approval.
Wildlife Conservation Act 1950	✓		Department of Environment and Conservation	LG has minor admin role - some classes of wildlife licence may require LG approval.
Wildlife Conservation Regulations 1970	✓		Department of Environment and Conservation	LG has minor admin role - some classes of wildlife licence may require LG approval.

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Table F.8 South Australia

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Adelaide Park Lands Act 2005	✓	Dept of Environment & Natural Resources	Establishes a legislative framework to provide for the governance and management of the Adelaide Park Lands and to promote its special status, attributes and character.
Adelaide Park Lands Regulations 2006	✓	Dept of Environment & Natural Resources	
City of Adelaide Act 1998	✓	Dept of Premier and Cabinet	Establishes mechanisms to enhance the role of the City of Adelaide as the capital city of South Australia.
Climate Change and Greenhouse Emissions Reduction Act 2007	✓	Dept of Environment & Natural Resources	Makes special provision in relation to the local governance of the City of Adelaide. Provides for measures to address climate change with a view to assisting to achieve a sustainable future for the State. Sets targets to achieve a reduction in greenhouse gas emissions within the State. Promotes the use of renewable sources of energy. Promotes business and community understanding about issues surrounding climate change. Facilitates the early development of policies and programs to address climate change.
Coast Protection Act 1972	✓	Dept of Environment & Natural Resources	Provides for the conservation and protection of the beaches and coast of SA. Provides for the appointment of wardens (who can be Council officers).
Community Titles Act 1996	✓	Dept of Planning, Transport & Infrastructure	Provides for the division of land into lots and common property. Provides for any land that comprises part of the land but that is not common property or part of a lot and is shown on the plan as a street, road, thoroughfare, reserve or similar open space, to be vested in the Council for the area. Councils act as the 'relevant authority' for assessment of development applications.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Construction Industry Training Fund Act 1993	✓		Dept of Further Education, Employment, Science and Technology	Establishes a fund to be used to improve the quality of training in the building and construction industry. Provides for the imposition and collection of a levy for the purposes of the fund. A Council must not give a building approval in respect of any building or construction work unless satisfied that the appropriate levy has been paid; or that no levy is payable.
Dangerous Substances Act 1979	✓		Dept of Planning, Transport & Infrastructure	Regulates the keeping, handling, transporting, conveyance, use and disposal, and the quality, of dangerous substances. Council may recover the cost or expenses as a result of an incident.
Development Act 1993	✓	✓	Dept of Planning, Transport & Infrastructure	Provides for the planning and regulation of development. Regulates the use and management of land and buildings, and the design and construction of buildings. Provides for the maintenance and conservation of land and buildings where appropriate.
Development Regulations 2008	✓	✓	Dept of Planning, Transport & Infrastructure	Provides for the appointment of authorised officers. Provides for the rules and procedures for the planning and regulation of development. Provides for referrals by councils to state agencies for prescribed development or activity.
Dog and Cat Management Act 1995	✓		Dept of Environment & Natural Resources	Provides for the councils to apply costs for applications. Provides for the management of dogs and cats.
Emergency Management Act 2004	✓		SA Fire and Emergency Services Commission	Provides for the appointment of authorised officers. Establishes strategies and systems for the management of emergencies in the State.
				Outlines roles/responsibilities of Local Government in relation to the State Emergency Management Framework and the powers of Local Government under declared emergencies. Provides for the appointment of authorised officers.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Environment Protection Act 1993	✓		Environment Protection Authority	Provides for the protection of the environment. Establishes the Environment Protection Authority and defines its functions and powers. Provides for Administering Agencies (which can be Councils) to carry out functions under the Act.
Expiation of Offences Act 1996	✓		Attorney-General's Dept	Provides for the appointment of authorised officers.
Expiation of Offences Regulations 1996	✓		Attorney-General's Dept	Provides for the expiation of minor offences.
Fences Act 1975	✓		Attorney-General's Dept	Provides for the appointment of authorised officers. Prescribes expiation fees and procedures.
Fire and Emergency Services Act 2005	✓		SA Fire and Emergency Services Commission	Provides for the erection, replacement, repair and maintenance of fences. Gives powers to Councils in relation to fences that divide Council's land (being land of less than one hectare) from the land of the adjoining land owner. Establishes the South Australian Fire and Emergency Services Commission. Provides for the continuation of a metropolitan fire and emergency service, a country fire and emergency service, and a State emergency service. Provides for the prevention, control and suppression of fires and for the handling of certain emergency situations.
Fire and Emergency Services Regulations 2005	✓		SA Fire and Emergency Services Commission	Provides for the appointment of authorised officers.
Food Act 2001	✓		Dept of Health	Provides for permits for the lighting of fires in fire danger season.
Food Regulations 2002	✓		Dept of Health	Provides for the safety and suitability of food.
Graffiti Control Act 2001	✓		Attorney-General's Dept	Provides for the appointment of authorised officers. Prescribes enforcement agencies, including a council. Introduces measures for the minimisation of graffiti. Punishes people responsible for graffiti. Provides for the removal of graffiti.
				Provides for the appointment of authorised officers.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Harbors and Navigation Act 1993 ✓		Dept of Planning, Transport & Infrastructure	Provides for the administration, development and management of harbours. Provides for safe navigation in South Australian waters. Provides for the appointment of authorised officers.
Highways Act 1926 ✓		Dept of Planning, Transport & Infrastructure	Provides for the appointment of a Commissioner of Highways. Provides for the construction and maintenance of roads and works. Enables the powers, functions and duties of the Commissioner of Highways to be delegated to Council officers.
Housing Improvement Act 1940 ✓		Dept of Communities & Social Inclusion	Provides for the improvement of sub-standard housing conditions; Provides for housing of persons of limited means; Regulates the rentals of sub-standard dwellings in the metropolitan area and in certain other parts of the State. Provides powers to Councils to declare houses undesirable or unfit for human habitation and to take action to enforce either improvements to be undertaken or for the house to be demolished.
Impounding Act 1920 ✓		Dept of Primary Industries and Regions SA	Provides for, and regulates, the impounding of cattle. Councils may establish and maintain within their districts one or more public pounds, and may appoint fit and proper persons to be keepers of such pounds. Provides for the appointment of authorised officers.
Land and Business (Sale and Conveyancing) Act 1994 ✓		Consumer and Business Services	Regulates the sale of land and businesses and the preparation of conveyancing instruments. Councils must provide certain information as legislatively prescribed (e.g. particulars to be supplied to purchaser of land before settlement – Section 7 Statement).
Land and Business (Sale and Conveyancing) Regulations 2010 ✓		Consumer and Business Services	Regulates the sale of land and businesses and the preparation of conveyancing instruments Prescribes the information to be provided by council (e.g. particulars to be supplied to purchaser of land before settlement – Section 7 Statement).

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Table F.8 South Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Linear Parks Act 2006	✓	Dept of Planning, Transport & Infrastructure	Provides for the protection of the River Torrens Linear Park, and other linear parks Minister may constitute a linear park consisting of land under the care, control or management of a Council.
Liquor Licensing Act 1997	✓	Consumer and Business Services	Regulates the sale, supply and consumption of liquor. Enables Councils to intervene in proceedings before a licensing authority for the purpose of introducing evidence, or making representations, on any question before the authority. Enables a Council to lodge a complaint about an activity on, or the noise emanating from licensed premises, or the behaviour of persons making their way to or from licensed premises. Prescribes the requirements for the administration and management of a cemetery.
Local Government (Cemetery) Regulations Act 2010	✓	Dept of Premier and Cabinet	Requires a council to notify the relevant agencies responsible for open space, and recreational greenways where an authorisation is to be granted to occupy an unformed road that will restrict or prevent access.
Local Government (General) Regulations Act 1999	✓	Dept of Premier and Cabinet	Regulates various matters dealing with prohibition of traffic or closure of streets and roads; sewerage and drainage; cemeteries; and by-laws.
Local Government Act 1934	✓	Dept of Premier and Cabinet	Provides a legislative framework for an effective, efficient and accountable system of Local Government.
Local Government Act 1999	✓	Dept of Premier and Cabinet	Defines the powers of Local Government and the roles of Council members and officials. Provides for the administration and management of local government land (including public roads), and the granting of leases and licences to occupy land for business and other purposes. Provides for the appointment of authorised officers. Provides the power for Councils to make By-laws over local government land and roads.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Marine Parks Act 2007	✓	Dept of Environment & Natural Resources	Provides for a system of Marine Parks for SA.
Motor Vehicles Act 1959	✓	Dept of Planning, Transport & Infrastructure	Provides for the appointment of authorised officers. Provides for the registration of motor vehicles, drivers licences and related matters. Provides for an application to be made to a Council by a holder of a disabled person's parking permit for permission to park a motor vehicle near to their place of employment.
Natural Resources Management Act 2004	✓	Dept of Environment & Natural Resources	Promotes sustainable and integrated management of the State's natural resources. Makes provision for the protection of the State's natural resources. Provides for the contribution by councils towards the costs of the local NRM Boards operations, and the recovery of the costs from ratepayers. Provides for the appointment of authorised officers.
Primary Produce (Food Safety Schemes) Act 2004	✓	Dept of Primary Industries and Regions SA	Provides for food safety matters relating to the production of primary produce. Provides for the appointment of authorised officers.
Private Parking Areas Act 1986	✓	Dept of Premier & Cabinet	Regulates, restricts or prohibits the use by the public of private access roads, private walkways, and private parking areas. Makes special provision for the enforcement of provisions relating to private parking areas. The owner of a private parking area and the Council for the area in which the private parking area is situated may make an agreement for the enforcement by the Council (via authorised officers under the Local Government Act) of the provisions in relation to that private parking area. Prescribes the amount of expiation for parking infringements.
Private Parking Areas Regulations 2001	✓		
Public and Environmental Health (General) Regulations 2006	✓	Dept of Health	Regulates the management and use of public swimming pools and spas.
Public and Environmental Health (Legionella) Regulations 2008	✓	Dept of Health	Regulates the maintenance, testing and reporting of high risk manufactured water systems to protect against legionella and other water borne diseases.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Public and Environmental Health (Waste Control) Regulations 2010	✓	Dept of Health	Regulates the installation and maintenance and of waste control systems.
Public and Environmental Health Act 1987 (to be repealed upon the commencement of the SA Public Health Act 2011)	✓	Dept of Health	Regulates public and environmental health. Provides for the appointment of authorised officers. Requires a council to report a communicable disease.
Recreation Grounds (Regulations) Act 1931	✓	Attorney-General's Dept	Governor to make regulations relating to recreation grounds. Provides the police with a range of powers to protect and control recreation grounds and the behaviour of patrons attending the grounds. Enables Councils to request the inclusion of relevant recreation grounds within the Regulations.
Recreation Grounds Regulations 1996	✓	Attorney-General's Dept	Prescribes certain councils as controlling bodies that can regulate the use of recreations grounds.
River Murray Act 2003	✓	Dept for Water	Provides for the protection and enhancement of the River Murray and related areas and ecosystems.
Road Traffic (Miscellaneous) Regulations 1999	✓	Dept of Planning, Transport & Infrastructure	Provides for formal consultation processes between the Minister and Councils. Provides for the appointment of authorised officers. Require councils to be consulted in the preparation of an event management plan. Relevant council must make available to the public information on a road closed for any event.
Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999	✓	Dept of Planning, Transport & Infrastructure	Regulates parking in public places owned or under the care, control and management of a council. Regulates permits for stopping in a parking zone. Regulate parking ticket vending machines.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Road Traffic Act 1961	✓		Dept of Planning, Transport & Infrastructure	Regulates matters pertaining to road traffic. Provides powers for Councils in relation to matters such as disposal/removal of motor vehicles form roads; installation of traffic control devices; seeking compensation for damage to road infrastructure. Provides for the appointment of authorised officers. Associated Regulations deal with such matters as the powers of Councils to issue permits for parking in certain zones on roads; and the installation of signs on roads. Provides for the opening and closing of roads. Gives power to Councils to commence a 'process order' to open or close a road and do all things relevant to that process (including notification procedures, making of preliminary agreements, acquisition of land, payment of compensation). Ratifies and approves the indenture between the State of South Australia and others, and makes special provision for Local Government in relation to a part of the State subject to the indenture.
Roads (Opening and Closing) Act 1991	✓	✓	Dept of Planning, Transport & Infrastructure	
Roxby Downs (Indenture Ratification) Act 1982	✓		Dept of Primary Industries and Regions SA	Applies to the Municipal Council of Roxby Downs. Establishes the South Australian Motor Sport Board and defines its powers and functions.
South Australian Motor Sport Act 1984	✓		Dept of Premier & Cabinet	Provides for consultation to occur with Councils in regard to the declaration of areas relation to major motor sport events, and power to enter and carry out works on declared land.
South Eastern Water Conservation and Drainage Act 1992	✓		Dept for Water	Provides for the conservation and management of water and the prevention of flooding of rural land in the South East of SA. Sets out powers, functions and duties to be exercised by the Wattle Range Council to implement, within the Council's area, the Board's approved management plan.

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Table F.8 South Australia (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Strata Titles Act 1988	✓		Dept of Planning, Transport & Infrastructure	Provides for the division of land by strata plan. Provides for land shown on a deposited strata plan as a road, street, thoroughfare, reserve or similar open space to be vested in the Council in fee simple free of any encumbrance. Councils act as the 'relevant authority' for assessment of development applications. Provides for certain offences against public order and for other summary offences. Provides powers to Councils in relation to the control of traffic on special occasions.
Summary Offences Act 1953	✓		Attorney-General's Dept	Provides for the payment of certain fines to be made to Councils. Establishes standards for the provision of personal care services in supported residential facilities in SA.
Supported Residential Facilities Act 1992	✓		Dept of Communities & Social Inclusion	Gives Councils the power to undertake the administration and enforcement of the Act within their areas which includes responsibility for licensing supported residential facilities. Provides for the appointment of authorised officers.
Tobacco Products Regulation Act 1997	✓		Dept of Health	Regulates the sale, packing, importing, advertising and use of tobacco products. Provides for the appointment of authorised officers.
Upper South East Dryland Salinity and Flood Management Act 2002	✓		Dept for Water	Provides for a scheme to protect and improve the environment and agricultural production in the Upper South East through the proper conservation and management of water and the initiation or implementation of works and environmental management programs and other initiatives. Assignment of land and easements can be made to Councils. Minister may make use of the services of staff of Councils in connection with the administration, operation or enforcement of the Act.

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Table F.8 South Australia (continued)

Act or regulation	State agency responsible for		Comment on LG role
	Regulatory	Referral	
Strata Titles Act 1988	✓	Dept of Planning, Transport & Infrastructure	Provides for the division of land by strata plan. Provides for land shown on a deposited strata plan as a road, street, thoroughfare, reserve or similar open space to be vested in the Council in fee simple free of any encumbrance. Councils act as the 'relevant authority' for assessment of development applications. Provides for certain offences against public order and for other summary offences. Provides powers to Councils in relation to the control of traffic on special occasions. Provides for the payment of certain fines to be made to Councils. Establishes standards for the provision of personal care services in supported residential facilities in SA. Gives Councils the power to undertake the administration and enforcement of the Act within their areas which includes responsibility for licensing supported residential facilities. Provides for the appointment of authorised officers. Regulates the sale, packing, importing, advertising and use of tobacco products. Provides for the appointment of authorised officers. Provides for a scheme to protect and improve the environment and agricultural production in the Upper South East through the proper conservation and management of water and the initiation or implementation of works and environmental management programs and other initiatives. Assignment of land and easements can be made to Councils. Minister may make use of the services of staff of Councils in connection with the administration, operation or enforcement of the Act. Provides for the valuation of land. A Council may request the Valuer-General to value any land, and the Valuer-General may adopt any valuation made by a Council.
Summary Offences Act 1953	✓	Attorney-General's Dept	
Supported Residential Facilities Act 1992	✓	Dept of Communities & Social Inclusion	
Tobacco Products Regulation Act 1997	✓	Dept of Health	
Upper South East Dryland Salinity and Flood Management Act 2002	✓	Dept for Water	
Valuation of Land Act 1971	✓	Dept of Planning, Transport & Infrastructure	

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Table F.9 Tasmania

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Australian Road Rules 2009	✓	Department of Infrastructure, Energy and Resources	In 2010, councils were given an “Instrument of Delegation” to approve parking controls, which includes issuing Loading Zone Exemption Certificates.
Environmental Management and Pollution Control (Distributed Atmospheric Emissions) Regulations 2007	✓	Department of Primary Industries, Parks, Water and Environment	Councils are expected to enforce provisions on visible smoke created by wood heaters and fireplaces, the modification of heaters, backyard burning and permitted fuel types.
Environmental Management and Pollution Control (Miscellaneous Noise) Regulations 2004	✓	Department of Primary Industries, Parks, Water and Environment	Councils are expected to enforce the noise level, restricted hours of operation, and proximity provisions of the Regulations.
Environmental Management and Pollution Control (Waste Management) Regulations 2010	✓	Department of Primary Industries, Parks, Water and Environment	Council officers may enforce any of the offence provisions of the Regulations, although the EPA more commonly enforces them.
Environmental Management and Pollution Control Act 1994	✓	Department of Primary Industries, Parks, Water and Environment	<ul style="list-style-type: none"> • Referral of land use planning permit applications for ‘level 2’ (larger scale) activities to the Environment Protection Authority (EPA) for environmental assessment; • Incorporating environmental conditions set by the EPA into planning permits for level 2 activities, or refusing such a permit if directed by the EPA; • Ensuring compliance with permit environmental conditions for level 1 (smaller scale) activities; • Using best endeavours to prevent or control pollution from level 1 and other smaller scale activities; • Ensuring compliance with the general environmental duty as outlined in the Act and furthering the objectives of the Act, implemented through the use of enforcement provisions detailed in the Act; and • Giving effect to Environment Protection Policies made under the Act, through planning scheme provisions, planning permit conditions and enforcement activities.

(Continued next page)

Table F.9 **Tasmania** (continued)

Act or regulation	State agency responsible for		Comment on LG role
	Regulatory	Referral	
Food Act 2003	✓	Department of Health and Human Service's Environmental Health Unit (EHU)	Councils are responsible for the registration of food premises and ensuring food handlers meet minimum skills and knowledge requirements. Routine inspections are a fundamental aspect of the licensing and registration assessment process, and councils also have a significant role in monitoring food safety, including food sampling, risk assessment and education.
Historic Cultural Heritage Act 1995	✓	Department of Primary Industries, Parks, Water and Environment	Planning authorities are responsible for protecting and managing local heritage places and precincts under their planning schemes and the Land Use Planning and Approvals Act 1993 (LUPAA). Planning authorities also provide the conduit by which the Tasmanian Heritage Council receives Works Applications under the Historic Cultural Heritage Act 1995. Planning authorities seek public representation, and issue statutory decisions or permits, including approvals, conditional approvals and refusals. A dual system currently exists for approvals on listed places in which LGAs issue all Tasmanian Heritage Council permits for the Tasmanian Heritage Council, separate to LG permits. Proposed amendments due to be introduced to Parliament in August 2012 will create a more integrated approach that introduces a single application, advertisement, heritage assessment and permit for places entered on the Tasmanian Heritage Register.
Land Use Planning and Approvals Act 1993	✓	Department of Justice	<ul style="list-style-type: none"> • Preparing planning schemes and planning scheme amendments. • Regulating the use and development of land. • Enforcing its planning scheme. • Implementing planning directives and State Policies. • Administering permits it issues or issued by a Development Assessment Panel. • Providing representative for a DAP (where applicable).

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Table F.9

Tasmania (continued)

Act or regulation	Regulatory Referral	State agency responsible for administration and coordination	Comment on LG role
Litter Act 2007	✓	Department of Primary Industries, Parks, Water and Environment	<ul style="list-style-type: none"> • Council general managers and authorised officers may enforce the provisions of the Act, although the EPA and Police more commonly enforce them. • Where a council general manager or authorised officer issues an infringement notice under the Act the penalty is payable to the council.
Local Government (General) Regulations 2005	✓	Department of Premier and Cabinet	
Local Government (Highways) Act 1982	✓	Department of Premier and Cabinet	This Act provides for the creation, closure and maintenance of local highways as well as giving powers to regulate parking and other miscellaneous matters.
Local Government Act 1993	✓	Department of Premier and Cabinet	<p>This Act provides for the regulatory environment in which Local Government is to:</p> <ul style="list-style-type: none"> • provide for the health, safety and welfare of the community; • as part of the combined planning authority, assessing major projects; and • provide for peace, order, and good government of the community.
Major Infrastructure Development Act 1999	✓	Department of Justice	<ul style="list-style-type: none"> • providing representatives for a combined planning authority (where applicable); • assessing the major project; and • enforcing permits issued by the combined planning authority.
Public Health Act 1997	✓	Department of Health and Human Services	<p>(a) develop and implement strategies to promote and improve public health;</p> <p>(b) ensure that the provisions of this Act are complied with; and</p> <p>(c) carry out any other function for the purpose of this Act that the Minister or Director determines.</p> <p>Statutory responsibilities are found in the Public Health and also in legally-enforceable guidelines issued under that Act.</p>
State Polices and Projects Act 1993	✓	Department of Justice	<ul style="list-style-type: none"> • Enforce State Policies issued by the Government (as planning authorities under the Land Use Planning and Approvals Act 1993); and • Enforce permits for Projects of State Significance approved by the Parliament (where applicable).

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Table F.9 **Tasmania** (continued)

Act or regulation	Referral		Comment on LG role
	Regulatory	State agency responsible for administration and coordination	
Strata Titles Act 1998	✓	Department of Primary Industries, Parks, Water and Environment	<p>Councils have approval functions under the Strata Titles Act 1998, which are largely covered in Division 9 – Council certificate of approval. Section 30 of the Act outlines the requirements for a council's certificate of approval in relation to strata plans and modifications to strata plans.</p> <ul style="list-style-type: none"> • Under section 30 a council's certificate of approval is required for cancellation of strata plans. • Under section 38(2)(b) council's certification of approval is required for staged development schemes and under section 43 for variations of staged development schemes. • Under section 55 a council's certificate of approval is required for community development schemes and under section 59 for variation of community development schemes. • Under Section 14 councils can approve easements for schemes (this may apply to parking easements required under section 34(3) of the Conveyancing and Law of Property Act 1884).
Vehicle and Traffic Act 1999	✓	Department of Infrastructure, Energy and Resources	Section 56C (2) of the Vehicle and Traffic Act 1999 refers to councils issuing permits for certain activities prohibited on public streets.
Water Management Act 1999	✓	Department of Primary Industries, Parks, Water and Environment	<p>As a responsible water entity under the Water Management Act 1999, a council may administer a water district under Part 9, or a Water Management Plan under Part 4. (No councils have been appointed as a responsible water entity or authorised officer as yet.)</p> <p>The Minister responsible for administering the Act may appoint council employees as authorised officers under section 237 for the purposes of the Water Management Act. The general powers given to authorised officers are set out in Part 12 of the Act.</p>

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Table F.9 **Tasmania** (continued)

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Weed Management Act 1999	✓		Department of Primary Industries, Parks, Water and Environment	The Weed Management Act 1999 enables a council, with the approval of the Secretary of the Department of Primary Industries, Parks, Water and Environment (DPIPWE), to appoint a person as an inspector for the purpose of the Act (section 34(3)) within the municipality of that council (section 37(2)). Any payments made in respect of an infringement notice are payable to a council, if the notice was served by an inspector appointed under section 34(3).

Source: Productivity Commission survey of state governments (2011–12; unpublished)

Table F.10 **Northern Territory**

Act or regulation	Regulatory	Referral	State agency responsible for administration and coordination	Comment on LG role
Local Government Act	✓		Department of Housing, Local Government and Regional Services	Local councils have minimal regulatory functions (mainly through by-laws).
Local Government (Accounting) Regulations Act	✓		Department of Housing, Local Government and Regional Services	Includes provisions regarding rates.
Local Government (Administration) Regulations	✓		Department of Housing, Local Government and Regional Services	Includes provisions regarding the construction and closure of roads.
Local Government (Darwin Parking Local Rates) Regulations	✓		Department of Housing, Local Government and Regional Services	
Traffic Regulations	✓		Department of Lands and Planning	Regulatory role for some councils only.

Source: Productivity Commission survey of state governments (2011–12; unpublished)

G Significant reform of local government

Across the jurisdictions, substantial legislative reform programs have been undertaken in the last few years to improve the operating environment of LG with a focus on improving community engagement as well as administrative and financial management, table G.1.

Notably, in Queensland, these reforms have extended to a legislative reform program currently in progress. In Western Australia, substantial reforms have been undertaken to improve the planning system including an amendment to the LG Act so the Minister for Planning now has the power to override LG decisions not to adopt amendments to local planning schemes. Under the Destination 2036 project, LGs in New South Wales are being encouraged to think strategically about issues likely to impact communities in the longer term. The Victorian government is considering possible reforms flowing from the VCEC study which was completed in August 2010 but has not been released. South Australia has implemented legislative changes designed to strengthen parts of the framework for the internal and external review of Councils' administration and financial management, and the Northern Territory has reduce the number of councils by more than 70 per cent.

Table G.1 **Current or recent reform**

NSW 2011-2014

The Destination 2036 project commenced in 2011. It provides a process and a forum for local government to explore the issues that will impact on local communities over the next 4, 10 and 25 years and to consider and develop structures and approaches to local government that will allow the sector to meet the needs and expectations of our communities of the future.

The final ***Destination 2036 Action Plan*** was released in June 2012. This joint State-local government project deals with building local government regulatory capacity. There are 2 initiatives arising from the project that are relevant here:

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Table G.1 **Current or recent reform** (continued)

(NSW cont.) 1. A number of actions under the Destination 2036 Action Plan have now been referred to a newly established independent Local Government Review Panel. The Panel was appointed in April 2012 by the State Government following an approach from the NSW Local Government and Shires Associations. The Panel will identify reform options to improve the strength and effectiveness of local government in NSW and develop specific recommendations for new model/models of local government in NSW.

2. A number of actions under the Destination 2036 Action Plan have significant legislative implications and will be progressed through a proposed review of the Local Government Act 1993 to be undertaken by a Local Government Act Review Panel. The Panel will commence later in 2012.

2009

The Integrated Planning and Reporting framework was introduced as part of the Local Government Reform Program. It comprised amendments in 2009 to the *Local Government Act 1993* to improve council's long term community, financial and asset planning to enable councils to identify and plan for sustainable funding priorities and service levels in consultation with their community.

Components of the framework that councils need to have in place by mid-2012 include:

- a 10 year+ Community Strategic Plan based on a Community Engagement Strategy
- a Resourcing Strategy that includes a long term financial plan, a workforce management strategy and an asset management policy, strategy and plans
- a Delivery Program
- an Operational Plan, including a statement of revenue policy, and a detailed annual budget.

Councils also need to prepare an Annual Report on achievements against the Delivery Program. The Annual Report must include audited financial statements.

Each outgoing council is also being required to outline achievements in relation to the civic leadership, social, economic, and environmental objectives in the Community Strategic Plan, presented to the final meeting of that council.

Vic The Victorian Government is reviewing relevant reports that may lead to reforms in the area of local government as regulator.

Qld 2007-2010

The Local Government Reform Program was announced in 2007 with the intention of improving performance of the LG system through four components: structural reform; legislative reform; a new performance and reporting system; and Council capacity building.

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Table G.1 **Current or recent reform** (continued)

QLD The Government legislated to achieve the amalgamation of 157 local councils (cont.) including 32 Aboriginal and Island Councils to provide stronger, viable councils to continue providing services for their communities. This major reform of local government reduced the number of local councils to 73 (including Brisbane City Council) which includes the reduction of Aboriginal and Island Councils to 14 and cut the number of elected officials by more than 700.

Following the completion of structural reform in 2008 with the 15 March 2008 Council elections, the Local Government reform program continued with the implementation of a new legislative framework for the Local Government system.

New laws governing the operation of local governments came into effect on 1 July 2010 with the *Local Government Act 2009* replacing the *Local Government Act 1993*, and the *City of Brisbane Act 2010* replacing the *City of Brisbane Act 1924*.

The new legislation aims to provide local governments with:

- a simpler, principles-based approach to legislation
- emphasis on sustainable, accountable government that uses input from the community
- greater flexibility and easier customisation with less legislative burden
- clearer roles and responsibilities for councillors.

New performance and reporting systems has four elements of asset management, community engagement, governance and long-term financial management (sustainability), which evaluates the financial sustainability of Local Governments and informs the development of support strategies.

2011

The introduction of maximum infrastructure charges for residential and non-residential development commenced on 1 July 2011.

WA **2010-2011**

Significant Local Government reform commenced in 2010 and is a work in progress. Key components are:

- Elected member representation
 - *Local Government Act* amendments
 - Financial planning and reporting
 - Integrated planning
 - Workforce planning
 - Asset management
 - Information management and technology
 - Metropolitan Review Panel to consider boundaries and governance issues.
-

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Table G.1 **Current or recent reform** (continued)

WA State structural reform programme for Local Governments includes; Regional (cont.) Collaborate Groups, Regional Transition Groups and Groups examining the feasibility of amalgamation. Other regulatory reform 2010-2011 included:

- Directions 2031 and Beyond
 - Activity Centres Policy
 - Review of *Planning and Development Act* commenced
- Development Assessment Panels, which assess development applications previously assessed by LG.
-

SA Accountability and Audit Framework for Local Government designed to strengthen parts of the framework for the internal and external review of Councils' administration and financial management, so that problems are identified early, and support or intervention is targeted where it is needed.

Amendments were made the *Local Government Act 1999* that:

- require a council auditor to give a formal opinion about whether a council's internal controls are sufficient to provide an assurance that the financial activities of councils have been conducted properly and lawfully
 - revise the requirements about matters that Council auditors must report to the Minister, to ensure that Council auditors report matters that ought to be reported in the public interest
 - make Council internal grievance procedures more useful for Councils and complainants, by, for example, including criteria for review
 - include clear and broad powers for information to be obtained from Councils in order to determine whether a Ministerial investigation is warranted or alternatively if a Council needs practical support or guidance
 - ensure that if the Minister appoints an investigator, the scope of investigation is not limited to the specific matter that triggered the investigation
 - mandate a consistent and clear code of behavioural conduct for Council members
 - amend some specific sections that haven't given rise to complaints, such as the annual business plan consultation requirements.
-

Tas Two recent changes have affected two specific areas of LG work. In 2010 Tasmania underwent Planning reform, consisting of Planning Directive No 1 on the format and structure of planning schemes. In 2009 there was Water and sewerage reform, under which two new Acts were passed: the *Water and Sewerage Industry Act 2008* and the *Water and Sewerage Corporations Act 2008*.

NT A new local government system was introduced in 2008, when the Northern Territory moved from 61 councils of various kinds to 11 shire councils and 5 municipal councils. The *Local Government Act* was also enacted in 2008.

Source: Productivity Commission survey of state governments (2011–12, unpublished).

H Mobile food vendors

Mobile food vendors face particular challenges in dealing with LGs, mainly because they are capable of operating in multiple locations (including in different LG areas). They may also be subject to more stringent regulations than are fixed-food premises.

H.1 Restrictions on mobile food vendors

The Commission investigated the fees charged to mobile vendors and the conditions placed on their operation by a random subset of LGs (tables H.1 and H.2). The trading restrictions are drawn from standard council policies — it is possible that additional licence conditions could be applied to individual mobile food vendors.

LGs tended to distinguish between mobile food businesses that are high risk (those that prepare food) and those that are low risk (those that sell coffee, tea, drinks, cakes, chips or confectionary). But unlike fixed food premises, this risk categorisation is not just used to determine inspection frequency or registration fees, some LGs ban high risk mobile food vendors from operating in their area (table H.2). Others only allow ice cream vans (for example, Sutherland Shire Council).

Mobile vendors face a range of restrictions on their activities. These include operating in residential areas, what music they may play (or at what volume) and the types of streets they may operate on. While some of these restrictions may be considered common sense — such as banning mobile food vendors from trading on highways — others are clearly aimed at minimising mobile vendors' ability to compete with fixed food premises. Some of the trading restrictions include:

- not permitting mobile food vans that prepare food
- restricting trading to certain streets
- not permitting trading in or near public parks
- not permitting trading in residential areas
- not permitting trade within certain distances (200 metres is common) of fixed food business offering similar products

-
- not permitting vendors near shopping centres
 - restricting trading times — such as only permitting mobile food vendors to open late at night times or after the typical closing times of fixed food premises
 - issuing itinerant trading permits which require food business to move on shortly after serving customers
 - restricting the number of permits issued to trade in public areas
 - restricting the number of days a year on which vendors can trade.

LGs also impact on the operation of mobile food vendors in other ways. Vendors selling from community land must obtain street trading permits for each of the LG areas in which they operate. Some inner-city councils require street trading permits for specific locations with fees starting at several thousand dollars annually. They also restrict the number of vendors that can use these sites, running annual tendering processes:

Mobile food vendors must apply for development approvals if they want to operate from a private property. The approval process includes an environment assessment — which incorporates an assessment of waste handling procedures. Vendors may also need local government approval:

- for garaging or maintaining the mobile food vending vehicle at a premises, especially where the premises are used for storing food supplies. (NSW Food Authority 2009b, p. 7)

Mobile food vendors may also be subject to multiple inspections, not only by different LGs, but also by the same LG. For example, a participant gave an example that one of the company's mobile food vendor vehicles was inspected twice on the same day by officers from the same LG — with the company liable for fees for each inspection.

Some LGs apply additional registration requirements for mobile food vendors than those required for fixed premises. For example, a Tasmanian LG requires mobile food vendors to submit to a police check and to have the support of three residents as a precondition for applying for a food hawkers licence.

Table H.1 Mobile food vending licence fees

<i>Local Government</i>	<i>Type of charge</i>	<i>Amount (\$)</i>
NSW		
Camden Council	Annual licence fee	290
Council of the City of Sydney	Annual licence fee	200
	Street vending fee	1 000 plus rental charge
Lismore City Council	Annual licence fee	222
Sutherland Shire Council	Annual licence fee	130 (high risk) 74 (low risk)
	Initial inspection fee	66
Vic		
Darebin City Council	Itinerant traders fee	1 600
Melbourne City Council	Annual licence fee	222 (Class 2) 185 (class 3)
	Transfer fees	111 (Class 2) 92.50 (class 3)
	Street trading permits for mobile food vans operating from fixed street sites	Charges range from 2400 to 19 992 per year
	Annual licence fee	424 (Class 2) 300 (class 3)
Qld		
Sunshine Coast Regional Council	Annual licence fee	430
	Commercial itinerant vendor fee	187
SA		
City of Charles Sturt	Annual licence fee	754
	Annual inspection fee	88
Kingston District Council	Itinerant traders annual licence (for 30 days of trade in the year)	450
WA		
Rockingham City	Annual licence fee	150
Tas		
West Tamar Council	Annual licence fee	360

Sources: Local government websites

Table H.2 Restrictions on mobile food vendors

Restrictions that have been explicitly stated in LG documents

Local Government	Ban MFVs that prepare food	Have a list of streets where MFVs cannot trade	MFVs are not allowed to trade within a certain distance of private businesses	MFVs are not allowed to trade in residential areas	MFVs are not allowed to trade in public parks without special permits	Trading times are restricted	The number of days per year trading is allowed is restricted	Require MFVs to move on after a short time or issue itinerant trading permits	Restrict street trading permits to a limited number of MFVs	Charge large fees for street trading permits
NSW										
Camden Council	x	✓	✓	x	x	✓	x	✓	x	x
Council of the City of Sydney	✓	✓	x	x	✓	x	x	✓	✓	✓
Kogarah City Council	✓	✓	✓	x	✓	x	x	✓	x	x
Lismore City Council	x	✓	x	x	x	✓	x	x	x	x
Sutherland Shire Council	✓	x	x	x	✓	x	x	✓	x	x
Vic										
Darebin City Council	x	x	✓	x	x	x	x	✓	x	✓
Melbourne City Council	x	x	x	x	x	x	x	x	✓	✓
Moreland City Council	x	x	x	x	✓	✓	x	✓	x	x
Mornington Peninsula Shire Council	x	x	x	x	x	x	x	✓	✓	x
Yarra City Council	x	x	✓	✓	✓	✓	x	x	✓	x

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Table H.2 (Continued)

	Ban MFVs that prepare food	Have a list of streets where MFVs cannot trade	MFVs are not allowed to trade within a certain distance of private businesses	MFVs are not allowed to trade in residential areas	MFVs are not allowed to trade in public parks without special permits	Trading times are restricted	The number of days per year trading is allowed is restricted	Require MFVs to move on after a short time or issue itinerant trading permits	Restrict street trading permits to a limited number of MFVs	Charge large fees for street trading permits
Qld										
Sunshine Coast Regional Council	x	x	✓	x	x	✓	x	✓	x	x
SA										
City of Charles Sturt	x	✓	x	x	x	✓	x	x	x	x
City of Port Adelaide Enfield	x	x	x	x	✓	✓	x	x	x	x
Kingston District Council	x	✓	✓	x	✓	x	✓	✓	x	x
WA										
Carnarvon Shire	x	✓	x	x	x	✓	x	x	x	x
Rockingham City	x	x	✓	x	x	x	x	✓	✓	x
Tas										
West Tamar Council	x	✓	x	x	✓	x	x	x	x	x
Total	3	8	9	1	8	8	1	11	5	3

H.2 Quasi regulation of mobile food vendors

Much of the regulation that applies to mobile food vendors falls under the heading of ‘quasi-regulation’ meaning that it is created through less formal processes than those used when creating local laws. Important aspects of quasi regulation include: the amount of scrutiny and review regulatory process are subject to; and whether operators have a clear idea of the conditions they need to meet in order to obtain permits.

To illustrate the range of instruments used to regulate mobile food vendors, the approaches used by a number of LGs were examined (table H.3). The approaches used by LGs in different states vary, with NSW relying on policies and guidelines, while the other states tend to use a combination of by-laws and either policies or permit conditions or both.

In order to operate, all mobile food vendors must obtain a general mobile food business permit; where vendors operate across councils, they may also have to obtain a street trader’s permit (some councils require this even where the vendor only operates in the one area). Depending on where mobile vendors operate, they may also need to obtain planning approval.

The two key types of conditions placed on mobile food vendors include those relating to: 1) food safety (design of the vehicle, food handling procedures, training required, requirements for inspections, etc); and 2) controls over types of vans allowed and where and when trading is allowed (prohibited streets and areas, distance from fixed food businesses, whether they have to move on regularly, times allowed, etc).

The conditions attached to mobile food vendor permits may be set out in local by-laws or in local government-ratified policy documents. Local governments may set conditions on a case-by-case basis — as the details of those conditions is typically only known by the LG and the mobile food vendor, it has not been possible to analyse the nature of case-by-case conditions.

The use of more informal regulatory instruments such as policies and guidelines, rather than the use of local laws, in the creation of regulations for mobile food vendors, could lead to a lack of regulatory transparency. For example, new local laws must be advertised and be subject to a period of public consultation. While local governments may choose to follow the same processes when introducing policies or guidelines, they are not required to do so.

Often local laws are used to grant a local government the power to create policies and guidelines. It was found that local governments tend to specify very general conditions in their by-laws (eg an activity is prohibited unless a permit is issued); Local governments then use policies and guidelines to set out the conditions mobile food vendors must meet in order to receive permission to operate.

Where local governments only approve a limited number of mobile vendor permits, it appears common for LGs to make approval decisions on a case-by-case basis. In contrast, LGs that permit a larger number of mobile vendors are more likely to approve operators where they meet the conditions set out in their policies. For example, Alexandrina Council which generally does not allow food vans, will make case-by-case decisions to permit them on public-interest grounds. In other local government areas there are caps on the number of food vans that can operate. In others, where only a limited number of permits are issued, councils invite operators to tender and then select those they judge offer the best services.

In terms of availability, most of the policies were available on the local governments' website and were reasonably easy to find (these cases were marked as having high accessibility). Some policies were more difficult to find and involved searching through the site to locate (in those cases we have indicated the accessibility as moderate). In other cases, policies could not be found without doing an internet search (low accessibility).

Table H.3 Instruments used to regulate Mobile Food Vendors

<i>Local Government</i>	<i>Instrument</i>	<i>Accessibility</i>
NSW		
Camden Council	Approvals policy	Moderate
Council of the City of Sydney	Guidelines	Moderate
Kogarah City Council	Policy statement	Moderate
Lismore City Council	Code, Permit conditions	Moderate
Victoria		
Darebin City Council	Local law, Permit conditions	High
Melbourne City Council	Local law, Policy document ('fact sheet' describing specific conditions)	Moderate
Moreland City Council	Local law (specifies activities that require permits), Policy (specific conditions).	Moderate
Mornington Peninsula Shire Council	Local law (permit required, trading sites allowed, fines), Policy document ('fact file' describing specific conditions for itinerant traders permit)	Moderate
Yarra City Council	Local law (permit required and must follow policies and guidelines), Guidelines (specific conditions)	Moderate

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Table H.3 (Continued)

Queensland		
Sunshine Coast Regional Council	Local law, Permit conditions	Moderate
Bundaberg Regional Council	Local law (permit required to operate on council land), Case-by-case decisions ratified by council.	
South Australia		
City of Charles Sturt	Permit conditions, Local law (permit conditions must be followed, need permission on government land) (NB there does not seem to be any local law that prohibits food vans on roads, even though in practice they require a permit).	Low
City of Port Adelaide Enfield	Local law (permission required), Policy (specific conditions)	Moderate
Kingston District Council	Local law (permission required), Policy (specific conditions)	High
Alexandrina Council	Policy (states mobile vans are generally banned but will make case-by-case decisions). Local law (use of government land – not permitted to offer goods for sale without permission).	High
Tatiara	Local law (government land), Policy (for itinerant traders and mobile vendors)	High
West Australia		
Rockingham City	Policy document ('fact file for itinerant traders'). Permit conditions.	Low
Busselton Shire	Local laws (trading in public places, leaves the granting of licences up to the council based any conditions they may apply in order to minimise nuisance), Policy	Low
Tasmania		
Launceston City Council	Policy document ('fact sheet')	Low

Sources: Various council documents and websites.

I Principles of best practice regulation

Throughout this report, it has been emphasised that following best practice procedures when making and enforcing regulation is an important step in ensuring both that the policy goals of the regulation are met, and are met in a manner which minimises the economic costs they place on those being regulated. This appendix outlines the characteristics of good regulation and enforcement, and documents some of the tools available to policymakers to assist with putting these principles into practice.

I.1 Defining ‘good’ regulation

Regulations are requirements imposed by governments that influence the decisions and conduct of businesses, other organisations and consumers (PC 2011b). Policymakers use regulations to shape outcomes and achieve policy goals — for example, occupational health and safety laws are used to ensure that employees are safe in their workplaces, while environmental regulation is used to prevent damage to the natural environment. Regulation is also used to address instances of market failure, such as regulation to prevent the formation of monopolies.

It is important that regulation meets the policy objectives it sets out to achieve — otherwise it simply imposes a cost on the economy with very little or no benefit for the community. However, ‘good’ regulation does more than meet policy objectives. It ensures that policy objectives are met with a minimal burden on those being regulated and with minimal costs on the economy as a whole.

A list of some of the characteristics of good regulation is contained in box I.1.

Box I.1 **Characteristics of ‘good’ regulation**

‘Good’ regulation has the following characteristics:

1. Regulation must yield a *net benefit to the community*, not just to a particular group or sector.
2. Regulation must be *set to the minimum level necessary* to achieve objectives and avoid unnecessary restrictions. It should be targeted at the problem.
3. Regulation should be *integrated and consistent with other laws, agreements and international obligations*. Any restrictions on competition should only be retained if they provide a net benefit to the community and if the government objectives cannot be achieved through other means.
4. Regulation should *not be unduly prescriptive* and, preferably, be specified in terms of performance or outcomes. It should be flexible enough to allow businesses some freedom to find the best way for them to comply and adapt to changed circumstances.
5. Regulation should be *accessible, transparent and just*. Not only should the public be able to readily find out what regulations they must comply with, but the regulations must also be reasonably easy to understand and they should be fairly and consistently administered and enforced.
6. Regulation must be *clear, concise and communicated effectively*.
7. Regulation should be *mindful of the compliance burden imposed*, proportionate to the problem being addressed and set at a level that minimises compliance costs while still achieving the set objective.
8. Regulation must be *enforceable* and embody the minimum incentives needed for reasonable compliance. Adequate resources must be provided for monitoring and to ensure reasonable compliance.

Source: Coghlan (2000).

The Council of Australian Governments (COAG) has also developed a series of regulation principles to assist policymakers with making good regulation. These are outlined in broad terms in box I.2. Importantly, COAG considers the burden of proof that regulation is required generally lies with the proponents of the regulatory action. In other words, those in favour of regulating a particular activity should demonstrate — with evidence — that regulation is required before action is undertaken (COAG 2004).

Box I.2 **COAG's principles of good regulation**

Below is a summary of COAG's principles of good regulation:

- *The burden of proof lies with the proponents of regulation* — as a general rule, those in favour of regulating an activity must demonstrate that it is necessary before regulation occurs.
- *Minimising the impact of the regulation* — regulatory measures and instruments should be the minimum required to achieve the pre-determined and desirable outcomes.
- *Minimising the impact on competition* — regulation should not restrict competition unless it can be shown that the benefits to the community from a restriction on competition outweighs the costs and that the objectives of the regulation can only be achieved by restricting competition.
- *Predictability of outcomes* — regulation should have clearly identifiable outcomes and prefer performance based requirements that specify outcomes to prescriptive requirements wherever possible.
- *International standards and practices* — wherever possible, regulatory measures or standards should be compatible with relevant international or internationally accepted standards or practices.
- *Regulations should not restrict international trade* — there should be no discrimination in the way regulations are applied between domestic products and imported products, nor between imports from different countries. Regulations should not be applied in a way that creates unnecessary obstacles to international trade.
- *Regular review of regulation* — regulation should be reviewed periodically. Review should take place at intervals of no more than 10 years.
- *Flexibility of standards and regulations* — specified outcomes of standards and regulatory measures should be capable of revision to enable them to be adjusted and updated as circumstances change.
- *The exercise of bureaucratic discretion* — good regulation should attempt to standardise the exercise of bureaucratic discretion, so as to reduce discrepancies between government regulators, reduce uncertainty and lower compliance costs. However, this should not preclude an appropriate degree of flexibility to permit regulators to deal quickly with exceptional or changing circumstances or recognise individual needs.

Sources: COAG (2004); Department of Health and Ageing (2005).

Good regulation is targeted, achieves its policy goals, and minimises the likelihood of unintended or perverse outcomes. It encourages regulation that has the smallest impacts on business compliance costs, competition and the capacity of firms to innovate, which in turn has benefits for both businesses and consumers. It also

requires that policymakers make a clear and concise case as to why regulation is required, which may help garner support for the regulation in the wider community and decrease the resistance of those the regulation is designed to affect.

When designing, administering, enforcing and reviewing regulation, policymakers have a number of tools and processes available to assist with the delivery of good regulation. The remainder of this appendix explores these tools and processes.

I.2 Best practice in regulation making

Regulatory impact analysis

Regulatory Impact Analysis (RIA) is a process used to examine the impacts of a proposed regulation and a range of other options that would meet the policy objectives of the regulation (Australian Government 2010a). The value of RIA when making and modifying regulations is well documented. As the Organisation of Economic Co-operation and Development (OECD) writes:

RIA represents an essential core tool for ensuring the quality of new regulations through a rigorous, evidence-based process for decision making. A well-functioning RIA system can assist in promoting policy coherence by making transparent the tradeoffs inherent in regulatory proposals, identifying who is likely to benefit from the distribution of impacts from regulation and how risk reduction in one area may create risks for another area of government policy. RIA improves the use of evidence in policy making and reduces the incidence of regulatory failure arising from regulating when there is no case for doing so, or failing to regulate when there is a clear need. (2009a, p. 61)

In Australia, the Office of Best Practice Regulation (OBPR) provides guidelines and assistance for undertaking RIA for both the Australian Government and COAG. The primary means by which agencies conduct RIA is through a Regulatory Impact Statement (RIS) — a document prepared prior to regulation being implemented that formalises and provides evidence of the steps taken throughout the development of the proposal and compares the benefits and costs of the feasible regulatory and non-regulatory policy options (Australian Government 2010a).

Under OBPR guidelines, seven elements should be included in a RIS (box I.3).

Box 1.3 **Regulatory Impact Statement guidelines**

Under guidelines published the OBPR, a RIS should consist of the following seven elements:

1. An assessment of the problem (including evidence of the magnitude of the problem).
2. Objectives of government action.
3. A statement of options (including non-regulatory options) to achieve the objectives.
4. An impact analysis (in terms of costs, benefits and risks) of the feasible options.
5. Consultation discussion.
6. Conclusion.
7. Implementation and review.

The OBPR's *Best Practice Regulation Handbook* provides additional detail about each of these elements.

Source: Australian Government (2010a).

The impact analysis component of a RIS aims to identify the option (be it regulatory or non-regulatory) that generates the greatest net benefit to the community. As such, it would typically consist of a quantitative analysis that might include:

- A *risk analysis* that appraises the community's current level of risk, the reduction of risk that would result from the introduction of the proposed reforms, consideration as to whether the proposed measures are the most effective means available to deal with the risk, and whether there is an alternative use of available resources that will result in a greater net benefit for the community.
- A *cost benefit analysis* that quantifies all of the major benefits and costs of the proposal in dollar terms (and typically in present value terms). While the primary purpose of this analysis is to determine the magnitude of the costs and benefits of the proposal, the analysis should also be mindful of the distribution of these costs and benefits, as well as of costs and benefits that cannot be quantified.
- An *analysis of business compliance costs* that determines the additional costs businesses will incur by complying with the proposal. The OBPR has produced a tool known as the Business Cost Calculator to assist with undertaking this analysis.
- An *analysis of the competition effects of the proposal* that ensures that the proposal does not interfere with competition unless the benefits of a reduction in

competition outweighs the costs to the community (COAG 2007; Australian Government 2010a).

A RIS is required for most regulations proposed by the Australian Government, including proposed changes to existing regulations if they impact on business (Australian Government 2010a). COAG and ministerial councils are also generally expected to produce a RIS in support of any proposed regulatory change. The requirements of state and territory agencies and local government authorities to provide RISs when implementing or changing regulations varies between jurisdictions.

Even when not mandated, policymakers should endeavour to undertake in-depth RIA to promote regulation that complies with best practice and that meets its intended objectives with as much net benefit to the community as possible.

Consultation

Consultation is important to ensure effective regulation. As the OECD describes, consultation promotes regulatory quality as it allows affected parties and other stakeholders to provide feedback on the design and the effects of a regulatory proposal. It also builds legitimacy around a regulation, increasing the likelihood of compliance and decreasing enforcement costs (OECD 2009a).

Consultation should be incorporated into any RIA process and is a requirement when undertaking a RIS for proposed Australian Government regulations. The consultation requirements for state, territory and local government regulations vary between jurisdictions. The *Best Practice Regulation Handbook* includes a section on best practice consultation which has received the endorsement of the OECD (OECD 2010a). A list of these principles is set out in chapter 3 of this report.

Policymakers should be aware that consultation, in itself, imposes costs on business, and therefore should ensure that consultation is both targeted and is proportionate to the size of the regulatory impact. In instances where similar regulation has been introduced in other jurisdictions, regulation makers should consult with the relevant authorities to harness the lessons learned from past experiences (Australian Government 2010a).

A particularly important part of best practice consultation is the release of what is known as an ‘exposure draft’. This involves releasing a draft version of the regulations prior to their finalisation that invites business and other stakeholders to comment on the proposal. This gives policymakers the opportunity to ‘fine tune’ regulations before they are implemented, correct any perverse incentives the

proposed regulations might create and ultimately help to ensure the regulation achieves its intended outcomes (Australian Government 2010a).

‘Plain English’ drafting

‘Plain English’ drafting involves writing regulations that use language, presentation, structure and style that makes the regulation easy to understand. The use of plain English when drafting regulations both makes it easier for business to interpret their responsibilities (which leads to reduced compliance costs) and decreases the likelihood that the regulation will be disputed (Queensland Government 2009).

The Office of Parliamentary Counsel (OPC) has produced a *Plain English Manual* that can assist policymakers to create regulations which comply with plain English principles (OPC 2003). Some states have also their own guides to plain English drafting (see, for example, Queensland Government 2009 and South Australian Government nd).

Periodic review

The OECD states that regulation needs to be reviewed periodically to ensure that it meets the intended objectives in the wake of changing economic, social and technological environments (OECD 2010b). Regular reviews of regulations also help to ensure that redundant regulations are identified and repealed, thereby reducing the cumulative amount of regulations business must abide by and in the process reducing compliance costs.

In December 2011, the Commission released the *Identifying and Evaluating Regulation Reforms* report (PC 2011a) which included a discussion on the approaches policymakers could use when undertaking regulatory reviews. These approaches included:

- Sunsetting — where regulations must be re-made after a certain time period (typically 5 to 10 years) if they are not to lapse.
- ‘Embedded’ statutory reviews — where reviews are specified in legislation.
- ‘Post-implementation’ reviews — where a regulation that has been exempted from RIA requirements is reviewed after its implementation (normally within one to two years).
- Public stocktakes and ‘perceptions’ surveys of burdens on business — broad based reviews invite business to provide information on the burdens imposed by

regulation and assesses ways that these burdens can be reduced without detracting from the objectives of the regulation.

- ‘Principles-based’ reviews— another broad based review approach that focuses on the features of regulation that can give rise to undue costs.
- Benchmarking — where the performance of regulations is compared across different jurisdictions with a view to identify leading or lagging practices, or models for reform.
- ‘In depth’ reviews — comprehensive reviews of particular areas of regulation that are seen to be in need of significant reform (PC 2011a).

There is no single ‘best’ way to conduct a review of regulation — instead the most suitable approach will depend on the nature of the regulation, the objectives of the review and the resources available to policymakers. However, no matter what form the reviews take, they should be consultative and transparent. The principles of best practice regulation should also be upheld during the review — for example, if the review identifies a possible area for reform, an appropriate RIA should be undertaken before any changes are implemented.

I.3 Best practice in regulation enforcement

Regulations require some degree of enforcement in order to be effective, however, the manner in which enforcement is undertaken can have a large impact on how effective regulations are. Box I.4 presents some key aspects of smart enforcement.

Box I.4 Aspects of ‘smart’ enforcement

- Maximise the potential for voluntary compliance:
 - Avoid unnecessarily complex regulation.
 - Ensure regulation is effectively communicated.
 - Minimise the costs of compliance (in terms of time, money and effort).
 - Ensure regulation fits well with existing market incentives and is supported by cultural norms and civic institutions.
 - Consider providing rewards and incentives for voluntary action and high compliance outcomes — for example, by reducing the burden of routine inspections and granting penalty discounts when minor lapses occur.
 - Nurture compliance capacity in business — for example, by providing technical advice to help businesses to comply with regulation.
- Maintain an ongoing dialog between government and the business community to ensure that regulators have a good understanding of the types of businesses they are targeting.
- Adequately resource regulatory agencies.
- Use risk analysis to identify targets of possible low compliance.
- Develop a range of enforcement instruments so that regulators can respond to different types of non-compliance.
- Monitor compliance trends in order to gauge the effectiveness and efficiency of enforcement activities.

Source: Based on Parker (2000).

It is also important to recognise that work to support good regulatory compliance begins at the regulatory design stage. In this regard, adherence to preparing a rigorous RIA provides a solid foundation for achieving an acceptable level of compliance (PC 2006a).

A risk management approach to regulation enforcement

Regulators do not have unlimited resources, and as such, it is not possible to enforce all regulations to such a level that full compliance is consistently monitored and achieved. A risk management approach to regulation accepts this constraint, and suggests that regulators should allocate the bulk of their enforcement resources to activities that are likely to generate the greatest net benefit to the community. This would typically involve targeting enforcement resources on:

- activities that have the potential to impose high costs on the community if regulations are not complied with

- businesses that are likely to have low levels of compliance (PC 2006a).

Developing an effective risk based regulatory framework is a complex and often resource intensive process. However, once implemented, it can yield significant benefits to regulators, including more efficient resource allocation and greater consistency in regulatory decisions. Box I.5 outlines some of the questions regulators should ask themselves when designing a risk based regulatory framework.

When utilising a risk based regulatory approach, it is important to ensure that periodic reviews are undertaken and appropriate adjustments made so that the framework evolves with changing economic, social and technological circumstances.

Box D.6 Designing risk based regulatory frameworks

When undertaking risk based regulation, a regulator should:

- *determine their risk tolerance* — How much risk can be tolerated? It should be remembered at this stage that a ‘no risk’ approach is unlikely to be viable due to resource constraints.
- *identify the risks* — What risks exist? What risks are required to be addressed as part of the regulator’s charter or statutory obligations? What risks do the public expect the regulator to monitor? What indicators can be used to identify and monitor risks?
- *assess the risks* — What ways are there to measure the impacts of risks if they occur? What ways are there to measure the likelihood of the risks occurring? How can these measures be combined to develop measures of risk that take into account both the magnitude of their potential impacts and the probability that they will occur? Does the regulator’s objectives mean that ‘high impact – low probability’ risks or ‘low impact – high probability’ risks should be addressed, or should it be a balance between these? How can this balance be met?
- *consider what to do about low risk businesses* — How should firms be regulated when the probability or impact of them not complying with the regulations is small? Would information campaigns, random inspections or themed inspections be effective? What other options are available?

Source: OECD (2008).

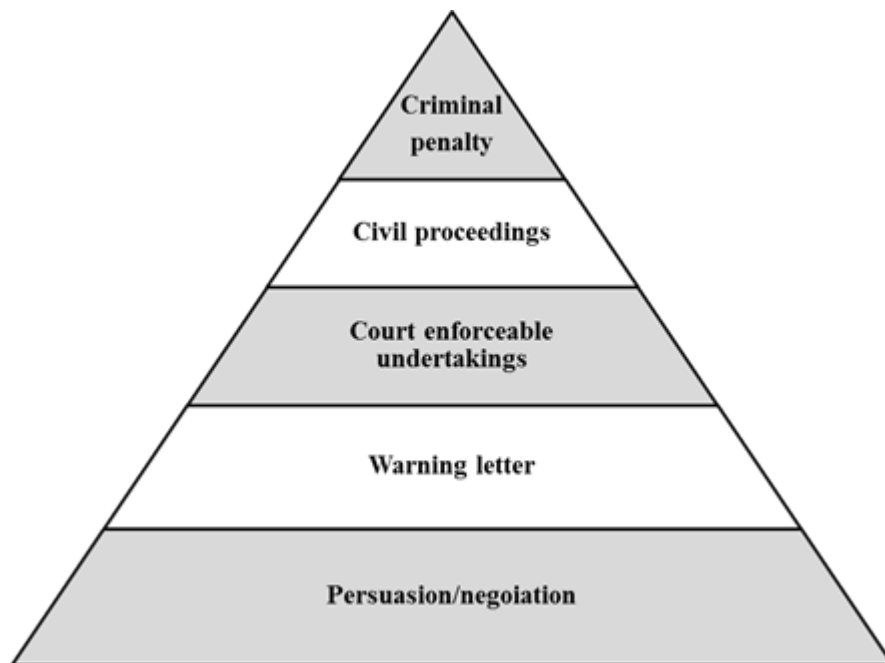
Escalating enforcement

Regulators should be able to draw on a range of enforcement instruments in order to be able to respond to different types of non-compliance. This is recognised in COAG's *Best Practice Regulation* guide:

... enforcement options should differentiate between the good corporate citizen and the renegade, to ensure that 'last resort' penalties are used most effectively (rarely) but model behaviour is encouraged. (2007, p. 16)

The Braithwaite enforcement pyramid provides a graphical representation of this idea (figure I.1)

Figure I.1 **An enforcement pyramid for business regulation**



Source: Based on Ayres and Braithwaite (1992).

The central notion of the Braithwaite enforcement pyramid is that regulators signal to industry their commitment to escalate their enforcement response whenever lower levels of intervention fail. Moving up the pyramid involves progressively harsher penalties until a peak is reached which, if activated, should deter even the worst offender. In cases where non-compliance has particularly large consequences, it may be appropriate to start with a regulatory action that is higher up the pyramid (PC 2006a).

Transparency, accountability and accessibility

Regulations should be enforced in a manner that is transparent and non-discriminatory. Regulators should also be held accountable to the decisions they have made.

One effective mechanism to facilitate this is to develop a fair appeals process:

Access to review processes ensures that regulators, national or local authorities, are accountable for their actions. Accountability requirements are complementary to transparency practices defining the process requirements that regulators are committed to uphold when exercising their powers, and stating the rights afforded to businesses and citizens in the implementation of those powers. (Jacobzone, Choi and Miguet 2007, p. 48)

Appeal bodies can take many forms, such as an ombudsman and tribunals, but should possess a number of characteristics in order to be effective. Appellate bodies should be independent and free of political influence, accessible without the need for legal representation, be without overly formalistic requisites and be affordable and timely (Neuman 2009). Appeal bodies should also have mechanisms to stop appellants ‘gaming’ the system, such as by limiting the number of times that an appeal can be brought against a decision.

Furthermore, allegations of perceptions of corruption can affect community and business confidence that regulations are being administered objectively and in the best of interests of society. Lack of confidence can lead to increased uncertainty for business and reduced voluntary compliance. The states and the Northern Territory use a wide variety of measures to identify and prevent corruption. These processes are listed in table I.1

Table I.1 Measures to prevent and identify corruption

NSW	<ul style="list-style-type: none"> • The Independent Commission Against Corruption (ICAC) investigates corrupt conduct; gives advice and education to prevent corruption; makes recommendations to Director of Public Prosecutions regarding prosecution. • The Planning Assessment Commission has authority to assess Major Projects with reportable political donations; or within the Minister's electorate; or where the Minister has a pecuniary interest. • Joint Regional Planning Panels assess developments that are over \$5 million and are related to council. • The NSW Ombudsman deals with public interest disclosures.
Vic	<ul style="list-style-type: none"> • The Local Government Investigations and Compliance Inspectorate focuses on compliance with the LG Act by investigating alleged breaches of the Act and conducting spot audits of councils. • The Ombudsman Act and regulations set out procedures for dealing with unsatisfactory performance and misconduct by public service employees. • The LG Act has provisions for the disclosure and conduct of councillors and council staff when performing duties which involve conflicts of interest; and procedures for investigating and deciding on the conduct of councillors and council staff.
Qld	<ul style="list-style-type: none"> • The Crime and Misconduct Commission investigates public sector misconduct, including fraud, bribery, misuse of powers and corruption. • The Local Government Remuneration and Discipline Tribunal determines allegations of serious misconduct and complaints made against Local Government Councillors. Penalty available: up to recommending dismissal of Councillor. • Regional Conduct Review Panels determine allegations of misconduct and complaints made against Local Government Councillors. Penalty available: compulsory counselling, apology, monitoring etc.
WA	<ul style="list-style-type: none"> • The Corruption and Crime Commission undertakes a 'misconduct function' to ensure that an allegation about, or information or matter involving, misconduct is dealt with in an appropriate way. • The Department of Local Government has a regulatory monitoring role and inspectorial role under the <i>Local Government Act</i> Part 8. • Local Government regulations include the establishment of a Standards Panel to review Councillors conduct.
SA	<ul style="list-style-type: none"> • The Anti-Corruption Branch of the South Australian Police receives and investigates complaints regarding corruption. • State agencies and local government must appoint 'responsible officers' to ensure that there is an safe avenue for whistle-blowers to have their concerns acted upon (<i>Whistle-blowers Protection Act 1993</i>). • The Minister has the power to investigate a council should he or she have reason believe that a council has failed to comply with a provision of the <i>Local Government Act</i> or any other Act, has failed to discharge its responsibilities under any Act, that an irregularity has occurred in the conduct of council affairs, or that a council has failed to comply with a request from the Minister for information or to take action on a matter. • Code of Ethics (<i>Public Sector Act 2009</i>). • Code of Conduct (LG Act) applies to local government employees.
Tas	<ul style="list-style-type: none"> • The Integrity Commission focuses on education and prevention as a way to reduce misconduct and to improve the response of public authorities when it arises. • The Tasmanian Planning Commission can investigate local governments for procedural matters for rezoning, and can investigate councils and whether they are complying.

(continued next page)

Table I.1 (continued)

Tas	<ul style="list-style-type: none"> • The LG Act contains a number of offences which are investigated by the statutory Director of Local Government. • Each council is required to have a code of conduct and the Act sets up a process by which councils and their member association (the Local Government Association of Tasmania) deal with complaints under those codes.
NT	<ul style="list-style-type: none"> • The Ombudsman NT receives and considers complaints from members of the public about Northern Territory councils. • Councils are required to have a minimum code of conduct (LG Act ss 77 and 78). • The Department is required to establish a program of compliance review to ensure that councils conduct their business lawfully (LG Act s 205). • The Department can investigate the affairs of a council if there are reasonable grounds to suspect a material irregularity in or affecting the conduct of the council's affairs (LG Act s 208). • The Minister can establish a commission of inquiry to inquire into the affairs of a council (LG Act s 215). • The LG Act provides for Ministerially suggested and/or required remedial actions where there are deficiencies in a council (ss 222 and 223). • The Minister can place a council under official management and can either reinstate or dismiss the suspended members (LG Act s 224).

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Conflict of interest provisions are contained in LG Acts to guide councillors and LG staff in exercising their responsibilities in a manner that instils confidence in the community. These are listed in table I.2. Complaints may also be made to state and territory ombudsmen, who have jurisdiction to investigate actions of LG officials.

Table I.2 Provisions in Local Government Acts for registering complaints about public officials

NSW	A public official (for example, a council employee) may complain to the Director-General about the conduct of a council or council member (s. 429A), and anyone can make a complaint regarding a non-disclosure of interest (s. 460).
Vic	Councillor Conduct Panels can be established by the Municipal Association of Victoria under schedule 5.
Qld	Complaints about councillor conduct can be made to the council under s. 177.
WA	there is a standards panel to investigate misconduct by councillors or staff (Part 5 division 9).
SA	The LG Act allows complaints about conduct of members of council to be lodged with the District Court (LG Act s. 264).
Tas	Appeals against council decisions relating to the use or disposal of public land can be heard by the Resource Management and Planning Appeal Tribunal (s. 178A,). Under s. 28F, complaints relating to code of conduct are referred to the Code of Conduct Panel or a Standards Panel. Under s. 339E, complaints against non-compliance or offence are lodged with the Director of Local Government (a state appointee under s. 334).
NT	Complaints of breaches of the code of conduct are lodged with the department responsible for administering the Act (ss. 5 and 79). The department then refers the complaint to a disciplinary committee established by the Minister (ss, 79(3) and 80).

Source: Productivity Commission survey of state governments (2011–12, unpublished).

Those being regulated — as well as the wider community — should also be able to access relevant regulations easily and with minimal (typically zero) cost. This extends beyond regulations themselves to include, where appropriate, explanatory memoranda, precedent cases, appeal decisions and any other documentation that may assist business in understanding the regulations they are subject to. The internet, in particular, can help policymakers to achieve this.

J Local government coordination and consolidation: legislative and assistance arrangements

This appendix contains detail and examples of the current approaches to LG coordination and consolidation. It also contains the supporting tables for chapter 5 on the legislative and government assistance arrangements that enable this coordination and consolidation.

J.1 Current approaches to local government coordination and consolidation

There are four broad, sometimes overlapping, categories of approaches to LG coordination and consolidation:

- joint activities between LGs such as resource sharing, joint projects and mutual recognition.
- regional organisations of councils (ROCs) and other coordinating bodies of LGs.
- the establishment of joint LG entities that are delegated with power to undertake the legislative responsibilities of individual LGs.
- amalgamations of LGs.

Joint activities

Joint activities include resource sharing, joint projects and mutual recognition. They may be mediated through ROCs and other coordinating bodies, under agreements, an exchange of correspondence between LGs, or under legislation.

Resource sharing

Approaches taken to sharing resources include:

- sole ownership — where one LG owns a resource and hires it out to another LG (or LGs) for a fee
- joint ownership — where two or more LGs own a resource and share it on an agreed basis
- reciprocal sharing — where LGs share resources on the basis of a reciprocal arrangement (NSW Department of Local Government 1995, pp. 3–4).

Surveys in New South Wales, South Australia and Western Australia indicate that resource sharing arrangements among LGs, at least in those states, are quite common (WALGA nd; NSW Division of Local Government 2011e; Lawson 2007).

LGs can share financial, human, physical or other types of resources. The types of resources that are commonly shared are headquarters, libraries, waste management, emergency management, specialised staff, IT, and plant and equipment.

Although less common, LG regulatory functions can also be the subject of resource sharing arrangements. For example, a survey of South Australian LGs (Lawson 2007) found that at least one third of the 34 LGs that responded had arrangements covering ‘environmental health services’, ‘development assessment services’, or ‘building assessment services’.

Table J.1 sets out some current examples of resource sharing arrangements between LGs where they pertain to regulatory functions. These arrangements typically involve the sharing of environmental health officers and building inspectors (see also chapter 11 on environmental regulation). Current examples of resource sharing arrangements were difficult to find in Victoria and Queensland.

Table J.1 Examples of resource sharing arrangements involving local government regulatory functions

<i>LGs</i>	<i>Resource sharing arrangement</i>
Conargo, Deniliquin, Murray (NSW)	Under a Memorandum of Understanding for Shared Services (2007), the LGs undertake exchanges of technical expertise, undertake short term staff secondment for specialist projects such as major environmental impact statements and developments, share a heritage advisor, and share ranger/impounding services.
Griffith, Jerilderie, Hay, Narrandera and others (NSW)	Under the (Griffith Region) Food Safety Inspection Agreement, Griffith City Council provides food surveillance services through its environmental health officers to surrounding LGs.
Beverley, Cunderdin, Quairading, TamminYork (WA)	York employs a health surveyor and charges neighbouring LGs for use of the service.
Bruce Rock, Corrigin, Koorda, and others (WA)	The shires are part of the Central Wheatbelt Ranger Scheme, which employs a full-time ranger to provide community education and enforcement of local laws, including caravan and camping, dogs, bushfires, litter and vehicles in off-road areas.
North Eastern Wheatbelt ROC (WA)	The shires within the ROC share an engineering technical officer position to provide services such as project investigation and management, survey and design, development controls and technical advice.

Sources: NSW Division of Local Government (2011e); LGA SA (2007); Local Government Board of Tasmania (2010); WALGA (nd).

Joint projects

LGs can also undertake joint projects to achieve particular outputs or outcomes. Undertaking the projects might involve sharing resources (such as financial and human resources), so there may be overlap between these two forms of approaches.

Table J.2 sets out some current examples of joint projects relating to LG regulatory functions. These include undertaking research on regulatory issues, rationalising regulatory instruments, collecting data of relevance to regulation, and developing IT software relevant to regulatory services. Box J.1 describes a South Australian initiative which facilitates research and development projects including on coordination or consolidation and LG regulation.

Table J.2 Examples of joint projects involving local government regulatory functions

<i>LGs</i>	<i>Joint projects</i>
40 NSW local LGs (NSW)	The LGs were awarded a grant from the then Australian Government's Regulation Reduction Incentive Fund to undertake their Redtape Blueprints Project. The project involves the development of a central online entry point and enhancement of electronic planning capabilities. At the core of the project is the development of smartforms that are dynamic, interactive, customer focused and tailored to individual LGs. They also help to streamline, automate and manage business processes.
Conargo, Deniliquin, Murray (NSW)	Under a Local Councils' Partnership Agreement (2007), the LGs have common development application forms and procedures; jointly undertake strategic planning, local environment plans review, and coordination of planning instruments in common or agreed areas; and have integrated planning strategies.
MAV (Vic)	The Association worked with LGs to develop a technological solution to new reporting requirements and managed the development of a single registration system for temporary and mobile food businesses. The Association is also undertaking shared services projects, supported by State Government assistance. Current shared services projects include: 11 LGs piloting the Victorian Census of Land Use and Employment; 14 LGs developing ICT shared services; and exploring opportunities for smaller LGs to shared skilled officers.
Albany, Augusta Margaret River, Broome, Geraldton, Kalgoorlie Boulder (WA)	The LGs are undertaking a joint project with a private software/IT company to develop online building and health permits application software. This is intended to allow customers to submit and pay for applications online, and to track the progress of their application.
LGA SA (SA)	The Association is undertaking a Red Tape Reduction Pilot Project jointly with the SA Department of Trade and Economic Development. The Pilot Project is to identify opportunities for LGs to reduce red tape for business. It is to focus on identifying and eliminating any non-essential and unnecessary LG procedures, processes, forms, licences and other compliance obligations that add to the cost of running a business in SA. It is being undertaken in conjunction with the SA Government's Red Tape Reduction Project.
Northern Region (NT)	A regional waste management facility is being developed by Belyuen Community Government Council, City of Palmerston, Coomalie Community Government Council, Darwin City Council, Litchfield Council and Wagait Shire Council.
WA LGs	The 'CouncilsOnline' portal was developed for the LG sector in Western Australia with financial assistance provided by the Australian Government. It provides a single online portal for the online preparation, lodgement and processing of planning and building applications with LGs. The benefits of this single portal for business include uniform and consistent processes, faster processing of applications and the capacity to tack applications across multiple LGs. These arrangements are presently in place for LGs across the Perth metropolitan area and some LGs in the south west of the State.

Sources: NSW Division of Local Government (2011d); NSW Department of Local Government (2007); Northern Territory Government (2008); Northern Territory Government (pers. comm.) LGA SA (2010, 2011c); WALGA (sub. DR47).

Box J.1 South Australia's Local Government Research and Development Scheme

This scheme is funded by South Australian LGs in lieu of their paying taxes to the State Government. It is used for LG development purposes agreed between the Minister for Local Government and the Local Government Association of South Australia (LGA SA) in accordance with agreed 'principles'.

LG SA has a major role in the administration of the scheme. It is responsible for identifying the purposes for the use of scheme funds in consultation with LGs and the Minister, for the administration of allocations from the scheme, and for the management of projects and activities.

One principle of the scheme is that, in complying with statutory requirements, the scheme must be applied for 'local government development purposes', and that the money is used 'strategically for the benefit of local government as a whole'.

The purposes currently agreed between the Minister and the LGA SA include:

- grants, research, information or services to help LGs with the introduction and implementation of 'functional reform'
- funding of proposals by regional local government associations to strengthen their ability to provide services to their members and communities and to engage effectively in intergovernmental discussions and negotiations.

Current projects involving topics on coordination or consolidation, or on LG regulation have included the following:

- climate change decision support framework and software for coastal LGs
- LG amalgamations
- country statutory planning pilot project
- development assessment online
- development of regional governance models
- electronic development assessment — initial planning process
- functional reform consolidation
- integrated governance — initiatives in policy and planning
- regulatory services
- resources to reduce red tape processes.

Applicants for funding under the Scheme can include LGs, state and regional LG associations and their enterprises, educational institutions and universities, LG professional bodies, LG unions, state and Australian Government agencies.

Source: LGA SA (2011c).

Mutual recognition

With mutual recognition, compliance by a business with the requirements of one jurisdiction is deemed to satisfy the regulatory requirements of another jurisdiction. Mutual recognition in relation to LG regulation could feasibly apply under agreements between the LGs themselves, or under state legislation. Indeed, in the United Kingdom, mutual recognition underpins its primary authorities scheme (chapter 2).

In practice, mutual recognition amongst LGs appears to be rarely undertaken. One of few such examples is Victoria's licensing arrangements applying to temporary food premises, mobile food premises, food vending machines and water transport. Operators of these activities need only obtain a permit from their 'principal council' (box J.2). Similar mutual recognition arrangements relating to mobile food vendors apply in Queensland and Western Australia.

Box J.2 Victoria's registration system for temporary or mobile providers of food and water

From 1 July 2011, changes to the Victorian *Food Act 1984* established a new state-wide system for registering temporary food stalls, mobile food premises, food vending machines and water transport vehicles. The changes apply to community groups, not for profit organisations and commercial operators.

Under the new system, operators of these activities need only register with, or notify one LG, called the 'principal council', depending on the activity. Once registered or notified with the principal council, the operator need not apply to any other LG. But it must lodge a statement of trade each time it operates, and renew its registration annually.

Regional organisations of councils and other coordinating bodies

LG coordination and consolidation can occur through a body consisting of LGs, which have volunteered to join as members. These bodies need to be distinguished from joint LG entities, considered later, which are defined in this chapter as statutory bodies delegated with legislative responsibilities on behalf of LGs.

Regional organisations of councils

ROCs are voluntary 'partnerships between groups of local government entities that agree to collaborate on matters of common interest' (ALGA 2011b). A description of ROCs and their history in Australia is provided in box J.3.

Box J.3 Regional Organisations of Councils

The ROC movement started in Australia in the 1920s, but the most important period of expansion commenced in the 1970s when the Australian Government took a proactive approach to identifying and forming regions in both urban and rural areas. While only a handful of ROCs survive from this era, the Australian Government promoted the concept of regional cooperation and helped build the groundwork for an increase in ROC numbers in the 1980s and early 1990s. However, since that time, a significant number of ROCs have also ceased operations, especially in states such as Victoria, South Australia and, most recently, Queensland where mandatory amalgamations made many of them redundant. Some ROCs in those States survived amalgamation (most notably the Council of Mayors SEQ) while in South Australia a regional framework has re-emerged under the auspices of that State's local government association. The 'ROC movement' is strongest in New South Wales, where they have to some degree acted as an alternative form of consolidation to amalgamations. The Australian Government continues to support ROCs as well as other groups of LGs through its Local Government Reform Fund.

Source: ACELG (2011).

ROCs vary in size, structure, mandate, activities, geography and population. That said, ROCs share common characteristics in that LG members:

- join voluntarily
- make a financial or in-kind contribution
- have agreed to a constitution or other form of objectives
- have a range of common issues and interests
- nominate representatives to the ROC's executive board.

Activities of ROCs include:

- research on regional issues and developments that cross LG boundaries
- regional strategies involving integrated approaches to economic, social, environmental and cultural issues
- resource sharing
- advocacy on behalf of their regions (for example, promoting the region for tourism and development, or advocating on behalf of their regions to higher levels of government)
- brokering or facilitating development and implementation of Australian Government or state government policies or programs (for example, see Collins Anderson Management 2003, p. 25).

There are currently 65 ROCs in Australia, with most of them being in Western Australia and New South Wales (table J.3). The table includes bodies that are not formally called ROCs, but have the same kind of functions and governance. This applies in particular to regional and metropolitan LG associations in South Australia, to ‘groups’ of councils in Western Australia, and to the ‘regions’ formed under the Northern Territory Regional Management Plans.

Table J.3 How many regional organisations of councils?^a

<i>Jurisdiction</i>	<i>Number</i>
New South Wales	18
Victoria	5
Queensland	11
Western Australia	16
South Australia	8
Tasmania	3
Northern Territory	4
Total	65

^a This table includes organisations not called ‘ROCs’, but that are similar or the same as ROCs.

Source: ALGA (2011b).

The characteristics of some of the largest ROCs in Australia (covering residential populations exceeding 1 million), including their regulatory activities, although these are minor relative to their other activities — such as advocacy — are set out in table J.12.

Other coordinating bodies

Regional groups

There are numerous examples of regional groups of LGs (variously called committees, partnerships, alliances, panels, zones and forums) that perform similar functions to ROCs. Box J.4 lists examples of regional groups from New South Wales that coordinate on LG regulatory functions.

Box J.4 NSW regional groups that coordinate on local government regulatory functions

- Namoi Regional Food Surveillance Group consists of Liverpool Plains, Gunnedah, and Narrabri. Its objectives are to: provide a food inspector to help all member LGs; provide a food inspector at a reasonable cost to all members; and ensure food inspection techniques are uniform across all members.
- Northern Inland Weeds Advisory Committee consists of Armidale, Gunnedah, Guyra, Gwydir, Inverell, Moree Plains, Narrabri, Liverpool Plains, Glenn Innes Tenterfield, Tamworth, Uralla, Walcha. The Committee's objectives are to collaborate to fulfil the requirements of the *Noxious Weeds Act 1993*, discuss and debate regional weed management issues, coordinate local and regional weed management plans, and influence private land managers regarding weed management.
- Randwick-Waverly Joint Design Review Panel consists of Randwick and Waverly. Its objective is to improve the design of residential flat development. Its principal activities are to review development applications, urban design, strategies, local environment plans, and development control plans. It is established under a State Environment Planning Policy.
- Riverina Regional Cities Group consists of Albury, Griffith, Wagga Wagga. Its objective is to present a single voice to Government on matters of mutual interest and promotion of the Riverina. Among its activities are its participation in joint studies and the establishment of a planning group.
- South East Weight of Loads Group consists of Queanbeyan, Palerang, Goulburn Mulwarree, Cooma Monaro, Snow River Shoalhaven, Yass, Cootamundra, Harden, Junee and Wollondilly. Its objectives are to minimise road pavement damage by heavy vehicles, educate drivers and extend the life of road assets. Its principal activities are to provide inspectors to patrol all member LGs, issue breaches to overweight vehicles and to educate drivers in the heavy vehicle industry. Similar groups exist in the north west and mid-north of New South Wales.
- WBC Strategic Alliance consists of Wellington, Blayney and Cabonne. The Alliance has developed common engineering guidelines, standard conditions of consent, a generic development application kit (involving 12 template forms and a development application guide for applicants), a project management tool kit, and common procedures and policies. It also undertakes resource sharing — for example, it has a shared principal strategic planner for development of common regional local environment plan and the LG's specific local environment plans and planning instruments; and a shared heritage officer. It also jointly applied for funding from the NSW Environment Trust to develop sustainability plans.

Source: NSW Division of Local Government (2011e).

State-wide and national groups of councils

There are also a number of national and state-based groupings of LGs — the:

- Australian Local Governments Association (ALGA) representing all LGs in Australia as well as individual state LG associations
- Local Government Managers Association, which is committed to the development and improvement of LG management, and individual state associations
- Municipal Association of Victoria and the Victorian Local Governance Association
- Shires Association of NSW, which was established to promote the interests of regional councils
- National Growth Areas Alliance, comprising 24 LGs that share the common characteristic of growth and the need to deal with the social, physical and planning challenges that come with it
- National Sea Change Taskforce, which represents the interests of 68 coastal LGs experiencing rapid population and tourism growth.

Many of these groupings do not appear to be involved in addressing LG regulatory functions.

Joint local government entities

The creation of a joint LG entity to undertake the legislative responsibilities of individual LGs is another approach to coordination and consolidation.

Joint LG entities are established under either state and Northern Territory local government Acts, under their own specific legislation, or under other legislation (such as ‘special permit authorities’ in Western Australia under the *Building Act 2011 (WA)*). Their governance structures are typically prescribed by statute. They are generally accountable to their constituent LGs, who may be represented on the joint LG entity’s board. They might provide services or facilities to constituent LGs, or on behalf of constituent LGs to their local communities. They might also have commercial objectives. ‘Development assessment panels’ such as in South Australia and Western Australia (chapter 12) and water catchment authorities such as in New South Wales are not considered as joint LG entities in that they can involve members other than LGs.

Joint LG entities need to be distinguished from other groups of LGs such as ROCs and LG associations in two respects:

- legislation plays an essential role in the establishment, objectives and governance structure of joint LG entities
- joint LG entities are delegated with legislative responsibilities by their constituent LGs.

Many joint LG entities are engaged in the provision of services and management of facilities, for example, in: waste management (Bunbury-Harvey Regional Council in Western Australia); water (Central Tablelands County Council in New South Wales); land development (Tamara Park Regional Council); vermin control (Murchison Vermin Control Regional Council in Western Australia); natural resource management (Yarra Yarra Catchment Regional Council in Western Australia); and IT (CouncilBiz in the Northern Territory).

Table J.4 and box J.5 set out some examples of joint LG entities created under local government Acts that carry out regulatory functions.

Table J.4 Joint LG entities involved in regulatory functions

<i>Joint LG entity</i>	<i>LGs involved</i>	<i>Activities that involve LG regulatory functions</i>
Castlereagh-Macquarie County Council (NSW)	Coonamble, Gilgandra, Walgett, Warren, Warrumbungle	The County Council seeks to provide effective integrated weed management systems to all its constituent LGs in accordance with the <i>Noxious Weeds Act 1993</i> .
Southern Metropolitan Regional Council (WA)	Canning, Cockburn, East Fremantle, Fremantle, Kwinana, Melville, Rockingham	The Regional Council is responsible for developing environmentally sustainable waste management solutions and climate change abatement measures for communities in its region.
Eastern Health Authority (SA)	Burnside, Campbelltown, Norwood Payneham and St Peters, Prospect, Walkerville	The Authority ensures that its constituent LGs meet their legislative responsibilities relating to environment health under the <i>Public and Environmental Health Act 1987</i> , <i>Food Act 2001</i> , and <i>Supported Residential Facilities Act 1992</i> .

Sources: NSW Division of Local Government (2011e); Eastern Health Authority (nd); WALGA (2009b).

Box J.5 **The South Australian Eastern Health Authority**

The Eastern Health Authority is formed as a regional subsidiary under the South Australian *Local Government Act 1999*. Its objective is to protect people's health and wellbeing.

The Authority provides a range of environmental health services to the community in the eastern and inner northern suburbs of Adelaide. These include the provision of immunisation services, surveillance of food safety, sanitation and disease control, and licensing of supported residential facilities.

The Authority's constituent LGs are Burnside, Campbelltown, Norwood Payneham St Peters, Prospect and Walkerville. It services a combined population of over 150 000.

It ensures that its constituent LGs meet their legislative responsibilities, which relate to environmental health and that are mandated in the *Public and Environmental Health Act 1987*, *Food Act 2001*, and the *Supported Residential Facilities Act 1992*.

The Authority is governed by a Board of Management comprising of two elected members from each constituent LG. It has a Charter which sets out its purpose, powers and functions, powers of delegation and other matters. The Board is responsible for ensuring the Authority acts according to its Charter.

The Authority is funded by its constituent LGs. The contribution paid by a constituent LG is determined by a calculation based on the proportion of the Authority's overall activities it uses. The contribution is paid in two equal half yearly instalments.

Source: Eastern Health Authority (nd).

Amalgamations

Another approach to LG coordination and consolidation is through the amalgamation of LGs. Amalgamations may be mandatory (imposed upon LGs by state and Northern Territory governments) or voluntary (initiated by LGs or encouraged by governments).

LG amalgamation may occur through: the creation of a larger LG from the merger of two or more small LGs; significant boundary changes to existing LG areas; or the restructure of the LG sector entailing the creation of new, but fewer LGs (such as in the Northern Territory).

The Northern Territory Government (pers. comm., 15 March 2012) expressed the view that the reduction in the number of its LGs in 2008, from 61 to 16, was not due to amalgamations, but to its LG reforms, whereby some LGs were formed, while others were subsumed in the new LGs.

However, the Commission takes a broad view of what is amalgamation and considers that it includes the restructuring of the LG sector in a jurisdiction, particularly where it leads to a reduction in the total number of LGs.

Most jurisdictions have instigated major amalgamations over the last 20 years. The most recent mandatory amalgamations in the states occurred in Queensland in 2008.

Further voluntary amalgamations are being proposed for other states. In Western Australia, voluntary amalgamations actively supported by the State Government are expected under the Government's structural reform agenda. In Tasmania, there has also been increased interest in voluntary amalgamations evident by a report by the Southern Tasmanian Councils Authority (STCA Steering Committee 2011)¹ proposing amalgamations in the southern region of that State and by a report by Deloitte Access Economics on behalf of the Property Council of Australia – Tasmania (2011). Table J.5 sets out details about the most recent period of amalgamations experienced in each of the jurisdictions, including whether or not existing local laws of the merged LGs continued or were subject to sunseting.

¹ The Property Council of Australia — Tasmania has also advocated further amalgamations in Tasmania (Deloitte Access Economics 2011).

Table J.5 Most recent changes in numbers of local government authorities due to amalgamations

	<i>Year/s change occurred</i>	<i>Reduction in LG numbers</i>	<i>Voluntary^a or mandatory</i>	<i>Current government policy on future amalgamations</i>	<i>Sunset provisions apply to regulations</i>
NSW	2003 to 2004	172 to 152	Voluntary ^b	No forced amalgamations, but the Government would like to remove barriers to voluntary amalgamations.	No
Vic	1993 to 1994	220 to 78 ^c	Mandatory ^d	No policy statement.	Yes
Qld	2008	156 to 73	Mandatory	No policy statement.	Yes
WA	1991 to 2001 2001 to 2011	138 to 142 ^e 142 to 138 ^f	Voluntary ^g	Amalgamations to be voluntary with assistance provided by the Government. The State Minister for Local Government has established an independent panel to review Perth metropolitan LG boundaries and broader governance structures. The panel is expected to report to the Minister by 30 June 2012.	No
SA	1996	118 to 72	Voluntary	Amalgamation proposals must come from LGs and have the support of all LGs involved.	No
Tas	1989 to 1993 ^h	46 to 29	Mandatory	Since 1997, it has been Government policy that there be no forced amalgamations.	Yes
NT ⁱ	2008	61 to 16	Mandatory	No policy statement.	No

^a Voluntary amalgamations may be initiated by LGs themselves or actively supported by governments (for example, in South Australia, there were many incentives to support amalgamation by LGs). ^b The change in LG numbers in New South Wales occurred through amalgamations and boundary changes. ^c There are currently 79 LGs in Victoria resulting from a de-amalgamation of Delatite Shire in 2002. ^d The change in LG numbers in Victoria occurred through boundary changes. ^e The number of LGs increased when the metropolitan areas of Perth split into individual LGs in 1994. ^f The most recent amalgamation occurred on 1 July 2011 with the creation of the City of Greater Geraldton from the merger of Geraldton-Greenough and Mullewa. ^g Amalgamations in Western Australia, included boundary reviews. ^h A subsequent attempt at boundary reform in 1997 by the Tasmanian Government was unsuccessful. ⁱ The approach taken by the Northern Territory involved the restructure of the LG sector entailing the creation of new, but fewer LGs.

Sources: ABS (1995); Boundary Adjustment Facilitation Panel (nd); Deloitte Access Economics (2011); NSW Department of Local Government (2004); NSW Division of Local Government (2011b); DOTARS (2001); Local Government Board of Tasmania (2010); Productivity Commission survey of state governments (2011-12, unpublished); Systemic Sustainability Study Panel, Western Australia (2006); WA Department of Local Government (2011a).

According to the Commission's Local Government Survey, 15 of the 133 LG respondents were involved in amalgamations in the last ten years. The main reason they gave for amalgamating was mandatory state government requirement. Six of them were given state government assistance for amalgamation. Primarily this

assistance was financial and technical although guidelines were also given as support.

Boxes J.6 and J.7 provide examples of the mandatory approach to amalgamations in Victoria and the voluntary approach to amalgamations in Western Australia that is currently in train.

Box J.6 A mandatory approach to LG amalgamations: Victoria

In Victoria, there have been several investigations into LG structural reform since the 1960s, when there were 210 LGs.

However, it was not until the election of a new State Government in 1992, that substantial changes to LG structure occurred. Three factors contributed to the desire by the Government for LG reform: ‘public choice principles’, State Government budgetary concerns, and national micro-economic reform initiatives (due to the 1993 Hilmer Report on national competition policy).

The new Government introduced the Local Government (General Amendment) Act, which established a Local Government Board to review Victoria’s LG structure. Although the Board had commenced with no set reduction target, the State Government had expressed a desire to substantially reduce the number of LGs in Victoria. The Board adopted a ‘top down’ approach and community interest was ‘minimally’ considered. Key features of the reforms included the following:

- LGs were reduced from 210 to 78 between August 1993 and February 1995
- All LGs were dismissed and Government-appointed commissioners and chief executive officers were installed to replace the previously elected councillors and chief executive officers for an 18 month transition period
- An increasing proportion of LG budgets was required to be subject to compulsory competitive tendering, which meant that certain LG assets and functions. Around the same time, water supply assets in regional areas were transferred from LGs to new State-government owned water utilities.

Sources: Connoley (2007); PC (2011c); Tiley and Dollery (2010).

Box J.7 A voluntary approach to LG amalgamations: WA

In February 2009, the Minister for Local Government announced the State Government's agenda for voluntary LG reform. The Government was concerned about the slow pace of amalgamations. The aim of the reform is to: amalgamate LG areas, where possible and appropriate; reduce the number of councillors to no more than six to nine per LG; encourage a greater focus on regional long term planning; and strengthen the ability of LGs to delivery services to their communities.

A Local Government Reform Steering Committee and four working groups were established to progress reform and associated strategies. In its report of May 2010, it recommended that to 'further progress reform' the Minister:

- note that the voluntary reform process has not yielded the scale of reform required to delivery meaningful benefits to the State
- consider options for targeted Government intervention, including through proposals to the Local Government Advisory Board for major boundary adjustments, and/or legislation to trigger reform activity in specific areas of Western Australia
- support LGs willing to take part in structural reform but who have been unable to secure partners by providing funding support for capacity building and reform initiatives and request continuing engagement with the Western Australian Local Government Association and the Local Government Managers Australia on possible Regional Transition Groups or Regional Collaborative Groups and other reform initiatives.

A Local Government Reform Implementation Committee has now taken over to progress reform and an independent review is being undertaken of Perth metropolitan LG and the broader governance structures.

All 138 LGs were asked to look at how they could voluntarily work with their neighbours to achieve this reform. Two models were offered by the State Government: regional transition groups (LGs that work together on a regional business plan to consider whether amalgamation would benefit their communities) and regional collaborative groups (LGs that work together on a regional business plan to consider whether a shared service arrangement would benefit their communities).

To date, 47 LGs have signed agreements to form amalgamation groups, regional transition groups, or regional collaborative groups. Four LGs are pursuing amalgamations to form two new entities: Geraldton-Greenough and Mullewa (validated by poll results on 16 April 2011) and Westonia and Yilgarn (currently being considered by the Local Government Advisory Board). Sixteen LGs have formed five regional transition groups, which enables LGs that see the need for reform to work together on a regional business plan to see how amalgamation would benefit their communities among other things. And 23 LGs have formed regional collaborative groups, which involve LGs in certain regional areas like the Kimberley and Pilbara working together to prepare a regional business plan to identify those functions and services that could be better delivered through a regional approach.

Sources: WA Department of Local Government (2011a, b, c; 2010b, c); WALGA (sub. DR47).

J.2 Legislative and assistance arrangements

The following sections contains the supporting tables for chapter 5 on the legislative and government assistance arrangements that enables coordination and consolidation to occur.

Table J.6 Local government Acts: joint activities

<i>Jurisdiction</i>	<i>Provisions</i>
NSW	A function of council may be exercised jointly with other councils (including through a voluntary regional organisation of councils).
Vic	The role of council is to include acting as a responsible partner in government by taking account the needs of other communities. A council may prepare a transport plan jointly with other councils.
Qld	A local government may exercise its powers by cooperation with one or more other local governments (or State/Australian governments) to conduct a joint government activity. A joint government activity includes providing a service or operating a facility. The cooperation with another government may include entering into an agreement, creating a joint local government entity or joint government entity to oversee the joint government activity. A joint government activity may be set up for more than one purpose. A local government may exercise a power in another government's area for the purpose of a joint government activity in the way agreed by the governments. However, if the power is to be exercised under a local law, the local law must expressly state that it applies to the other government's area.
WA	Local governments can make arrangements under which one performs a function for another, or local governments perform functions jointly.
SA	In the performance of its roles and functions, a council must uphold and observe specified principles including the principle to participate with other councils (and with State and national governments) in setting public policy and achieving regional, State and national objectives.
Tas	No provision on joint activities nor local government coordination.
NT	There must be a regional management plan for three prescribed regions in the Territory. A regional management plan is primarily the product of consultation a) between interested councils for the region, and b) between interested councils for the region and the Agency (the Department responsible for the Local Government Act). A municipal council may (but is not required to) participate in consultation related to a regional management plan. A regional management plan only binds a municipal council to an extent agreed by the council, A regional management plan must a) address i) the opportunities and challenges for local government service delivery in the region; and ii) the administrative and regulatory framework for local government service delivery throughout the region; and iii) ways of improving service delivery by cooperation between councils, or between councils and government agencies or other organisations; and b) define, for shire councils within the region, the core local government services, and where they are to be delivered, in the region. A regional management plan may provide for the joint management of facilities within the region for the benefit of residents within the region. Councils may form a local government subsidiary to conduct joint activities – see table J.2

Table J.7 Local government Acts: joint local government entities

<i>Jurisdiction</i>	<i>Provisions</i>	<i>Examples</i>
NSW	County councils may be created by the Minister to undertake the functions of a council. The governing body of a county council must be elected by its constituent councils.	Castlereigh Macquarie County Council, MidCoast County Council, Richmond River County Council.
Vic	No provisions.	Not applicable.
Qld	A local government may create a joint local government entity or joint government entity to oversee a joint government activity (see table 11.8) .	Not available.
WA	Two or more local governments may with the Minister's approval establish a regional local government to do things for the participants for any purpose for which a local government can do things. An application to the Minister must be in an approved form and accompanied by an agreement between the participants (establishment agreement). A regional local government is a body corporate whose governing body is made up of participating councils. The establishment agreement is to set out specific matters, including the purpose for the regional local government is established, and a means for determining the financial contribution of participants to the funds of the regional local government. A regional local government can only do things for a regional purpose.	Eastern Metropolitan Regional Council, Tamala Park Regional Council, Murchison Regional Vermin Council.
SA	Two or more councils may establish a regional subsidiary to provide a specified service or services or to carry out a specified activity or activities; or to perform a function of the councils. If a regional subsidiary is established to perform a regulatory activity of the constituent councils, it cannot also perform a significant and related service activity. The establishment of a regional subsidiary is subject to Ministerial approval.	Gawler River Floodplain Management Authority, Southern and Hills Local Government Association, Eastern Health Authority.
Tas	A council may resolve to establish a joint authority with one or more other councils. A joint authority may be established to carry out any scheme, work or undertaking; to provide facilities or services; and to provide any function or exercise any power of a council.	Ben Lomond Water, Cradle Mountain Water, Coping Refuse Disposal Site Joint Authority.
NT	If the Minister approves, a council or 2 or more councils acting together (the constituent council or councils) may form a body corporate (a local government subsidiary) to carry out functions related to local government on behalf of the constituent council or councils. The local government subsidiary and the constituent council or councils must comply with the conditions of the Minister's approval. A council may delegate powers and functions to a local government subsidiary.	CouncilBiz.

Table J.8 Local government Act provisions relating to amalgamations — general

<i>Jurisdiction</i>	<i>Provisions</i>
NSW	<p>The Minister must refer proposals for amalgamation/boundary changes to the Local Government Boundaries Commission for advice.</p> <p>If the proposal is for amalgamation of councils, the Commission must hold a public inquiry, but the Minister has the option of an inquiry by the director-general.</p> <p>The commission may hold public inquiries into other matters if the minister approves.</p> <p>The Minister may accept/reject/make minor modifications to the Commission's advice.</p> <p>There are specific factors that the Commission must consider in any matter referred to it including on amalgamation/boundary changes — see table 12.11.</p>
Vic	<p>The Minister may establish a local government panel to conduct a review of any matter relating to local government restructuring or on any other matter.</p> <p>The panel may conduct a review in any way it thinks appropriate.</p> <p>The Minister acts as he/she see fit after considering the panel's report.</p> <p>A panel is not required for minor boundary changes if affected council/s agree.</p>
Qld	<p>The Local Government Change Commission, the Minister or councils may initiate a proposal for local government change (including a change of the boundaries of a local government area).</p> <p>The Commission may undertake its assessment as it considers appropriate. But it must consider submissions from any affected local government and hold a public hearing.</p> <p>The Commission must assess whether the proposed local government change is in the public interest. In doing so it must consider whether the change is consistent with the Act, the views of the Minister, and any other matters prescribed in regulation.</p> <p>The Commission must let the public and Minister know the results of and reasons for its assessment.</p> <p>The Commission may recommend the Governor in Council implement its assessment.</p>
WA	<p>The Minister must seek advice from the Local Government Advisory Board on the creation, changing the boundaries of, and abolishing districts before making a recommendation to the Governor in Council on these matters.</p> <p>A proposal may be made to the Local Government Advisory Board relating to creating, changing the boundaries of, and abolishing districts. A proposal may be made by the Minister, an affected local government 2 or more affected local government, or affected electors who are at least 250 in number or at least 10 per cent of the total number of affected electors.</p> <p>The Advisory Board is not required to formally inquire into a proposal under certain circumstances (eg the proposal is frivolous or not in the interests of good government, or is one of a minor nature).</p> <p>Where a formal inquiry is required, the Advisory Board is to give notice to affected parties and a report to the Minister on the process it is to follow</p> <p>Factors that the Board is to take into account in considering a proposal are in table 12.11:</p> <p>The Minister can put the Board's recommendation to a poll of electors, or 10 per cent of affected electors (or at least 250 electors) can demand a poll.</p> <p>The Minister cannot amend the Board's recommendation, only accept or reject it.</p>

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Jurisdiction Provisions

SA	<p>The Boundary Adjustment Facilitation Panel has a number of functions, including considering proposals in relation to the creation, structuring and restructuring of councils and to make recommendations to the Minister.</p> <p>Proposals may be referred to the Panel by councils or a group of electors (at least 20 eligible electors). The Panel or the Minister has no power to initiate proposals.</p> <p>Proposals initiated by councils must have the support of all councils involved. A council-initiated proposal must be made by at least two councils, unless the council wishes to alter its boundary to include unincorporated land.</p> <p>Proposals initiated by a group of electors must first go through the relevant council.</p> <p>If the Panel decides that an inquiry into a proposal is warranted it can make recommendations to the Minister. The Panel in arriving at recommendations must consider specified principles — see table 12.11.</p> <p>On receipt of the Panel's report, the Minister may accept the report, refer the report back to the Panel with a request to consider matters or specific steps, or consult with relevant councils. The Minister cannot reject a report at this point but must refer the report back to the Panel if the decision is not to accept the report. Once the Minister is satisfied with the report, the Minister can then forward it to the Governor with a recommendation for a proclamation, or determine that a proposal not proceed. If the Minister does the latter, the Minister must report to Parliament.</p>
Tas	<p>The Minister or 10 per cent of electors can require a poll on a proposal.</p> <p>The Minister may require the Local Government Board to carry out a general review of a council, or a specific review. A specific review may include a boundary change or amalgamation of two councils. A specific review may occur at any time, or at the request of a council, or on a petition of at least 20 per cent of the electors of a municipal area.</p> <p>The Board may carry out any review in any manner it thinks appropriate. But the review must involve a reasonable opportunity for public consultation and for any council affected to make any submissions.</p> <p>The Minister may accept any or all of the Board's recommendations, requires the Board to reconsider its recommendation, refer to the Board and alterations to its report by a council, or reject any of the Board's recommendations. If the Minister rejects the Board's recommendation the Minister cannot make a recommendation to the Governor in respect of boundary change or amalgamation. The Local Government Board has issued principles for voluntary mergers of local government authorities in Tasmania — see table 12.11.</p>
NT	<p>Under the Local Government Act, councils are required to assess the adequacy of its constitutional arrangements at least once in the council term. Under the Local Government (Electoral) Regulations, councils must give proper consideration to community interests, types of communication and travel in the council area, population trends, population density and the physical features of the council area. It is thus possible for two councils to decide to request the Minister to allow their amalgamation as part of this process.</p>

Table J.9 Local government Act provisions relating to amalgamations — decision making criteria

<i>Jurisdiction</i>	<i>Criteria</i>
NSW	<p>There are specific factors that the Local Government Boundaries Commission must consider in any matter referred to it including on amalgamation/boundary changes:</p> <ul style="list-style-type: none"> • The financial advantages or disadvantages (including the economies or diseconomies of scale) of any relevant proposal to the residents and ratepayers of the areas concerned. • The community of interest and geographic cohesion in the existing areas and in any proposed new area. • The existing historical and traditional values in the existing areas and the impact of change on them. • The attitude of the residents and ratepayers of the areas concerned. • The requirements of the area concerned in relation to elected representation for residents and ratepayers at the local level, the desirable and appropriate relationship between elected representatives and ratepayers and residents and such other matters as it considers relevant to the past and future patterns of elected representation for that area. • The impact of any relevant proposal on the ability of the councils of the areas concerned to provide adequate, equitable and appropriate services and facilities. • The impact of any relevant proposal on the employment of the staff by the councils of the areas concerned. • The impact of any relevant proposal on rural communities in the areas concerned. • In the case of a proposal for the amalgamation of two or more areas, the desirability (or otherwise) of dividing the resulting area or areas into wards. • In the case of a proposal for the amalgamation of two or more areas, the need to ensure that the opinions of each of the diverse communities of the resulting area or areas are effectively represented. <p>Such other factors as considered relevant to the provision of efficient and effective local government in the existing and proposed new areas.</p>
Vic	No specific criteria.
Qld	<p>Under the Act, the Change Commission must assess whether the proposed local government change is in the public interest. In doing so it must consider whether the change is consistent with the Act, the views of the Minister, and any other matters prescribed in regulation. The Local Government (Operations) Regulation 2010 sets out the other matters to be considered by the Change Commission in changing boundaries of a local government. These are:</p> <ul style="list-style-type: none"> • Community of interest. • Whether a joint arrangement should be established instead. • Resource base sufficiency.
WA	<p>Factors that the Local Government Advisory Board is to take into account in considering a proposal are as follows:</p> <ul style="list-style-type: none"> • Community of interests. • Physical and topographic features. • Demographic trends. • Economic factors. • The history of the area. • Transport and communications. • Matters affecting the viability of local governments. • The effective delivery of local government services.

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Jurisdiction Criteria

SA	<p>The Boundary Adjustment Facilitation Panel in arriving at recommendations must consider the following specified principles:</p> <ul style="list-style-type: none">• The resources available to local communities should be used as economically as possible while recognising the desirability of avoiding significant divisions within a community• Proposed changes should, wherever practicable, benefit ratepayers• A council should have a sufficient resource base to fulfil its functions fairly, effectively, and efficiently• A council should offer its community a reasonable range of services delivered on an efficient, flexible, equitable and responsive basis.• A council should facilitate effective planning and development within an area and be constituted with respect to an area that can be constituted on a coherent basis.• A council should be in a position to facilitate sustainable development, the protection of the environment and the integration of land use schemes.• A council should reflect communities of interest of an economic, recreational, social, regional or other kind, and be consistent with community structures, values, expectations and aspirations.• A council area should incorporate or promote an accessible centre or centres for local administration and services.• In considering boundary reform, it is advantageous (but not essential) to amalgamate whole areas of councils (with associated boundary changes if necessary) and to avoid significant dislocations within the community.• Residents should receive adequate and fair representation within the local government system, while over-representation in comparison with councils of a similar size and type should be avoided (at least in the longer term).• The importance within the scheme of local government that a council be able to cooperate with other councils and provide an effective form of government to the community.• A scheme that provides for the integration or sharing of staff and resources between two or more councils may offer a community or communities a viable and appropriate alternative to structural change options.
Tas	<p>The Local Government Board (2010) issued the following principles for voluntary mergers of councils:</p> <ul style="list-style-type: none">• Councils should consider all available reform options.• Councils should commit to the outcomes of a prescriptive 16-step process.• Councils should provide adequate resources to ensure their capacity to see the process through.• Information on the process, the proposals, the reasons for decisions and post-reform implementation must be communicated from the outset. Consultation with ratepayers, community and all other interested parties including all councils must occur once the council has made its initial decision to investigate options for reform.• A merger should only proceed where it will lead to: long term financial sustainability, enabling a merged council to provide services that meet community expectations and statutory requirements; benefits for the community which may include improved governance, community capacity building, improved service delivery; and improved management practices.
NT	<p>Under the Local Government Act, councils are required to assess the adequacy of their constitutional arrangements at least once in the council term. Under the Local Government (Electoral Regulations), councils must give proper consideration to community interests, types of communication and travel in the council area, population trends, population density and the physical features of the council area.</p>

Table J.10 Local government Act provisions relating to amalgamations — effects on local laws

<i>Jurisdiction</i>	<i>Provisions</i>
NSW	A proclamation by a Governor in relation to the amalgamation of two or more areas or alteration of boundaries of areas may include reference to: the application of regulations, the termination, cessation, dissolution or abolition of anything existing before the Act, the preservation or continuance of anything existing before the proclamation takes effect.
Vic	The Governor in Council may make an Order in Council relating to altering the boundaries of a municipal district or by constituting a new municipal district through amalgamating existing districts. The matters that might be included in an Order in Council including the application, continuation, amendment or revocation of existing local laws. But there is a general sunset provision applying to local laws whereby unless they are revoked sooner, a local law is revoked 10 years after the day which is the earliest day on which it came into operation.
Qld	<p>Councils affected by amalgamation or boundary changes after the local government elections on 15 March 2008 are required to consolidate their current local laws and subordinate local laws.</p> <p>Following the local government reform, transitional provisions commenced that provide for local laws and subordinate local laws to continue in force (Local Government Reform Implementation Regulation 2008 and Local Government Reform Implementation (Transferring Areas) Regulation 2007). This only applies in the areas to which the local government had originally applied until the law:</p> <ul style="list-style-type: none"> • Is repealed by the new local government • Is applied to the whole local government area (by local law) <p>expires automatically on 31 December 2011.</p>
WA	The Local Government (Constitution) Regulations 1998 (regulation 7) makes provision for the regulations of amalgamated local governments to continue in their former districts until such time as they are repealed or amended. The amalgamated authority needs to follow the Local Government Act in making a local law.
SA	<p>The Governor in making a proclamation to amalgamate two or more council may make provision for the by-laws that are to apply in the area (or part of the area) of the council.</p> <p>The Governor in making a proclamation to alter the boundaries of two or more councils may make any special provision that may be necessary or desirable about the by-laws that are to apply in parts of the areas affected by the alteration of the boundaries.</p>
Tas	If a new council is created as a result of two or more municipal areas being combined, the new council may adopt any by-laws in force in those areas. However, a by-law which is not adopted by the new council within 14 days after it is created ceases to have effect from the end of that period.
NT	At the time of the 2008 local government restructure, transitional provisions provided that the by-laws of the constituent councils (those councils existing prior to LG reform) continue in force (subject to revocation by by-laws made under the Act) as by-laws of the new council (but their territorial application remains unchanged).

Table J.11 Government assistance to promote local government coordination and consolidation

<i>Jurisdiction</i>	<i>Assistance</i>
Cwth	<ul style="list-style-type: none"> The Local Government Reform Fund (LGRF) (as part of COAG's National Partnership Agreement to Support Local Government and Regional Development) provides financial assistance to local government authorities for projects. Its objectives include encouraging collaboration in the local government sector to build capacity and resilience.
NSW	<ul style="list-style-type: none"> The Division of Local Government is working with councils to establish regional support networks, supported by funding from the LGRF. This is intended to facilitate ongoing collaboration and mentoring on a regional basis. The Division of Local Government is developing a proposed strategy to support ROCs and strengthen collaboration on a regional basis.
Vic	<ul style="list-style-type: none"> Councils Reforming Business Program supports councils to improve services, decrease costs and reduce red tape for businesses working with councils. A priority project is shared services (undertaken by the Municipal Association of Victoria). The Victorian Government sponsors forums (an annual local government ministerial forum and regional forums) involving local government authorities, State agencies, ministers and others that provide an avenue for coordination between governments on regulation and other issues.
Qld	<ul style="list-style-type: none"> The Local Government Grants and Subsidies Programs provides financial support to local government authorities to deliver projects including those that promote collaboration between neighbouring local governments to deliver regional priorities. The Department of Local Government and Planning established networks between Indigenous Councils to promote sharing of information and resources. The Department of Local Government and Planning supports a Local Government and Planning Joint Committee and a Local Government Joint Officers Group
WA	<ul style="list-style-type: none"> The Human Resource and Change Management Plan is a resource to assist amalgamating local governments manage their workforces through the structural reform process. The Local Government Structural Reform Program provides financial assistance to local government authorities that have resolved to participate in the process of reform. Local governments are eligible for funding if they have resolved to amalgamate, to participate in a Regional Transition Group, or to participate in a Regional Collaborative Group. The Country Local Government Fund provides financial assistance to groups of country local governments to fund regionally significant infrastructure projects and to country local governments who choose to amalgamate.
SA	<ul style="list-style-type: none"> Supports a regular Minister's State/Local Government Forum provides advice to the Minister, the Premier, the Government and the LGA on issues of priority to both levels of government. The Local Government Research and Development Scheme is used for local government development purposes agreed between the Minister for Local Government and the LGA in accordance with agreed principles, which includes that the scheme is applied for local government development purposes. The SA LGA plays a major role in the scheme. It is funded by LGs in lieu of their taxes to the State Government.

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Jurisdiction Assistance

Tas	<ul style="list-style-type: none">• The Shared Services Grants Program (a component of the Government's Stronger Councils, Better Services initiative) provides financial assistance to local government authorities for the purpose of promoting and supporting resource sharing.• The Premier's Local Government Council agreed in 2010 to: encourage and assist collaboration in the local government sector by promoting the outcomes of the Shared Services Grants Program, and auditing existing collaborative arrangements to identify and promote best practice; and promote a coordinated approach to local government sustainability including taking into account the recommendations of the Local Government's Board report on principles guiding voluntary local government mergers.
NT	<ul style="list-style-type: none">• Government support through regional management plans.• Since its 2008 local government reforms, the Government provided funds towards an independent review of the potential reform/restructure of councils in the Top End.

Sources: NSW Department of Premier and Cabinet (2011); DRALGAS (2011); NSW Division of Local Government (2011b); VCEC (2010); WA Department of Local Government (2011d, e); WA Department of Regional Development and Lands (2011); Local Government Division, Tasmania (2010); LGA SA (2011c); Queensland Department of Local Government and Planning (2011a, b).

Table J.12 Characteristics of large regional organisations of councils

With residential populations exceeding 1 million

ROC	No. of LGs	Residential population (m)	Objectives	Examples of activities applying to LG regulatory functions
Council of Mayors SEQ (Qld)	10	2.8	The organisation seeks to represent the interests of the SEQ region.	<ul style="list-style-type: none"> Planning, rezoning and development assessment: SEQ Regional Plan 2009–2031 (with the Qld Govt). Target 5 Days. Next Generation Planning. Liveable Compact Cities. Development Assessment Process Reform — Operational Works and Large Subdivisions. Environment Draft SEQ Regional Offsets Framework with the Qld Govt.).
Southern Sydney ROC (NSW)	15	1.6	The organisation provides a forum for the exchange of ideas between members and an interface between governments, other LGs and key bodies on issues of common interest. It acts as a facilitator of joint activities between members which provide benefits through economies of scale. It is also a means of resolving cross-border issues such as environment and transport. Its work is structured to respond to priorities identified and agreed by members in an annual work plan.	<ul style="list-style-type: none"> Public health and safety Odour Management for Retail Food Businesses. Planning, rezoning and development assessment Discussion Paper on Planning Requirements for Childcare Centre. Had a project to standardise development assessment processes in the region. Project on hold.
Metropolitan Local Government Group (SA)	20	1.3	The Group is part of the Local Government Association of South Australia. Its mission is to work regionally, locally, and with the Association, to foster and promote sustainable and planned development and growth in Metropolitan Adelaide at the local and regional level.	<p>Environment^a</p> <ul style="list-style-type: none"> The development of a metropolitan Adelaide approach to assessing current carbon footprints and establishing a reduction target. The development of Water sensitive urban design principles for local government application in metropolitan Adelaide. Identification (with the SA Government) of opportunities for planning legislation to require greater water harvesting in domestic and commercial settings). <p>Environment</p> <ul style="list-style-type: none"> Climate Change Charter. The development of leading practice approaches to better manage future climate change risk to coastal assets and communities (funding by Australian Government).
Association of Bayside Municipalities (Vic)	10	1.2	The Association's role is to identify, resolve and advise on matters of common interest to the Bayside LGs to improve the overall management of the Port Phillip Bay environment.	<ul style="list-style-type: none"> Climate Change Charter. The development of leading practice approaches to better manage future climate change risk to coastal assets and communities (funding by Australian Government).

^a From the Group's Strategic Plan 2010–2012.

Sources: Association of Bayside Municipalities (2011); Council of Mayors SEQ (2011); LGA SA (nd); Southern Sydney Regional Organisation of Councils (2012).

K Building and construction

Box K.1 Key jurisdictional building and planning laws, 2010-11

New South Wales

Home Building Act 1989

Home Building Regulations 2004

Environmental Planning and Assessment Act 1979

Environmental Planning and Assessment Regulation 2000

Victoria

Building Act 1993

Building Regulations 2006

Plumbing Regulations 2008

Planning and Environment Act 1997

Local Government Act 1989

Queensland

Building Act 1975

Building Fire Safety Regulations 2008

Building Regulations 2006

Plumbing and Drainage Act 2002

Queensland Development Code

Standard Plumbing and Drainage Regulation 2003

Sustainable Planning Act 2009

Sustainable Planning Regulation 2009

Western Australia

Local Government (Miscellaneous Provisions) Act 1960

Building Regulations 1989

Planning and Development Act 2005

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Box K.1 (continued)

South Australia

Development Act 1993

Development Regulations 2008

Environment Protection Act 1993

Local Government Act 1999

Tasmania

Building Act 2000

Building Regulations 2004

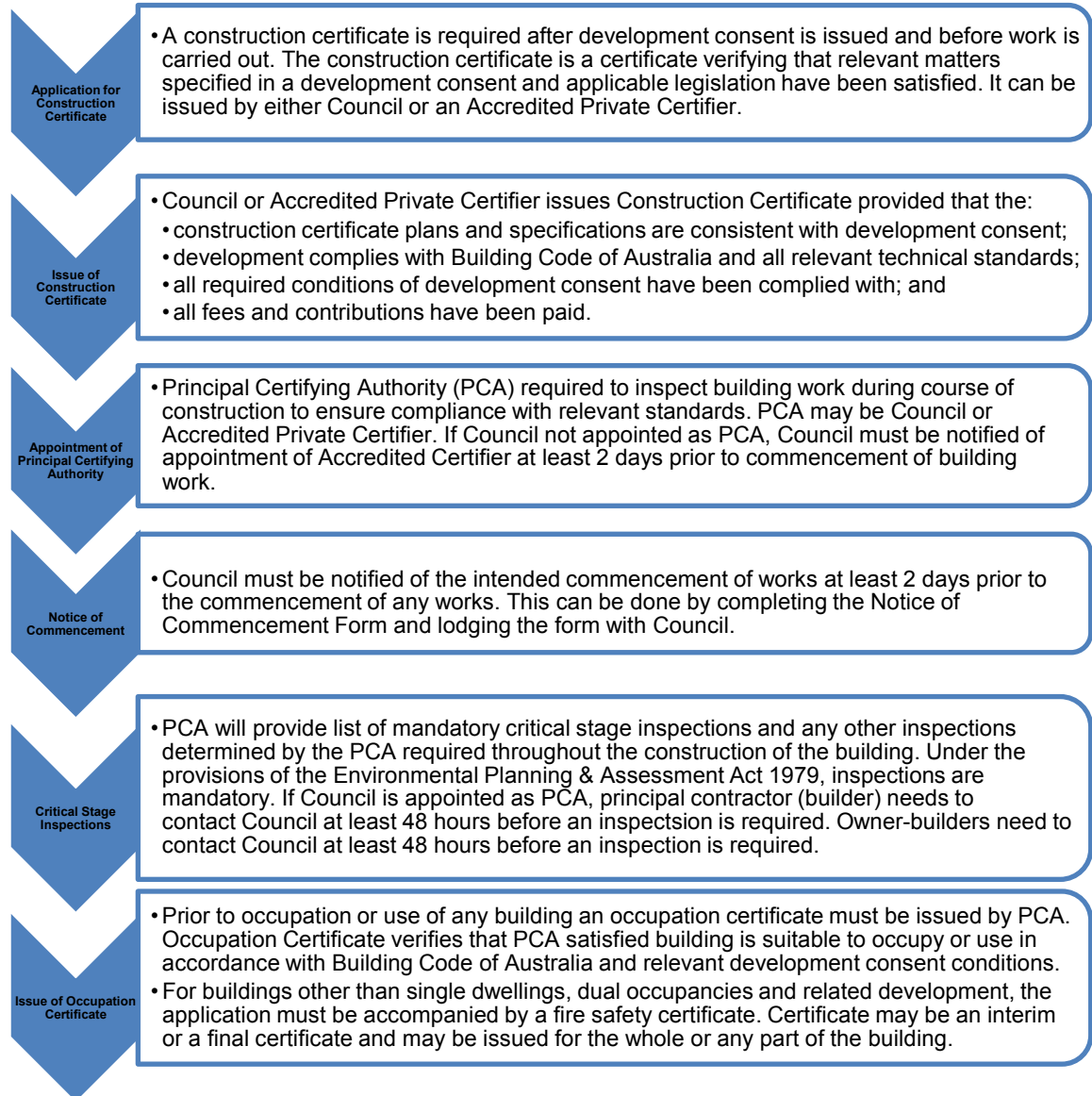
Land Use Planning and Approvals Act 1993

Plumbing Regulations 2004

Local Government Act 1993

Sources: Jurisdictional websites.

Figure K.1 Regulatory stages involved in the building and construction process in NSW



Source: Canada Bay Council website.

Table K.1 Dwelling house building application fees for selected LGs

Scenario: complying development, 200m² detached house with a \$300 000 construction cost, minimum mandatory inspection requirements

Jurisdiction	Building application	Occupancy/final inspection certificate	Inspections
New South Wales			
Blacktown	\$630	Included in inspection package	\$610 package (\$90 each additional)
Manly	\$1 015	\$270	\$270 per inspection
Mosman	\$1 300	\$325	\$325 per inspection
Newcastle	\$1 100	\$230	\$230 per inspection
Wollongong	\$1 528	Included in application fee	Included in application fee
Victoria^a			
Hobsons Bay	\$860	Included in application fee	Included in application fee (\$100 each additional)
Wyndham	\$750	Included in application fee	Included in application fee (\$90 each additional)
Monash	\$1 350	Included in application fee	Included in application fee (\$105 each additional)
Knox	\$1 333	Included in application fee	Included in application fee
Greater Shepparton	\$1 260	Included in application fee	Included in application fee
Queensland			
Cairns	\$920 (plus \$135 lodgement fee)	Included in application fee	Included in app. fee. Plumbing package \$340.2 (max 6 fixtures)
Ipswich	\$540 (plus \$165 lodgement fee each for building and plumbing)	Included in application fee	\$160 per inspection (4 building inspections) plus \$55/\$37 per fixture plumbing compliance/inspection
Redlands	\$550 (plus \$105 lodgement fee)	Included in inspection fees	\$191.95 per building inspection, \$196 plumbing assessment, \$133 per plumbing inspection.
Rockhampton	\$468.5 (plus \$135 lodgement fee)	Included in inspection fees	\$132 per building inspection (4 minimum), \$300.25 plumbing assessment plus \$488 for all 4 plumbing inspections
Western Australia			
All LGs	\$1 050	No charge	No charge
South Australia^b			
All LGs	\$504	\$37.50	No charge
Tasmania			
Kingborough	\$155	\$45	\$92 per inspection (min. 4 building, 4 plumbing)
Southern Midlands	\$900	\$100	\$100 per inspection
Derwent Valley	\$780	\$40	\$88 per inspection
Sorell ^c	\$217.10	\$65.10	\$428.10 plumbing inspections, \$102.90 plumbing approval
Devonport ^c	\$172	\$68	\$91 plus \$35 per wc and \$59 plus \$10 per downpipe

^a Fees for Victorian LGs refer to Municipal Building Surveyor charges. Lodgement fee of \$34 also payable where cost of work above \$5000. ^b South Australian LGs also charged lodgement fees of \$52 and inspection fees of \$59.5 where the development cost was above \$5000. A fee of \$52 for separate (planning and building) consents also charged. ^c Devonport and Sorell councils did not have a building surveying function in 2010-11. The fees shown relate to the cost of issuing building approvals and occupancy/completion certificates for applications lodged by private surveyors. Inspection fees relate to mandatory plumbing inspections only.

Sources: Jurisdictional fee regulations, selected LG fees and charges schedules.

Table K.2 Commercial/Industrial building application fees for selected LGs

Scenario: \$1 million cost, 5 000m² floor area, minimum inspection requirements

Jurisdiction	Building application	Completion/final inspection certificate	Inspections
New South Wales			
Blacktown City Council ^a	\$2 345/\$3 220	Nil	\$3 720/\$ 3060 package (\$120 each additional)
Manly Council	\$4 000	\$270	\$270 per inspection
Mosman Council ^b	\$7 900	\$2 575	\$325 per inspection
City of Newcastle	\$2 080	Included in application fee	Included in application fee max 7 inspections, \$230 each additional
City of Wollongong	\$7 378	Included in application fee	Included in application fee
Victoria^c			
Hobsons Bay City Council	\$4 965	Included in application fee	Included in application fee (max 7 inspections)
Wyndham City Council	\$1 750	Included in application fee	Included in application fee (\$105 each additional)
Monash City Council	\$2120	Included in application fee	Included in application fee (\$90 each additional)
Knox City Council	\$6 600	Included in application fee	Included in application fee
Greater Shepparton City	\$6 600	Included in application fee	Included in application fee
Queensland			
Cairns	LG discretion (plus \$385 lodgement fee)	LG discretion	LG discretion
Ipswich	\$6 350 (plus \$165 lodgement fee for each building and plumbing)	Included in application fee	\$300 per building inspection, (\$55/\$37 per fixture for plumbing assessment/ inspection and \$37 per water/sewerage connection
Redlands	\$8 800 (plus \$157 lodgement fee for building and plumbing)	\$60	\$274 per building inspection, \$195 plumbing plan scrutiny, \$34 per fixture inspection
Rockhampton	\$17 582.5 (plus \$190 lodgement fee)		\$132 per inspection (4 minimum), \$108 for first plumbing fixture, \$39 each additional fixture plus \$488 for 4 plumbing inspections
Western Australia			
All LGs	\$2 000	No charge	No charge
South Australia^d			
All LGs	\$11 150	\$37.5	No charge
Tasmania			
Kingborough	\$310	\$45	\$92 per inspection (minimum 4 building and 4 plumbing)
Southern Midlands	\$1 734	\$100	\$100 per inspection
Derwent Valley	\$25 000	\$40	\$88 per inspection
Sorell ^e	\$217.10	\$65.10	\$428.10 plus \$102.9 for plumbing inspections and approval
Devonport ^e	\$206	\$68	\$91 plus \$35 per wc and \$59 plus \$10 per downpipe

^a Dual fee listing refers to industrial/commercial buildings. ^b Fees for Victorian LGs refer to Municipal Building Surveyor charges. Lodgement fee of \$34 also payable where cost of work above \$5000. ^c Occupancy fee not payable if full inspection fees have been paid to LG. ^d South Australian LGs charged lodgement fees of \$52 and inspection fees of \$59.50 where development cost above \$5000. Fee of \$52 for separate (planning and building) consents also charged. ^e Fees relate to cost of building approvals and occupancy/completion certificates for applications by private surveyors. Inspection fees relate to mandatory plumbing inspections.

Sources: Jurisdictional fee regulations, selected LG fees and charges schedules.

Table K.3 Jurisdictional building and construction industry levies, 2010-11

<i>Jurisdiction</i>	<i>Levy purpose</i>	<i>Amount</i>
NSW ^a	Portable long service leave	0.35% of building cost (above \$25,000)
	No training levy	
Victoria ^b	Building control	0.064% of building cost (above \$10,000)
	Dispute resolution	0.064% of building cost (above \$10,000)
	Portable long service leave	2.7% of worker's pay.
	No training levy	
Queensland ^c	Portable long service leave	0.3% of building cost (above \$80,000)
	Work health and safety	0.125% of building cost (above \$80,000)
	Training	0.1% of building cost (above \$80,000)
Western Australia ^d	Portable long service leave	2.25% of an employee's ordinary rate of pay
	Training	0.2% of contract value (above \$20,000)
South Australia ^e	Portable long service leave	2.25% of an employee's ordinary rate of pay
	Training	0.25% of value of building and construction work (above \$15,000)
Tasmania ^f	Portable long service leave	2% of weekly gross wage
	Training	0.2% of cost of works (above \$12 000)
	Building control	0.1% of cost of works (above \$12 000)

^a In New South Wales, long service leave payments can either be made to LGs as agents for the Construction Industry Long Service Leave Corporation or they can be paid directly to the Construction Industry Long Service Leave Corporation. ^b In Victoria, the long service leave levy is paid directly to CoINVEST. ^c In Queensland, these three levies are paid directly to QLeave and are not collected by LGs. However, LGs may charge a fee of \$3.00 for sighting the form indicating payment has been made to QLeave. ^d In Western Australia, long service leave payments are paid directly to the Construction Industry Long Service Leave Payments Board. All local government authorities are agents for Construction Training Fund levy payments. ^e In South Australia, long service leave payments are paid directly to the Construction Industry Long Service Leave Board. ^f In Tasmania, long service leave payments are paid directly to TasBuild.

Sources: Jurisdictional websites.

Box K.2 Examples of LG by-laws impacting on construction sites

Environmental impact management

Site fencing and identification

Builder's refuse (Note skip bin permit required at Hobson's Bay Council)

Storm water

Tree preservation and protection

Air pollution

Sanitary facilities

Noise abatement

Working hour restrictions

Demolition control

Painting activity

Public safety and amenity management

Blasting control

Explosive

Fire prevention

Traffic impact management

Road occupation for works

Safety requirements

Signs, hoardings, awnings

Cranes

Travel towers

Parking

LG asset impact management

Damage to roads, footpaths, land or vegetation

Site access and vehicle crossings

Temporary dwellings

Sewerage and drainage systems

Other

Sustainability

Disability access

Sources: VCEC (2010); MBAV (2009).

Table K.4 Building approval times for selected councils, 2010-11

<i>Jurisdiction</i>	<i>Average approval time (number of days all building classes)</i>	<i>Statutory time limit excluding further information requests (days)</i>
NSW		No time limit for a construction certificate (residential and commercial/industrial) 10 business days for complying development certificate (residential and commercial/industrial)
Inverell	20 calendar days	
Junee ^a	5 business days	
Maitland	24 business days	
Port Macquarie-Hastings	36 calendar days	
Upper Lachlan	32 business days	
Victoria^b	35 business days (all councils)	10-28 business days for Class 1 and 10 buildings 15-35 business days for Class 2 to 9
Ballarat	37 business days	
Banyule	33 business days	
Greater Geelong	23 business days	
Greater Shepparton	30 business days	
Horsham	34 business days	
Moira	44 business days	
Whittlesea	43 business days	
Wodonga	16 business days	
Wyndham	34 business days	
Wangaratta	13 business days	
Queensland		20 business days
Brisbane	20 business days	
Cairns	5 business days	
Cassowary Shire	10 business days	
Redlands	5-7 business days	
Western Australia^c		35 days
Goomalling	5 business days	
Rockingham	4 weeks minimum	
Mandurah	5,7,9 days	
Swan	1-2 weeks	
Armadale	3-4 weeks	
Kalamunda	8 weeks (1 application)	
East Fremantle	3-4 weeks	
Shire of York	15 calendar days	

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Table K.4 (continued)

<i>Jurisdiction</i>	<i>Average approval time (number of days all building classes)</i>	<i>Statutory time limit excluding further information requests (days)</i>
South Australia^d		20 business days for Class 1 and 10 buildings 60 business days for Class 2 to 9
Adelaide City	85 calendar days	
Holdfast Bay	6 calendar days	
Mount Gambier	14 calendar days	
Town of Gawler	5-10 business days	
Tasmania^e	13 calendar days (all councils)	21 calendar days ^f
Clarence City	3 calendar days	
Glenorchy City	7 calendar days	
Hobart City	11 calendar days	
Huon Valley	4 calendar days	
Kingborough	17 calendar days	
Launceston City	118 calendar days	
West Tamar	3 calendar days	
Central Coast	10 calendar days	
Meander Valley	12 calendar days	

^a Approval days refer to Class 1 and 10 buildings. ^b Victorian data refers to gross days not stop-the-clock. LG selection based on permits issued in 2010-11. ^c In Mandurah, as at June 2011 minor applications processed in 5 days, house applications in 7 days and commercial/industrial/grouped housing applications in 9 days. Swan, Armadale, Kalamunda, East Fremantle data sourced from WA Government (2009). Rockingham, Mandurah data sourced from LG websites. ^d For Town of Gawler, approval days relate to applications processed in-house. Complex projects requiring external engineering can take up to a month. ^e Tasmanian data is on stop-the-clock basis and relates to 2009-10. LGs chosen on basis of permits issued in 2009-10. ^f 14 days for building/plumbing certificate of likely compliance, 7 days for permit.

Sources: Tasmanian Department of Premier and Cabinet (pers. comm., 25 October 2011); Red Tape Reduction Group Western Australia (2009); Victorian Building Commission (pers. comm., 12 December 2011); Selected LG websites; PC survey of local governments – Building and Construction survey - (2011-12 unpublished).

L Regional organisations of councils

Table L.1 Regional organisations of councils, NSW

ROC	LGs involved	Pop ^a	Area ^b	Density
	no.	no.	km ²	c
Southern Sydney ROC	16 Ashfield, Bankstown, Botany Bay, Burwood, Canada Bay, Canterbury, Hurstville, Kogarah, Leichhardt, Marrickville, Randwick, Rockdale, Sutherland, Sydney, Waverley, Woollahra	1569870	678.8	2312.7
Western Sydney ROC	10 Auburn, Bankstown, Blacktown, Blue Mountains, Fairfield, Hawkesbury, Holroyd, Liverpool, Parramatta, Penrith	1559990	5470.1	285.2
Sydney Coastal Councils Group Inc	15 Botany Bay, Hornsby, Leichhardt, Manly, Mosman, North Sydney, Pittwater, Randwick, Rockdale, Sutherland, Sydney, Warringah, Waverley, Willoughby, Woollahra	1436531	1236.7	1161.6
Hunter Councils Inc	11 Cessnock, Dungog, Gloucester, Great Lakes, Lake Macquarie, Maitland, Muswellbrook, Newcastle, Port Stephens, Singleton, Upper Hunter	651622	29034.6	22.4
Northern Sydney ROC	7 Hornsby, Hunters Hill, Ku-ring-gai, Lane Cove, North Sydney, Ryde, Willoughby	567194	637.4	889.9
Southern Councils Group	7 Bega Valley, Eurobodalla, Kiama, Shellharbour, Shoalhaven, Wingecarribee, Wollongong	507756	18008.2	28.2
Central Coast ROC	2 Gosford, Wyong	319715	1680.3	190.3
Mid North Coast Group of Councils	9 Bellingen, Coffs Harbour, Gloucester, Great Lakes, Greater Taree, Hastings, Kempsey, Nambucca, Port Macquarie-Hastings	301471	21393.5	14.1
Northern Rivers ROC	7 Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley, Tweed (and Richmond River County and Rous Water)	296677	20732.5	14.3
Shore ROC	4 Manly, Mosman, Pittwater, Warringah	276869	263.2	1051.9
Macarthur ROC	3 Camden, Campbelltown, Wollondilly	254081	3070.2	82.7
Central NSW Councils	15 Bathurst, Blayney, Boorowa, Cabonne, Cowra, Forbes, Harden, Lachlan, Lithgow, Oberon, Orange, Parkes, Weddin, Wellington, Young (and Central Tablelands Water)	203007	62914.3	3.2
South East ROC	12 Bombala, Boorowa, Cooma-Monaro (old), Eurobodalla, Goulburn Mulwaree, Harden, Palerang, Queanbeyan (old), Snowy River, Upper Lachlan, Yass Valley, Young	185730	45392.4	4.1

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ROC	LGs involved	Pop ^a	Area ^b	Density ^c	
	no.	no.	km ²		
Riverina and Murray ROC	16	Albury, Balranald, Berrigan, Carrathool, Conargo, Corowa, Deniliquin, Greater Hume, Griffith, Hay, Jerilderie, Leeton, Murray, Murrumbidgee, Narrandera, Wakool	133894	96965.5	1.4
Riverina Eastern ROC	11	Bland, Coolamon, Cootamundra, Gundagai, Junee, Lockhart, Temora, Tumbarumba, Tumut, Urana, Wagga Wagga (and Goldenfields Water County and Riverina Water County)	117842	39842.6	3.0
Namoi ROC	5	Gunnedah, Liverpool Plains, Narrabri, Tamworth Regional, Walcha	93731	39269.7	2.5
Orana ROC	11	Bogan, Bourke, Brewarrina, Cobar, Coonamble, Dubbo, Gilgandra, Narromine, Walgett, Warren, Warrumbungle	91198	190015.2	0.5
New England Local Government Group	7	Armidale Dumaresq, Glen Innes Severn, Guyra, Inverell, Tenterfield, Uralla, Walcha (and New England Tablelands County)	73214	39551.1	1.9

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010. ^c Density measured by number of persons per km².

Sources: ABS (2011b); ALGA (2011b); NSW Division of Local Government (2011e); Gooding (2012); ROC websites (various).

Table L.2 Regional organisations of councils, Victoria

ROC	LGs involved		Pop ^a	Area ^b	Density
	no.		no.	km ²	C
Association of Bayside Municipalities	10	Bayside, Frankston, Geelong, Hobsons Bay, Kingston, Melbourne, Mornington Peninsula, Port Phillip, Queenscliffe, Wyndham	1188802	2900.6	409.8
Rural Councils Victoria	38	Alpine, Ararat, Bass Coast, Baw Baw, Benalla, Buloke, Campaspe, Central Goldfields, Colac Otway, Corangamite, East Gippsland, Gannawarra, Glenelg, Golden Plains, Hepburn, Hindmarsh, Indigo, Loddon, Macedon Ranges, Mansfield, Mitchell, Moira, Moorabool, Mount Alexander, Moyne, Murrindindi, Northern Grampians, Pyrenees, Queenscliffe, South Gippsland, Southern Grampians, Strathbogie, Surf Coast, Swan Hill, Towong, Wellington, West Wimmera, Yarriambiack	733805	178944.4	4.1
Gippsland Local Government Network	6	Bass Coast, Baw Baw, East Gippsland, Latrobe City, South Gippsland, Wellington	46535	11270.2	4.1
Greater Green Triangle Region Association Inc	11	Ararat, Corangamite, Glenelg, Hindmarsh, Horsham, Moyne, Northern Grampians, Southern Grampians, Warrnambool, West Wimmera, Yarriambiack	170001	61018.1	2.8
South West Municipalities Group	3	Colac Otway, Corangamite, Pyrenees	46535	11270.2	4.1

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010. ^c Density measured by number of persons per km².

Sources: ABS (2011b); ALGA (2011b); ROC websites (various).

Table L.3 Regional organisations of councils, Queensland

ROC	LGs involved	Pop ^a	Area ^b	Density ^c
	no.	no.	km ²	
Council of Mayors (South East Queensland)	10 Brisbane, Gold Coast, Ipswich, Logan, Lockyer Valley, Redland, Scenic Rim, Somerset, Sunshine Coast, Toowoomba	2779138	33255.1	83.6
Wide Bay Burnett ROC	6 Bundaberg, Fraser, Gympie, North Burnett, South Burnett, Cerbourg	293455	48599.1	6.0
Far North Queensland ROC	7 Cairns, Cassowary Coast, Cook, Croydon, Etheridge, Hinchinbrook, Tablelands	263924	251688.2	1.0
Central Queensland Local Government Association (Central Queensland ROC)	5 Banana, Central Highlands, Gladstone, Isaac, Rockhampton	245144	176291.7	1.4
North Queensland ROC	4 Burdekin, Charters Towers, Hinchinbrook, Townsville	229407	79970.6	2.9
Whitsunday Hinterland and Mackay Bowen ROC	3 Mackay, North Burnett, Whitsunday	164412	51198.6	3.2
Border ROC	5 Gwydir, Goondiwindi, Moree Plains, Southern Downs, Tenterfield (and Border Rivers – Gwydir Catchment Management Authority)	74330	60945.4	1.2
Darling Downs ROC	3 Cherbourg, Dalby, Southern Downs	69327	45157.7	1.5
Central Western ROC (Remote Area Planning and Development Board)	7 Barcaldine, Barcoo, Blackall-Tambo, Boulia, Diamantina, Longreach, Winton	13107	396650.3	0.03
ROC of Cape York	2 Cook, Torres	7676	107054.1	0.07
Gulf Savannah Development	5 Burke, Carpentaria, Doomadgee, Etheridge, Mornington	6014	146918.5	0.04

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010. ^c Density measured by number of persons per km².

Sources: ABS (2011b); ALGA (2011b); Queensland Department of Local Government and Planning (2011c); ROC websites (various).

Table L.4 Regional organisations of councils, Western Australia

<i>ROC</i>	<i>LGs involved</i>	<i>Pop^a</i>	<i>Area^b</i>	<i>Density</i>
	no.	no.	km ²	^c
South West Group	6 Cockburn, East Fremantle, Fremantle, Kwinana, Melville, Rockingham	363066	619.2	586
Bunbury Wellington Group of Councils	6 Bunbury, Capel, Collie, Daradanup, Donnybrook, Harvey	100212	6149.2	16.3
Goldfields Voluntary ROC	9 Coolgardie, Dundas, Esperance, Kalgoorlie-Boulder, Laverton, Leonara, Menzies, Ngaanyatjaraku, Ravensthorpe, Wiluna	59816	954452	0.06
Western Suburbs ROC	6 Claremont, Cottesloe, Mosman Park, Peppermint Grove, Subiaco	48164	21.3	2261.2
Batavia ROC	4 Chapman Valley, Geraldton-Greenough, Irwin, Northampton	46799	20767.5	2.3
Cape ROC	2 Augusta Margaret River, Busselton	44276	3697.5	12.0
Rainbow Coast Regional Council	3 Albany, Cranbrook, Denmark	42566	9451	4.5
Avon ROC	5 Dowerin, Goomalling, Northam, Toodyay, York	21411	8959.7	2.4
Southern Link Voluntary ROC	4 Cranbrook, Kojonup, Plantagenet, Broomehill-Tambellup	9709	13695	0.7
Dryandra Voluntary ROC	5 Cuballing, Naroogin (Town and Shire), Pingelly, Wickepin, Wandering	8998	8064.8	1.1
South East Avon Voluntary ROC	5 Beverly, Brookton, Cunderdin, Quairading, York	8778	9989.6	0.9
Wheatbelt East ROC	6 Bruce Rock, Kellerberrin, Merredin, Tammin, Yilgarn, Westonia	8001	42551.4	0.2
Central Midlands Voluntary ROC	4 Dalwallinu, Moora, Victoria Plains, Wongan-Ballidu	6347	16923.9	0.4
4WD Voluntary ROC	5 Williams, West Arthur, Wagin, Woodanilling, Dumbleyung	4897	10756.8	0.5
Roe ROC	4 Corrigin, Kondinin, Kulin, Narembeen	4048	18603.6	0.2
North Eastern Wheatbelt ROC	6 Koorda, Mt Marshall, Mukinbudin, Nungarin, Trayning, Wyalkatchem	2302	19280.5	0.1

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010. ^c Density measured by number of persons per km².

Sources: ABS (2011b); ALGA (2011b); Gooding (2012); ROC websites (various); WALGA (2012; 2009a, b); Western Australian Planning Commission (2009).

Table L.5 Regional organisations of councils, South Australia

ROC	LGs involved	Pop ^a	Area ^b	Density ^c
	no.	no.	km ²	
Metropolitan Local Government Group (SA Local Government Association) ^f	20 Adelaide, Adelaide Hills, Burnside, Campbelltown, Charles Sturt, Gawler, Holdfast Bay, Marion, Mitcham, Mount Barker (observer), Norwood Payneham and St Peters, Onkaparinga, Playford, Port Adelaide Enfield, Prospect, Salisbury, Tea Tree Gully, Unley, Walkerville, West Torrens.	1250084	2984	418.9
Southern & Hills Local Government Association	7 Adelaide Hills, Alexandrina, Barossa, Kangaroo Island, Mt Barker, Victor Harbour, Yankalilla	140681	9645.9	14.6
Provincial Cities Association	7 Mt Gambier, Murray Bridge, Port Augusta, Port Lincoln, Port Pirie, Victor Harbour, Whyalla	130655	6221.4	21.0
Central Local Government Region	15 Barossa, Barunga West, Clare and Gilbert Valleys, Copper Coast, Flinders Ranges, Goyder, Light, Mallala, Mount Remarkable, Northern Areas, Ororoo/Carrieton, Peterborough, Port Pirie, Wakefield, Yorke Peninsula	112553	41400.7	2.7
Spencer Gulf Cities Association	5 Port Augusta, Port Lincoln, Port Pirie, Roxby Downs, Whyalla	75457	4087.7	18.5
South East Local Government Association	8 Grant, Kingston, Mt Gambier, Naracoorte, Lucindale, Robe, Tatiara, Wattle Range	66724	21327.7	3.1
Murray and Mallee Local Government Association	8 Berri Barmera, Coorong ^d , Loxton Waikerie, Karoonda/East Murray, Southern Mallee, Murray Bridge, Mid Murray, Renmark Paringa	64760	27656.3	2.3
Eyre Peninsula Local Government Association	11 Ceduna, Cleve, Elliston, Franklin Harbour, Kimba, Lower Eyre Peninsula, Port Lincoln, Streaky Bay, Tumby Bay, Whyalla, Wudinna ^e	58565	44030.8	1.3

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010 ^c Density measured by number of persons per km². ^d No data exists for Coorong. ^e Wudinna data are for 2009. ^f The Metropolitan Local Government is a committee of SALGA.

Sources: ABS (2011b); ALGA (2011b); ROC websites (various); Wudinna District Council (2011); LGA SA (2011d).

Table L.6 Regional organisations of councils, Tasmania

<i>ROC</i>	<i>LGs involved</i>	<i>Pop^a</i>	<i>Area^b</i>	<i>Density</i>	
	no.	no.	km ²	^c	
Southern Tasmanian Councils Authority ^c	12	Brighton, Central Highlands, Clarence, Derwent Valley, Glamorgan Spring Bay, Glenorchy, Hobart, Huon Valley, Kingborough, Sorell, Southern Midlands, Tasman	252543	25482.6	9.9
Northern Tasmania Development	8	Break O'Day, Dorset, Flinders, George Town, Launceston, Meander Valley, Northern Midlands, West Tamar	142311	19938.3	7.1
Cradle Coast Authority ^c	9	Burnie, Central Coast, Circular Head, Devonport, Kentish, King Island, Latrobe, Waratah Wynyard, West Coast	112789	22492.6	5.0

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010 ^c Density measured by number of persons per km². ^c Established under part 3 of the Local Government Act.

Sources: ABS (2011b); ALGA (2011b); Local Government Board of Tasmania (2010); ROC websites (various).

Table L.7 Regional organisations of councils, Northern Territory

<i>ROC</i>	<i>LGs involved</i>	<i>Pop^a</i>	<i>Area^b</i>	<i>Density</i>	
	no.	no.	km ²	c	
Big Rivers Region	3	Katherine, Roper Gulf, Victoria Daly	24170	361264	0.07
Central Australian Region	3	Alice Springs, Barkly, Central Desert, MacDonnell.	48194	875053.7	0.06
Northern Region	9	Belyuen, Coomalie, Cox Peninsula, Darwin, East Arnhem, Litchfield, Palmerston, Tiwi Islands, West Arnhem	148226	95457.9	1.6
Top End Regional Organisation of Councils	6	Belyuen, Coomalie, Wagait, Darwin, Litchfield, Palmerston	128704	4639.7	27.7

^a Estimated at the LG area level as at 30 June 2010. ^b Estimated at the LG area level as at 2010. ^c Density measured by number of persons per km².

Sources: ABS (2011b); ALGA (2011b); NT Department of Housing, Local Government and Regional Services (2012); TOPROC (nd).

M Survey forms

This appendix provides a list of all the survey questions used in the study to gather information. It includes the following questionnaires:

- the General Local Government Survey
- six local government survey modules:
 - Building and Construction
 - Environment
 - Food Safety
 - Public Health and Safety
 - Planning, Zoning and Development Assessment
 - Transport
- the Survey of State Government Agencies
- the Sensis Survey of Small and Medium Businesses.

The appendix has not been printed but can be found at www.pc.gov.au/projects/study/regulationbenchmarking/localgov/report.

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