

Local Government Act 1993

Section 438A

Performance Improvement Order

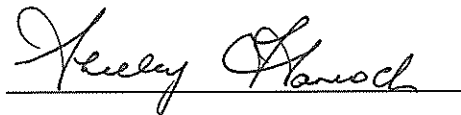
I, the Honourable Shelley Hancock MP, Minister for Local Government, do, by this order pursuant to section 438A of the *Local Government Act 1993*, require Wingecarribee Shire Council, for the reasons specified in Schedule 1 below, to undertake the actions described in Schedule 2 below within the period specified in Schedule 2.

I hereby appoint the persons specified in Schedule 3 as temporary advisers to Council to exercise the functions and for the terms specified in Schedule 3.

This Order takes effect upon service on the Council.

Dated this 8th day of September 2020

The Hon. Shelley Hancock, MP
Minister for Local Government



SCHEDULE 1

Reasons for Order – section 438A(3)(a)

1. There are reputational and work, health and safety risks facing Council as a consequence of the behaviours of some councillors.
2. There is evidence of hostility and acrimony between councillors that, if unaddressed, is likely to lead to dysfunction.
3. There are behaviours that indicate that some councillors may not understand their obligations under the code of conduct when dealing with staff of the Council.
4. There are behaviours that indicate that some councillors may not understand their obligations under the code of conduct when dealing with each other.
5. In my opinion, a temporary adviser with requisite professional qualifications is needed to bring councillors together to address the acrimony and hostility that is apparent.
6. In my opinion, a temporary adviser with requisite skills in meeting procedure is needed to provide advice and assistance with the conduct of Council meetings.

SCHEDULE 2

Action required to improve performance – section 438A(3)(b)

1. All councillors undergo training in relation to:
 - (a) their role as elected representatives;
 - (b) their obligations under work, health and safety legislation with particular reference to bullying;
 - (c) their obligations under Council's "*Councillor's Access to Information and Interaction with Staff*" policy;
 - (d) their obligations under Council's Code of Conduct with a focus on the proper disclosure and management of conflicts of interests and respectful behaviours; and
 - (e) meeting procedures and the respectful participation at Council and committee meetings.
2. The Mayor undergo training on the effective chairing of meetings.
3. All councillors participate in a structured mediation process to be undertaken by a temporary adviser appointed under this Order.

Period for compliance with Order

First compliance report: Council is to report to the Minister on the completion of the required training and mediation process 2 months from the date of service of this Order.

Final compliance report: Council is to report to the Minister on the conduct at, and of, its meetings 4 months from the date of service of this Order.

Evidence to be provided with the compliance report

Council is to provide attendance sheets and resource documentation for all training sessions conducted as required by this Order.

SCHEDULE 3

Appointment of temporary advisers

1. Pursuant to section 438G of the *Local Government Act 1993*, Mr Norm Turkington is hereby appointed as a temporary adviser to Wingecarribee Shire Council to:
 - a. undertake a structured mediation process with all councillors to negotiate agreement on respectful behaviours in their dealings with each other and with Council staff;
 - b. provide advice and assistance to the council for the purpose of ensuring that it complies with the performance improvement order; and
 - c. monitor the council's compliance with the performance improvement order.

This appointment will cease upon Mr Turkington providing a report to me on Council's first compliance report, the participation by each councillor in the mediation process and the outcome(s) of that process.

Pursuant to section 438G(7) of the *Local Government Act 1993*, Mr Turkington shall be paid from the Council's funds for the period of the appointment. The estimated maximum cost of the appointment will be \$40,000 (including GST).

2. Pursuant to section 438G of the *Local Government Act 1993*, Mr Ian Reynolds is hereby appointed as a temporary adviser to Wingecarribee Shire Council to:
 - a. attend Council meetings for the purpose of providing advice and assistance to the Chair in respect of meeting procedures and dealing with acts of disorder;
 - b. provide advice and assistance to the council for the purpose of ensuring that it complies with the performance improvement order; and
 - c. monitor the council's compliance with the performance improvement order.

This appointment will cease upon Mr Reynolds providing a report to me on Council's final compliance report and his observations of at least three consecutive Council meetings.

Pursuant to section 438G(7) of the *Local Government Act 1993*, Mr Reynolds shall be paid from the Council's funds for the period of the appointment. The estimated maximum cost of the appointment will be \$38,500 (including GST).