

Adoption - Code of Conduct and Procedures for the Administration of the Code of Conduct

File No: S121629.017

Summary

Section 440(7) of the Local Government Act 1993 requires that Council review the City's Code of Conduct within the first 12 months after an election.

Any proposed changes must be consistent with the Model Code of Conduct for councils prescribed under the Local Government (General) Regulation 2021.

No changes are proposed to the Code of Conduct and Procedures for the Administration of the Code of Conduct as part of this review, with the exception of the format and presentation which has been updated.

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.

Attachments

Attachment A. City of Sydney Code of Conduct

Attachment B. City of Sydney Procedures for the Administration of the Code of Conduct

Background

1. Under section 440 of the Local Government Act 1993 councils must review their adopted codes of conduct within 12 months of the election and make such adjustments as they consider appropriate.
2. Councils must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct prescribed by the Regulation.
3. There have been no changes to the Model Code or Model Procedures for the Administration of the Code of Conduct by the Office of Local Government (OLG) since 2020.
4. A council's adopted code of conduct may also include provisions that supplement the Model Code of Conduct provided that these provisions are not inconsistent with the Model Code of Conduct.
5. The City has kept its Code of Conduct consistent with the Model Code for many years, and last updated the Code of Conduct in 2020 following minor changes to the Model Code of Conduct and the Model Procedures. These changes related to actions that can be taken following a breach of the Code by a Councillors and an increase in the limit of a gift/benefit that can be received from \$50 to \$100.
6. It is noted that the OLG has recently commenced consultation on a review of the regulatory framework for dealing with councillor misconduct which may result in changes to the Model Code of Conduct.
7. The OLG has advised that this work will not be completed during the 2022 calendar year and therefore any changes are not expected within 12 months of the election.
8. Councillors receive Code of Conduct training at the commencement of the new Council term and when any changes are made to the Code. Staff receive induction training on commencement with the City and undertake annual refresher training.

Key Implications

Strategic Alignment - Sustainable Sydney 2030-2050 Continuing the Vision

9. Sustainable Sydney 2030-2050 Continuing the Vision renews the communities' vision for the sustainable development of the city to 2050. It includes 10 strategic directions to guide the future of the city, as well as 10 targets against which to measure progress. This policy is aligned with the following strategic directions and objectives:
 - (a) Direction 1 - Responsible governance and stewardship - by prescribing a common standard of behaviour and ethics for staff and councillors.

Organisational Impact

10. There are no impacts from this report as is it recommended that no changes be made to the existing Code of Conduct.

Social / Cultural / Community

11. The Code of Conduct is on the City's website for the community to view. The website also contains an online reporting tool.

Relevant Legislation

12. Local Government Act 1993 - section 440(7).
13. Local Government (General) Regulation 2021.

Critical Dates / Time Frames

14. This review must be undertaken by December 2022.

Public Consultation

15. No public consultation is required in relation to the adoption of the Code of Conduct, as this report is seeking the adoption of the Model Code of Conduct and Procedures for the Administration of the Code of Conduct for NSW local councils.

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