

Relevant Information for Council

FILE: S121629.017 **DATE:** 19 August 2022

TO: Lord Mayor and Councillors

FROM: Kirsten Morrin, Director Legal and Governance

THROUGH: Monica Barone, Chief Executive Officer

SUBJECT: Information Relevant To Item 6.9 – Adoption - Code of Conduct and Procedures for the Administration of the Code of Conduct

Alternative Recommendation

It is resolved that Council:

- (A) adopt the City of Sydney Code of Conduct shown at Attachment A to the subject report; and
- (B) adopt the City of Sydney Procedures for the Administration of the Code of Conduct as shown at Attachment B to the subject report, ***subject to the following amendment:***
 - (i) *amend clause 4.5 to read:*

4.5 A complaint made after 3 months may only be accepted if the Chief Executive Officer or their delegate, or, in the case of a complaint about the Chief Executive officer, the Lord Mayor or their delegate, is satisfied that the allegations are serious and compelling grounds exist for the matter to be dealt with under the code of conduct. ***The CEO, Lord Mayor or their delegate has discretion to receive complaints beyond the 3 month period where the matter relates to an allegation of bullying and harassment.***

Purpose

To provide an alternative recommendation which proposes amending the City of Sydney Procedures for the Administration of the Code of Conduct to enable the Chief Executive Officer to exercise discretion in order to accept complaints made outside the three-month timeframe contemplated under clause 4.4 of the procedures.

Background

At the meeting of the Corporate, Finance, Properties and Tenders Committee on 15 August 2022, further information was sought in relation to extending the three-month timeframe for accepting complaints about bullying and harassment.

Advice from the Office of Local Government is that if Council were to change the three-month period set out in clause 4.5 the clause would be contrary to the Model Procedures for the Administration of the Code of Conduct and would have no effect under the Local Government Act 1993. However, the desired outcome can be achieved by Council adopting wording to specify that the CEO/Lord Mayor has discretion to receive complaints beyond the three-month period where the matter relates to allegations of bullying and harassment.

Memo from Kirsten Morrin, Director Legal and Governance

Prepared by: Nellette Kettle, Manager Risk and Governance

Approved

A handwritten signature in black ink, appearing to read 'P. M. Barone', with a long horizontal flourish extending to the right.

MONICA BARONE

Chief Executive Officer