

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Please complete this schedule with information about how your agency plans to implement each of the ICAC's corruption prevention recommendations arising from the above investigation. The implementation plan should include details of the actions, timeframes and how your agency proposes to evaluate the effectiveness of the implementation of each recommendation. Please provide the name of a contact person in your agency from whom we can seek more detail if needed. This document should be returned to the ICAC in writing and electronically to meady@icac.nsw.gov.au by no later than 12 September 2011.

Recommendation 7.

That the NSW Division of Local Government be given the authority through legislative amendment to require councils in NSW to adopt policy and practice considered to be of state-wide significance by the Division's Chief Executive. This amendment should include an appeal mechanism to the Chief Executive for councils seeking specific dispensation.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

Consideration will need to be given as to whether there are legal impediments to the implementation of this recommendation.

The Division of Local Government, Department of Premier and Cabinet (Division) commenced a process by which all the recommendations of the report are being reviewed prior to any implementation. Given that some of the recommendations are complex in nature and require various levels of consultation prior to any draft proposals being considered the Division is unable to respond with firm action, processes or procedures with regard to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time. However it is anticipated that the appropriate publications such as the Division guidelines, council circulars, practice notes and policy documents will be available to assist both the Division and the Local Government sector.

Proposed evaluation methods

During the review process by the Division of this report, the Division will consider methods that will allow an evaluation of the recommendation. Given the early stage of this review such methods are not yet available. However current programs such as the Promoting Better Practice reviews provide a framework whereby some of the recommendations could be incorporated to ensure compliance.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 8.

That non-compliance with the requirement for adoption of policy (as described in recommendation 7) be dealt with as a discipline issue for relevant council administrative officers under the Model Code of Conduct for Local Councils in NSW.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

No action possible until recommendation 7 is considered.

The Division of Local Government, Department of Premier and Cabinet (Division) commenced a process by which all the recommendations of the report are being reviewed prior to any implementation. Given that some of the recommendations are complex in nature and require various levels of consultation prior to any draft proposals being considered the Division is unable to respond with firm action, processes or procedures with regard to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 9.

That the NSW Division of Local Government reviews all circulars and pronouncements by the Department of Premier and Cabinet for issues of relevance to NSW local councils and issues guidelines to councils accordingly.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle.

The Division of Local Government, Department of Premier and Cabinet (Division) commenced a process by which all the recommendations of the report are being reviewed prior to any implementation. Given that some of the recommendations are complex in nature and require various levels of consultation prior to any draft proposals being considered the Division is unable to respond with firm action, processes or procedures with regard to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 10.

That the NSW Minister for Local Government seeks legislative amendment to the *Local Government Act 1993* to establish internal audit for local authorities as a statutory function.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle. The Division will undertake consultation with the relevant industry bodies in relation to the implementation of this recommendation.

The Division of Local Government, Department of Premier and Cabinet (Division) commenced a process by which all the recommendations of the report are being reviewed prior to any implementation. Given that some of the recommendations are complex in nature and require various levels of consultation prior to any draft proposals being considered the Division is unable to respond with firm action, processes or procedures with regard to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Whether legislative amendments are made.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 13.

That the NSW Minister for Local Government seeks legislative amendments to the *Local Government Act 1993* to require general managers to report to the elected council a decision to dismiss an internal auditor and the reasons for the decision.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle. However, consideration will need to be given as to whether there are legal impediments to the implementation of this recommendation.

The Division of Local Government, Department of Premier and Cabinet (Division) commenced a process by which all the recommendations of the report are being reviewed prior to any implementation. Given that some of the recommendations are complex in nature and require various levels of consultation prior to any draft proposals being considered the Division is unable to respond with firm action, processes or procedures with regard to the implementation of this recommendation

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 14.

That the NSW Minister for Local Government seeks legislative amendments to the *Local Government Act 1993* to provide internal auditors unfettered access to all documents and any council staff they deem necessary for the conduct of their role.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

The Division will undertake consultation with the relevant industry bodies in relation to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 15.

That the NSW Minister for Local Government amends Part 9.2(d) of the Model Code of Conduct for Local Councils in NSW to allow councillors to provide information to an internal auditor on any matter related to council business.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle and will be considered as part of the current review of the Model Code of Conduct.

Supporting material

The review is currently in process and a discussion paper has been released. It is proposed that a detailed proposal for changes to the Model Code will be released for consultation as the next stage in the review.

Proposed evaluation methods

Whether there is any feedback through the consultation process on any proposed change to the Model Code to accommodate this recommendation.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 16.

That the NSW Minister for Local Government seeks legislative amendment of section 376(2) of the *Local Government Act 1993* to remove the automatic entitlement of a general manager to attend an audit committee meeting.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

Consideration will need to be given as to whether there are legal impediments to the implementation of this recommendation. The Division will undertake consultation with the relevant industry bodies in relation to the implementation of this recommendation.

Supporting material

Proposed evaluation methods

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 26.

That the Chief Executive of the NSW Division of Local Government amends the *Standard contract for the employment of general managers* to include specific provision for a council to suspend the general manager from duty on a reasonable apprehension that he/she has engaged in corrupt conduct or serious misconduct.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle. However, consideration will need to be given as to whether there are legal impediments to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 27.

That Part 3 of the Model Code of Conduct for Local Councils in NSW be amended to improve the guidance provided to mayors in managing complaints against a general manager. In particular, guidance should be provided about the consideration of the suspension of the general manager in appropriate cases. A duty should also be placed on the mayor to monitor decisions and actions of the general manager and other council officers for possible detrimental action against staff or contractors who have provided information about alleged misconduct.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in part and will be considered as part of the current review of the Model Code of Conduct. Consideration will need to be given as to whether there are legal impediments to the implementation of parts of this recommendation. The Division will undertake consultation with the relevant industry bodies in relation to the implementation of this recommendation.

Supporting material

As the review is currently in process there is no material available at this time.

Proposed evaluation methods

Given the early stage of this review such methods are not yet available.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 28.

That the NSW Division of Local Government endorses a core package of information for trainers to deliver to councillors. The package should be tailored to the needs of new and existing councillors.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

The Division already has information relating to the induction of councillors and the councillor development strategy is available on its website.

Supporting material

The current induction development kit identifies the core induction information that should be provided to new councillors.

Proposed evaluation methods

The Division has conducted councillor development sessions across NSW on two occasions now and is in the process of evaluating their effectiveness.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 29.

That all NSW councillors undertake a foundation education and training program endorsed by the NSW Division of Local Government, at a minimum of once per term.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation is supported in principle. The Division has conducted councillor development sessions across NSW in 2008 and 2010.

Supporting material

Information for councillor development is available on the Division's website.

Proposed evaluation methods

The Division has conducted councillor development sessions across NSW on two occasions now and is in the process of evaluating their effectiveness.

Plan for Implementation of Recommendations

Investigation into alleged corrupt conduct involving Burwood Council's General Manager and others

Recommendation 31.

That the NSW Division of Local Government promotes its capacity to provide information and assistance to councillors in the discharge of their role.

Summary of response

The recommendation will be:

<check one>

- Implemented as described in the report
- Implemented in an alternative way
- Partially implemented
- Not implemented

Action proposed

This recommendation has already been implemented through the councillor development strategy. Information on resources available to councillors was provided to all councillors who participated in the sessions in 2008/2009 and 2010. This information is also available on the Division's website. There is a specific page of information for councillors on the website. This information has also been provided through recent candidate information seminars.

Supporting material

Available on the Division's website.

Proposed evaluation methods

Effectiveness being evaluated as part of the evaluation of the councillor development strategy.