

REVIEW OF LOCAL GOVERNMENT SERVICE DELIVERY IN THE NEW ENGLAND AREA

INFORMATION PAPER

The Minister for Local Government, the Hon Barbara Perry MP, has engaged Mrs Gabrielle Kibble AO as a facilitator to undertake a review of local government services currently provided by Armidale Dumaresq Council, Guyra Shire Council, Uralla Shire Council and Walcha Council.

The review is aimed at examining options for improving service delivery in the New England area, following the collapse of the New England Strategic Alliance of Councils (NESAC). Extensive discussions with community groups, local government, individuals and government agencies will be undertaken as part of the review process.

The Terms of Reference for the review are as follows:

The facilitator shall:

1. Examine the current arrangements for local government in the following local government areas: Armidale Dumaresq; Guyra; Uralla; Walcha.
2. Consider whether the current arrangements in these local government areas represent the most effective and efficient way of delivering local government services to the community.
3. Identify and consider opportunities for local government to better serve the community in these areas.
4. Report to the Minister for Local Government on these matters by 31 May 2010.

WRITTEN SUBMISSIONS

Public notices will be published in local newspapers calling for submissions to the Review. Mrs Kibble wishes to encourage those persons who would like to make submissions on matters falling within the Terms of Reference of the Review to do so, in writing, as soon as possible.

How to make a submission

Submissions should be in writing, addressed to:

The Facilitator
New England Regional Review
Locked Bag A5045
SYDNEY SOUTH NSW 1235

Submissions may also be emailed to NESACreview@dlg.nsw.gov.au or faxed to 02 4428 4199.

Date for receipt

Submissions should be provided by 5pm 26 February 2010.

Mrs Kibble may accept late submissions and/or call for further written submissions at her discretion.

No written acknowledgement of submissions will be issued.

Anonymous submissions

Mrs Kibble asks that persons making written submissions identify themselves.

The provision of anonymous submissions may limit Mrs Kibble's ability to obtain a fuller understanding of the issues raised or to test the evidence. While Mrs Kibble may take any material into account for the purposes of the Review, the provision of anonymous submissions may carry less weight than other submissions.

Protection from defamation

There are limited protections available under the general law to persons making a submission to the Review against potential liability for defamation in respect of matters contained in the submission provided the material is **relevant to the Terms of Reference**, ie, truthful and in the public interest.

Persons wishing to make written submissions should feel free to raise any matters that are relevant to the Terms of Reference.

Public availability and inspection of written submissions

Subject to the restrictions noted later, Mrs Kibble proposes that submissions made to the Review will be available for public inspection. Additionally, they may be published on the Review website.

Submissions from Councils, Councillors and Council Staff

Mrs Kibble encourages the governing body of the Councils, individual Councillors, each Council's General Manager, senior staff and other employees to make submissions relevant to the Terms of Reference.

Councillors and Council employees have no additional privileges or protections over and above other persons generally in respect of any submissions they may choose to make.

Restriction on public availability and inspection of written submissions

Mrs Kibble may exercise her discretion to publicise or make publicly available written submissions made to the Review. When deciding whether to do so, Mrs Kibble may weigh the likely public benefit gained from publication against any damage that may arise from publication.

Mrs Kibble may also withhold from public display any part of a submission considered by her to be potentially defamatory in nature or irrelevant to the Terms of Reference.

The overriding concern is to encourage persons who have information relevant to the Terms of Reference of the Review to come forward and give that information to the Review.

COMMUNITY CONSULTATION

The processes of the Review will include a series of public meetings. Details of the venue and times of these meetings will be announced early in 2010 and will be advertised by public notice published in local newspapers.

Form of public meetings

Mrs Kibble may regulate or determine the procedures to apply to the conduct of the Review and therefore proposes to avoid undue formality in the public meetings.

In the interests of conducting orderly meetings Mrs Kibble will determine meeting procedure and who she wishes to make oral submissions.

Private hearings

Mrs Kibble has been appointed to conduct a public review in this matter. On the other hand, in exceptional circumstances, Mrs Kibble may exercise her discretion to hear oral submissions from a person wishing to make such submissions in confidence. If any such hearing is conducted, members of the public, including the media, will not be permitted to attend.

A person wishing to make an oral submission in confidence will be expected to submit a strong argument supporting the claim. An alternative to appearing at a public meeting is to make a written submission.

Protection from defamation at meetings

Persons appearing at and making oral submissions at the public meetings have limited protections from potential liability for defamation in respect of any submissions given to the Review. Persons wishing to make submissions should, however, confine their submissions to matters within the Terms of Reference of the Review and avoid making malicious statements. Statements should be truthful and made in the public interest.

APPOINTMENT OF ASSISTANTS

Mrs Kibble may appoint persons to assist in carrying out any examination or enquiry that may need to be made as part of the Review. For example, Mrs Kibble may, in writing, authorise any person engaged by her to assist in the conduct of the Review to inspect and report to her upon any documents or other things, such as submissions, relevant to the subject matter of the Review.

FACILITATOR'S RIGHTS IN RESPECT OF DOCUMENTS PRODUCED

Mrs Kibble or her assistants may inspect (and copy or take extracts from) any documents produced to the Review and keep them for such reasonable period as she thinks fit.

REPORT OF FACILITATOR'S FINDINGS

At the conclusion of the Review, Mrs Kibble will make a written report to the Minister for Local Government and may make recommendations on any matter she sees fit.

FURTHER ASSISTANCE

Persons requiring further assistance or information in relation to the Review may contact the Office of the Facilitator on telephone 02 4428 4200, fax 02 4428 4199 or email to NESACreview@dlg.nsw.gov.au. Information on the Review is also available on the Public Review website on the Internet at: www.dlg.nsw.gov.au/NESACreview.