

LOCAL GOVERNMENT ACT 1993

- As at 10 August 2012

7 What are the purposes of this Act?

The purposes of this Act are as follows:

- (a) to provide the legal framework for an effective, efficient, **environmentally responsible** and open system of local government in New South Wales,
- (b) to regulate the relationships between the people and bodies comprising the system of local government in New South Wales,
- (c) to encourage and assist the effective participation of local communities in the affairs of local government,
- (d) to give councils:
 - the ability to provide goods, services and facilities, and to carry out activities, appropriate to the current and future needs of local communities and of the wider public
 - the responsibility for administering some regulatory systems under this Act
 - a role in the management, improvement and development of the resources of their areas,
- (e) **to require councils, councillors and council employees to have regard to the principles of ecologically sustainable development in carrying out their responsibilities.**

The council's charter

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(1) A council has the following charter:

- to provide directly or on behalf of other levels of government, after due consultation, adequate, equitable and appropriate services and facilities for the community and to ensure that those services and facilities are managed efficiently and effectively
- to exercise community leadership
- to exercise its functions in a manner that is consistent with and actively promotes the principles of multiculturalism
- to promote and to provide and plan for the needs of children
- **to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development**
- **to have regard to the long term and cumulative effects of its decisions**
- **to bear in mind that it is the custodian and trustee of public assets and to effectively plan for, account for and manage the assets for which it is responsible**
- to engage in long-term strategic planning on behalf of the local community
- to exercise its functions in a manner that is consistent with and promotes social justice principles of equity, access, participation and rights
- to facilitate the involvement of councillors, members of the public, users of facilities and services and council staff in the development, improvement and co-ordination of local government

- to raise funds for local purposes by the fair imposition of rates, charges and fees, by income earned from investments and, when appropriate, by borrowings and grants
 - to keep the local community and the State government (and through it, the wider community) informed about its activities
 - to ensure that, in the exercise of its regulatory functions, it acts consistently and without bias, particularly where an activity of the council is affected
 - to be a responsible employer.
- (2) A council, in the exercise of its functions, must pursue its charter but nothing in the charter or this section gives rise to, or can be taken into account in, any civil cause of action.

From Local Govt Act Dictionary

"principles of ecologically sustainable development" means the following statements of principle:

Ecologically sustainable development requires the effective integration of economic and environmental considerations in decision-making processes. Ecologically sustainable development can be achieved through the implementation of the following principles and programs:

*(a) the precautionary principle-namely, that **if there are threats of serious or irreversible environmental damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation.***

In the application of the precautionary principle, public and private decisions should be guided by:

*(i) **careful evaluation to avoid, wherever practicable, serious or irreversible damage to the environment, and***

*(ii) **an assessment of the risk-weighted consequences of various options,***

*(b) **inter-generational equity-namely, that the present generation should ensure that the health, diversity and productivity of the environment is maintained or enhanced for the benefit of future generations,***

*(c) **conservation of biological diversity and ecological integrity-namely, that conservation of biological diversity and ecological integrity should be a fundamental consideration,***

*(d) **improved valuation, pricing and incentive mechanisms-namely, that environmental factors should be included in the valuation of assets and services, such as:***

*(i) **polluter pays-that is, those who generate pollution and waste should bear the cost of containment, avoidance or abatement,***

*(ii) **the users of goods and services should pay prices based on the full life cycle of costs of providing goods and services, including the use of natural resources and assets and the ultimate disposal of any waste,***

*(iii) **environmental goals, having been established, should be pursued in the most cost effective way, by establishing incentive structures, including market mechanisms, that enable those best placed to maximise benefits or minimise costs to develop their own solutions and responses to environmental problems.***