

COMPLIANCE REPORT ASSESSMENT

2nd Compliance Report

Edward River Council

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Performance improvement order dated: Friday 19 July 2024

Period for compliance with order:

First compliance report due 27 August 2024

Date of first compliance report: 26 August 2024

Date of assessment: 27 August 2024

Second compliance report due 22 October 2024

Date of second compliance report: 22 October 2024

Date of assessment: 28 October 2024

Final compliance report due 28 February 2025

Date of second compliance report:

Date of assessment:

Terms of the order:

1. Improve council behaviours within ERC meetings and workshops to reflect community standards and ensure compliance of council's code of meeting practice.
2. Complete councillor training workshops as requested by the Deputy Secretary, Local Government.
3. Identify actions required to be taken to ensure compliance by the councillors with the staff interaction policy. These actions will be informed by the Temporary Advisor.

4. Identify actions that the governing body and councillors need to undertake to ensure compliance with its legislative obligations including Financial Reporting and Integrated Planning and Reporting (End of Term report).
5. Identify actions and strategies to ensure ERC is complying with its obligations under Safe Work NSW, specifically around Councillor / Councillor and Councillor / Staff interactions.
6. Identify actions and strategies to ensure councillors are correctly briefed on the effective operations of ERC and relevant activities.
7. Identify actions to deliver and evaluate councillor induction training, including how to respect the principles of political discourse within and outside council meetings.

Progress report on action required

1. Improve council behaviours within ERC meetings and workshops to reflect community standards and ensure compliance of council's code of meeting practice.

Council at an extraordinary meeting held on 25 June 2024, resolved the following: That Council: -

1. Acknowledges the Minister for Local Government's correspondence, dated 17 June 2024, notifying Council of the Minister's intention to issue a Performance Improvement Order on Council under Section 438A of the Local Government Act 1993,
2. Advises the Minister that it accepts the "Reasons for the Order" as detailed in Schedule 1, accepts the "Action required to improve performance" in Schedule 2, and accepts the proposal for "Appointment of temporary adviser" in Schedule 3 as proposed in the draft Order,
3. Provides all necessary assistance to the proposed "temporary adviser" when appointed, including access to relevant documents, video files and electronic correspondence, and
4. Makes a submission to the Minister to the Minister for Local Government regarding the Notice of Intention to issue Council with a Performance Improvement Order noting that it accepts all items detailed in Schedules 1, 2 and 3 of the draft Order.

Council adopted the latest version of its Code of Meeting Practice, based on the model code, in January 2022. Refresher training was held regarding the Code of Conduct in November 2022.

At meetings since this date the Code of Meeting Practice was referenced on many occasions to assist councillors with adhering to the requirements of the Code, including acting with appropriate respect and formality.

Local Government elections were held on 14 September 2024. Sixteen nominations were received for Edward River Council, including three candidates from the former council. The three former councillors were re-elected.

Due to a countback held following local government elections, an extraordinary meeting of Council was unable to be held until Tuesday 15 October 2024 to enable elected councillors to take the Oath or Affirmation of Office.

At the extraordinary meeting of Council, Cr Ashley Hall was elected Mayor and Cr Kellie Crossley was elected Deputy Mayor. Both were elected unopposed. The extraordinary Council meeting was attended by all Councillors and Council's Temporary Adviser, Mark Ferguson.

Prior to the extraordinary meeting of Council, a workshop was held with the new councillors to commence the induction process. The workshop covered leadership and meeting preparation, including:

- Introduction to the Code of Conduct
- Introduction to the Code of Meeting Practice
- Explanation of the Oath/Affirmation of Office
- Mock Council meeting
- Councillor/Staff Interaction Policy
- What contribution can an individual councillor make T

The workshop was attended by all Councillors and Council's Temporary Adviser, Mark Ferguson. Council officers, with input from our temporary adviser, have been developing an induction program (refer attached program) to address this, and other actions.

2. Complete councillor training workshops as requested by the Deputy Secretary, Local Government.

The Council advised that they will arrange councillor attendance at councillor training workshops as requested

3. Identify actions required to be taken to ensure compliance by the councillors with the staff interaction policy. These actions will be informed by the Temporary Advisor.

Advice was received that Council officers, with input from our temporary adviser, have been developing an induction program (refer attached draft program) to address this, and other actions. The new Council have already had a workshop that included discussion on the

Councillor/Staff Interaction Policy. In addition to the induction program and training, Council's Interim CEO will implement any actions required that are identified by council's temporary adviser.

4. Identify actions required to be taken to ensure compliance by the councillors with the staff interaction policy. These actions will be informed by the Temporary Adviser.

Mr Arnold advised that as part of the induction program for councillors specific training addressing this matter commences on Tuesday 22 October with an initial three-hour workshop session. This initial workshop session will provide an introduction to Edward River Council's financials, including:

- Budget overview and process
- Financial Year 23/24 end of year Financial Statements
- Procurement and Tendering overview Council will also implement any actions required that are identified by council's temporary adviser.

5. Identify actions and strategies to ensure ERC is complying with its obligations under Safe Work NSW, specifically around Councillor / Councillor and Councillor / Staff interactions.

Council acknowledges its role as a Person Conducting a Business or Undertaking (PCBU) under the Work Health and Safety Act 2011. This includes the behaviours and actions of councillors.

Requirements and expectations relating to the Work Health and Safety Act 2011 and Code of Conduct have been discussed with councillors. At the workshop held on 15 October 2024 Councillors were introduced the Code of Conduct and Councillor/Staff interaction Policy. Relevant training in relation to Work, Health and Safety, including psychosocial, is scheduled to occur on 22 November 2024.

Council adopted the latest version of its Code of Conduct in May 2022. Refresher training was held regarding the Code of Conduct in November 2022. Council will address this matter as part of induction and training program (refer attached). Council will also implement any actions required that are identified by Council's temporary adviser.

6. Identify actions and strategies to ensure councillors are correctly briefed on the effective operations of ERC and relevant activities.

Council advised that the Interim CEO will implement any actions required that are identified by council's temporary adviser Mr Ferguson.

7. Identify actions to deliver and evaluate councillor induction training, including how to respect the principles of political discourse within and outside council meetings.

We were advised that Council's Interim CEO conducted exit interviews with all but one outgoing Edward River Councillor. Feedback from the exit interviews was used to assist preparation of induction and training for councillors following the September election. Council officers, with input from our temporary adviser, have been developing an induction program (refer attached program) to address this, and other actions.

Evidence provided

In support of their proposed steps, Council has provided a draft version of the Induction Program mentioned in point 3 above

Comment by temporary adviser Mr Mark Ferguson

'This report accurately reflects the work being undertaken by the staff and the newly elected council.

From my observations, both staff and council are working collaboratively and improving the reputation and culture of the Council. These actions will also help establish stronger relationships and more effective communication with political leaders, government agencies, and the Edward River community.

The induction program offers a range of informative behavioural and strategic learning opportunities that will assist councillors in their roles. It is being delivered by a mix of internal and external specialists. The program has commenced and will continue until the end of February, requiring a significant time commitment from the councillors.

The Interim CEO has discussed with the council a more transparent approach to the councillor/staff interaction policy. This change will improve councillors' access to information from Level 3 managers as well as Directors within the organization. The aim of this change is to build trust and transparency between the council and staff'.