

**Department of Local Government – Section 430 Report on Cessnock City Council**

**Draft Action Plan Addressing Recommendations from Department of Local Government**

**Ongoing Action Plan from 1 March 2009 to 30 June 2012**

***Updated at 31 May 2009***

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## ACTION PLAN FOR IMPLEMENTATION OF SECTION 430 REPORT RECOMMENDATIONS

No	Recommendation	Action Proposed	Timeframe	Responsible Department	Progress Report
1	That Cessnock City Council be given twelve (12) months from the date Council provides its response to this report, as required by section 434 of the Local Government Act, 1993 to take appropriate steps to do such things arising from the recommendations contained in this report.	<p>Council fully intends to implement all recommendations contained in the section 430 report. The majority of the recommendations will be completed by the end of March 2010. Only two (recommendations 2 and 13(vi)) are not scheduled to be finalised by 31 March 2010.</p> <p>Action Plan is now subject to monthly updating by the relevant responsible officers in each department.</p> <p>A further updated action plan will be sent to the DLG at the end of September 2009 as resolved at the meeting of 18 March 2009.</p>	<b>31 March 2010</b>	<b>Corporate and Community</b>	<p>Action Plan adopted by Council at the 18 March 2009 Ordinary Council Meeting. A letter was sent to the DLG in conjunction with the action plan by the end of March 2009 as required.</p> <p>Status report sent to the Ordinary Council Meeting of 17 June 2009 along with the 3 other live action plans (IT Health Check, Promoting Better Practice Report and Fraud and Corruption Risk Assessment Management Plan Action Plan).</p>
2	That Council review its strategic plan in consultation with the newly elected Councillors, Council employees and the Community to ensure that it continues to be relevant to the Community as a whole.	<p>Council intends to implement a new Strategic Plan for 2020 by 30 June 2010. Council's Governance and Corporate Planning Manager will be coordinating the Strategic Planning Project on behalf of Council.</p> <p>Council intends to establish a Draft Vision for 2020. The draft vision will be placed before the community for discussion and consultation.</p> <p>A plan to complete the Strategic Plan by 30 June 2010 will be sent to the first Strategic Planning Committee Meeting.</p>	<b>30 June 2010</b>	<b>Corporate and Community</b>	<p>Council, in part resolved the following at the 18 February 2009 Ordinary Council Meeting :</p> <p>To prepare a 2020 Strategic Plan with a timetable to complete the document by June 2010 and Council to allocate a budget of \$250,000 in the 2009/2010 Management Plan to cover costs.</p> <p>The first meeting of the Strategic Planning Committee was held on Wednesday 25 March 2009.</p> <p>The second meeting was held on Wednesday 29 April 2009.</p> <p>At this meeting a draft structural framework for the 2020 Community Strategic Plan was distributed to Councillors. The framework was workshopped at the May 2009 Committee Meeting.</p>



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4	<p>That Council aligns the manner in which it conducts its meetings with the provisions prescribed under the Local Government Act, 1993 and the Local Government (General) Regulation 2005, in particular that :</p> <p>iv. Council consider formally acknowledging the traditional owners of the land at the beginning of its meetings.</p> <p>v. Council consider reviewing the wording of its opening prayer in line with other NSW Councils to embrace broader denominations and beliefs.</p> <p>vi. Council implement a clear and transparent process to allow Councillors and Council officials to declare pecuniary and non pecuniary conflicts.</p> <p>vii. Council consider adopting the practice of including an item on the agenda titled "Matters Determined without Further Debate" to assist in the smoother operations of Council Meetings.</p>	<p>A section has been inserted into Council's Code of Meeting Practice (clause 20.7). The Acknowledgement is also item 2 on Council's Agenda.</p> <p>Council considered this recommendation as part of the review and updating of the Code of Meeting Practice.</p> <p>A process has been implemented to allow Council officials to declare pecuniary and non pecuniary interests.</p> <p>Council's Code of Meeting Practice now allows for information reports to be moved as a group where there is no discussion or debate. Clause 12.7 of the Revised Code. The possibility of moving other reports in this manner is currently being explored.</p>	<p><b>Completed.</b></p> <p><b>Completed.</b></p> <p><b>Completed.</b></p> <p><b>Completed.</b></p>	<p><b>Corporate Community and</b></p> <p><b>Corporate Community and</b></p> <p><b>Corporate Community and</b></p> <p><b>Corporate Community and</b></p>	<p>Council's new business paper has the acknowledgement of the traditional owners as item 2 on the agenda after the prayer.</p> <p>Council decided to stay with the current prayer and inserted the wording into its Revised Code of Meeting Practice. Clause 20.6.</p> <p>Item 4 of Council's new business paper is a standard report titled disclosure of interests. Council also has a new form which allows Council officials to declare pecuniary and non-pecuniary interests. The form has some guidance on how to fill the form out correctly.</p> <p>Council's Revised Code of Meeting Practice allows Councillors to consider information reports in three ways : individually, by nominated exception or englobo. This has made the meetings more efficient.</p>

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4	<p>That Council aligns the manner in which it conducts its meetings with the provisions prescribed under the Local Government Act, 1993 and the Local Government (General) Regulation 2005, in particular that :</p> <p>viii. Council, when it has determined that a matter should be dealt with in closed session, comply with section 10 of the Local Government Act, 1993 and the Local Government (General) Regulation, 2005.</p> <p>ix. Council consider amending its adopted Code of Conduct to prohibit binding caucus votes in relation to development applications or other matters where there are specific statutory issues for each Councillor to consider.</p> <p>x. Councillors abide by the provisions relating to Giving Notice of Business in its Code of Meeting Practice and use more efficient means of gaining answers about operational matters such as the customer complaints system.</p> <p>xi. Council consider, where appropriate, the option of moving into Committee of the Whole under section 259 of the Local Government (General) Regulation, 2005.</p> <p>xii. Council review its policy "Requests for Verbal Submissions to Council" to incorporate the improvements suggested in this report.</p>	<p>This issue has been corrected. Council now includes a report in the agenda which deals with confidential items.</p> <p>This issue will be considered as part of the review of the adopted Model Code of Conduct later this year.</p> <p>Use Council's Quality Assurance System to streamline Notices of Motion and Questions in accordance with the adopted Code of Meeting Practice.</p> <p>Training for Councillors on meeting procedures is to be provided. A briefing session will be used to facilitate the education sessions. Correct use of Committee of the Whole will be part of the training.</p> <p>Policy C50.17 "Requests for Verbal Submissions to Council is to be revoked at the next Policy Review Committee Meeting.</p>	<p><b>Completed.</b></p> <p><b>30 June 2009</b></p> <p><b>Completed.</b></p> <p><b>30 June 2009</b></p> <p><b>Completed.</b></p>	<p><b>Corporate Community and</b></p>	<p>Council now complies with section 10 of the Local Government Act, 1993.</p> <p>Review of the Model Code of Conduct scheduled by June 30 2009. Council will be implementing additional clauses above the Model Code into its new Code of Conduct to strengthen the Code.</p> <p>Councillors are now using Questions With Notice which are required to be prepared and submitted on the Tuesday prior to the Council Meeting week. More questions are now also being asked via telephone and email prior to the Council Meetings.</p> <p>Council will use Committee of the Whole, if warranted.</p> <p>Council's Revised Code of Meeting Practice has a clause (10.13) which addresses Requests for Verbal Submissions to Council. There is now no need to have a policy as well.</p>

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5	That the newly elected Council review all of its delegations during the first twelve (12) months of its office in accordance with section 380 of the Local Government Act, 1993.	All delegations will be reviewed by 31 August 2009.	<b>31 August 2009</b>	<b>General Manager</b>	Sparke Helmore has been engaged to prepare a Delegations Register for Council. All delegations will be reviewed as part of the process.
6	That Council conduct regular reviews of the General Manager's performance. The Mayor and the General Manager's Employment Arrangements Committee must document the grounds upon which it assesses the General Manager's performance agree upon appropriate strategies with the General Manager to further develop his leadership and management skills.	Six monthly reviews of the General Manager's performance by the General Manager's Performance Review Committee. This committee will assess the General Manager's performance in August and February each year. Criteria and KPI's are being setup to assess GM.	<b>31 August 2009</b>	<b>Councillors</b>	Local Government and Shires Association has been engaged to prepare a performance agreement for the Councillors on the General Managers Performance Review Committee. The Councillors will use this agreement to assess the performance of the General Manager on a regular basis.
7	That the General Manager rebuilds a strong senior management team who can demonstrate leadership in achieving the critical changes recommended as a result of this investigation. Appropriate management frameworks such as the Australian Business Excellence Framework to enhance Council's leadership and organisational capacity should be explored.	General Manager has commenced the rebuilding of a strong Senior Management Group. The Australian Business Excellence Framework will be considered along with other frameworks over the next 9 months.	<b>31 December 2009</b>	<b>General Manager</b>	Council's Senior Management Team has settled in the past 12 months. A new Director of City Planning and a new Director Corporate and Community were appointed in June 2008. The appointment of these two roles has assisted in stabilising the Council and improving the governance processes.
8	That the General Manager take a more proactive role in the performance management of his Directors to improve the rigour and transparency of the process. The process should clearly document assessment of achievement as well as define specific areas and/or performance indicators to foster improvement in performance.	The General Manager is currently exploring a new performance management framework to assess the Directors and other Staff at Council.	<b>31 December 2009</b>	<b>General Manager</b>	A new Governance and Corporate Planning Manager was appointed by Council in January 2009. One of his roles is to implement a new Performance Management Framework into Council.
9	That the Director of Infrastructure and Services as a matter of high priority work with the General Manager to determine and implement strategies to improve his relationship with outdoor employees including Union representatives. Those strategies should form part of the Director's performance agreement which is to be monitored closely by the General Manager.	Council has appointed a new Director of Infrastructure and Services. He commences employment with Council in June 2009.	<b>30 June 2009</b>	<b>General Manager</b>	<b>Completed.</b>

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10	That Council prepare a policy and guidelines for approving and managing private works to be undertaken by the Council to ensure that its exposure to risk is minimised and that projects are well managed. Regular progress reports relating to significant private works should be submitted to Council.	A policy has now been adopted by Council.	<b>Completed.</b>	<b>Infrastructure and Services</b>	Council adopted a policy for undertaking work for outside bodies and persons at the Ordinary Meeting of Council held on Wednesday 22 October 2008.
11	That Council implement all 25 recommendations of the Cessnock City Council Review Report 2006 – Local Government Reform Program Promoting Better Practice in accordance with the action plan it adopted in July 2008.	All 25 recommendations of the DLG Promoting Better Practice Review will be implemented by Cessnock City Council.  Once the Better Practice Review is complete the Governance Health Check Action Plan will take over as the continuous improvement tool.	<b>31 December 2009</b>	<b>Corporate and Community</b>	Sixteen recommendations are fully completed, four are almost complete, two are in progress and three have not commenced as yet.  Current Action Plan was sent to the DLG and IAB in March 2009.  Status report on the Action Plan was prepared for the June 17 2009 Ordinary Council Meeting.
12	Given recent staff conduct and management issues, that Council ensure that the Promoting Better Practice Review recommendations 21, 22, 23, 24 and 25 relating to workforce relations and human resource improvements be implemented as a matter of priority. The General Manager should monitor and drive ongoing progress in this area.	All workforce relations and human resource improvements are to be completed by 30 June 2009. Only recommendation 25 will be incomplete at 31 March 2009. This recommendation will be completed as a matter of priority.	<b>30 June 2009</b>	<b>General Manager</b>	Recommendations 21, 22, 23 and 24 are complete. Recommendation 25 will be completed by 30 June 2009.  Council has been able to access a succession planning matrix from another Council to work from. This matrix will be used to determine “high” risk employees at Council. Plans will be put in place to address all succession planning risks at Council.

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13	<p>That Council extend and resubmit its Promoting Better Practice Review Action Plan to address the following necessary improvements as identified in this report and summarised as follows :</p> <p>i. That Council provide information and training to all Councillors and Employees about their obligations in relation to :</p> <ul style="list-style-type: none"> <li>• Council's electronic document management system and the State Records Act, 1998.</li> <li>• Council's adopted Code of Conduct.</li> </ul> <p>ii. That Councillor review its Councillors – Access to Staff and Information Policy (to align with recently revised Model Code); its Handling of Conflict of Interests Policy; and develop a Confidential Information Policy as recommended by IAB Services.</p>	<p>It is not considered necessary for Council to extend and resubmit the Promoting Better Practice Review Action Plan. Council has the following action plans in place – IT Health Check, Promoting Better Practice Review, Fraud and Corruption Prevention Risk Management and Section 430 Report. It is considered that these action plans will address all of the necessary improvements identified in the section 430 report.</p> <p>Determine Councillor obligations under the State Records Act, 1998. Train Councillors and provide a procedure on how to provide records with documents for storing. Include in induction process and publish to existing staff.</p> <p>Mr Jeff Williams from Fraud and Governance Pty. Ltd. conducted Code of Conduct training sessions with Staff and Councillors on Wednesday 28 January 2009, Wednesday 4 February 2009 and Thursday 5 February 2009.</p> <p>Access to Staff and Information Policy is to be reviewed in the next 3 months. Confidential Information Policy to be developed in 6 months.</p>	<p><b>30 September 2009</b></p> <p><b>Completed.</b></p> <p><b>30 September 2009</b></p>	<p><b>Corporate and Community</b></p> <p><b>Corporate and Community</b></p> <p><b>Corporate and Community</b></p>	<p>Training developed and to be rolled out during July/August 2009.</p> <p>More Code of Conduct Training will be conducted in the next 12 to 18 months, once the new Code of Conduct is adopted by Council.</p> <p>Council's Policies have been reviewed by the Senior Executive Team. The policies are either ready for revocation or have been identified as high, medium or low priorities for review. All policies will be reviewed by the Policy Review Committee by the end of December 2009 and then become part of a rolling program of review.</p>

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13	<p>That Council aligns the manner in which it conducts its meetings with the provisions prescribed under the Local Government Act, 1993 and the Local Government (General) Regulation 2005, in particular:</p> <p>iii. That Council review its system for recording delegations to address the issues raised in this report and ensure that its electronic and hard copy version of its delegation register are consistent and current. This should be complemented with an audit program to ensure delegations remain accurate and are exercised appropriately.</p> <p>iv. That Council develop a consistent standard for the disclosure of gifts or personal benefits and maintain a more centralised online register which gathers consistent and sufficient information to ensure maximum transparency and accountability. That the General Manager delegate responsibility for the oversight, maintenance and monitoring of the gifts register to Council's Public Officer.</p> <p>v. That Council ensure that its Fraud and Corruption Risk Assessment and Management Action Plan be amended to address any additional internal controls referred to in this report and submit a progress report to the Department of Local Government by 31 March 2009.</p> <p>vi. That Council implement its Information Technology Strategy and monitor the ongoing progress against the action plan adopted at its meeting of 16 July, 2008.</p>	<p>All delegations will be reviewed by 31 August 2009.</p> <p>System is currently being looked at by Council's Governance and Corporate Planning Manager. This position is Council's Public Officer.</p> <p>The current action plan for the Fraud and Corruption risk assessment was sent to the DLG in March 2009. A Status report was sent to the 17 June 2009 Ordinary Council Meeting.</p> <p>IT Health Check Action Plan has been updated as of March 2 2009 and sent to the DLG and IAB. IT Strategy is recommendation 18 of the Better Practice Review Action Plan.</p>	<p><b>31 August 2009</b></p> <p><b>30 June 2009</b></p> <p><b>31 October 2010</b></p> <p><b>30 June 2012</b></p>	<p><b>General Manager</b></p> <p><b>Corporate Community and</b></p> <p><b>Corporate Community and</b></p> <p><b>Corporate Community and</b></p>	<p>Sparke Helmore has been engaged to prepare a Delegations Register for Council. All delegations will be reviewed as part of the process.</p> <p>Central register was implemented by the Governance and Corporate Planning Manager in March 2009. Council is developing a centralised online register. Council's Public Officer will maintain and monitor the register.</p> <p>Fraud and Corruption Risk Assessment Action Plan is currently being worked on by staff at Cessnock City Council. It is expected that the action plan will be finalised in the next 9 months.</p> <p>Of the 22 recommendations, 15 are completed. Six will be completed by 31 December 2009. The final recommendation will not be completed until 30 June 2012 (Electronic Document Management System). Project will commence on 1 July 2010.</p>



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14	To continue improvement of the operation of the Ranger unit, Council should implement all recommendations of its three (3) action plans that respond to the issues identified in the Promoting Better Practice Review, the WorkCover improvement Notice 7 – 110028 and the Price WaterHouse Coopers agreed upon Procedures Report.	All recommendations are to be acted on fully.	<b>30 June 2009</b>	<b>City Planning</b>	<p>Recommendations 13 and 14 in the Promoting Better Practice Review (relating to Rangers) have been completed.</p> <p>WorkCover Improvement Notice 7 – 110028 has been implemented.</p> <p>Of the 44 recommendations made in the Price Waterhouse Coopers Ranger Services Action Plans, only 3 remain outstanding at 6 March 2009. The three recommendations will be completed by 30 June 2009. Two are medium level priorities and one is a low priority. All high level priorities have been completed.</p>
15	That the Director General of the Department of Local Government consider the issue of a circular to all Council's providing them with information about resources such as the Enforcement Guidelines issued by the NSW Ombudsman to help them act promptly, consistently and effectively in response to allegations of unlawful activity.	Recommendation noted. No action proposed by Council.	<b>Not Applicable</b>	<b>Not Applicable</b>	No action required by Council.
16	That the Department conduct a post investigation review to be undertaken 12 months from the date Council provides its response to this report, as required by section 434 of the Local Government Act, 1993. The review should seek to confirm the implementation of the recommendations of this investigation and review their impact on improving Council's capacity, its continued capacity to meet its responsibilities under the Local Government Act, 1993.	Recommendation noted. No action proposed by Council.	<b>Not Applicable</b>	<b>Not Applicable</b>	No action required by Council.