

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 Georges River 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 require councillors to enter into an undertaking in the form specified in Schedule 3.

This Order takes effect upon service on the Council.

Dated this 29th day of June 2021



The Hon. Shelley Hancock, MP.
Minister for Local Government

SCHEDULE 1

Reasons for Order – section 438A(3)(a)
<ol style="list-style-type: none">1. There is a pattern of poor or inappropriate behaviour, either by one or more councillors.2. There is evidence that indicates significant risks facing the council are not being addressed.3. There is evidence that previous intervention attempts have failed.4. There is evidence that Council has failed to comply with its legislative responsibilities, standards or guidelines.5. There are other matters that, in my opinion, indicate the issuing of the order is warranted to facilitate an improvement in the performance of Council.

SCHEDULE 2

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

In accordance with section 438A of the *Local Government Act 1993*, this order requires that:

1. Councillors immediately refrain from:
 - a. Acting contrary to the requirements of the Code of Conduct by making allegations of wrongdoing, or implying wrongdoing, by any other Council official at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not;
 - b. moving motions concerning the referral of matters concerning the alleged conduct of Council officials to external agencies except where the matter arises from the reporting of the findings of an investigation undertaken pursuant to Council's adopted Procedures for the Administration of its Code of Conduct, or is necessary for the proper authorisation and oversight of expenditure.
2. Clr Vince Badalati and Clr Con Hindi immediately refrain from asking any questions concerning an ICAC investigation into their conduct at Council, committee or other meetings, or as otherwise allowed by Council's policies and/or procedures.
3. Clr Vince Badalati and Clr Con Hindi not be present at any Council forum at any time during which any matter concerning an ICAC investigation into their conduct is being considered.
4. Each councillor enters into the written undertaking attached and forming part of this order within 7 days of the date of this order.
5. Council:
 - a. within 3 months of the date of this order, complete a further assessment of the adequacy of its systems and protocols for maintaining the confidentiality of information, including, but not limited to a review of the findings of all investigations undertaken or otherwise commissioned by it in relation to the disclosure of confidential Council information;
 - b. within 6 months of the date of this order, address any inadequacies in its systems and protocols for maintaining the confidentiality of information.

Reporting in compliance with this order

Pursuant to section 438F of the Act I require the Council to provide me with the following reports on compliance with this order, within the time frames specified:

1. A compliance report on compliance with Action 4 within one week from the commencement of this order.
2. A compliance report on compliance with Actions 1, 2, 3 to be provided each month, for six months, to be received by me no later than the first day of the month following the month to which the report relates.
3. A compliance report on the implementation of Action 5a. within 3 months from the commencement of this order.
4. A compliance final report on the implementation of all the Actions required by this order within 6 months from the commencement of this order.

SCHEDULE 3

Councillor undertaking

I, Councillor [*name*] of Georges River Council do hereby give the following undertaking.

I undertake to:

1. Refrain from making allegations of wrongdoing, or implying wrongdoing, by any other Council official at Council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not in a way that is contrary to the requirements of the Code of Conduct;
2. Refrain from moving motions about the referral of matters concerning the alleged conduct of Council officials to external agencies except where the matter arises from the reporting of the findings of an investigation undertaken pursuant to Council's adopted Procedures for the Administration of its Code of Conduct, or is necessary for the proper authorisation and oversight of expenditure.
3. Use the current prescribed processes for making of allegations of wrongdoing against any other Council official.
4. Refrain from asking any questions at Council meetings, or otherwise, concerning an ICAC investigation, where I am aware such an investigation is being undertaken.
5. Not be present at any Council forum at any time during which any matter concerning an ICAC investigation into my conduct is being considered, where I am aware such an investigation is being undertaken.

Signed:

Name:

Dated thisday of2021