MEETING MINUTES

COUNCILLORS IMPLEMENTATION WORKING GROUP

OMBUDSMAN'S RECOMMENDATIONS

29 November 2010, 7:30pm

Council Chambers - Town Hall

Meeting Started: 7.02pm

Attendees:
Jean Hay (Chair); Clr Richard Morrison (Deputy Chair), Councillors: Barbara Aird; Hugh Burns; Cathy Griffin; Adele Heasman; David Murphy; Alan Le Surf; Craig Whitting; and Lauren Elder

Also in attendance:
General Manager; Deputy General Manager, Landuse & Sustainability; Manager, Community Relations and Public Affairs; and General Counsel

Apologies: Clr Peter Macdonald

ITEM 1 Welcome and Apologies

Apologies were received from Clr Peter Macdonald.

(Clrs Le Surf/Heasman)
Unanimous

ITEM 2 Declaration of Interests – Nil

ITEM 3 Confirmation of Minutes – Minutes of the meeting on 15 November 2010 were read and confirmed.

The Mayor requested the Minutes to be corrected to show that Clr Mark Norek was absent.

In relation to item 7.3, Clr Griffin stated that her comment made in General Business should read: "Clr Griffin asked whether Council staff are aware of the online self-completed questionnaire on the DLG website and the General Manager responded in the affirmative."
(Clrs Murphy/Morrison)

ITEM 4 Meeting with In-Consult (Mr Mitchell Morley)

Mr Morley confirmed that he has been appointed as an external consultant to assist Council to implement recommendations 7.13, 7.14 and the first point of recommendation 7.20. Mr Morley advised that he has made a substantial start on his work but that further work needs to be done before he is in a position to submit a report to Council.

In relation to developing written guidelines for preparing planning and assessment reports, Mr Morley advised that he has now reviewed Council's existing development assessment procedures and report templates which he considers sound and will now assess these against better practice and the ICAC's DA Internal Audit Tool. Mr Morley advised that he will also provide guidance for planning staff on the interpretation of codes and planning instruments and the exercise of discretion by staff.

In relation to revising Council's Compliance and Enforcement Policy and Guidelines, Mr Morley confirmed that Council has carried out a preliminary comparison of Council's policy against the Ombudsman's model policy and found them to have been developed on a sound basis. Mr Morley advised that he is reviewing the current procedural frameworks for Council's compliance and enforcement functions.

Mr Morley then took questions from the councillors.

Clr Burns asked whether Mr Morley's brief included reviewing policies and guidelines that Council has had in the past. Mr Morley advised that he is following the Ombudsman's recommendations to ensure current policies and guidelines meet best practice standards.

Clr Morrison asked whether in assessing Council against best practice Mr Morley is comparing apples to apples. Mr Morley replied in the affirmative.

Clr Griffin stated that there is no point in having best practice if policies and guidelines are not followed. Clr Griffin asked Mr Morley whether his brief includes training Council staff. Mr Morley advised that he will be providing periodic review and training of staff as recommended in 7.13.

Cr Whitting asked Mr Morley whether he will be assessing Council's compliance with the anticipated revised policies and guidelines. Mr Morley responded that he will not be doing so in detail and that there are already a range of existing mechanisms which do so including training, internal auditing, the promoting better practice review, and quarterly management reports.

Clr Burns requested that a review of Council's compliance process be included in the agenda of the Audit Committee. The General Manager advised that the proper process would be to make a request to the Audit Committee. The General Manager asked Clr Burns whether he is referring to a specific property. Clr Burns replied that he is talking about a particular property on The Corso. Clr Griffin then requested that the following be put to the Audit Committee and to allow the Audit Committee to determine whether or not to accept the referral, to determine the terms of reference, and to determine how such an audit would be resourced:

> *The Working Group would request to include as an agenda item of the Audit Committee in February 2011 to consider including the Council's DA process in the audit program after the consideration of Mr Mitchell Morley's report.*
> (Unanimous)

Mr Morley left the meeting.

ITEM 5 Report – Communications Plan

The Manager Community Relations and Public Affairs, Ms Bronwen Thomas, explained the proposed communications plan dated 29 November 2010 to the Working Group.

Clr Whitting asked how item 5 in the proposal would be implemented – "Provide monthly updates to Community Precinct Forums on the progress of implementation of the Ombudsman's recommendations." Ms Thomas advised that Council has a precinct coordinator who is able to submit information to the precincts by email once a month.

Clr Heasman pointed out the problem of providing information to the precincts once a month when they do not all meet at the same time. Ms Thomas advised that Council can be flexible and provide information to the precincts whenever there are developments.

Clrs Griffin/Whitting moved to include an item 6 for the communications plan:

> *6. That Council put any updates regarding the implementation of the Ombudsman's recommendations on the Working Group's webpage with a link from the homepage.*
> (Unanimous)

Clr Burns moved to include an item 7 and 8 as follows on the communications plan:

> *7. That Council put a full copy of the Ombudsman's report in searchable format on Council's website*
>
> *8. That Council enable the community to participate in the implementation process by providing comments to Council.*
> (Lapsed)

Clr Le Surf asked whether there are any concerns with people providing feedback on Council's website. Ms Thomas responded that any comments should be moderated by Council.

Clr Griffin asked whether it would be possible for people to provide comments to Council via a link to TellUs. The General Manager responded that TellUs is a complaints handling tool for Council and that it would be better to create a link to a new system.

The General Manager commented that Council's internet transactional portal requires communications to be authenticated before they become active. The General Manager also advised that public access to information is regulated by the *Government Information (Public Access) Act 2009*.

Clr Griffin suggested a disclaimer be used on Council's website to advise the public that any comments that they provide will be treated as an electronic record. Clr Griffin requested that any feedback received from the public be tabled at a Working Group meeting.

Clr Whitting asked whether Council could obtain clarification from the Ombudsman regarding whether Council may publish the report on its website.

Clr Aird requested Council to obtain clarification from the Ombudsman as to why the Ombudsman has not published the report on their website.

Clr Griffin advised that she does not support placing a copy of the report on Council's website because of natural justice reasons. In particular, Clr Griffin stated that the report is a lengthy one containing allegations against a number of Council staff. Further, publishing the report on Council's website would publicise the allegations against the staff members but deny them the opportunity to respond to the allegations against them. Clr Griffin stated that it is important to focus on the recommendations rather than the background information in the report.

Clr Griffin/Whitting moved to add an item 7 to the Communications Plan:

7. That an authenticated online feedback form be provided on the Working Group's webpage for comments and feedback from the community with a notice on that page stating that comments received will be tabled at a Working Group meeting and forms submitted are kept as electronic records of the Council.
((Unanimous)

ITEM 6 Implementation Plan as at 25/11/2010
(Le Surf/Whitting)

ITEM 7 General Business

Clrs Whitting/Aird moved:

That the format and protocol of an Ordinary Meeting of Council be used for future meetings of the Working Group

Clr Elder/Griffin moved an amendment:

That the format of the Working Group remained unchanged but a more formal meeting protocol be used in future meetings with an expanded working space, individual microphones and a request for Secretariat Service support to the Manager Administration.

The Amendment was adopted and became the motion
(Unanimous)

Meeting Closed at 8:42pm