



## Role of the Governing Body (s223)

### Before

- Direct and control the affairs of the council



### Now

- As before plus:
- 11 points re civic leadership, community engagement, financial sustainability, performance etc
- + Consult with the GM

---

13



## Role of Mayor (s226)

### Before

- Policy-making between meetings
- Preside at meetings
- Civic and ceremonial functions

### Now

- As before plus:
- 11 points re leadership, strategy, spokesperson, consultation, IP&R, partnerships and representation, etc

---

14



## Role of Councillors (s232)



### Before

- Dual role re member of the governing body and as an elected person

### Now

- Refocused on individual responsibilities rather than responsibilities as members of governing body
- Accountable for the performance of the council

---

15



## Functions of General Manager (s335)

### Before

- Day to day operations of council organisation and implementation of council decisions
- Appoint, direct and dismiss staff

### Now

- The same functions re staff, but clarifies the relationship with the mayor and councillors, and ties the GM's functions more closely to IP&R

---

16



## Elected Officials: Overview

- Reduce the number of councillors
- Mayor's term of office
- Oath or affirmation of office
- LG Remuneration Tribunal
- Filling casual vacancies – use of count-back
- Conduct of meetings (not commenced as at 9/10/16)
- Professional development

---

17



## Reduce number of councillors (s224A) without a constitutional referendum

### Before

- Was available for all councils for a 5 month window in 2011

### Now

- Available for councils prescribed by Regulation, for a window between commencement and 12 months prior to election

\*not commenced as at 9 October 2016

---

18



## Term of the Mayor (ss230 and 234)

### Before

- 1 year
- Differing views about when a councillor-elected mayor ceased to hold office

\*2 year terms do not apply to councils pending amalgamation (cl116 Transitional provisions)

### Now

- 2 years\*
- Councillor-elected mayors cease to hold office on election day or if they otherwise cease to hold office as a councillor

19



## Oath or affirmation of office (s233A)

### New provision

- Must take at/before the first meeting after election
- Take before the GM, a lawyer or a JP
- Can't attend meetings until taken
- Recorded as AWOL if not taken
- After missing 3 meetings, office becomes vacant
- GM to keep records



20



## LG Remuneration Tribunal (s242A)

### Before

- In making determinations, the Tribunal has to apply the same policies as the IRC has to consider when making or varying awards for public sector employees

### Now

- Does not apply to a determination about a change of council category

---

21



## Filling Casual Vacancies (s291A)

### Before

- Vacancies within the first 18mths after election could be filled by count-back rather than by-election (in some circumstances)

### Now

- Count-back option will only be available once a Regulation has been made and a date prescribed

---

22



## Conduct of Meetings (s360)

### Before

- Council may adopt a code of meeting practice

### Now

- Council must adopt a code within 12 mths of election
- Model code may have mandatory provisions which can't be changed

\*not commenced as at 9 October 2016

---

23



## Reduction in No. of Meetings (s365A)

*NEW*

### New Provision

- Council may make an application to the Minister to reduce the number of meetings per year
- Only applies to councils prescribed by regulation
- Only applies between commencement of the section and up to 12 months before the next election

\*not commenced as at 9 October 2016

---

24



## Professional Development (s232)

### New provision

- Role of a councillor (s232(1)(g)) includes “to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor”
- New regulation-making power for induction courses and other professional development for mayors and councillors (Schedule 6, Item 13A)
- Note – no reg has been made yet

---

25



## Governance - Overview

- All pecuniary interest provisions will be consolidated into a new Code of Conduct
  - Part 2 of Chapter 14 will be deleted, and most of the requirements brought across as mandatory requirements in the Code of Conduct (cl124 of the transitional provisions)
  - Part 3 of Chapter 14 has been narrowed to deal with persons other than councillors and administrators
- \*not commenced as at 9 October 2016

---

26



## Governance – Pecuniary Interests

- The Act now includes specific reference to pecuniary interests as a type of conduct that can be addressed in the code (other types of conduct brought forward from old Schedule 6A to new s440AAA)
- The regulations may provide that the Code of Conduct is to apply to committees of council and advisers to council (s440(2))

\*not commenced as at 9 October 2016

---

27



## Governance – Pecuniary Interests

### Before

- All pecuniary interest breaches are referred to NCAT

### Now

- Pecuniary interest breaches by councillors and administrators will be referred to OLG and addressed under the misconduct provisions of the Act – may include referral to NCAT

\*not commenced as at 9 October 2016

---

28



1.0  
1.1  
1.2  
1.3  
1.4  
1.5  
1.6  
1.7  
1.8  
1.9  
1.10  
1.11  
1.12  
1.13  
1.14  
1.15  
1.16  
1.17  
1.18  
1.19  
1.20  
1.21  
1.22  
1.23  
1.24  
1.25  
1.26  
1.27  
1.28  
1.29  
1.30  
1.31  
1.32  
1.33  
1.34  
1.35  
1.36  
1.37  
1.38  
1.39  
1.40  
1.41  
1.42  
1.43  
1.44  
1.45  
1.46  
1.47  
1.48  
1.49  
1.50  
1.51  
1.52  
1.53  
1.54  
1.55  
1.56  
1.57  
1.58  
1.59  
1.60  
1.61  
1.62  
1.63  
1.64  
1.65  
1.66  
1.67  
1.68  
1.69  
1.70  
1.71  
1.72  
1.73  
1.74  
1.75  
1.76  
1.77  
1.78  
1.79  
1.80  
1.81  
1.82  
1.83  
1.84  
1.85  
1.86  
1.87  
1.88  
1.89  
1.90  
1.91  
1.92  
1.93  
1.94  
1.95  
1.96  
1.97  
1.98  
1.99  
2.00



## Governance – Pecuniary Interests

### Before

- All pecuniary interest breaches are referred to NCAT

### Now

- Allegations of breaches by non-councillors will still go to NCAT
- But complainants will no longer have to sign a statutory declaration to verify a complaint (s460)



## Powers of Minister (s370A)

- Old s458
- Added clarification that councillors who are approved by the Minister to attend a meeting and vote on a matter in which they have a pecuniary interest have not engaged in misconduct

\*not commenced as at 9 October 2016



## Governance – Pecuniary Interests

### Before

- All pecuniary interest breaches are referred to NCAT

### Now

- Allegations of breaches by non-councillors will still go to NCAT
- But complainants will no longer have to sign a statutory declaration to verify a complaint (s460)

---

29



## Powers of Minister (s370A)

- Old s458
- Added clarification that councillors who are approved by the Minister to attend a meeting and vote on a matter in which they have a pecuniary interest have not engaged in misconduct

\*not commenced as at 9 October 2016

---

30



## Governance – Delegates (s482(4A))

### New provision

- Options for NCAT have been provided re a complaint that is proven against a delegate of a council (other than the GM)

\*not commenced as at 9 October 2016

---

31



## Administrative Processes and Delegations - Overview

- Expenses and provision of facilities policies
- Delegation of functions



---

32



## Expenses and Provision of Facilities Policies (ss 252 and 253)



### Before

- Policy to be adopted annually, within 5 months
- Copy of policy and statement of submissions to be sent to CE OLG

### Now

- Policy to be adopted each council term, within 12 months
- Not required to send to CE OLG

---

33



## Delegation of functions (s377)

### Before

- Could not delegate acceptance of tenders required under the Act
- Could not delegate granting of financial assistance

### Now

- Restriction limited to acceptance of tenders for services currently provided by staff
- Can delegate financial assistance under certain circumstances

---

34



## Council Structure & Staff - Overview

- Determination of structure
  - By whom, and how
  - Which bits of the structure
  - How often
- Senior staff contracts



---

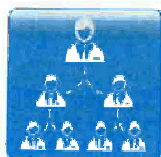
35



## Determ'n of Council Structure (s332)

### Before

- Council decides org structure, senior staff positions and resources for employment of staff



### Now

- Council must consult with GM and then decide senior staff positions, roles and reporting lines of senior staff positions, and resources for employment of staff

---

36

**NEW**

## Det'n of Council Structure (ss 332, 333)

### New/clarified provisions

- GM must consult council and determine the positions other than senior staff positions
- All positions are to give effect to the strategic plan priorities and delivery program of the council
- Also: Council **must review** and **may redetermine** the org structure within 12 months of an election

---

37

## Senior Staff Contracts (s339)

### Before

- GM must report annually to council on the contractual conditions of senior staff

### Now

- Not required



---

38



## Administrators and Financial Controllers - Overview

- Clarified the functions of the administrator
- Created a new financial controller role

---

39



## Administrators (s258)

### Before

- Administrator had the functions of the council



*Administrator*

### Now

- Has the functions of a councillor and the mayor
- If more than one administrator is appointed, one will be specified as having the functions of the mayor

---

40



## Financial Controllers (s438HB)

### New Provisions

- Intended to provide an option for financial improvement that does not involve dismissing the council
- May be appointed by Minister as part of a performance improvement order
- Council can recommend appointment if they wish
- Paid by the council

\*not commenced as at 9 October 2016

41



## Financial Controllers (s438HC)

- Must authorise every payment made by the council
- Council, councillors and staff must cooperate with the financial controller
- Financial controller must be given 14 days to review and comment on any proposed compliance report

\*not commenced as at 9 October 2016

42



*NEW*



## Criteria for appointment (s438G)

- Minister required to consider criteria prescribed by the Regulations before appointing a financial controller or temporary adviser
- New Regulation-making power for the criteria to be specified

\*not commenced as at 9 October 2016

43

## IP&R (ss402 – 406)

### Before

- Details are prescribed about how the IP&R documents are to be prepared
- CE to establish IP&R guidelines which must be complied with

### Now

- Details have been moved to the Regulation
- Regulation can prescribe guidelines to be complied with

\*not commenced as at 9 October 2016

44



## State of the Environment Rpts (s428A)

### Before

- SoE report must be included in council's annual report
- Must be prepared in accordance with IP&R guidelines

### Now

- Removed
- IP&R guidelines likely to require reporting on environmental issues relevant to community strategic plan

\*not commenced as at 9 October 2016

45



## Audits - Overview

### FINANCIAL AUDIT

- Auditor-General is auditor for councils (s422)
- AG can outsource (s422)
- Council pays costs (s422)
- Council can request audits as well (s421E)

### PERFORMANCE AUDITS

- All or any activities of one or more councils (s421B)
- Results reported to Parliament (ss421B, 421C, 421D)

### AUDIT, RISK AND IMPROVEMENT COMMITTEE

- Mandatory oversight body of prescribed activities
- Performance Improvement (s428A)
- Provision for Committee to be shared (s428B)

46



## Council Audits

- AG can't question the merits of council's policy objectives (s422)
- Auditor has full and free access to documents, including bank statements (ss423, 424)
- AG (or authorised person) may direct a councillor or staff member to appear personally and provides books, records, etc (s423)
- Auditor must keep information confidential (unless required to report) (s425)

47



## Council Audits

- AG is to advise Minister of matters of significance (s426)
- AG may report on local government on a sector-wide basis (s421C)
- Most audit reports except for annual council audits to be tabled before Parliament (s421D)

48



## Council Audits (s415)

### New provision

- Council's auditor must also audit council entities
- Council entities = partnership, trust, joint venture etc that a council has formed/helped form or has a controlling interest in
- Entities may be prescribed in or out by the regs

---

49



## Presentation of audit reports (s419)

### Before

- Council's auditor must attend the meeting at which the financial reports are presented, if required in writing by the council

### Now

- Only required where the auditor was appointed by the Auditor-General (ie the actual Auditor-General cannot be compelled to attend)

---

50



*NEW*

## Transitional arrangements

- New auditing arrangements commence from 2016/17 financial year for old councils (cl120)
- Old audit contracts for old councils cease to have effect from 1 October 2016 (cl120)
- All councils have to notify the AG by 31/12/16 of any council entities that it had at 1/7/16 (cl120)
- New councils may have one of the old auditors appointed by the AG as the auditor for 2016/17 (cl121)

---

51



*NEW*

## Internal Audit Committee (new Part 4A)

- Council must appoint an Audit, Risk and Improvement Committee (s428A)
- Committee can be shared with another council (s428B)
- Councils have 6 months after the next election following the commencement to establish the committee (cl123 of transitional arrangements)

\* not commenced as at 9 October 2016

---

52



## Internal Audit Committee

- Committee can exclude GM from a meeting if it considers it appropriate to do so (s376)
- New reg-making power for financial management and auditing, and for Audit, Risk and Improvement Committees

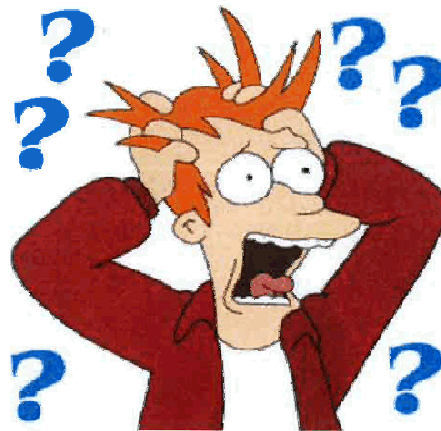
\* not commenced as at 9 October 2016

---

53



## Questions?!



---

54