

**ITEM 3. CODE OF CONDUCT AND PROCEDURES FOR THE
ADMINISTRATION OF THE CODE OF CONDUCT**

FILE NO: S076403

SUMMARY

The City's current Code of Conduct and Procedures for the Administration of the Code operate in accordance with the *Local Government Act 1993*. All councils must adopt a code of conduct and procedures that, at a minimum, incorporate, and not be inconsistent with, the provisions of the Model Code of Conduct for Local Councils in New South Wales and Model Code Procedures issued by the Office of Local Government.

The City's Code of Conduct and Procedures for the Administration of the Code are in the same form as the Model Code of Conduct for Local Councils in New South Wales and Model Code Procedures issued by the Office of Local Government. The City has not identified a need to enhance the content of the Model Code since its inception in 2005.

The Model Code outlines the minimum requirements of conduct for council officials carrying out their functions. The Code is an important element of the City's governance framework underpinning compliance outcomes and providing assurance. The Model Procedures contain mandatory processes for dealing with alleged breaches of the Code of Conduct.

The *Local Government Act 1993* requires all councils to review their adopted code of conduct within 12 months after each election.

The City's current Code of Conduct and the Procedures for the Administration of the Code of Conduct have been reviewed and deemed fit for purpose. Both documents are being forwarded to Council for adoption without any changes to comply with statutory timeframes.

RECOMMENDATION

It is resolved that Council adopt the Code of Conduct and the Procedures for the Administration of the Code of Conduct as shown in Attachments A and B to the subject report.

ATTACHMENTS

Attachment A: Code of Conduct

Attachment B: Procedures for the Administration of the Code of Conduct

BACKGROUND

1. Section 440 of the *Local Government Act 1993* requires councils to adopt a code of conduct that incorporates the provisions of the Model Code as prescribed by the Office of Local Government.
2. A Code of Conduct has been in place at the City since 2005, when the first Model Code came into effect. Council has reviewed and adopted subsequent Model Codes in 2005, 2009, 2013 and 2016.
3. The Code of Conduct is an important element of the City's governance framework. Specifically, by prescribing standards of conduct required by councillors and staff it provides a foundation for both compliance and assurance outcomes. The Code provides a framework to assess the actions of Councillors and staff, while the community can be assured of the City's commitment to ethical decision making.
4. Legal and Governance continually review the effectiveness of the operation of the Code of Conduct at the City. The Model Code's capacity to lead compliance and provide assurance has not been found wanting since it was first adopted. Accordingly no enhancements to the Model Code have been deemed necessary by the City. While the City has not enhanced the content of the Model Code since its inception in 2005, the Code has been the basis for, and enhanced by, a number of more detailed policy documents of the City such as the Gifts and Benefits Procedure and the Social Media Policy.
5. Section 440AA of the *Local Government (General) Regulation 2005* requires NSW councils to adopt procedures for the administration of the Code that incorporate the provisions of the Model Code Procedures. This requirement has existed since 2013.
6. Section 440(7) of the *Local Government Act 1993* requires councils to review their adopted code of conduct within 12 months after each ordinary election.

KEY IMPLICATIONS

7. The City's Code of Conduct is a foundation policy that sets out the minimum standards of conduct for Councillors and staff when carrying out their functions as council officials.
8. The City's Procedures for the Administration of the Code of Conduct specify the process that must be followed for all alleged breaches of the Code of Conduct.

RELEVANT LEGISLATION

9. *Local Government Act 1993*.
10. *Local Government (General) Regulation 2005*.

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