



New South Wales

Local Government (General) Amendment (Performance Management) Regulation 2013

under the

Local Government Act 1993

The Administrator, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

DON PAGE, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to specify the criteria to be considered by the Minister to determine whether a performance improvement or suspension order may be made.

This Regulation is made under the *Local Government Act 1993*, including sections 438B, 438J and 748 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Local Government (General) Amendment (Performance Management) Regulation 2013*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Local Government (General) Regulation 2005

Part 13 Miscellaneous

Insert at the end of Part 13:

Division 14 Performance improvement criteria and suspension criteria

413D Performance improvement criteria: section 438B

The following are criteria to be considered by the Minister before issuing a performance improvement order:

- (a) whether the council concerned has failed to comply with its legislative responsibilities, standards or guidelines,
- (b) whether there are significant risks facing the council that are not being addressed,
- (c) whether previous intervention attempts have failed,
- (d) whether council business is being disrupted and the council failing to exercise its functions,
- (e) whether the appointment of a temporary adviser is necessary, in the opinion of the Minister, to restore the proper or effective functioning of the council,
- (f) whether there is a pattern of poor or inappropriate behaviour, either by one or more councillors or members of staff of the council, that has not been rectified,
- (g) any other matter that, in the opinion of the Minister, is relevant to the issuing of the order.

413E Suspension criteria: section 438J

The following are criteria to be considered by the Minister before temporarily suspending a council:

- (a) whether the council has failed to comply with its legislative responsibilities, standards or guidelines,
- (b) whether there are significant risks facing the council that are not being addressed,
- (c) whether previous intervention attempts have failed,
- (d) whether council business is being disrupted and the council failing to exercise its functions,
- (e) whether the appointment of an interim administrator is necessary, in the opinion of the Minister, to restore the proper or effective functioning of the council,
- (f) whether there is a pattern of poor or inappropriate behaviour by one or more councillors that has not been rectified,
- (g) whether an ordinary election of councillors occurs within 3 months after the making of the order,
- (h) any other matter that, in the opinion of the Minister, is relevant to the suspension of the council.