



New South Wales

Local Government (General) Amendment (Performance Management) Regulation 2016

under the

Local Government Act 1993

His Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Local Government Act 1993*.

PAUL TOOLE, MP
Minister for Local Government

Explanatory note

The object of this Regulation is to prescribe criteria that the Minister for Local Government is required to consider in deciding whether to appoint a temporary adviser or a financial controller to a council in respect of which the Minister has issued a performance improvement order (and to omit a redundant criterion as a result). These amendments are made as a consequence of the commencement of certain provisions of the *Local Government Amendment (Governance and Planning) Act 2016*.

This Regulation is made under the *Local Government Act 1993*, including sections 438G (2A), 438HB (3) 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 2016*.

2 Commencement

This Regulation commences on 25 November 2016 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Local Government (General) Regulation 2005

[1] Part 13, Division 14

Omit “**improvement**” from the heading to the Division. Insert instead “**management**”.

[2] Clause 413D Performance improvement criteria: section 438B

Omit clause 413D (e).

[3] Clauses 413DA and 413DB

Insert after clause 413D:

413DA Temporary adviser criteria: section 438G

In deciding whether to appoint a temporary adviser to a council, the Minister is to consider whether the appointment will, in the opinion of the Minister, assist the council to comply with, or implement actions under, the performance improvement order issued in respect of the council.

413DB Financial controller criteria: section 438HB

The following are criteria to be considered by the Minister in deciding whether to appoint a financial controller to a council:

- (a) whether the appointment of a financial controller will, in the opinion of the Minister, contribute to improving the financial operations of the council,
- (b) whether the appointment of a financial controller will, in the opinion of the Minister, contribute to mitigating any financial risk to the operations of the council.