

This information sheet provides information for people appointed as a financial controller under section 438HB of the *Local Government Act 1993*.

ROLE

- If the Minister issues a council with a performance improvement order they may also appoint a financial controller to the council
- Financial controllers will be suitably qualified persons with relevant financial expertise
- A person can be appointed as both a financial controller and a temporary adviser
- The functions of a financial controller are generally:
 - To implement financial controls, and other functions relating to council finances, as specified by a performance improvement order; and
 - Any other related or ancillary functions specified in the order.

TERM OF APPOINTMENT

- A financial controller's term of appointment will be specified in the relevant performance improvement order, or by subsequent order, but will not exceed the period for compliance with the performance improvement order
- The Minister for Local Government may terminate a financial controller's appointment at any time

TIME COMMITMENT

- The financial controller is expected to commit the time necessary to effectively assist and advise the council on the implementation of the performance improvement order

OBLIGATIONS

- The financial controller is expected to act in accordance with the *Model Code of Conduct for Local Councils in NSW*
- The financial controller's ongoing appointment is subject to satisfactory performance

PAYMENT

- Financial controllers are appointed at the council's cost
- The payment is determined by the Minister and paid from the council's funds.



COUNCIL SUPPORT AND CO-OPERATION

- The council will provide facilities sufficient for the financial controller to perform their duties.
- Councillors and council staff are required to co-operate with the financial controller and provide any information or assistance the financial controller reasonably requires to exercise their functions.
- The Council can only make a payment from its funds if the payment is authorised by the financial controller.
- A financial controller may refuse to authorise a payment from council funds if they reasonably believe the payment:
 - May cause the council to become insolvent; or
 - Is unlawful, or
 - Is related to activities not identified in the council's integrated planning and reporting framework; or
 - Is from grant moneys and is not for a purpose for which the grant was given.

REPORTING REQUIREMENTS

- The council must provide the financial controller with an opportunity to review any proposed compliance report at least 14 days before it is given to the Minister.
- The council is to provide the Minister with a copy of any comments on the compliance report made by the financial controller.
- If the council fails to give the financial controller an opportunity to review a proposed compliance report, the financial controller is to report to the Minister directly on the council's compliance with the performance improvement order.