

**Local Government Reform Program -  
Promoting Better Practice**

challenges improvement innovation good governance

**REVIEW REPORT**

**BOOROWA COUNCIL**

**AUGUST 2006**



**Department of Local Government**

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## 1. ABOUT THE REVIEW

### Review objectives

Promoting Better Practice reviews have a number of objectives:

- to generate momentum for a culture of continuous improvement and greater compliance across local government
- to provide an 'early intervention' option for councils experiencing operating problems
- to promote good governance and ethical conduct principles
- to identify and share innovation and good practice in local government
- to provide the department with an additional source of information that can be used to evaluate necessary legislative and policy work for the local government sector.

Reviews act as a “health check”, giving confidence about what is being done and helping to focus attention on key priorities.

### Review process

The review process was developed after extensive research into council performance measurements in Australia and overseas. There are essentially five steps in a review - preparing, assessing, checking, analysing and reporting.

The process involves a Department of Local Government (DLG) review team evaluating the effectiveness and efficiency of the council's operations and giving feedback. This involves checking compliance, examining appropriate practices and ensuring that council has frameworks in place to monitor its performance.

The results of reviews are analysed and fed back to the elected council, the Director General of the Department of Local Government and the Minister for Local Government.

For this review, Boorowa Council was asked to complete a strategic management assessment tool and a comprehensive questionnaire about key council practices. The review team then examined council's responses and a range of other source

documents in order to gain a preliminary understanding of council and the area. Mr Deb Bose, a Senior Finance Officer and Mr Richard Murphy, a Senior Investigations Officer conducted the review.

The on-site component of the review occurred from 22 February 2006 to 24 February 2006. The on-site review involved of a briefing for senior staff, several meetings with the general manager, interviews with a range of specialist staff, individual interviews with the mayor and councillors, visits to council facilities/worksites and an examination of a number of council's practices, policies and other documents.

A draft report was sent to council on 2 June 2006 for comment. The council submitted a draft response to the draft report and a final response was received from the council on 24 July 2006. A copy of the council's response has been included in the report. The final text of this report was revised after consideration of council's response to the draft report.

This final report seeks to focus council's attention on key areas for improvement. A number of specific recommendations included in the draft report have been deleted from the final report because council should be able to address them in responding to other more general recommendations. Some less significant issues requiring council's attention are now only referred to in the body of the report.

The department expects council to formally respond to the review process by preparing and submitting an action plan to address the recommendations, by providing regular progress reports on the implementation of the action plan and by providing evidence that demonstrates the issues raised this report have been addressed.

References in the report to the "Act" should be taken to be referring to the *Local Government Act 1993* and references to the "Regulation" should be taken to be referring to the *Local Government Regulation 2005*.

## 2. EXECUTIVE SUMMARY

This review has identified many areas where council needs to improve its performance. However, it should be acknowledged at the outset that the councillors interviewed during the on-site component of the review were very open to receiving feedback, showed great respect for the mayor and each other and demonstrated a high level of concern for their community. This suggests that elected council is well placed to make good use of this report and ensure that all the recommendations in the report are addressed prior to the next council elections in 2008. Many of the recommendations are capable of being addressed in the next six months, and should be.

Local councils play a key role in their communities and this is particularly apparent in an area such as Boorowa. The council is a major employer in the area and provides and maintains important infrastructure. It is clear that the council is focused on the maintenance of its road network, its swimming pool appears to be of a very high standard, it has recently built a new skate park, extensions to the library are nearing completion and the council hosts a Rural Transaction Centre. The council also facilitates a major annual festival, the Woolfest. While the report is critical of council, the council and its community should not lose sight of its past achievements and those things it does do well.

The council can significantly improve its performance and its communication with the community. It can do this by developing a strategic plan, by making major changes to its management plan, by making better use of the data in its social plan and its tourism and development strategic plan, by developing and using key performance indicators and by improving its annual reporting. Attention to these key issues will afford council the opportunity to better define its priorities and appropriately target its resources.

In relation to the management plan and annual report, the review identified areas where the documents did not comply with the requirements of the Act and Regulation. Obviously, council must address these areas of non-compliance.

Council needs to improve its governance standards. For example, there is a need for council to refine and ensure implementation of the record management plan adopted in November 2005, a number of council policies need updating and there is a need for council to make major changes to its proposed code of meeting practice.

Land use is a major issue facing the shire. Council needs to do everything within its power and resources to expedite the making of a new local environmental plan for the area. It is pleasing to note that the council is obviously committed to this process,

The Local Government Act stipulates how council is to govern the use and management of community land. This is a major and fundamental responsibility of councils. However the council apparently has not adopted any plans of management for community land and staff appear to be unaware of the significance of this issue. Obviously council needs to ensure that plan/s are developed and adopted, following the process provided for in the Act. Council also needs to promptly resolve issues in relation to the control of the Carinya Court aged care units.

Council appears to be dealing with most development applications in a timely manner, although this was not an area of council's operations that was subject to a comprehensive review due to time constraints. The review identified the scope of council to delegate the determination of more development applications.

There is clear scope for council to improve its performance in the way it approaches its environmental responsibilities. Particular attention needs to be paid to council's state of the environment reporting and to increasing awareness of its charter, to manage the environment in a manner that is consistent with and promotes the principles of ecologically sustainable development.

The council adopted a new social plan in 2005. It contains a lot of information about the community and the issues it is facing. There is clear scope for council to make better use of this information. However, this report does raise concerns about the extent that the plan adopted by council accurately reflects the current views of council.

The review process has already created an impetus for council to address many policy and procedural issues explored in the review's self-assessment questionnaire. This bodes well for the future. However, council needs to be diligent in ensuring the new plans, policies and procedures are implemented and evaluated. Council needs to ensure that the new policies and procedures are complied with.

The council's response to the draft report implies that only minor changes are required to existing documents to improve council's operations. However, significant changes need to be made if the council and its community is to achieve the full benefit of the review process.

The development and monitoring of an action plan to address the recommendations contained in this report should help ensure that council is able to maintain the momentum for improved practices and thereby meet the ongoing expectations of its community and the Government.

### **3. RECOMMENDATIONS**

#### ***Council's Ambitions, Priorities and Future Focus***

1. Council should review and re-adopt vision and mission statements to guide its planning processes and to provide a set of fundamental criteria against which its performance can be evaluated.
2. Council should develop a new long-term strategic plan.

#### ***Governance***

3. Council should ensure its management plan complies with the requirements of the Act and Regulation and ensure the issues of concerns raised in this report about the format and content of the 2005/2006 plan are addressed in future plans.
4. The general manager should review the 2006/2007 management plan, report to the council on any areas of statutory non-compliance and submit reports to council for adoption as soon as possible addressing any omissions.
5. The general manager should provide a report to the next ordinary council meeting containing the information about his remuneration that should have been provided in the annual report.
6. Council should critically review its annual reporting and ensure that future reports include all of the required statutory information. The reports should clearly indicate what council planned to do and achieve, what it actually did and achieved and provide an explanation for any differences between the plan and what happened.
7. Council should determine key performance indicators (KPIs) for each of council activity and ensure KPIs are integrated into council's management plan, quarterly reporting and annual reporting.
8. Council should ensure that an adequate record management system is developed, documented and implemented as a matter of urgency.
9. Council's section 355 committees should be given a charter and/or a constitution setting out their membership, functions and delegations. All committee members should be given a copy of the charter and council's code of conduct and be advised in writing that they are bound to comply with it.



10. The general manager should ensure that all committees that are not wholly advisory are provided with operating procedures.
11. Council should examine the costs and benefits of establishing an internal audit function.
12. Council should review its risk management program on an annual basis for relevance and progress.
13. Council should develop comprehensive policies and procedures for purchasing, tendering and asset disposal.
14. Council should develop and document procedures for the management of consultants and external contractors.
15. The general manager should document a council procedure for lodging and receipting of written disclosures of interests (pecuniary interests) returns.
16. The general manager should review the councillor staff interaction policy and submit a revised policy for the consideration of the council.
17. All councillors should review the terms of the general manager's contract in relation to performance criteria, assessment and review. The council should ensure that the terms of the contract are implemented as provided for in the contract.
18. Council should revise its draft code of meeting practice having regard to the relevant provisions of the Act, the Regulation and the department's "Practice Note No. 16 - Meetings". The existence and availability of the code should be promoted once it has been adopted.
19. Council should review and improve the formatting and availability of its agendas and business papers.
20. The general manager should ensure the grounds for excluding the public from meetings are properly recorded in meeting agendas and minutes, in accordance with the relevant statutory requirements. Public interest considerations should be addressed in the relevant report in the business paper.

21. Council should review the departmental publication “Guidelines for the Model Code of Conduct for Local Councils in NSW” and ensure that all of the suggestions contained therein are given due consideration.
22. Council should undertake a proper review of its internal reporting procedures and make appropriate changes, having regard to current statutory requirements.
23. Council should adopt a revised section 252 policy, on the payment of expenses and provision of facilities to councillors.
24. Council should ensure that its Summary of Affairs statement lists its policies separately, as well any codes it has adopted pursuant to the Local Government Act 1993.

### ***Regulatory Functions***

25. Council needs to do everything within its power and resources to expedite the making of a new local environmental plan for the area.
26. Council should determine and use KPIs for the monitoring of council’s assessment of development applications.
27. Council should document and promote the availability of a review process for applications for development consent and for approval under section 82A of the Environmental Planning and Assessment Act and section 100 of the Local Government Act.
28. Council should take action to ensure that a comprehensive SoE Report is prepared using the guidelines that have been published by the department. It then needs to make sure it uses the report in its strategic and management planning and as a basis for benchmarking and monitoring its environmental performance over time.
29. The general manager should review the record of food premises inspections on a quarterly basis to ensure that all required inspections have been undertaken and records are being properly maintained.
30. Council should prepare, adopt and implement a companion animals management plan.

### ***Assets and Financial Management***

31. Council should develop a comprehensive long-term financial plan reflecting detailed financial figures for the next 7-10 years.
32. Council should review its charges for its water and sewer services having regard to the recommendation of its auditor to increase these charges.
33. Council should undertake a systematic assessment of the condition of all its infrastructure assets and develop a register of infrastructure showing the valuation and condition of each asset and the date when the valuation/condition was last reviewed.
34. Council should adopt policy on the replacement of plant. The policy should identify the expected useful life of each category of plant and optimum replacement dates.
35. Council should develop a comprehensive asset management plan. The plan should be linked to an infrastructure maintenance program as well as a long-term financial plan.
36. Council should ensure that plans of management for community land are developed and adopted, following the process provided for in the Act.
37. Council should clarify the ownership of the Carinya Court aged care units and ensure that it puts proper arrangements in place if they are a council owned or controlled asset and/or built on community land.
38. Council should develop a procedure of the granting and managing of leases and the associated maintenance and review of the leases and licences register. In doing so, council should ensure that it enters into lease agreements with all occupiers of council controlled premises.

### ***Community and Consultation***

39. Council should review and revise its social and community plan.
40. Council should prepare and document long-term strategies to meet current and future needs for older people. These strategies should be included in the revised social and community plan.
41. Council should develop, implement and evaluate a communication strategy. The strategy should identify and incorporate council's current communication

activities and address the issues in this report in relation the management plan, the annual report, the availability, content and format of council's public documents and the quality of the information available on council's website.

42. Council should develop, communicate, monitor and report on customer service standards.
43. Council should consider recording all complaints and service requests on a common database.
44. Council should review the current administrative arrangements for running the Woolfest festival.

### ***Workforce Relations***

45. The general manager should provide the council with a detailed report on council's structure and council should re-determine the structure as it sees fit. In doing so, council should determine the quantum of resources to be allocated towards the employment of staff.
46. Council should develop and adopt a comprehensive recruitment and selection policy and associated procedures.
47. Council should review and revise its EEO policy and develop and implement a complying EEO management plan.
48. Council should ensure that the draft harassment policy is reviewed and that it promptly implements strategies that prevent harassment and bullying.
49. The general manager should ensure that the council to develops a training plan and budget in conjunction with the council's consultative committee, having regard to the relevant requirements of the Local Government State Award.
50. The general manager and the consultative committee should review the operation of the consultative committee. The review should address the role of the committee, the issue of councillor/management representation and need to update the constitution in line with current award requirements.

## 4. CONTEXT

The Boorowa Local Government Area (LGA) is located on the Southern Tablelands. The LGA has an area of 2578 square km. Its estimated population is 2476, the sixth smallest population of a LGA in the state. Boorowa is the only town. There are villages at Rye Park, Rugby, Reids Flat and Frogmore.

There has been little change in the population over the last five years and it is projected to fall. However, a number of the councillors indicated that a “tree change” phenomenon is occurring, with older people coming into the area to retire. The population of the area is ageing significantly compared to other LGAs.

There are no major industries operating in the area. However, it is renowned as a fine wool growing area and parts of the shire are cultivated for canola and wheat. The area is experiencing a protracted period of drought.

The shire had 349 rateable residential properties in 2004 compared to 703 farmland properties. The area has only 34 rateable business properties.

The LGA is not divided into wards. It has 9 councillors and the councillors elect the mayor. One councillor has been on council for in excess of 30 years and another for over 18 years. Four of the councillors are serving their initial terms. This presents significant opportunities and challenges for the council, having regard for the desirability of the council leveraging both the experience and knowledge of long serving councillors and the fresh perspectives of new councillors.

The council has recently entered into a strategic alliance with several other councils in the area. It is also a member of the South Western Regional Waste Management Group, the Southern Slopes County Council and the South-West Regional Library Service.

Council developed and adopted a new social plan in early 2005. It contains a wealth of additional contextual information about the area. It should be consulted if more background information is required.

## 5. AMBITIONS, PRIORITIES AND FUTURE FOCUS

The review assessed the clarity of council's strategic direction and whether council plans reflect a shared and realistic vision. We examined council's approach to corporate planning and the degree to which project management and continuous improvement principles were integrated into day-to-day management.

A document detailing what council vision and mission is available for download from council's website. The content of the statement is reproduced hereunder:

**Vision/Mission Statement**

**To provide a safe and healthy environment that is rich in ongoing sustainability for all members of the community, while continuing to enjoy the country lifestyle that is relaxing and invigorating for all who live here.**

**The Boorowa Shire Council will:**

- Plan effectively for its future
- Build partnerships with its citizens
- Lead sustainable economic growth
- Achieve an attractive physical environment and civic amenity
- Foster and provide mutual support and caring for people
- Enable all citizens to take pride in the Boorowa Shire as a great place to live, work, play and visit

**Goal Statement**

In the future, as in the past, Boorowa Shire Council will endeavour to achieve:

- proper maintenance and improvement of all services
- assets and finances managed in a correct and proper manner
- improvement in communication with residents
- promotion of tourism and development in a balanced manner
- increased productivity and morale with a well trained, motivated and safe workforce/

The statement is aspirational and addresses many aspects of a council's charter. However, the process of developing and adopting such statements is arguably even more important than their content.

It is not clear that the current council has adopted or endorsed the statement. It does not appear in the 2005/2006 management plan and nor is it referred to in that plan or other key council documents such as the annual report. The Social Plan adopted by council in early 2005 contains a different vision statement.

The adoption of an agreed vision and mission statements are important first steps in being able to operate strategically. Council should consider its statutory charter (section 8 of the Act) and formally adopt vision and mission statements, to guide its planning and to provide a set of fundamental criteria against which council can evaluate its performance. **(Recommendation 1)** These statements should feature prominently in all of council's significant plans and publications, such as the annual report.

The current council does not have a strategic plan. It appears that the last time the council engaged in a long term planning activity was in 2000. At that time the council apparently had a workshop that resulted in the development of a document it describes as a "think tank booklet". It is clear that this document has little ownership by those councillors elected to council since it was developed. However, it is pleasing to note that the general manager has recently circulated the booklet to current councillors for review.

While council is not required by law to have a strategic plan, the development of such a plan would provide the opportunity for councillors, council staff and the community to carefully consider and reconcile the current and emerging needs of the area, with the limited resources that are available to meet those needs.

Ideally, the strategic plan should reflect a consensus on council's medium and long-term priorities and what council's role will be in providing infrastructure, services and economic development over at least the next ten years.

A strategic plan would provide a sound foundation on which to develop council's annual management plan. It is recommended that council develop and adopt a new strategic plan. **(Recommendation 2)** In doing so, the council needs to consider how its various plans fit together. Council should review and discuss the diagram on page

3 of its social and community plan. It illustrates ideal relationships but it is clear that council has not achieved the level of integration suggested by the diagram.

Councillors interviewed during the review process had many shared ideas on council's strengths and priorities. Most councillors expressed pride in the quality of the area's infrastructure, especially its swimming pool, which was in use for regional swimming carnivals during the week of the review. They also commented on the importance of the road network, council's strong financial position, the work it had supported in the villages and the need for the proposed main street upgrade.

The planning for the proposed main street upgrade is well advanced and a proposed design has been on public exhibition. However it is significant that a major strategy such as this was not mentioned explicitly in the 2005/2006 management plan. The need to address flaws in council's management plan is addressed in the governance section of this report.

#### *Social Plan*

Council adopted a new Social and Community Plan in 2005. This plan is discussed at length later in the report. While the review has identified a number of concerns about the plan, it should prove a useful source of data when council is developing its strategic plan and should be referred to when council prepares its annual management plan.

#### *Boorowa Tourism and Development 2005-2006 Strategic Plan*

The review team was provided a copy of this document, dated December 2005, which was prepared, by council's Tourism and Economic Development Manager. It is not clear from the document as to why it was prepared or who was involved in its development other than the manager. Apparently it is updated annually.

It is not clear how or if council intends to make use of this plan in its annual management planning process. It contains no cross referencing to the council management plan or the social and community plan, even though it documents strategies to promote tourism, economic development and cultural and health opportunities.



It is commendable that the Tourism and Economic Development Manager has documented a SWOT analysis. This analysis could be very useful to council but its usefulness will be limited unless council adopts a whole of council approach to strategic planning.

*Quality Systems, Project and Performance Management*

Council's management plan for 2005/2006, under the heading "Administration" states that one of council's objectives is to manage council's "resources in an effective and progressive style ... with a commitment to the principles of accountability, total quality and continuous improvement". While this is a worthy objective, the review team did not observe widespread use of project management, total quality management (TQM) principles or the use of process improvement methodologies to facilitate continuous improvement. Council should avoid the use of such language if it does not intend to use TQM. However, it would be preferable if council retained the objective and developed and implemented strategies to achieve it.

## 6. DELIVERING AND ACHIEVING

The assessment focussed on five key areas:

- Governance
- Regulatory Functions
- Asset and Financial Management
- Community and Consultation
- Workforce Relations

The review team looked for:

- statutory compliance;
- defined roles, responsibilities and accountabilities;
- modern structures and processes;
- resources being following a systematic assessment and prioritisation of needs;
- use of performance information;
- capacity and systems to deliver performance improvement;
- delivery through partnership;
- strong financial management;
- risk being managed appropriately;
- openness to external scrutiny;
- willingness to respond to feedback and learn from experience.

### 6.1 Governance

“Corporate governance refers to all the means by which entities are directed and controlled.” (Standards Australia, HB401-2004:12) Corporate governance is important because it enhances organisational performance; manages and minimises risks; increases the confidence of the community in the organisation; ensures that an organisation is meeting its legal and ethical obligations; and assists in the prevention and detection of dishonest or unethical behaviour.

The review examined a range of aspects of council's governance practices including:

- Council's planning and reporting processes;
- Council's decision-making processes;
- Risk management and internal control.

### *Management Plan*

Each year council is required to prepare a draft management plan with respect to its activities for at least the next 3 years and its revenue policy for the next year. Sections 403 and 404 of the Local Government Act require certain particulars to be included in council's draft management plan.

The review team examined council's Management Plan for 2005/2006. We identified significant scope for improvement. The plan's most fundamental flaw is a lack of clarity and detail as to what council was planning to do and achieve. It also does not comply with all of the statutory requirements that apply to management plans.

There are some straightforward improvements that can and should be made:

- Council can make its management plan more relevant, purposeful and accessible by including a mayor's foreword and an executive summary.
- The adopted vision statement and mission statement should feature prominently, to provide a fundamental benchmark against which the content of the plan can be assessed.
- The plan should include a description of how it was developed. This allows the quality of the planning process to be scrutinised and improved over time.
- The inclusion of a demographic profile of the LGA and a statement of key issues (social, environmental, financial) would provide context for the plan.
- A range of both quantifiable and qualitative performance targets and performance indicators should be included for each of the principal activities. The plan for 2007/2008 and subsequent years should have a comprehensive set of indicators.
- Council should avoid the use of subjective terms such as "sound management" and replace them an explicit description of what it means by such terms.

- When describing targets, terms such as “minimise” should be replaced with an explicit numerical target.
- Baseline data should be included where council proposes to set a percentage target for change.
- Council should include details of which manager is responsible for each service and each strategic objective.
- The proposed revenue and expenditure for each activity should be included with the description of the activity, as well as in the consolidated budget.

Council must invest more effort into its management planning process and ensure that its management plan complies with the requirements of the Act and Regulation. The department has published management planning guidelines that will be of assistance to council in addressing this issue.

The current plan does not facilitate the level of accountability that should be expected by the community and which is intended by the Act. This lack of clarity also limits the ability of council to effectively consult with the community on the draft management plan.

Council should ensure its management plan lists and accurately describes the actual activities council intends to undertake in each of the next three financial years, and ensure detailed information is provided about the next year’s activities. In future, council should ensure that its goals are “SMART”; that is specific, measurable, attainable, realistic and tangible.

The 2005/2006 management plan did not include any details of the capital works projects to be carried out by the council in the next three years. The plan only mentions the costs for 2005/2006 year without any details of the projects or possible sources of funding. Council needs to provide details of each project and their sources of funding for a three-year period as required by section 403 (2) of the Local Government Act.

Asset replacement programmes should also be disclosed in the management plan.

The management plan does not include a statement of general estimate of council's income and expenditure for the second and subsequent years for which the plan is prepared.

Council's management does not include a detailed revenue policy. It does not include a breakdown of each type of rate to be levied and the estimated yield from each such rate. These are requirements of the Act.

Council is required to consider its most recent State of the Environment (SoE) Report when developing the management plan and apply the principles of ecologically sustainable development. There is no evidence to indicate that it has done so. In fact, there is no mention of the SoE report at all in the 2005/2006 management plan. While council's plan does include a statement that "Council recognises its responsibility to protect the environment for the utilisation and enjoyment of future generations" and lists three actions, none of these relate to actions listed in the SoE Report.

The plan does not include a statement with respect to proposed council activities relation to access and equity activities in the area. This is a statutory requirement.

The plan is required to detail the programs to be undertaken to implement the council's equal employment opportunity (EEO) management plan. The council does not appear to have a current EEO Management Plan. The current management plan does include what appears to be the introduction to council's EEO policy – this is not what the Act requires.

In future, council should ensure its management plans comply with the requirements of the Act and Regulation and ensure that the plans address the issues of concerns raised in this report about the format and content of the 2005/2006 plan.

**(Recommendation 3)**

The general manager should review the 2006/2007 management plan, report to the council on any areas of statutory non-compliance and submit reports to council for adoption as soon as possible addressing any omissions. **(Recommendation 4)**

### *Annual Report*

The Act requires a council to prepare an annual report within 5 months of the end of the financial year, as to its achievements with respect to the objectives and targets set out in its management plan for that year. While Boorowa lodged its annual report within the required time frame, it is of a poor standard.

The most fundamental area for improvement is the manner in which the council reports on its achievements with respect to the objectives and targets set out in its management plan. As indicated previously, council's management plan lacks clear objectives and targets and therefore, it is not surprising that annual report is deficient in this regard.

However, the inadequacies in the annual report transcend the weakness of the management plan. In many cases, the annual report contains no information on what the council did or achieved in relation to specific activities/strategies.

The council's annual report 2004-2005 also has a number of specific errors and omissions.

The report states that council employs three senior staff. However, the general manager is the only member "senior staff" member, as defined by the Act. The other two staff members do not satisfy the senior staff criteria specified in the Act.

The annual report is required to include, listed separately, the total remuneration of each senior staff member and provide certain additional details as provided for in the Regulation. The required information has not been provided. The general manager should provide a report to the next ordinary council meeting containing the information. This matter should be dealt with in an open meeting, so that the public can have access to the information. **(Recommendation 5)**

The annual report does not report on council's performance in relation to access and equity activities – it is a statutory requirement that it do so. Council should ensure that next year's annual report contains such information.

The report is required to include council's policy on the provision of facilities for the use of councillors and the payment of councillor expenses. The provisions of this policy are commented upon later in this report. However, it should be noted that the policy detailed in the annual report is different to the policy on payment of expenses included in council's policy manual. For example, the annual report makes no mention of council paying registration fees for conferences and the like. This is provided for in the policy manual.

Council has not disclosed any business activities in the 2004/05 annual report. Council's water and sewerage activities and its caravan park should have been listed as category 2 business activities in accordance with clause 217 of the Local Government (General) Regulation. The clause also requires council to provide a summary of progress in implementing the principles of competitive neutrality and a statement regarding the establishment of a complaints handling mechanism relating to the business activities.

Council is required to report on its human resource activities undertaken in the year. Council's management plan refers to five areas of activity, namely "organisation restructuring", "position description", "staff training", "health and safety" and "E.E.O. Plan". However the annual report only provides information on training activities and the EEO Plan.

The information in relation to training lacks any meaningful context. For example, the report does not indicate how many staff/what percentage of staff participated in the activities listed.

Council is required to report on activities it undertook to implement its EEO management plan. The annual report contains a statement that "Council has not undertaken any EEO activity during the year. There has been no EEO awareness for staff." Assuming this statement is accurate, this is area that clearly warrants the attention of the general manager and the consultative committee. This issue is discussed further in the workforce relations' section of this report.

The annual report does not contain any reference to Carinya Court or Carinya Court Inc. This area of council operations presumably should have been referred to under the heading “Housing and Community Amenities” and Carinya Court Inc may have needed to be listed under the “External Bodies/Delegated Functions” heading.

The council is required to include a statement in the annual report of the action taken by council in complying with the requirements of the Privacy and Personal Information Protection Act (PPIPA). The report does not include such a statement.

Council is required to report annual on the state of the environment in the area. This aspect of council’s reporting also needs attention. This is discussed further in the Regulatory section of this report.

Council should critically review its annual reporting and ensure that its annual reports include all of the required statutory information. The reports should clearly indicate what council planned to do and achieve, what it actually did and achieved and provide an explanation for any differences between the plan and what happened. The document should be structured in such a way as to be accessible to a range of audiences, not the least of which is the council’s residents and ratepayers.

**(Recommendation 6)**

It is a matter for council to determine the appropriate key performance indicators (KPIs) for council activities. However it is important that council does so and that they are integrated into council’s management plan, quarterly reporting and annual reporting. **(Recommendation 7)**

*Records management*

Council is required to make and keep full and accurate records of its activities in accordance with section 12 of the State Records Act 1998. Council must establish and maintain a records management program that conforms to best practice standards and codes. Council appears to lack such a program.



Council adopted a records management plan on 28 November 2005. The plan adopted by council is a mix of a plan, a policy statement and a procedure document. Because of this, its usefulness as any of these things is limited.

While it is pleasing to see that council has recognised its long-standing records management responsibilities, the council appears to have done little to implement the plan.

Council's records management program could be improved by documenting it in three separate documents – a policy on records management, a plan to implement the policy and a set of record keeping procedures. It should then ensure that the plan is implemented and the procedures are being complied with.

Council's records management policy, should as its title suggests, confine itself to policy issues such as council's commitment to statutory compliance, an outline of the relevant statutory framework, a commitment to allocate adequate resources and accountability for implementation and review of the policy.

The policy should make provision for the development of a plan. The plan should document what council will do to implement the policy, who will do it, when it will be done by and how implementation and effectiveness will be measured.

The procedures should be a detailed step-by-step guide to council's record keeping practices. The development, promulgation and training of staff of these procedures should obviously be a major component of the plan.

The adopted plan, appropriately, makes provision for staff to be made aware of council's corporate records management policy, record keeping responsibilities of all staff, "the organisational model for records management program", staff development and training programs for records management; and records management procedures.

An effective record management system is essential for the operation and maintenance of effective internal control mechanisms. Council should ensure that an

adequate record management system is developed, documented and implemented as a matter of urgency. **(Recommendation 8)** Care should be taken to ensure that implementation considers the requirements of council's adopted privacy plan and makes provision for councillor and staff training.

#### *Privacy Management Plan*

Section 33 of the Privacy and Personal Information Protection Act (PPIPA) requires council to adopt and implement a plan. Council adopted "Model Privacy Plan for Local Government" as its plan. The plan requires information practices relating to the collection, storage and use of personal information to be reviewed by the Council every three (3) years. The review found no evidence that council has reviewed its practices. It should review its practices when it is implementing the previous recommendation relating to its records management system.

#### *Section 355 committees*

A council can establish committees to assist it in carrying out many of its functions. Boorowa Council has established several committees but it has not documented their powers. Council's section 355 committees should be given a council approved charter and/or a constitution setting out their membership, functions and delegations. All committee members should be given a copy of the charter and council's code of conduct and be advised in writing that they are bound to comply with it. **(Recommendation 9)**

Committees that are not wholly advisory should also be provided with documented procedures. **(Recommendation 10)** A failure to do so gives rise to significant risk exposures. A lack of clear procedures increases the possibility that committees will inadvertently act in a manner contrary to the interest of council.

It is also apparent that council needs to clarify what section 355 committees it has. At the time of the review, council's website listed a number of committees which would appear not to be section 355 committees.

### *Internal control*

Internal audit and control provides for systematic scrutiny of an organisation's operations, systems and performance. It assists in ensuring that statutory requirements are complied with, service standards are met, data records are accurate and complete, and established procedures are being followed. Council does not currently have an internal audit program.

Council should examine the costs and benefits of establishing an internal audit function. **(Recommendation 11)** Given the size of council, consideration should be given to contracting this function to its external auditor or sharing this function with other regional councils as part of a strategic alliance. At that stage consideration can also be given to forming an audit committee.

The development of internal audit processes is considered important given the council does not appear to have undertaken any systematic fraud risk assessment. Nor does it have a fraud control policy or strategy. It is important that fraud risks are identified and managed effectively and that staff are kept up to date on emerging risk areas and on proven strategies for properly managing them.

### *Risk management*

Risk management is about the systematic identification, analysis, evaluation, control and monitoring of risks. While risk cannot be entirely eliminated, councils should aim to establish a risk aware culture and to continually work towards establishing structures, processes and controls that cost effectively reduce the council's risk profile and thereby protect the interests of council, the public and other key stakeholders. There should be a balance between the cost of managing risk and the benefits expected from engaging in an activity that has inherent risks.

Councils are exposed to a wide range of risks as a consequence of their diverse functions. A risk management plan provides council with a framework to proactively identify and manage generic and specific risks so that ethical behaviour and practice can be promoted.

Council has recently adopted a risk management program. Council should ensure that the program incorporates the strategic management of risk including risk financing and insurance, crisis management and disaster recovery, development and refinement of an OH & S system, legal compliance, development and refinement of an asset management framework and entrepreneurial risk.

The risk management program should incorporate the formal and informal management of risk, including risk profiling across functions, claims management, OH & S implementation, emergency procedures for council buildings and policy and procedure review.

Council should review its risk management program on an annual basis for relevance and progress. In doing so it should use insurer protocols for assessing potential liability and the current version of the department's Promoting Better Practice self assessment checklists as a strategy to assess its exposure to risk due to statutory non-compliance and/or due to a lack of proper systems and procedures.

**(Recommendation 12)**

*Procurement, tendering, contract management and asset disposal*

Procurement, tendering, contract management and asset disposal should be governed by strict considerations of probity, transparency and accountability in the expenditure of public funds for public purposes.

Boorowa Council has no documented policies for purchasing, tendering and asset disposal. The "one paragraph" statements that currently exist cannot be termed policies by any standard.

Council should develop and promulgate proper purchasing, tendering and asset disposal policies and procedures. **(Recommendation 13)** In doing so, it should address issues such as the authorisation and evaluation process, legal requirements, ethical considerations, quality assurance and occupational health and safety.

The purchasing policy should recognise the need to achieve the most advantageous price and purchasing conditions for the council. It should also endeavour to ensure that council's procurement policies, practices and procedures meet the best practice standards and the highest level of public accountability. The policy may also contain a preference for local suppliers and tenderers provided all other conditions are met.

Councils' obligations in relation to formal tenders are regulated under section 55 of the *Local Government Act* and the relevant provisions of the Regulation. These provisions apply to contracts with a value of \$150,000 or more. The tendering policy should stipulate the method, documentation and procedure for inviting tenders. It should highlight the ethical principles to be adopted for receipting, opening, documentation and evaluation of tenders. The policy should require a formal risk assessment for high value tenders.

Council should also develop and document policies for the management of consultants and external contractors. Clear guidelines should be laid down on acceptable standard of work and contract performance measurement criteria.

**(Recommendation 14)**

The asset disposal policy of council should set out a defined framework, responsibilities and procedures for all disposals. It should also mention the need to meet best practice standards and public accountability.

Council is urged to implement these policies as part of its internal control mechanism with clear documentary evidence and an audit trail. Council is also urged to conduct a risk analysis of these processes on a periodic basis.

*Pecuniary interest returns*

The review team examined the written declarations of interests returns lodged by all councillors, as well as those of selected council staff. The general standard of returns was good.

Given the importance of the timely lodgement of these forms, it is recommended that the general manager initial and date the returns upon receipt and issue a written

receipt when accepting returns from councillors. The process for lodging and receipting returns should be documented in a council procedure. **(Recommendation 15)**

*Interaction between councillors and staff*

The model code of conduct adopted by council contains provisions relating to interaction between councillors and staff. The general manager advised the review team that he has imposed restrictions on councillor access to the office areas of council and councillors have accepted this.

It noted that the council adopted a new policy on interaction between councillors and staff at its December 2005 meeting. However, council should note that elements of the complaints process provided for in the policy are inconsistent with the council's adopted Code of Conduct. The policy also deals with matters that would be better dealt with in the Code of Meeting practice. It is recommended that the general manager review the newly adopted policy and submit a revised policy for the consideration of the council. **(Recommendation 16)**

*General Manager's Performance Appraisal*

It does not appear that the general manager has been the subject of regular annual formal performance appraisal as provided for in his contract. It should be noted that the Act requires that councils employ their general manager on a performance-based contract. It appears that that last year was the first time that a formal appraisal process was undertaken and the general manager received written advice as to the council's assessment of his performance.

All councillors should review the terms of the general manager's contract in relation to performance criteria, assessment and review. The council should ensure that the terms of the contract in this regard are implemented as provided for in the contract. **(Recommendation 17)**

### *Council's decision-making processes*

While the review team did not have the opportunity to observe a council meeting, councillors interviewed during the review process generally expressed satisfaction with the manner in which meetings are chaired and conducted.

However, our review of council's draft code of meeting practice and the agendas, business papers and minutes for the ordinary meetings of council held in October, November and December 2005 identified several issues that need to be addressed by the council. The issues of concern are discussed hereunder.

### *Code of Meeting Practice*

The Regulation makes provisions relating to the conduct of meetings. A council may adopt a code of meeting practice that incorporates the provisions in the regulation and make additional provisions, provided that any additional practices are not be inconsistent with the statutory requirements. The council resolved in November 2005 to place a draft code on public exhibition as a precursor to formally adopting a code.

The draft code placed on public exhibition contains provisions that are inconsistent with the Regulation. For example, it provides that "the formal rules of debate do not need to be observed". This is not a choice open to council unless it resolves into "committee of the whole," during which the normal limitations of the number and duration of speeches councillors can make do not apply.

The council's draft code proposes restricting access to the agenda and business paper and it does not allow members of the public and press the opportunity to take away a copy of the business paper prior to the meeting. This is contrary to section 9 of the Act. Council should ensure its agendas and business papers are freely available.

The flaws in the draft code transcend the aforementioned statutory non-compliance issues. Council has made policy decisions in relation to meetings (see council's policy manual) that are not reflected in the draft code. The various provisions of the code are not numbered – a numbering system would make the code easier to use

and reference. The provisions relating to public participation are not clearly identified or clearly expressed.

The provisions for questions from the “Gallery”, while admirable in their apparent intent, may well give rise to situations where the valuable time of council and staff is spent on dealing with issues that should be dealt with by direct contact with council staff, either by letter or in person.

It should also be noted that meetings are not the most efficient forum for dealing with questions without notice, requests for information or for action in regard to a council service. Council should review the proposed provisions that deal with these matters.

A code of meeting practice can be a good way of informing the community about how council makes its decisions but it will only serve that purpose if the community is made aware that the code exists. For example, reference to the code could be included in the business paper, it should be available on the council website and a reference to it should be included in an annual information brochure sent out with rate notices.

We recommend council review and revise its draft code of meeting practice, having regard to the relevant provisions of the Act, the Regulation and the department’s “Practice Note No 16 - Meetings”. Council should promote the existence and availability of the code of meeting practice once it has been revised and adopted.

**(Recommendation 18)**

Agendas and Business Papers

The structure of council’s agendas, business papers and the format of reports in the business paper were examined by the review team. We identified significant scope for improvement.

Boorowa Council’s meeting agendas do not include a list of all items dealt with in the relevant reports. This is a statutory requirement. Its business papers do not have a table of contents and the pages of the business paper are not numbered. While the



current business paper is coloured coded, there is no explanation in the paper as to what the code means.

The Act provides that an agenda or business paper can be provided electronically. Many councils make their agendas and business papers available on their websites. This is a straightforward and low cost way of informing the members of the public as to the matters to be considered by council and the outcomes of previous meetings of council. Boorowa Council has not been doing this on a regular basis.

While the council in its draft response indicated that staff had been instructed to ensure that agenda are placed on the website each month, this has not occurred.

Some councillors expressed concern about the quality of some reports coming before council, citing a lack of information as their main concern. The general manager, when commenting on this issue in the draft report, asked the department to provide examples of where insufficient information has been provided. However, we suggest that it would be more productive for the general manager to consider this issue with the elected council and for council to note the reasons when a matter has to be deferred, to determine whether more information should have been provided. This should give the general manager useful indicator as to the extent and specific nature of the concerns.

It was noted that many items reported to council did not contain any recommendation for council to determine the matter in a particular way. In many cases, the author of the report did not even outline a range of options or fully explain the consequences of a particular course of action. The omission of information such as this can result in unnecessary delays.

We have provided a sample template on the next page to illustrate what information officers submitting reports for council's consideration could provide. The use of the template shown in Figure 1 will remind both officers and councillors of the need to consider the broad implications of decisions and assist councillors in satisfying themselves that all issues have been considered. For example, some matters will not

have a financial implication but requiring a nil response in the report would be better practice, adding to the quality and transparency of decision-making.

Figure 1: Suggested Standard Template for Council Reports

<p><b>Item:</b> &lt;Title of item and file reference&gt; <b>Management Plan Ref:</b> &lt;reference to relevant item in management plan&gt;</p> <p><b><u>Summary</u></b></p> <p><b><u>Recommendation</u></b></p> <p><b><u>Background</u></b></p> <p><b><u>Consultations</u></b> <b>Internal:</b> &lt;details of internal consultations&gt; <b>External:</b> &lt;details of external consultations&gt;</p> <p><b><u>Considerations</u></b> <b>Financial/resources implications</b></p> <p><b>Legal &amp; policy implications</b></p> <p><b>Public/social impact</b></p> <p><b>Environmental</b></p> <p><b><u>Options</u></b></p> <p><b><u>Conclusions</u></b></p> <p><b><u>Attachments</u></b></p>
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Council should review and improve the formatting and availability of its business papers and agendas. **(Recommendation 19)**

### Committees

Council reviewed its committees and their membership on 26 September 2005. It resolved to create three committees comprised solely of councillors. These committees are the Finance, Staff & Rates Review Committee, the Transport, Public Order and Safety Committee and the General Work, Health and Recreation Committee. The resolution of council broadly defines the remits of these committees and in doing so refers to principal activities in council's management plan. This is a sound practice.

At the same meeting council made councillor appointments to the Occupational Health and Safety and Risk Management Committee and the Consultative Committee. It not appropriate for councillors to be members of these committees. These committees are generally focused on internal operational issues that are primarily the responsibility of the general manager. The general manager, in commenting on the draft report, has indicated that councillors have been advised that they can no longer attend the meetings of these committees.

### Correspondence Report

At the time of the onsite review, council's meeting agendas and the accompanying business paper contained a correspondence report. The correspondence reports examined by us contained many examples of correspondence that should not be dealt with at a council meeting due it relating to operational matters. Such matters should be dealt with at officer level. The general manager has since advised that the report is no longer included in the agenda and business paper.

### Closure of Meetings

As a general rule, meetings of the council and its committees are required to be open to the public. It appears that the council may be closing its meetings without following proper process and without giving due consideration to the public interest test it is required to apply before doing so.

Section 9(2A) of the Act requires the general manager to indicate, on the agenda, that he expects an item to be discussed in a closed part of the meeting, without providing details in relation to the item. The council's agendas list item numbers for confidential items, accompanied by an incomplete reference to the relevant part of section 10A of the Act. This does not give members of the public any indication as to the nature of the item that is to be dealt with by council and as such, is not acceptable practice.

Council also needs to consider the public interest when considering whether to exclude the public (where the matter is other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret). Because of this, the report on the confidential item should include an

explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest. This information is to be recorded in the minutes if council resolves to exclude the public while it considers the item. The explanation, that the item is “confidential” is not sufficient.

When council or a committee of council closes a meeting to the public, the resolution must:

- refer to the specific matters that are to be discussed during the closed part of the meeting;
- state the relevant provision/s of section 10A (2) being relied upon to close the meeting in relation to each item to be discussed;
- detail the reasons why the part of the meeting is being closed (not just a restatement of the relevant sub-section of the Act) where these are not self evident; and
- provide an explanation of the way in which discussion of the matter in an open meeting would be, on balance, contrary to the public interest (if the matter concerned is a matter other than a personnel matter concerning particular individuals, the personal hardship of a resident or ratepayer or a trade secret).

The general manager should ensure the grounds for excluding the public from meetings are properly recorded in meeting agendas and minutes, in accordance with the relevant statutory requirements. Public interest considerations should be addressed in the relevant report in the business paper. **(Recommendation 20)**

#### *Code of conduct*

All councils are required to adopt a code of conduct that incorporates the provision of the Model Code of Conduct for Local Councils in NSW. Boorowa Council adopted the model code of conduct as its own on 28 February 2005.

Council does not appear to have made use of the departmental guidelines that were made available to assist councils review and enhance their code of conduct and thereby achieve better practice. The guidelines are available for download from the

department's website. Council should review all of the suggestions in the guidelines and ensure that they are given due consideration. **(Recommendation 21)**

#### *Internal reporting*

Council advised that it reviewed the effectiveness of its internal reporting system on 28 November 2005. However, if such a review took place, there is no evidence of it in the report that was tendered to council on that date, in relation to the adoption of changes to the policy manual. If such a review took place, it was inadequate.

Council adopted an internal reporting procedure on 24 April 1995. Although it is referred to in council's policy manual, it was not included in either the hard or electronic copies of the manual provided to the review team. A separate copy of the document was provided.

The procedure that was provided to the review team is unclear and inadequate. It appears to only provide for internal disclosures to be made to the mayor. It contains factual errors. It does not explain what steps the council will take to protect the person making a disclosure.

The document does not mention that protected disclosures can be made to the Director General of the Department of Local Government. This is a key provision that should be referred to in council's procedure. In fact, council's procedure explicitly states that disclosures made to the department are not protected. Council should ensure its procedures refer to provisions of section 12B of the Protected Disclosures Act and section 429A of the Local Government Act.

It is important that council undertake a proper review of its internal reporting procedures and make appropriate changes, having regard to current statutory requirements **(Recommendation 22)**

It is important that a document such as this is appropriate and accessible to its target audience (including council's outdoor employees). The revised procedure should include simple statements describing what a protected disclosure is, how to make a protected disclosure and whom they can be made to. Council should also ensure

that the document is cross-referenced to its other related documents (such as the code of conduct) and should consider integrating the process into its code. Council should inform all staff once the new procedure is available.

### *Councillor Expenses and Provision of Facilities to Councillors*

Councils are required to adopt a policy on the payment of expenses and provision of facilities to councillors, pursuant to section 252 of the Local Government Act.

As indicated previously, the review team compared the section 252 policy detailed in council's policy manual and found that it was inconsistent with what was reported in the annual report. These inconsistencies need to be examined and resolved by council adopting a revised policy and reporting on it accurately in the next annual report. **(Recommendation 23)**

The scope of council's policy is very narrow. It makes no mention of the provision of facilities or the reimbursement of telephone expenses. Council should consider whether it would be appropriate to reimburse telephone expenses subject to a reasonable limit being set.

It is known that the council provides an office for the use of the mayor. This should be included in the policy along with details of any other facilities available to councils such as access to photocopiers and secretarial support.

While it is open to council to adopt a conservative approach to the payment of expenses and provision of facilities, it should ensure that its s. 252 policy details all those facilities that are provided and that its policy on reimbursement of expenses is not so conservative as to unduly disadvantage persons with limited personal resources from being councillors.

Council's current policy refers to payment of motor vehicle expenses based on a rate specified in the "Local Government Senior Officers Award". This award is no longer current (it was replaced over ten years ago by a consolidated award). Clearly the council's policy needs to be updated. The review team did not check what rate council is currently paying however council should do so, it should ensure that there

is a reasonable basis for what it decides to pay and that that basis is clearly specified in its policy.

### *Statement of Affairs*

The council is required to publish a “Statement of Affairs” in the Government Gazette, pursuant to the requirements of the Freedom of Information Act. The statement is required to identify each of the agency’s policy documents. The council’s statement does not do this.

In future, the council should ensure that its published statement lists its policies separately, as well any codes it has adopted pursuant to the Local Government Act 1993. **(Recommendation 24)** The council should find the department’s Practice Note No. 7 – Freedom of Information of assistance in addressing this recommendation.

## **6.2 Regulatory Functions**

Council exercises regulatory functions in relation to a range of activities. The efficiency and probity of council’s regulatory functions is important to the preserving public trust in council and its staff. The functions involve the use of significant public resources.

The review examined a range of council’s regulatory practices including:

- *Council’s planning instruments and policies*
- *Development assessment*
- *Environmental management*
- *Enforcement practices*
- *Companion Animals*

Council’s Director of Planning, Works and Technical Services and the Manager, Health and Building perform the majority council’s regulatory functions at an operational level.

### *Status of Local Environmental Plan (LEP)*

Land use as a major issue facing the area. Land use decisions are currently being made having regard to an Interim Development Order that was made in 1975. While the Department of Planning has indicated council has five years to complete the new LEP process, council needs to do everything within its power and resources to expedite the making of a new local environmental plan for the area.

#### **(Recommendation 25)**

Council resolved in March 2005 to prepare a new LEP and has contracted an external provider to assist in this process. It is pleasing to note that the council is obviously committed to this process. Because of the importance of this issue, the general manager should consider providing the council with a timetable for completion of the LEP and a monthly progress report so the council can intervene if the process does not proceed as per the project plan.

The Director of Planning, Works and Technical Services reported to council on the LEP process in the September 2005. His recommendation, that council “retain the IDO as this best meets the needs of Boorowa Shire” warrants comment. This is clearly not an option open to council. The same report also indicated that the community did not appear to be aware of the importance of this issue. This should be of concern to council.

### *Development assessment*

According to the council’s response to the self-assessment questionnaire, a high percentage of development applications (50%) are referred to the elected council for determination. Many councils achieve much higher rates of delegation.

Some of the possible advantages of determining of development applications (DAs) using delegated authority are that it can speed up the determination process, increase the accountability of officers responsible for processing applications, afford applicants the opportunity to have the matter reviewed by the elected council if unhappy with the determination and it can free up the elected council to deal with non-routine and strategic matters.



Council should undertake a review of its development assessment process by comparing it to other councils. It may be that council simply needs to decide to delegate more authority or it may find that before doing so, it needs to adopt more detailed policies to guide officers or the committee using the delegated powers.

On a positive note, it should be noted that the council's average processing time for DAs was 21.88 days compared to a group average of 24.59 days. Council also advised that it allows prospective applicants to make appointments to discuss plans with staff and provides written notes on what information council requires. This is good practice.

Council has a notification policy in place that provides for written notification of DAs. It provides for notification to be sent to owners of adjoining and adjacent properties. It also provides for notification to be sent to owners of other properties, as identified by council, which may be impacted upon by a DA. This is a sound approach to notification. The standard notification letter is very clear. It provides a general description of the development and it refers to a site plan and elevation details as being attached to the letter.

The council provided the review team with a checklist of standard conditions of consent for subdivisions. While it was beyond the scope of the review team's expertise to review the content of the checklist, the existence of the checklist does provide some evidence that applications are assessed in a systematic and objective way, having regard to the relevant statutory requirements and the council resolutions on development generally.

Council does not have adequate monitoring systems to enable DAs to be easily located at any point in processing. It does not monitor turnaround times on DAs on a regular basis and the officers responsible for the processing of DAs do not report to council or the general manager on a regular basis, on all applications under consideration/determined in a given period. It is recommended that the council determine KPIs for this important area and that it put a reporting regime in place.

**(Recommendation 26)**

The council indicated that it does not provide a review process for applications for development consent and for approval under section 82A of the Environmental Planning and Assessment Act and section 100 of the Local Government. Nor does it provide any information to applicants about the availability of reviews. It is recommended that council documents and promotes the availability of reviews. **(Recommendation 27)** It is important that council provide and promote a review process to help ensure and encourage proper decision-making. The use of reviews can also help avoid unnecessary legal expenses.

### *Environmental Management*

Environmental management is one of the key roles of local government. Councils are uniquely placed to identify and report on local environmental issues and take action to reduce the threats to the environment and to make our communities more sustainable.

Council's charter requires it to properly manage, develop, protect, restore, enhance and conserve the environment of the area for which it is responsible, in a manner that is consistent with and promotes the principles of ecologically sustainable development. It is required to report annually on the state of the environment in the area.

The review process examined the council's approach to its State of the Environment (SoE) reporting.

According the council's 2004-2005 Annual Report, a comprehensive SoE report was due in June 2005 as part of 'Canberra Region report' but was delayed "due to unforeseen circumstances". For the purposes of this review, the 2004 SoE report was reviewed and *assumed* to be a supplementary SoE report. The review of this document, council's management plan and the annual report indicate that the council needs to increase its awareness of its environmental responsibilities and the SoE reporting guidelines.

Council's most recent SoE report does not refer to its responsibilities or the guidelines. Nor is there a reference to the suggested Pressure-State-Response

model for SoE reporting (or any other appropriate equivalent). There is no mention in the report of the mandatory environmental sector 'Aboriginal Heritage'.

Much of the information in the SoE report is descriptive and general in nature. As such, it has limited utility as a tool for guiding and monitoring council's exercise of its environmental responsibilities. However the SOE report does reveals a total of *six* identifiable council actions:

- Hazardous Waste - Oil recycling extended and locks installed on 4 out of 5 tips;
- Groundwater - Recommendation for DAs to include assessment on impact on groundwater and surface water;
- Native Species - Unspecified activities to help protect biodiversity (eg koalas, threatened birds);
- Noise - Letters of intent to serve notice sent to owners of barking dogs
- Increase size of recycling bins
- Pest Plants - Control activities on five priority weeds

SoE actions reported on in the council's annual report include:

- Land - \$20,000 funding for 'Saltshaker' Program to reduce salt scalds
- Cultural Heritage - Museum (a heritage site) upgraded and open to public
- Waste - Recycling improvements (not specified)

None of three actions in the annual report relate to or build on from the 2004 SoE report. This lack of integration suggests that there may be a lack of proper planning and attention being given to this important area of council's charter.

There is no reference to the environmental impact of council activities in the report. There is no mention within the report of engagement with the community in preparing the report or implementing projects.

During the on-site review, a member of the review team enquired about the incidents of intensive agriculture in the area and was informed that there was a piggery.

However, it does not appear that the council has been involved in monitoring its operation.

On the positive side, there appears to be significant work being done on noxious weeds (which is responsibility of councils under the Noxious Weeds Act).

Council should take action to ensure that a comprehensive SoE Report is prepared using the guidelines that have been published by the department. It then needs to make sure it uses the report in its strategic and management planning and as a basis for benchmarking and monitoring its environmental performance over time.  
**(Recommendation 28)**

It was pleasing to note that council has prepared guidelines for the domestic wastewater disposal in non-sewered areas.

#### *Inspections program*

Councils should undertake regular and ad-hoc inspections of certain types of premises and facilities to ensure compliance with health and related criteria. These premises include food outlets, hairdressing salons and those with air-conditioning towers, to check for legionella. Council needs to ensure that it inspects all such premises at least annually and high-risk operations more frequently.

At the time of the review, the spreadsheet council used to record inspections was not up to date. Further it appears that the town's hairdressing salons had not been inspected in recent times. The general manager should review the record of inspections on a quarterly basis to ensure that all required inspections have been undertaken and records are being properly maintained. **(Recommendation 29)**

#### *Companion Animals*

The primary aim of the Companion Animals Act 1998 is to provide for the effective and responsible care and management of companion animals. Local councils are the authority responsible for implementing the Companion Animals Act. The Act imposes requirements on both councils and the owners of companion animals.

All dogs and to cats born or who have changed owners since the 1 July 1999 are required to be microchipped by 12 weeks of age, point of sale or change of ownership, whichever occurs first. They must be registered by the time they reach six months of age. However only 13 cats have been registered for the Boorowa LGA, indicating a low level of compliance, which in turn may be related to a low level of awareness in the community as to the requirement to register cats. One hundred and thirty three dogs have been registered since 1999, but only 2 in the last 12 months.

The council has not reported any nuisance dog or cat orders, dangerous dog orders or dog attacks to the department since the legislation came into effect. This indicates a need for council to consider why orders are not being issued and/or reported to the department and why attacks are not being reported. It would be surprising if there had been no attacks since the legislation came into effect.

It is recognised that dogs benefit greatly from the chance to run freely, and for this reason the Companion Animals Act makes it a duty for councils to provide an "off-leash" area for the exercise of dogs. Council has provided an area but appears to have done little to promote its use.

Council does not have a companion animals management plan. There is a clear need for the council to develop and adopt such a plan to address issues with the ownership and control of companion animals in the Boorowa. The adoption of a local companion animal management plan would assist a council in achieving a balanced relationship between companion animals, humans and the environment. It is therefore recommended that council prepare and adopt a companion animals management plan. **(Recommendation 30)**

The plan should identify strategies that council will pursue in meeting its obligations under the Companion Animals Act. This includes, but is not limited to, community education, enforcement, environmental and community amenity strategies. Council also has an obligation under section 64 of that Act to seek alternatives to that of euthanasia and if practicable, adopt any such alternatives. Strategies should be linked to, and monitored through, the council's management plan.

The Department of Local Government recognised that many councils may require assistance with the preparation and direction of companion animals plans specific to their area of operations. To address this, a strategic guide to preparing companion animal management plans was developed by the Department and is available free of charge from the Departments website in the following location:

<http://www.dlg.nsw.gov.au/dlg/dlghome/documents/Forms/gpscamp.pdf>.

The template provided by the guide covers various areas of companion animal management and allows each council to develop individual strategies.

### **6.3 Asset and Financial Management**

Under its charter, council has a responsibility to raise funds for the purposes of carrying out its functions. This can be achieved by the fair imposition of rates, charges and fees, borrowings and grants. The council is also the custodian and trustee of public assets and must effectively account for and manage these assets.

The review examined a range of council's practices in the areas of financial management, asset management and management of its businesses.

#### *Financial management*

A review of the 2004/2005 financial statements shows that council has realised small surpluses from its operating results in the last 3 financial periods. The main reason for this was the additional works council has undertaken on behalf of the RTA. If RTA work dries up, council may end up in a deficit position.

Council's unrestricted current ratio (UCR) measures the adequacy of its working capital and the ability to satisfy obligations in the short term. For the 2004/2005 period it was 3.83 whereas for 2003/2004 and 2002/2003 it was 3.71 & 2.28 respectively. The ratio has improved steadily from the previous two financial years. A good UCR is greater than 2 whereas a ratio of 1.5 to 2 could be of concern if other indicators are not adequate.

Council's unrestricted cash for the 2004/2005, 2003/2004 & 2002/2003 were nil, \$159k and nil respectively. Although liquidity is determined by UCR, a healthy

unrestricted cash balance gives council the option to meet unbudgeted expenses. Council should strive to maintain a steady unrestricted cash balance. What constitutes an acceptable unrestricted cash balance is for individual councils to determine.

The Debt Service Ratio (DSR) in 2004/2005 was a satisfactory 2.46%. This indicator assesses the degree to which revenues from ordinary activities are committed to the repayment of debt. A DSR of less than 10% is good. Long-term debt outstanding at the end of the period was \$1.2M. Although council's DSR is low it does not necessarily indicate a capacity to borrow. This scenario needs to be considered in the context of long-term commitments, funding options, current operating results and cash flow projections.

The Rates & Annual Charges Outstanding Percentage (RACO%) in 2004/2005 was 7.64%, a decrease from 10.38% in 2003/2004 and 8.30% in 2002/2003. This significant improvement from the previous year is commendable. Council has also entered into payment arrangements with several debtors, which has helped with the debt recovery process. The RACO% assesses the impact of uncollected rates and charges on liquidity and the efficiency of debt recovery. A benchmark for rural councils is less than 10%.

Actual results before and after capital items in 2004/2005 were surplus of \$177k and \$940k respectively, compared to budgeted surplus before and after capital items of \$4k. The main reasons for the favorable variance were increased fees and charges from RTA works and higher capital grants and contributions.

Council's auditors have commented positively, after the 2004/05 audit, on a number of areas such as operating results, liquidity and debt recovery. In conclusion they said *"Overall, we consider that Boorowa Council has reported a satisfactory financial result for the year"*.

### *Financial Planning*

The one and half pages provided to us as a long term financial plan does not meet the requirements of a financial plan by any standard. Council should develop a

comprehensive long-term financial plan reflecting detailed financial figures for the next 7-10 years. **(Recommendation 31)** The plan should be integrated to the overall strategic plan and the asset management plan and include a capital works program and cash flow forecasts. The plan should also be linked to council's rating strategy, borrowing needs and investment strategies. On a yearly basis, the long-term plan should be updated to reflect current policies and obligations.

#### *Business Activities*

Council has two significant business activities, namely water and sewer. While the water business is performing reasonably well, the sewer business continues to incur operating losses year after year. This is an indication that pricing policies are not geared towards achieving a breakeven position. Although council has stated that it meets the pricing guidelines of the Department of Energy, Utilities and Sustainability this does not appear to be the case. Council's auditor has made a comment on the need to increase charges for both the water and the sewer businesses. **(Recommendation 32)**

#### *Assets Management and Infrastructure Maintenance*

As mentioned previously, council should prepare a long-term asset management plan linked to a comprehensive infrastructure maintenance programme. This will ensure proper medium to long-term decisions in terms of council assets and priority of such decisions. In drawing up such plans, Council also needs to weigh the costs of investing in infrastructure renewal over the medium term against the potential costs of failing to do so over the long term.

The written down value (WDV) of Council's assets for 2004/05 period are:

- Roads, Bridges & Footpaths 89%,
- Stormwater Drainage 90%,
- Water Supply Network 88%
- Sewerage Network 68%.

The department considers that WDV below 50% may be cause for concern. This is because once an asset has been depreciated substantially, there may be



deterioration that requires major reconstruction. Council's assets appear to be in very good condition

For the year 2004/05 estimated annual maintenance was \$2.665 million whereas program maintenance was \$2.686 million. The amount required to bring assets to a satisfactory standard was estimated to be \$465,000 although it is not clear how council arrived at this figure without an asset management plan or systematic condition assessments.

Internally restricted funds set aside for infrastructure replacement for the same period amounted to \$983,000. This amount appears adequate given the good condition of council assets.

According to council's statement on the condition of public works, it would appear that actual maintenance spending was exactly the same as budgeted spending for a number of assets. This is practically impossible and is an indication that figures disclosed are not based on actuals. Council should ensure that correct figures based on actual expenditure are disclosed in the schedule.

Council should undertake a systematic and accurate assessment of the condition of all its infrastructure assets and develop a register of infrastructure showing the valuation and condition of each asset and the date when the valuation/condition was last reviewed. **(Recommendation 33)** This process will facilitate the council being able to make more informed decisions about the need to fund asset maintenance and being able report more accurately on the condition of its assets.

Council should adopt policy on the replacement of plant. The policy should identify the expected useful life of each category of plant and optimum replacement dates. **(Recommendation 34)**

Council does not have an asset management plan or a comprehensive asset maintenance program. During the review, it was mentioned that council is in the process of developing such a plan. Council should develop a comprehensive asset

management plan. The plan should be linked to an infrastructure maintenance program as well as a long-term financial plan. **(Recommendation 35)**

In addressing recommendation 35, council should identify opportunities for asset rationalisation, in view of the various strategic alliances being considered with regional councils.

#### *Community Land*

The Local Government Act stipulates how council is to govern the use and management of community land. This is a fundamental responsibility of councils. The department's Practice Note 1 – Public Land Management deals with this issue and is available for download from the department's website. A copy of the departmental circular issued in 2000, which advised of the availability of the practice note, was found on a council file. However there is no evidence to indicate it was acted upon.

The council apparently has not adopted plans of management of community land, as Act requires it to do. Council staff appeared to be unaware of the significance of this issue. The council needs to reflect on how this situation has been allowed to occur and apparently go unnoticed. Obviously council needs to ensure that a plan/s are developed and adopted, following the process provided for in the Act. **(Recommendation 36)**

#### *Carinya Court*

Carinya Court is the name of a self-care accommodation facility for the older persons. It has been built on land owned by the council. Council's annual reports for 2003/2004 and 2004/2005 refer to Carinya Court as being controlled by council and its accounts have been incorporated into council's financial statements. Council's 2005/2006 management plan refers to Carinya Court as being owned by council.

Recent advice from the council to the department about this facility indicates that an unincorporated committee is controlling it. It is not clear that council has authorised this arrangement. Council should clarify the ownership of the Carinya Court aged care units and ensure that that it puts proper arrangements in place if they are a

council owned or controlled asset and/or built on community land. **(Recommendation 37)** In doing so, it would be prudent for council to consult with its insurers. If the facility has been built on community land, a plan of management must be prepared and adopted by council.

#### *Register of Leases*

Council recently created a file to act as a register of leases and licences it has granted. It contains a single sheet of plain paper, unsigned and undated, bearing a list of leased premises and list of three other premises that are used by third parties, but for which no formal lease agreement is in place. The register does not show the term of any of the leases, when the leases were entered into or when are due be reviewed or any of other significant terms of the lease.

Council should develop a procedure of the granting and managing of leases and the associated maintenance and review of the leases and licences register. In doing so, council should ensure that it enters into lease agreements with all occupiers of council controlled premises. **(Recommendation 38)**

## **6.4 Community & Consultation**

A council's charter requires that a council:

- Provides services after due consultation
- Facilitates the involvement of councillors, members of the public, users of facilities and services in the development, improvement and coordination of local government
- Actively promotes the principles of multiculturalism
- Plans, promotes and provides for the needs of children, and
- Keeps the local community and State government informed about its activities
- 

The review of council's activities in this area looked at:

- Social and community functions of council
- The methods council uses to inform, involve and determine the views of its community
- Woolfest
- How council deals with requests/inquiries from members of the public

### *Social and Community Plan*

The *Local Government (General) Regulation 2005* requires all councils to develop a social and community plan at least once every 5 years to meet the needs of the residents of their area. This plan must be prepared in accordance with guidelines issued by the department. Aspects of the social and community plan must be referred to in council's management plan and reported on in the annual report.

Council most recent social and community plan was submitted on 22 February 2005. The duration of plan is clearly documented and not greater than 5 years (2005-2010). The plan includes a very thorough assessment of the LGA's demographics and it identifies and discusses a range of relevant issues for each of the target groups.

The document is quite long at 165 pages and as such would benefit from the inclusion of an executive summary. While the table of contents refers to such a summary, it is missing from the copies of the plan provided to the department and from the copy that is available for download from council's website.

Consultations in community groups during the development of the plan seem to have been very thorough but there was apparently no direct consultation with members of target groups.

Council's Social and Community Plan draws heavily from the Bega Valley Shire Social Plan 2000 – 2005 and this is acknowledged in the Boorowa plan. The vision statement in the Boorowa social and community plan is in fact Bega Valley's vision statement. While there is merit in making use of the learning and experience of other councils, Boorowa Council should review its plan and consider whether it is an accurate reflection of the planning process it actually used and whether it accurately reflects the council's views and intentions.

As with the council's management plan, the social and community plan lacks detailed strategies. Most of the actions in the plan are very passive – that is they do not involve council taking the initiative to address the issues identified.

The plan refers to council having endorsed and adopted “Social Planning Guidelines as one measure to improve the standard and effectiveness of social planning”. The general manager has since advised that this was an inadvertent transposition and the reference will be removed.

Boorowa’s plan (p. 12) suggests that the previous social plan was evaluated prior to the development of the new plan. However, the new plan does not refer to the outcome of that evaluation, and as such the council should consider the adequacy of any evaluation that was undertaken.

The general manager indicated that he had personally undertaken much of the work in developing the plan and that this was a significant impost in addition to his other responsibilities. This may indicate that in future council needs to look at allocating specific additional resources for this activity.

An aspect of the planning guidelines that the council does not appear to have paid due regard to is the benefit in engaging in a regional planning process with other councils or at the very least consulting with neighbouring councils to address issues of regional significance. If such processes occurred they are not described in detail in the plan.

Page 52 of the council plan makes the point that “The establishment of a Social Planning Committee has been viewed as an important initiative to enable expert advice to Council on social and community issues whilst at the same time encouraging community ownership of the social planning process. On-going resourcing and support to the Social Planning Committee is required to ensure it is able to take up its role in overseeing the development and implementation of the Social Plan.” However, it does not appear that the committee has operated following adoption of the plan.

The plan describes annual review process. However, there is no evidence to suggest the plan has been reviewed. Council should review and revise its social and community plan. **(Recommendation 39)** In doing it should ensure that an executive

summary is included and the inadvertent transpositions from the Bega Valley Shire plan are removed.

### *An ageing population and a declining population*

Responding to and planning for the major changes and service demands that will be created by Australia's ageing population is a major challenge for all levels of government.

Boorowa is faced with the dual issues of an ageing and declining population. According to the table on page 33 of Boorowa's Social Plan, there population of the area is projected to fall to around 2005, a reduction on over 19%. With 17.2% of its population currently aged 65+ years, Boorowa is NSW's 32nd oldest LGA. By 2022 it will be its 14th ranking oldest.

By 2022, approximately 27.6% of the council population will be aged 65+ years. At an average increase of 0.58 percentage points per year, this 'force of ageing' is substantially faster than that projected for both NSW as a whole (0.33) and NSW excluding Greater Sydney (NSW Balance) (0.43). By 2022, Boorowa is projected to have only 0.4 people entering the workforce for every 10 people leaving the workforce.<sup>1</sup>

The Local Government and Shires Associations (LGSA) have produced *Planning the Local Government Response to Ageing and Place*. This document, as do others, makes the point that population changes such as these will have a significant effect on demand for on services, facilities and infrastructure and will impact on virtually all aspects of council's operations.

The LGSA paper is intended to offer a framework to assist councils to begin to plan for the population ageing unique to their area by:

- providing information on what is happening with general population trends and access to population projection information for each local government area;
- providing information on the existing and likely diversity amongst older people,

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<sup>1</sup> *Planning the Local Government Response to Ageing and Place, LGSA, Sydney, 2004*

- providing evidence on what population ageing means for all roles that councils performs, and
- encouraging councils to examine their numbers and proportion of older people and their rate of population ageing, in conjunction with the evidence on impacts, to identify what roles they may need to change and when.

The department encourages councils to use the LGSA paper in its planning process.

Council, when commenting on the draft report, stated it is actively engages with other agencies to address this issue. However, it is recommended that the council prepare and document long-term strategies to meet current and future needs for older people. These strategies should be included in the revised social and community plan. **(Recommendation 40)**

#### *Communication protocol and practices*

Councils have clear statutory obligations to communicate and consult with their communities. The means by they do so is a key strategic issue for councils. However, Boorowa Council does not have an integrated or documented strategy for communicating and consulting with its community. Its key public documents, the management plan and annual reports have clearly not been written with the public in mind.

Council should develop, implement and evaluate a communication strategy. **(Recommendation 41)** As a minimum, the strategy should consider and document council's approach to:

- Informing the community on the services council provides
- Consultation during the development of the draft management plan
- Communication of the proposed content of the management plan
- Eliciting formal and informal feedback on the proposed management plan
- Communication of council's values, priorities, progress and performance
- Communication with residents throughout the LGA
- Communicating and consulting on key issues and policies
- Informing the community of complaint and review mechanisms
- Ensuring the quality of the information available on council's website.

On a more positive note, the consultants undertaking the review of the Interim Development Order and the preparation of the new LEP appear to be actively consulting with the community. They have held a series of public meetings and have interviewed members of the community to identify planning issues within the area.

It is also acknowledged that the council, in commenting on the draft report, has indicated it does communicate with residents on a regular basis in a variety of ways.

### *Website*

The increasing importance of the Internet as a primary source of information has been widely reported. Council's website will inevitably become an increasingly important means of communication with the community.

The council's website is poorly maintained. Many of the links on the page do not provide the information that they indicate will be provided – in fact they provide no information at all. Where information and documents are available, they are not current. For example, the "Woolfest" page of the website invites users to download a brochure on the festival. Unfortunately, the brochure is for the 2003 festival. It would not be surprising if first time visitors did not return to the site.

When council addresses recommendation 41 (develop, implement and evaluate a communication strategy) it should determine the role of its website, the information that is to be provided on the website and ensure action is taken to improve the quality of the information. The council, when commenting on the draft report states that "action has been taken to ensure the web page is continually current." However much of the material available on the website remains out of date.

### *How council deals with requests/inquiries from members of the public*

The review team was provided with a copy of council's "Guarantee of Service" and a copy of the "Request for Service Response Policy", which was adopted by council on 28 February 2005.

The guarantee of service document and the request for service policy do not give council's customers or the community any clear indication about how they can



expect specific requests to be dealt with by council. For example, there is no indication as to whether requests will be acknowledged or how long it will take to get a response from council. The guarantee of service document does not contain any indication as to what a member of the public should do if they consider that council has not complied with its guarantee.

Council's website features a link "Make a request". However, there does not appear to a facility by which an online service request can be made and nor is it readily apparent how requests in relation to issues such as local road maintenance, garbage, water or sewerage can be made or how they will be dealt with e.g. what response time should be expected.

While no doubt such requests can be made by telephone or in person, the process for requesting such services and the manner in which council will deal with them should be documented.

It is recommended that the council develop, communicate, monitor and report on customer service standards. **(Recommendation 42)**

An effective complaint handling system is an essential part of the provision of quality council services. It is one method of measuring customer satisfaction and a good system can provide a useful source of information for improving the council services.

While Boorowa Council does have a complaints handling system, not all complaints and service requests are recorded using the system. The Health and Building Manager said that only some complaints referred to her are recorded in that system. It also appears that requests made by letter are dealt with using a different system. This limits the usefulness of the system as a source of information for monitoring overall performance.

Council should consider recording all complaints and service requests on a common database. **(Recommendation 43)** This should facilitate better tracking and reporting.

### *Woolfest*

The council, through a section 355 committee, organises an annual “Woolfest”. The council’s Tourism and Economic Development Officer coordinates the event.

In 2004 the festival was a Regional New South Wales Flagship Event supported by Tourism New South Wales and it has been recognised as a winner of the Canberra and Capital Region Tourism Awards in 2003 and a finalist in the New South Wales Tourism Awards in 2003. The council estimates that the festival attracts well over 10,000 visitors each year.

The Event Coordinator prepares a risk assessment for each aspect of the festival for council’s insurers. However, given the scale of the event and inherent risk exposure, it is recommended that council carefully review the current administrative arrangements for running the festival. **(Recommendation 44)**

In addressing this recommendation, the general manager should report to council on the respective roles of the Event Coordinator and the Woolfest Committee and whether a section 355 committee is the most appropriate way of the festival being organised.

The issues council should consider include:

- How much autonomy the committee has to run the festival?
- Has council properly delegated responsibility to the committee/Event Coordinator for organisation and running of the festival and should it?
- How do other communities/councils run their festivals?
- Does the Woolfest Committee have a constitution governing how it is to operate and if it has, has council has approved the constitution?
- Has the council informed members of the committee that they are bound by council’s policies and procedures and briefed them on their obligations?
- Has the committee been given operating procedures to follow?
- Has the council provided members with copies of relevant documents such as the code of conduct?
- Whether the committee and event adheres to council’s financial and procurement practices?

### *Resource Allocation*

Council's per capita expenditure on community services was \$33.48 compared to group average of \$105.99. Its library expenditure was \$19.19 compared to a group average of \$28.54. Its library circulation was 2.45 books per person compared to a group average of 5.43. Council needs to consider whether it is allocating sufficient resources to fulfilling the social and community aspects of its charter.

## **6.5 Workforce Relations**

It is important to note that all employers have legislative responsibilities in relation to their staff and that the *Local Government Act* and the *Local Government (State) Award* impose additional requirements on councils. Importantly, a council's charter requires it to conduct itself as a responsible employer.

Key areas that councils need to consider when managing its workforce include:

- *Workforce planning*
- *Recruitment and selection processes*
- *Employee remuneration*
- *Performance Management*
- *Training*
- *Consultative mechanisms and the management of grievances*
- *Occupational health and safety*
- *Equal employment opportunity*

The review team did not undertake a comprehensive review of council's workforce relations' practices. However it did examine the council's approach to reviewing its organisational structure, recruitment and selection processes, its consultative committee and its approach to equal employment opportunity and training.

### *Organisational structure*

Section 333 of the Act provides that the organisational structure of a council may be redetermined from time to time and that it must redetermine its structure within 12

months of any ordinary election of council. Council redetermined its structure on 29 March 2005, just over 12 months since the date of the ordinary election.

The organisation chart adopted by council is misleading in that it shows the Director of Planning and Director of Works and Technical Services as two separate positions when in fact, the council has one position that covers all these roles. The location of the Tourism and Economic Development Officer/Main Street Coordinator in the structure is also not apparent.

The general manager's report recommended that the council adopt the current structure that was in place prior to the election but contains no information for the council on the structure or an indication that it had been reviewed and was considered by the general manager to be the optimum structure for the council. Such a review and the inclusion of such information would be better practice and is considered especially important given that several of the councillors adopting the structure were new to council.

The Act requires the council to determine those positions within the structure that are senior staff. The report indicates that council has three "senior positions" that appointments have been made to these positions on performance-based contracts. However, the Act also stipulates that the council must not determine a senior staff position unless certain criteria are met (section 323(2)). The positions of Director of Finance and Director of Planning, Works Technical Services do not meet the criteria to be classified as senior staff.

The general manager should provide the council with a detailed report on council's structure and council should re-determine the structure as it sees fit. In doing so, council should determine the quantum of resources to be allocated towards the employment of staff. **(Recommendation 45)**

In addressing this recommendation, the general manager and council should consider the various issues raised in this report that may have structural implications. They should also clearly define which council managers are responsible for specific

activities detailed in the management plan and ensure all operational activities are allocated to a responsible council manager.

#### *Recruitment and selection processes*

Council does not have its own documented recruitment and selection procedures. In this regard it appears that the council primarily relies upon the department's Practice Note No. 5 – Recruitment of the General Manager and Senior Staff. While this is a useful resource, council should develop and adopt a comprehensive recruitment and selection policy and associated procedures. **(Recommendation 46)** The adopted document should be included in council's policy manual. Line managers convening selection panels should be assessed to ensure they are able to competently apply the policy and procedures.

The review team examined a file for a recruitment undertaken in 2005 and for which members of the public were invited to apply. While the file contained evidence that a merit based process was used, the manner in which the position was advertised and the provided position description did not clearly communicate what the selection criteria were or provide any advice as to the selection process to be used or the need and desirability for applicants to address the selection criteria when submitting their application. These are fairly standard practices in public sector recruitment and council should ensure that its new policy and procedures address these issues.

#### *Equal employment opportunity*

Council adopted an EEO policy in 1994. A copy of this policy was provided to the review team. The policy states that there is to be a regular review of council's EEO policies and program. This does not appear to have occurred. It is also apparent that other aspects of the policy are not being implemented. Council should review and revise its EEO policy and develop and implement a complying EEO management plan. **(Recommendation 47)**

#### *Draft Harassment Policy*

The review team was provided with a copy of council's draft harassment policy. It is positive to note that council has identified that it has a legal obligation to ensure that harassment or bullying does not occur in the workplace.

The draft harassment policy requires significant revision to ensure that it is consistent with the council's adopted code of conduct. In revising the draft, council should consider whether it requires a separate "Harassment Policy" and whether some of the procedural elements of the draft are necessary, having regard for the potential for council to deal with such matters in other documents such as the Code of Conduct.

Council should ensure that the draft is reviewed and that it promptly implements strategies that prevent harassment and bullying. **(Recommendation 48)**

### *Training*

The Local Government Award (clause 23) requires each council to develop a training plan and budget. The council does not have a training plan. The Award prescribes what is required to be taken into account when preparing the plan. The Award requires that the plan be designed in conjunction with the council's consultative committee.

During the period 2003 – 2005 council spent in excess of \$300,000 on training. This is a significant level of expenditure. In addition, presumably, the council would have provided a significant amount of "on-the-job" training. A training plan would help ensure that the expenditure and on-the-job training is appropriately targeted. A plan would provide a basis for the council and the community to assess whether the money was well spent.

The review team also noted council has, for the last three years over-spent its training budget by a significant amount. Given the lack of a plan, one must question the basis on which the budget was prepared. The over-expenditure highlights the need for a plan.

The general manager should ensure that the council develops a complying training plan and budget. **(Recommendation 49)**

### *Consultative Committee*

The Local Government State Award requires councils to establish, and properly maintain, a consultative committee, which is to meet regularly and provide a forum for consultation between council and its employees. Council should be using its consultative committee to raise issues with its workforce, to enhance the efficiency and effectiveness of council.

The Award prescribes that the size and composition of the consultative committee must be representative of council's workforce and agreed to by council and the local representatives. The committee lacks adequate and proper management representation. The General Manager is not a member of the consultative committee and has not been attending its meetings. Given the small size of council, the general manager should attend all consultative committee meetings.

The general manager and the consultative committee should review the operation of the consultative committee. The review should address the role of the committee, the issue of councillor/management representation and need to update the constitution in line with current award requirements. **(Recommendation 50)**

## 7. COUNCIL'S RESPONSE







## BOOROWA COUNCIL

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ALL CORRESPONDANCE TO BE ADDRESSED TO  
GENERAL MANAGER COUNCIL CHAMBERS  
P.O. BOX 96 MARKET STREET, BOOROWA  
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IN REPLY PLEASE QUOTE

2-13-3  
FILE NUMBER

CONTACT

David Philpott

Mr Garry Payne  
Director General  
Department of Local Government  
Locked Bag 3015  
Nowra NSW 2541

Attention Mr R. Murphy  
Your Ref: A44062

Dear Sir,

**Re: Better Practice Review**

In reply to your letter dated the 2<sup>nd</sup> June 2006 I would advise that I have consulted with the whole of Council who have also read the review document in its entirety following receipt of the report.

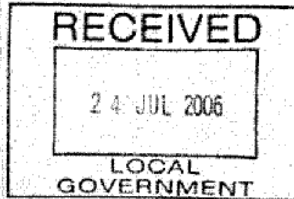
On balance the report covers many areas both praising Council for its activities and raising concerns on certain issues. Council is of the opinion that most if not all of the recommendations can be implemented within a relatively short time span of less than 12 months. Prior to receiving the report Council has been working towards initiating a better practice program which has been acknowledged within the report as received by Council.

For others who read the review document and Councils letter of response, it needs to be stated that the review document raised matters that require minor amendments to existing documents in a majority of instances to improve Councils operations.

The review undertaken was exactly that, a review and not an investigation under the Local Government Act. This review can only be and should only be seen as generating momentum for a culture within Council of continuous improvement and greater compliance across Local Government. Minor adjustments to Councils operations will achieve this.

There is little doubt that overall the review will assist Council in the long term to improve its operations which has been acknowledged so long as it is handled the correct way and the general public understand that a review is aimed at improving Council practices and operations not only for this council, but for all Councils across the state of N.S.W.

There have been 25 other Councils reviewed to date and that there are another 126 reviews to be undertaken in due course that will see all Councils in NSW examined.



26<sup>th</sup> June 2006



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IN REPLY PLEASE QUOTE



### CONTACT

Council has noted the recommendations made and will be taking the opportunity to better define its priorities in the near future. As indicated the vast majority of the review relates to minor house keeping matters that require minor adjustments / modification, additional information or a review of an existing policy being undertaken to documents that already exist.

The recent actions of Council should be seen as an indication that Council is taking on board the recommendations that have been made in a vast majority of matters. As stated in the report the Management Plan and the Annual Report required adjustments / amendments to ensure that they fully comply with details as required in the Act. Council believes that minor adjustments will ensure that full compliance is achieved.

It should be noted that the review focused on the 2005 / 2006 Management Plan and not the revised 2006 / 2007 plan. Since the review visit undertaken earlier this year, changes have already been implemented following discussions with the review team, which are reflected within the 2006 / 2007 Management Plan.

Council agrees that the vast majority of the recommendations provided should be able to be achieved in less than 12 months from when the report is tabled at Council. Council will where possible, consider all the recommendations and determine which ones will be applied in priority order to be worked through. Council's willingness to make changes where suggested, shows that Council also wishes to improve its operations within budget constraints.

To specifically respond to the recommendations made Council would like to provide the following replies to each recommendation as follows;

**1. Council should review its existing Vision and Mission Statements.**

The comments are noted and Council will take this opportunity to review and create a new Vision and Mission Statement.

It should be noted that within the 1993 Local Government Act there is no requirement for either a Vision or Mission Statement to be developed. There is however within the guidelines of the Management Plan a suggestion that a Vision and Mission Statement be developed in formulating a Management Plan.

**2. Council should develop a new long-term Strategic Plan by 31 January 2007.**

Under the Local Government Act there is no requirement to have a Strategic Plan in place and this is also reconfirmed within the report that "Council is not required by Law to have a Strategic Plan" but this is not to say that one should not be developed.



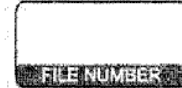
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A Strategic Plan looks into the future beyond the immediate issues. This type of plan is not a business plan, its not the same as an operational plan, but a Strategic Plan can provide the foundation and frame work for a business plan.

In developing a Strategic Plan a number of steps need to be undertaken which includes the development of a Vision and Mission Statement. Council notes the recommendation and will undertake the development of a long –term Strategic Plan.

Council has previously developed long term priorities but has not placed them in the format of a Strategic Plan. The priorities list was prepared and agreed upon in the year 2000 and it could be argued that this document reflected Councils medium and long term priorities that are in addition to the provision of daily services to the community, for many of the projects listed in that particular document have been in fact completed over the last 6 years.

The current strategies project document will be incorporated in the Strategic Plan that Council proposes to develop.

### 3. Council should review and revise the content of its Management Plan.

Since the inception of the 1993 Local Government Act a Management Plan has been prepared in accordance with the Act or so it was believed. Each year this Management Plan has been prepared and sent to the Department and at no time has there ever been any correspondence that I am aware from that the Department, indicating that the Plan required improvements to be made regarding the contents of the Plan.

When the review was undertaken a few concerns were raised and changes implemented in the preparation of the 2006 / 2007 Management Plan with the content of the document changing to be more reflective of the guidelines as prepared by the Department of Local Government.

Several minor modifications to the current document will bring it in line with the guidelines and the Act. It must be remembered that "The Guidelines are intended to assist Council, they do not present the only ways by which Council may develop their Management Plan." This is stated in the guidelines document.

Within the 2006 / 2007 Management Plan, many changes have been made and with some further minor improvements such as linking other plans eg the Boorowa Tourism and Development strategy into the Management Plan document, will ensure that the plan fully complies with the Local Government Act for 2007 / 2008, as required.

The review report made comment that the main street project was not included in the 2005 / 2006 Management Plan. The desire to undertake this project did not eventuate until July 2005, when Council discussed the main street and it was decided to move on this project utilising a project management approach which has been done.

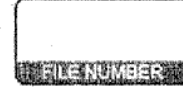


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The idea was originally put forward in the year 2000, as part of its "think tank" (Strategic Plan). In July 2005 Council believed that the time was right and that it was in a financial position to undertake this project within the next two years.

The fact that the preliminary work was undertaken this year in 2005 / 2006, in preparation for the next financial year, was the best possible approach with the actual onsite work commencing in early 2007 which has been documented in the 2006 / 2007 Management Plan which is some 20 months after the Draft Management Plan was developed in 2005 for the 2005 / 2006 financial year.

The Plan is clearly indicated within the 2006 / 2007 Management Plan and there has been extensive community consultation on this project. The committee representation not only includes Councillors and staff but also the executives of the Boorowa Business Association which is representative of CBD businesses in Boorowa.

Referring to the comment made on page 19 of the review regarding one of Councils objectives, the Report states that Council has a worthy objective but was critical of Councils approach to this objective.

Council has made significant improvements over the years in its administrative activities and endeavours to further improve within the resources made available. Council is always looking to do things better.

**4. Council should ensure its Management Plan complies with the Requirements of the Act and regulation.**

This recommendation has been answered above in question 3. The Management Plan will be worked on further to ensure that it does comply with the requirements and the regulation. As indicated this is occurring to ensure that the Management Plan fully complies with the Local Government Act

**5. Council should ensure its Management Plan lists and accurately describes the actual activities council intends to undertake in each of the next three financial years, and ensure detail information is provided about the next year's activities.**

This recommendation is noted and again action is occurring to rectify the particular area of concern, as is evident in this years Management Plan. Given that Councils activities on a year to year basis does not change and that there is only so much money available for capital works, this can be undertaken easily.

**6. The Management Plan should include details of proposed capital works projects to be carried out by the council in the three-year period.**

This point is noted and is covered in 3, 4, & 5 above and action to rectify this position will occur.



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**7. Asset replacement programmes should be disclosed in the Management Plan.**

Council has previously provided this information for its plant and other capital works projects, but it would appear that further expansion of this information provided is being requested and such action is representative within the 2006 / 2007 Management Plan.

This recommendation is noted and a response similar to recommendation points 3, 4, 5, & 6

**8. The General Manager should provide a report to the next ordinary Council meeting containing the information about his remuneration that should have been provided in the Annual Report. This matter should be dealt with in an open meeting, so that the public can have access to the information.**

The recommendation is noted and will be addressed.

**9. Council needs to critically review its annual reporting and ensure that next year's report contains much more relevant and meaningful information. The report should clearly indicate what Council Planned to do and achieve, what it actually did and achieved and provide an explanation for any differences between the Plan and what happened.**

As stated previously regarding other submissions the Annual Report has been prepared since 1993 and at no time has the Department made contact with Council to make suggestions on how to provide a more improved Annual Report.

The Act is reasonably prescriptive and a significant amount of information is already provided in accordance with the Act. The Department appears to be requesting greater detail within the report instead of area summaries, which Council will be able to comply with.

Page 25 of the report indicates that \$150,000 or more is required to be reported upon. The Act states 428 (2) (h) details of each contract awarded by the Council during that year other than (ii) contracts for less than \$100,000 or such other amount as may be prescribed by the regulations

The statement in the Annual Report states "in 2004 / 2005 financial year there were no contracts over \$100,000 awarded by Boorowa Council."

Again this seems to be a minor point but the Act as at 14<sup>th</sup> June 2006, on the website states the figure of \$100,000 so it would appear that if the figure has changed then Council would appreciate that the Government needs to rectify its web site information and Council would appreciate receiving written advice regarding this

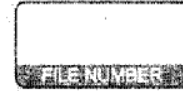


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particular point raised that the figure is \$150,000.00. Sec 217 of the regulations does not provide the information either.

The recommendation for this section are noted and minor amendments will see more detailed information in Councils Annual Report for the year ending 30<sup>th</sup> June 2006.

**10. Council should ensure that its Annual Reports include all the required statutory information.**

The comments are noted and the next Annual Report will include all of the statutory information as made reference to in the review that's in addition to the information that is currently provide currently in the Annual Report.

**11. Council should determine key performance indicators (KPIs) for each of Council activity and ensure KPIs are integrated into Council's Management Plan, Quarterly Reporting and Annual Reporting.**

This recommendation is noted and will be integrated into Council's reports where possible.

**12. Council should document its Records Management Program in three separate documents – a policy on Records Management, a plan to implement the policy and a set of Record Keeping Procedures.**

Council notes the recommendation and advises that an internal review will be undertaken. Although there was no formal policy in place prior to November 2005 when Council adopted the Draft Records Management Plan and Disaster Recovery Business Continuity Plan for Records and Archives Plan, I would advise that staff have been trained in Records Management for a considerable period of time and that Council has been adhering to the (General Disposal Authority) GDA 10 requirements.

Again minor changes will see further improvements to Councils Records Management Procedures.

**13. Council should obtain a copy of the "Model Privacy Plan for Local Government" and take action to implement it or alternatively, develop, adopt and implement its own plan. In doing so, it should review its information practices relating to the collection, storage and use of personal information.**

Council adopted the Model Privacy Plan back in June 2000, Resolution 138 / 00. Circulars 00/45 dated 07/07/2000, explains in detail and Council adopted the Model Privacy Plan as supplied to Council in Circular 00/ 41) without amendment.

It appears that the incorrect document was attached to Councils electronic Policy Manual that was collated when preparing an electronic version of Councils policies to the Department prior to the review team visiting.



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Prior to this collation Councils policies were kept in folders at various locations around the office and with various Council officers as a hard copy and some of the policies were kept on the Computer main frame system.

Council has been progressively moving all its policies onto the computer system that would allow staff to have a copy electronically and do away with the hard copy of the document. This error has now been rectified.

**14. The General Manager should assess the level of Councillor and staff awareness of privacy issues and arrange training as considered necessary.**

Councillors and staff will be assessed on the level of awareness of privacy issues and if necessary training will be arranged. Information provided to the review team indicated that staff had not received training in the requirements of privacy legislation.

Unfortunately this information was incorrect as some staff had received training and some Councillors had received training as part of their induction into Local Government as a new Councillor.

Notwithstanding this all will be reassessed and training provided where necessary.

**15. Council should review its delegations as soon as practicable.**

Council reviewed its delegations in March 2005, Resolution 36 / 05. This is within the 12 Months period as required by the Act. Unfortunately the date on Councils policy document had not been amended to reflect this recent resolution of Council. The comments and the recommendation should be removed from the report that has been forwarded.

**16. Council's section 355 committees should be given a Council approved charter or constitution setting out their membership, functions and delegations.**

Council notes the recommendation and will ensure that all members of Section 355 Committees are aware of what is required.

**17. All committee members should be given a copy of the Council's Code of Conduct and be advised in writing that they are bound to comply with it.**

The recommendation is noted and all committee members will receive a copy of the Code of Conduct and also so advised that they are bound to comply with the Code.



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**18. Committees that are not wholly advisory should be provided with documented procedures.**

The recommendation is noted, but no reference is made as to who is being referred to in the report. The assumption is that it is a generic reference and is included to cover all committees that Council interacts with. Specific information would allow Council to have a better understanding would be appreciated.

**19. Council should examine the costs and benefits of establishing an internal audit function.**

This recommendation is noted. This matter has recently been discussed at the South West Alliance meetings that Council is a member of. Council notes the recommendation and will examine the costs and benefits of this recommendation in conjunction with other Councils in the region.

**20. Council should review its Risk Management Program on an annual basis for relevance and progress. In doing so it should use insurer protocols for assessing potential liability and the current version of the Department's Promoting Better Practice self assessment checklists, as a strategy to assess its exposure to risk due to statutory non-compliance and/or due to a lack of proper systems and procedures.**

Council currently works as a member of a Risk Management Group which incorporates many of these recommendations which has been ongoing for some time prior to the review being undertaken by the Department.

In recent years Council has been assessing and working toward improving its Risk Management procedures as per the recommendation made in the report using State Wide which are insurer protocols for assessing potential liability. The recommendation is noted.

**21. Purchasing and Asset Disposal Policies and Procedures should be written and promulgated.**

Council is aware of section 55 of the Act and will expand its current policy to accommodate greater detail within. This will reflect Councils procedures already being carried out with regards to tendering, advertising etc. A clearer audit trail will be put in place. Council will also document its unwritten policy on Local Procurement and this will now be documented and inserted into the Policy Manual.

**22. Council should also develop and document policies for the management of consultants and external contractors.**

The recommendation is noted regarding consultants and external contractors.





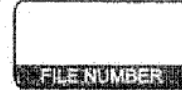
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With regards to the comments on Pecuniary Interest returns Council's current procedure has been that the Director of Finance has been required to undertake this task of issuing the documents to Councillors and then ensuring that the completed documents are returned by Councillors and staff which is then appropriately filed.

**23. Staff should be reminded of the need to declare gifts annually.**

This comment is noted and an annual reminder will be initiated to again remind staff of their responsibilities.

**24. The General Manager should review the Councillor Staff Interaction Policy having regard to the issues raised in this report and submit a revised policy for the consideration of the Council.**

The comment is noted and a review of Council's existing policy will be initiated in due course.

**25. All Councillors should review the terms of the General Manager's contract in relation to performance criteria, assessment and review. The Council should ensure that the terms of the contract are implemented as provided for in the contract.**

The performance review is undertaken by the Mayor in consultation with Councillors. Prior to the review actually taking place the Mayor consults with Councillors on issues that they believe need to be raised at the review.

The comments are noted and the review will be undertaken in accordance with the terms of the contract.

**26. Council should review and revise its Draft Code of Meeting Practice having regard to the relevant provisions of the Act, the Regulation and the Department's "Practice Note No. 16 - Meetings".**

The recommendation is noted and Council will be reviewing its Code of Meeting Practice to ensure that it complies with the new Code of Meeting Practice as issued by the Department in late January 2006.

**27. Council should take immediate action to make its agendas and business papers available in the manner provided for in the Act and Regulation and place a public notice indicating when and how members of the public (including the media) can get a copy of the agenda and business paper free of charge.**

Council notes the comment and advises that it has always provided a copy of the Business Paper to the local media and up until recently to the electronic media (Television and radio) which recently ceased.



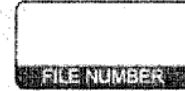
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A copy has always been provided and made available for the public to read in the foyer. Council has never received a request that I am aware of for a copy of the monthly Business Paper.

Copies of the Business Paper are provided on the day of the meeting to members of the public in the public gallery. To date there has been no requirement to place them on the web but in light of the recommendations Council will reconsider its position on this matter.

**28. Council should promote the existence and availability of the code of meeting practice once it has been revised and adopted.**

Council notes the recommendation and when the review of the Code of Meeting Practice is completed Council will promote the existence and availability of the document.

**29. Council is urged to review and improve the formatting and availability of its Agendas and Business Papers.**

Council notes the recommendation and will review and improve where considered necessary the formatting and the availability of the documents. If the Department has a sample that it considers to be more suitable than is currently used by Council. Council would like to view this document with regards to formatting, after viewing a number of other Councils no suitable document was found.

**30. Council should ensure that its Agendas, Business Papers and Minutes are available for download from its website as soon as practicable after the physical documents are produced.**

The recommendation is noted. Council is not aware that this is a mandatory requirement, but is a voluntary process that may improve Councils communication with the community.

Staff have been so instructed to ensure that the agenda and minutes are placed on the web-site each month. A further review of what is placed on the web-site will be undertaken in due course.

A comment was made that there is not enough information provided. This is a very general statement and specific examples would be appreciated

**31. Council should adopt a more comprehensive standard template for reports.**

Recommendations are noted and consideration will be given to utilising a more comprehensive template for reports. Council would appreciate being advised of which Council has a more suitable template other than the suggested template provided in the report



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32. **The General Manager should ensure the names of the mover and seconder of all motions are recorded in the Council's meeting minutes.**

The recommendation is noted. Given the two areas where this was not occurring: remembering the recently departed and the balance of committee reports where no recommendations were made. Changes have now occurred that will capture these two areas of concern. It must also be remembered that Council at the following meeting have adopted the minutes as a true record of the previous meeting.

33. **The General Manager should arrange for membership and constitutions of the Consultative Committee and Occupational Health and Safety committee to be reviewed having regard to the relevant statutory requirements.**

The recommendation is noted and changes have already been implemented. With Councillors being advised that they no longer are able to attend these committee meetings.

34. **The General Manager should cease including a correspondence report in the Business Paper.**

This recommendation is noted and such information in the closed meeting of the Council Business Paper has now ceased and is provided no longer.

Being in the closed section of the Business Paper ensured confidentiality and it allowed Councillors an opportunity to view areas of concern from residents, being elected representatives. As stated this practice has now ceased.

35. **The General Manager, when listing items in the agenda for the possible confidential consideration, should indicate what the item is about, without providing details.**

This action previously was undertaken up until recently due to the continued complaining by the local paper of items being discussed in closed meeting.

The lack of understanding by the media that items could be discussed in closed meeting was a difficult period so the solution was to specify the section of the legislation that covered the matter in closed meetings without indicating what the item was about.

All resolutions including the closed meeting sections of the Business Paper are produced in the meeting minutes and have always been provided as a public document. This minor amendment will now be provided.



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36. **The General Manager should ensure that the grounds for excluding the public are recorded in the minutes, in accordance with section 10D of the Act.**

Council notes the recommendation and will in addition to the recommendation that currently goes before Council ensure that all points raised in sect 10D of the Act specifically 10D (c) which have been verbally communicated to those present at the meeting but not recorded in the actual minutes will now be documented.

37. **Council should review the Departmental publication "Guidelines for the Model Code of Conduct for Local Councils in NSW" and ensure that the recommendations contained therein are given due consideration.**

The recommendation is noted and Council will review the Model Code of Conduct.

38. **Council should ensure that Council officials are reminded of their obligations under the Code of Conduct on a regular basis.**

The recommendation is noted and Councillors will be reminded of their obligations under the Code on a more regular basis.

39. **Council should take steps to inform the public as to the existence of the Code of Conduct and ensure it is available for easy viewing.**

The recommendation is noted and a copy of the code will be placed in the reception area of Council, along with a copy on the web-site for ease of viewing outside of normal business hours.

40. **Council should undertake a proper review of its internal reporting procedures and make appropriate changes, having regard to current statutory requirements.**

Council will be reviewing its internal reporting procedures that reflect current statutory requirements.

41. **Council should adopt a revised section 252 policy, on the payment of expenses and provision of facilities to councillors.**

Council will review its policy relating to section 252.

42. **Council should ensure that its Summary of Affairs statement lists its policies separately, as well as any codes it has adopted pursuant to the Local Government Act 1993.**

In addition to all the information that is included in the Summary of Affairs that Council provides every six months minor modifications will occur to ensure that every policy document is listed on the Summary of Affairs document as recommended.



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**43. Council needs to do everything within its power and resources to expedite the making of a new Local Environmental Plan for the area.**

Council notes the recommendation and advises that this is progressing as fast as physically possible, given that the template has only been released in March 2006, Council advises that a report has recently been received from the consultant and is currently considering the report before placing it on public exhibition for comment.

It must be also remembered that the LEP needs to conform with the Catchment Action Plan, which still has not been approved and is believed to be sitting on the Ministers desk for signing.

**44. The General Manager should provide the Council with a timetable for completion of the LEP and a monthly progress report.**

Council is satisfied with the process that the General Manager has undertaken to date given the information provided in recommendation 44 above and notes your comments.

Council is aware that it has five years to finalise an LEP and is progressing well with this process. The comments made by the Director of Works were made in the interest of Council, which is not necessarily in the best interest of the Department (Government). It must be remembered that the LEP needs to be also reflective of the community's wishes.

**45. Council should determine and use KPIs for the monitoring of Council's assessment of Development Applications.**

The recommendation is noted and KPI's will be used as and where possible in monitoring future Development Applications.

**46. Council should document and promote the availability of a review process for applications for Development Consent and for approval under section 82A of the Environmental Planning and Assessment Act and section 100 of the Local Government Act.**

The recommendations are noted with additional information as suggested being provided to future applicants.

**47. Council should take action to ensure that a comprehensive State of the Environment Report is prepared, using the guidelines that have been published by the Department.**

The recommendations are noted. Council is part of an Alliance with many Councils who surround the ACT and Canberra Region in developing the comprehensive SOE Report. Council will endeavour to take into consideration the recommendations made when undertaking future SOE Reports.



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As a group the process will have to be modified for the recommendations will be applicable to many Councils in the ACT Region.

**48. Council needs to ensure that all food and hairdressing premises are inspected at least annually and high-risk operations more frequently.**

The recommendation is noted and Council will ensure that all hairdressing premises are also inspected at least annually and high-risk operations more frequently.

Council advises that all food premises are inspected at least annually, and ALL have been inspected. The food premises register used by the DLG to assume that some premises have not been inspected at all had two new food premises listed that had not opened yet (a bakery and an ice creamery/lolly shop). Therefore, although it may have appeared that there were some never inspected, in actual fact the shops hadn't even opened yet!! The Health & Building Surveyor had made up food premises files and added the shops to the register in preparation for their opening.

Unfortunately the food premises register was not up to date at the time of the review, which was an administrative oversight. The spreadsheet was brought up to date during the review while the DLG officer was present when the Health & Building Surveyor obtained the relevant files containing the previous inspection dates and updated the register.

**49. Council's needs to consider whether the fee it charges for inspections is sufficient and whether there is there scope to charge a higher fee or additional fee for premises requiring multiple or reinspection.**

The recommendations are noted and Council advises that the Management Plan for 2006 / 2007, has already taken into consideration many of the recommendations made.

A comment regarding the off leash area should be removed, for the question should have been directed to the Director of Works and not Councils Health and Building Surveyor. The off leash area is maintained by the Parks and Garden Staff who report to the Director of Works.

**50. Council's schedule of fees does not currently provide for compliance inspections fees for non-food premises (that is hairdressing and air-conditioning towers). Council should consider introducing a fee for such inspections.**

This recommendation is noted and will be addressed by Council.



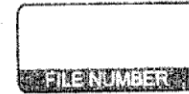
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- 51. The administration section of Council should issue an annual invoice to all premises that will be inspected and this should occur at a set time each year.**

Internal changes have occurred that will ensure that an invoice is issued on a more regular basis than has been previously done.

- 52. Council should prepare, adopt and implement a Companion Animals Management Plan.**

Council notes your recommendation and will prepare, adopt and implement a Companion Animals Management Plan.

- 53. Council should prepare a long-term Financial Plan reflecting detailed financial figures for the next 7-10 years.**

Council notes the recommendations.

- 54. Council should consider adopting a Rates Hardship Policy.**

Council notes the recommendations and will review its current practices that will enable a document to be created that will become its Rates Hardship Policy. The policy document will document current procedures that are currently in place, but have not been previously included in the Policy Manual, but have been a separate document as part of debt recovery procedures.

- 55. Council should review its charges for its water and sewer services having regard to the recommendation of its auditor to increase these charges.**

The recommendation is noted and Council advises that the Management Plan for 2006 / 2007 has already taken into consideration the operating cost prior to the review report being issued to reflect an increase in charges for sewerage and water this financial year. This recommendation has already been addressed.

- 56. Council should undertake a systematic assessment of the condition of all its infrastructure assets and develop a register of infrastructure showing the valuation and condition of each asset and the date when the valuation/condition was last reviewed.**

The recommendations are noted and Council will endeavour to undertake such action.

- 57. Council should adopt policy on the replacement of plant. The policy should identify the expected useful life of each category of plant and optimum replacement dates.**

The recommendation is noted and the procedures that are currently undertaken for many years will be included within the Policy Manual.



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ALL CORRESPONDANCE TO BE ADDRESSED TO  
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58. **Council should develop a comprehensive Asset Management Plan. The plan should be linked to an infrastructure maintenance program as well as a long-term financial plan.**

The recommendation is noted and as mentioned Council is in the process of developing a plan.

59. **Council needs to ensure that plans of management for community land are developed and adopted, following the process provided for in the Act.**

Council notes the recommendation and plans are being prepared in accordance with the Act.

60. **Council should develop a procedure of the granting and managing of leases and the associated maintenance and review of the leases and licences register.**

The recommendation is noted and a review of Council's current procedures and operational practices in granting and managing leases will be undertaken.

61. **Council should ensure that it enters into lease agreements with all occupiers of Council controlled premises.**

The recommendation is noted and the one agreement with the Southern Slopes County Council will be converted to a full lease instead of a lease and an agreement. Council has been in long term negotiations with the Historical Society, which are about to be finalised with a formal lease expected to be signed soon to replace the operating agreement that has been in place for a very, very long time.

62. **Council should investigate whether it has granted any licences for the use of public land and ensure that any such licences are recorded in the register.**

Council notes the recommendation and advises that no licences for the use of Public Land have been issued.

63. **Council should review its Social and Community Plan and consider whether it is an accurate reflection of the planning process it actually used and whether it accurately reflects the council's views and intentions given the plan is clearly based on Bega's Valley Shire Council's previous plan.**

Council notes the recommendation and will review the plan.





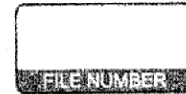
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64. **Council's Social and Community Plan refers to endorsed and adopted "Social Planning Guidelines" Council should check if and when Council endorsed the guidelines or whether this was an inadvertent transposition from the Bega Valley Shire plan on which Boorowa's plan is clearly based. Appropriate action should be taken if no such guidelines have been adopted.**

This is an inadvertent transposition in the document and this reference will be removed.

65. **Council should reconsider entering into a resource sharing agreement with Young Shire Council to fund the employment of a social planner.**

Council notes the recommendations, but due to other competing projects and services that require financial funding, Council is at this point in time unable to join with another Council to employ a Social Planner.

66. **Council should make use of its Social Plan by using it as a key resource for its strategic and management planning processes.**

Council notes the recommendations and will attempt to be more proactive in utilising the Social Plan in its strategic and management planning processes.

67. **The General Manager should prepare a report for Council on when the Social Planning Committee (which is referred to extensively in the Social and Community Plan) was established by Council, when and how often the committee met, who was on the committee and why the committee has apparently not met in recent times.**

The recommendation is noted and Council has already been provided information regarding this committee structure as well as other relevant additional information. The committee first met in July 2004, following a Council resolution to create this committee. Details of other meetings associated with the plans development as well as information relating to the period of public consultation, who was consulted, period of public exhibition and adoption by Council in February 2005. Council is aware that the committee comprised of representatives from Council (3 Councillors and General Manager) Area Health Service (3 representatives) and a Government Department.

In the acknowledgment it is clearly stated that the document was a blending of the Community / Social Plan template 2000 – 2005 produced by Maggi Hughes, Social Planner, Bega Valley Council and the original (Boorowa) Community / Social Plan 1999 utilising the most current data available to the community sourced from the Australian Bureau of Statistics, Southern Area Health Services Boorowa Plan 2005 – 2010 Boorowa Council, Local Community Organisations, Members of the Public and other areas where indicated which included other NSW Government Departments.



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68. **Given that the area's population is ageing at a significant and increasing rate, Council needs to actively engage with other agencies and Councils in the area to prepare long term strategies to meet current and future needs of older people.**

Council is already undertaking this process of engagement with other community groups with its involvement with the Boorowa Hospital. Councils association with this organisation has been ongoing for a significant amount of time and Council is currently represented on the Steering Committee (Councillor and General Manager) along with other community representatives for the development of an MPS facility in Boorowa.

Council also has representation on other Health Area Committees, has financially contributed to a community bus, and is currently subsidising meals on wheels, due to the recent increase in meal costs, main street redesign to make it easier for elderly people to move around the CBD area of Boorowa Township.

Currently Council along with a local business and the district Hospital is investigating the feasibility of developing a Hydro Therapy Pool. Clearly it can be seen that Council is closely linked with the community and is aware that it has an ageing population and is preparing to meet the future needs of the communities older people by being involved in such activities as mentioned the best it can with the limited resources available.

Council currently has an elected representative as Chairman of a local retirement village Burrowa House. So it can be seen that Council is actively engaging with other agencies when it comes to developing the future needs of older people.

69. **Council should develop a Communication Strategy.**

Council currently communicates with residents on a regular basis in a variety of ways. It would appear here, the process just needs to be documented. The recommendations made are noted. The comments made implied that Council does not communicate with the public. It's a pity that the review team did not discuss this further for they would have been advised that Council consults with the community through a variety of methods such as, the Council's monthly newsletter in the local paper that promotes Council services (RTC, CTC, Private Works, Government agency services). There are letter box drops not only to Boorowa township residents but also to rural residents. Letters are regularly sent to various organisations as listed above requesting feed back (Community Social Plan Development, letters of support for various initiatives that the Council is undertaking in the obtaining of grant funds), correspondence with community groups on issues as well as regular time slots on radio by Councils Economic Development Officer and weekly radio by a local elected representative of

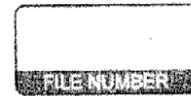


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what is on in Boorowa and with regular appearance, both on the radio and television by the Mayor.

Council has an open forum session each month at the beginning of the Council meeting where matters can be discussed. Council is represented on many community committees and service club organisations where feedback can be obtained on a regular basis. In a small community the Council is very intertwined with the residents and continually receives feed back on a number of issues from many different sources.

Some of the recommendations are noted and with minor changes to the way Council undertakes its communication process it will document all that it does.

**70. The General Manager should take action to improve the quality of the information available on council's website.**

This recommendation has been noted and action has been taken to ensure that the web page is continually current.

**71. Council should develop, communicate, monitor and report on customer service standards.**

This recommendation is noted and a review of Councils current operations will be undertaken with any minor changes required implemented where necessary.

**72. Council should consider recording all complaints and service requests on a common database.**

The recommendation is noted. It would appear that there has been a misunderstanding by the review staff. It must be noted that the Health and Building Surveyor does not get many "works requests" which are logged into the complaints register/database because such requests are via phone calls to the administrative staff, whereas 99% of the complaints the H & B Surveyor receives are in writing (via letters), which are registered in the incoming mail register. Given that 98% of all complaints are recorded as either a letter of complaint on the register or in the electronic works format the small percentage that went directly to the Health and Building Department will now be recorded in a manner that will have all complaints and services recorded appropriately.

**73. Council should review the current administrative arrangements for running the Woolfest festival.**

Council notes the recommendation and will review its current administrative arrangements regarding this festival.



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**74. Council needs to consider whether it is allocating sufficient resources to fulfilling the social and community aspects of its charter.**

Council notes the comments and advises that it will consider the recommendation in view of what the community wishes to have and resources available with regards to other competing requirements.

Council has recently increased the opening hours of the Library following a review of what the community wanted prior to receiving this report. Council is currently investigating a hydrotherapy pool, has in recent years refurbished the Olympic Pool to make it one of the best in the region and allows organisations to use it out of hours, has also constructed a river walk, a bicycle path network, as well as community projects that will see the redirection of grey water from the sewerage works to the local golf course and improvements to the showground to name a few.

Council is of the opinion given its current budget demands on competing resources that sufficient resources are provided to fulfil the social and community aspects of its charter.

**75. The General Manager should provide the Council with a detailed report on council's structure and that should re-determine the structure as it sees fit. In doing so, council should determine the quantum of resources to be allocated towards the employment of staff.**

The recommendation is noted and a review will be undertaken.

**76. Council should develop and adopt a comprehensive recruitment and selection policy and associated procedures.**

The recommendation is noted and a detailed document that is separate to the practice note will be prepared that reflects current recruiting and selections processes currently undertaken by Council in accordance with usual recruiting practices.

**77. Council should ensure that selection criteria are clearly documented and communicated to prospective applicants along with advice of the need to address the selection criteria when submitting applications.**

The comments are noted and a review will be undertaken to ensure that the recommendations made are addressed accordingly.

**78. Council should review and revise its EEO Policy and consider transferring the current responsibilities allocated to the EEO Officer and EEO Committee to the General Manager and the Consultative Committee.**

The recommendation is noted



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**79. Council should develop and implement a complying EEO Management Plan.**

The recommendation is noted

**80. Council should revise the Draft Harassment Policy and ensure that it implements strategies that prevent harassment and bullying.**

The recommendation is noted

**81. The General Manager should ensure that the council to develops a training plan and budget in conjunction with the council's consultative committee, having regard to the relevant requirements of the Local Government State Award.**

The comments are noted and greater documentation of training programs that are part of the training plan will be provided in future. Council in recent years has spent a considerable amount on staff training which does not include the numerous occasions where staff is placed on plant and equipment to gain operational experience which is training.

Councils training budget which does not include apprentices has been for previous years to 30<sup>th</sup> June as follows;

Year	Training Budget	Actual Expenses	Apprentices	Total Training Exp
2001	11,500	28,861.42	28,690.29	57,551.71
2002	28,000	23,111.34	33,831.22	56,942.56
2003	16,000	59,099.73	38,015.99	97,115.72
2004	23,000	85,563.31	47,712.71	133,276.02
2005	29,000	44,694.78	36,212.64	80,907.42

Clearly, Council is spending a considerable amount on training each year so as to improve staff qualifications ensuring that staff are trained to Councils needs.

All works staff and the admin staff at a particular time have been offered the opportunity to undertake trainee-slips to improve their skill level qualifications in recent years.

The comment is noted and a more detailed training plan will be developed for staff with greater documentation included.

**82. Council should use its Consultative Committee to raise issues with its workforce, to enhance the efficiency and effectiveness of Council.**

Comments are noted.



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**83. Given the small size of Council, it is recommended that the General Manager attend all consultative committee meetings.**

The recommendation is noted and appropriate action taken in advising Councillors that they no longer were able to attend such meetings.

Yours faithfully,

A handwritten signature in black ink that reads 'DW Philpott'.

DW Philpott  
General Manager