

COMPLIANCE REPORT ASSESSMENT

NORTH SYDNEY COUNCIL

Performance improvement order dated: 9 March 2017

Period for compliance with order: 18 August 2017

Date of final report: 11 August 2017

Date of assessment: 19 September 2017

Terms of the order		Council's final report	Office of Local Government's Assessment
The issue	Implementation of the recommendations of the North Sydney Council Public Inquiry		
Action required	Section 438A(3)(b) That Council take all reasonable steps to give effect to the following recommendations of the Commissioner's report		
	Short Term		
	1. That North Sydney Council promptly resolve to re-instate the delegation to the Mayor of the responsibility for the day to day oversight of, and liaison with, the General Manager. (Recommendation 5)	Completed Amended policy (D5-31) adopted by Council 20 March 2017 and updated on Council's website.	This approach reflects the guidelines for the appointment and oversight of general managers. Council's temporary adviser has confirmed that the recommendation has been implemented.
	2. That North Sydney Council forthwith revoke the following memoranda: (a) the Confidential Memorandum dated 26 August	Completed The Confidential memo dated 26	This reflects the Inquiry

	<p>2014 from the General Manager to the Mayor's Executive Assistant (EA) entitled "Clarification of Position Requirements"; and (b) the Memorandum dated 10 November 2014 from the Chief Operating Officer to the Mayor and General Manager regarding meetings between the Mayor and the General Manager. (Recommendation 6)</p>	<p>August 2014 (Item 2a) was revoked by the Acting General Manager on 13 March 2017.</p> <p>Memorandum dated 10 November 2014 (Item 2b) was revoked by Council resolution on 20 March 2017 (Minute No. 52).</p>	<p>Commissioner's view that the removal of the Mayor's entitlement to a car was a disproportionate response to issues that had arisen.</p> <p>This reflects the Inquiry Commissioner's view that there was no justification for the removal of the Mayor's entitlement to secretarial services.</p> <p>Council's temporary adviser has confirmed that the recommendations have been implemented.</p>
	<p>3. That North Sydney Council forthwith restore to the Mayor the security access entitlements with respect to external entry and internal access which equate with the entitlements this Mayor and previous mayor/s enjoyed prior to security access restrictions being imposed on and after 21 October 2014, including, but not limited to, the provision of security access to the Executive Suite in the Carole Baker Building. (Recommendation 9)</p>	<p>Completed</p> <p>Mayor's access to the Council building restored to those in place prior to 21 October 2014.</p>	<p>This reflects the Inquiry Commissioner's view that there was no justification for the restrictions on access.</p> <p>Council's temporary adviser has confirmed that the recommendation has been implemented.</p> <p>Council's temporary adviser has also indicated that the Acting General Manager has also relocated to close proximity to the Mayor's office.</p>
	<p>4. That Council promptly engage a suitably qualified person (Consultant) to assess whether any other changes should be made to the working environment of the</p>	<p>Ongoing</p> <p>Final design has been agreed with Mayor. Currently undertaking</p>	<p>This reflects the Inquiry Commissioner's views regarding the</p>

	<p>Mayor and Mayor's EA in order to meet applicable modern workplace standards having regard to the potential physical isolation of the occupants of those workspaces and to make any appropriate recommendations and the Council is to implement any reasonable recommendations made by the Consultant. (Recommendation 11)</p>	<p>procurement in order for the works to commence.</p>	<p>working environment of the Mayor and her executive assistant.</p> <p>Council's temporary adviser has expressed the view that implementation of the recommendation continues to progress satisfactorily.</p>
	<p>Long Term</p>		
	<p>5. That the Mayor and Councillors of North Sydney Council to take the following actions to improve their level of compliance with the legislative requirements governing the conduct of Council meetings (Recommendation 1)</p> <p>a. The Mayor and Councillors are to familiarise themselves with, and abide by, the rules concerning the order of address and manner of debate during Council meetings as set out in clause 38 of the Council's Meeting Code. The Mayor and Councillors are not to engage in unstructured debate which does not comply with the requirements of clause 38 of the Meeting Code.</p> <p>b. Each Councillor is to show respect to the Mayor during Council and committee meetings as required by clause 6.6 of the Code of Conduct and is to comply with the requirement under clause 38.1(c) of the Meeting Code to speak only when recognised by the Chair.</p> <p>c. If a Councillor wishes to raise a point</p>	<p>Ongoing</p> <p>Council's Temporary Adviser has attended Council meetings and has provided advice to the Mayor and councillors regarding conduct of meetings, as necessary.</p> <p>Additionally, Council's Temporary Adviser prepared a proposed meeting procedure for the benefit of the Mayor that was utilised for the Council meeting of 24 July 17.</p> <p>With local government elections scheduled on 9 September 17, there are no further Council meetings for the current term of the elected body.</p> <p>Council continued to transact business during the course of the PIO.</p>	<p>Council's temporary adviser has reported general compliance with the terms of the order and an improvement in meeting compliance and in the behaviour of councillors.</p> <p>It is anticipated that the election of five new councillors, following the 2017 local government elections, and the proposed induction program will have a beneficial effect on both the conduct of meetings and councillor behaviour.</p>

of order, the Councillor is to speak out "Point of Order", but is not to seek to articulate the point of order until recognised by the Chair. When a Councillor speaks out "Point of Order", the Mayor is to cease the substantive debate and allow the Councillor to briefly articulate the point of order and the Councillor is to do so. The Mayor is then to rule on the point of order before the substantive debate continues.

d. The Mayor is to familiarise herself with the provisions of clause 248 of the Local Government (General) Regulation 2005 (LG Regulation) regarding motions of dissent. The Mayor is to respect the right of any Councillor to move a motion of dissent from the Mayor's ruling on a point of order. If a motion of dissent is moved, the Mayor is to suspend other business until there is a decision on the motion of dissent. If a dissent motion is passed, the Mayor is to proceed as though her ruling on the point of order had not been given.

e. The Mayor is to refrain from ruling any motion or items of business on an agenda at a Council meeting illegal or out of order without first having obtained advice to that effect from the Council's General Manager, Chief Operating Officer, Legal Officer or Temporary Adviser.

f. The Mayor is to respect the right of the Council's governing body to determine by way of resolution, at its discretion, whether or not the person presiding at Council meetings, is given the authority to

	<p>exercise the power to expel a person from a meeting.</p> <p>g. The Mayor is to familiarise herself with the provisions of clause 256 of the LG Regulation (expulsion from meetings). If the Mayor has been given the authority to exercise the power of expulsion, the Mayor is not to seek to expel any Councillor from any meeting of the Council for an act of disorder unless the Mayor has first imposed on the Councillor one of the requirements under clause 256(2) of the LG Regulation (reproduced in clause 43.2 of the Meeting Code) and the Mayor must not seek to then expel the Councillor, unless the Councillor has failed to comply with that requirement.</p> <p>h. The Mayor and Councillors are to familiarise themselves and henceforth comply with the requirements under clause 241 of the LG Regulation concerning the raising of items of business at Council meetings without due notice.</p> <p>i. In relation to the requirement that due notice be given of any item of business, a Councillor is not to seek to invoke the exception under clause 241(3) of the LG Regulation (matters of great urgency) unless the Councillor genuinely believes the item of business is one of great urgency having regard to both subject matter and timing. Where a Councillor has any intention prior to the start of a meeting to raise a matter of great urgency, written notice of that intention is to be provided to the Chair at the start of the meeting, to give</p>		
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	<p>the Chair some time to consider the question of whether the matter is one of great urgency before being called upon to make that ruling.</p> <p>j. Where a Councillor seeks to raise an item of business without due notice on the grounds that it is a matter of great urgency, the Councillors must not transact any business in relation to that item unless the Chair has first ruled the matter to be one of great urgency and Councillors are not to seek to move dissent from the ruling of the Chair as to whether the matter is, or is not, of great urgency.</p>		
	<p>6. That North Sydney Council amend the Mayor and Councillor Facilities and Benefits Policy to restore the Mayor's entitlement to the use of a fully serviced and maintained vehicle, equivalent to the value of a vehicle in the Council's pool fleet, including a fuel card and allocated parking space at Council premises to facilitate the performance of the Mayor's civic and ceremonial functions. (Recommendation 8)</p>	<p>Completed</p> <p>Council resolved on 20 March 2017 to provide a vehicle to the Mayor on a temporary basis until the Mayor and Councillors Facilities and Benefits Policy is advertised.</p> <p>No submissions were received and the policy has subsequently been adopted. Mayor has been assigned a vehicle in accordance with the amended Policy.</p>	<p>Council has taken steps to restore the Mayor's entitlements (see 2 above) and is in the process of formalising the entitlements in the Mayor and Councillors Facilities and Benefits Policy.</p>
	<p>7. Council utilise the services of the temporary adviser to assist in Council's implementation and compliance with this order, including but not limited to the orderly conduct of Council Meetings.(Recommendation 15)</p>		<p>While Council did not respond to this Order, Council has utilised the services of the temporary adviser to assist in Council's implementation and compliance with the Order.</p>
Reporting	Compliance Report One (Short Term)		The reporting timeframes have been

timeframes	<p>A compliance report is to be provided to the Minister within 60 days from the date of this order.</p> <p>Compliance Report Two (Long Term) A further compliance report is to be provided to the Minister on the 18 August 2017.</p>		adhered to.
Evidence to be provided	<ul style="list-style-type: none"> • A report from Council confirming the actions taken by the Council to give effect to the relevant recommendation of the Commissioner. • Any comments from temporary adviser on Council's actions. 		<p>The evidence provided by Council, as confirmed by the temporary adviser, support the view that Council has taken the actions necessary to implement the Commissioner's recommendations.</p> <p>While acknowledging the progress to date, the temporary adviser expresses the view that there is need for ongoing councillor training following the 2017 local government elections.</p> <p>Council has advised that its councillor induction program will include training in Meeting Practices and the Code of Conduct.</p>

Has the performance improvement order been implemented to the satisfaction of the Minister/Chief Executive?

Yes

Is any further intervention required? If yes, recommended intervention action to be specified.

No