

Councils are responsible for driving their improvement and are generally best placed to do so. Where councils are dysfunctional or failing to meet their legal obligations, the Minister for Local Government and the Division of Local Government encourage and support councils to act voluntarily to fix the problem. Where this fails, new powers to issue suspension orders may be used.

This is a quick guide to how the process of issuing a suspension order will work.

HOW DOES THE PROCESS WORK?

- Notice of intention to issue a suspension order will be given.
- The council will be given no less than 14 days to respond (in urgent circumstances, the response time will be 7 days).
- Notices of intention will outline what is required.
- The council should consider and table the notice of intention at an open council meeting.
- The council should provide its response to the notice of intention by resolution.
- The Minister or Chief Executive is required to consider the council's submission when making a decision.
- If a suspension order is to be made it will be published in the Gazette and an interim administrator will be appointed.
- The interim administrator will be asked to table the suspension order at an open meeting and publish the order on the council's website.
- Suspension orders, amendments or extensions to suspension orders and orders appointing interim administrators are published in the Gazette.
- During the suspension period, councillors are suspended from office and as such are not entitled to exercise the functions of civic office or receive any fee or other remuneration.
- The Division of Local Government will monitor the implementation of suspension orders.
- The interim administrator will complete a compliance report on the implementation of any performance improvement order, if one is issued, and/or progress report on the suspension period, if one is required.
- Interim administrators are required to prepare a final written report no less than 14 days before the end of a suspension period.
- Each councillor and the general manager will be advised by the Minister when the suspension period has ended.
- The Division will publish orders, interim administrator reports and monitoring assessments on its website.

Further detail is contained in the Framework for Implementing Early Intervention Orders. This document, available at www.dlg.nsw.gov.au, provides more detail about who can request an order, the criteria for issuing orders, actions the Minister must take to ensure procedural fairness (e.g. notice requirements) and procedures for implementation, including actions required by councils.