



Circular No. 13-06
Date 1 March 2013
Doc ID. A313805

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MODEL CODE OF CONDUCT 2013 – COMMENCEMENT AND KEY RESOURCES

Purpose

The purpose of this Circular is to:

- remind councils that the new Model Code Framework commences on 1 March 2013;
- promote the Model Code Summary as a simple guide to the standards of behaviour required by council officials; and
- inform councils of the availability of the Division of Local Government's Model Code of Conduct 2013 webpage, featuring key resources to support implementation of the new code.

Issue

- The new Model Code of Conduct framework commences on 1 March 2013.
- To assist councils with the implementation of the new code the Division has developed a series of resources that are available on the Division's web site. These resources include:
 - FAQs on the implementation of the new framework
 - The Model Code of Conduct, Model Code summary and Model Code Procedures
 - Standalone versions of the Model Code targeted at different types of council officials containing only those standards relevant to those officials
 - Guides to Model Code procedures for general managers, Mayors and complaints coordinators, containing easy to understand summaries of their roles in the complaints management process
 - Guides to Model Code procedures for complainants and people the subject of investigation. The prescribed procedures require that persons being investigated be provided with information about the investigation process.
- Additional resources and information will be added to the webpage over time.
- The Model Code of Conduct 2013 webpage may be accessed from the Division's website at www.dlg.nsw.gov.au .

- A copy of the Model Code summary is attached to this Circular (Attachment A). Councils officials are encouraged to familiarise themselves with this and the new Model Code.

Action

General Managers should ensure that a copy of this Circular is tabled at the next council meeting, including the Model Code Summary. The assistance of General Managers in promoting the Model Code 2013 webpage and its resources to all council officials would be appreciated.



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Chief Executive, Local Government
A Division of the Department of Premier and Cabinet



Premier & Cabinet
Division of Local Government

STANDARDS OF CONDUCT FOR COUNCIL OFFICIALS

Council officials play a vital role in serving local communities

To do this effectively, you will want to uphold the highest standards of behaviour to ensure communities have trust and confidence in local government.

What are the expected standards of behaviour?

The standards of behaviour are described in detail in the Model Code of Conduct. The Code is a legal document that all officials are obliged to understand and follow. The Model Code forms the basis of each council's code of conduct. Highlighted below are the expected standards of behaviour for all council officials.

You must:

- conduct yourself in a manner that will not bring council into disrepute
- act lawfully and honestly, and exercise due care
- treat others with respect and not harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

In addition, staff must ensure the efficient and effective operation of council's organisation and implement decisions of council without delay.

You must not:

- accept money or gifts of value and avoid situations that may appear to secure favourable treatment
- make complaints improperly, take detrimental action in response to complaints, or disclose information about code of conduct matters.

In addition, councillors must not:

- direct or influence council staff in the exercise of their role
- participate in binding caucus votes, except for nominations.

What happens if the standards are not met?

The small number of cases where a council official fails to follow the Code will be dealt with in accordance with the Model Code Procedures.

Breaches of these standards may be reported to the general manager or, in the case of a breach by the general manager, to the Mayor. Serious complaints that cannot be resolved informally may be investigated by an independent conduct reviewer.

Councillors

Breaches by councillors may result in:

- ◆ censure
- ◆ requirement for training
- ◆ counselling
- ◆ requirement to apologise
- ◆ findings of inappropriate conduct being made public
- ◆ referral to the Division of Local Government for disciplinary action, including suspension for up to three months
- ◆ referral by the Division to the Pecuniary Interest and Disciplinary Tribunal for suspension for up to six months or disqualification from holding civic office.

General managers

Breaches by general managers may result in:

- ◆ requirement for training
- ◆ counselling
- ◆ requirement to apologise
- ◆ findings of inappropriate conduct being made public
- ◆ other actions specified under the general manager's contract.

Council staff

Breaches by council staff may result in disciplinary action, termination or, in the case of non-senior staff, other penalties permitted under the relevant industrial award.

Delegates or council committee members

Breaches by delegates or council committee members may result in:

- ◆ censure
- ◆ requirement to apologise
- ◆ prosecution
- ◆ removal or restriction of delegations.