



Hawkesbury City Council

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to
item 3

The Model Code of Conduct for Local
Councils in NSW - March 2013 -
Standards of conduct for council
officials - Summary

date of meeting: 5 February 2013
location: council chambers
time: 6:30 p.m.

THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW – MARCH 2013

Standards of conduct for council officials - Summary

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 the public has trust and confidence in local government.

What are the expected standards of behaviour?

The following standards of behaviour are expected of council officials. You must:

- not conduct yourself in a manner that is likely to bring the council into disrepute
- act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions
- treat others with respect at all times
- consider issues consistently, promptly and fairly
- not harass, discriminate against, or support others who do so
- ensure that development decisions are properly made and that parties involved in the development process are dealt with fairly
- not participate in *binding* caucus votes except for nominations
- disclose and appropriately manage any conflict of interests, including from reportable political donations
- not accept money or gifts of value and avoid situations that give rise to the appearance of securing favourable treatment
- in the case of councillors, not direct council staff or influence staff in the exercise of their role
- in the case of staff, ensure efficient and effective operation of the council's organisation and implementation of the decisions of the council without delay
- use and secure information appropriately and do not disclose confidential information
- use council resources ethically, effectively, efficiently and carefully in the course of official duties
- not make complaints improperly, take detrimental action in response to complaints about standards of behaviour or disclose information about code of conduct matters.

These standards are described in detail in the Model Code of Conduct for Local Councils in NSW. 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 own code of conduct.

What happens if the standards are not met?

In the very small number of cases where council officials fail to follow this Code, this will be dealt with in accordance with the procedure for administration of the Model Code.

Complaints about a breach of these standards by anyone other than the general manager are to be made at first instance to the general manager. Complaints about the general manager are to be made to the Mayor. Where the complaint is serious and cannot be resolved informally, a complaint may be formally investigated by an independent conduct reviewer.

Breaches of these standards by delegates or council committee members may result in the following action:

- censure
- requirement of apology
- prosecution
- removal or restriction of delegation.

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

Breaches by the general manager may result in the following action:

- requirement for training
- counselling
- requirement for apology
- findings of inappropriate conduct made public
- action under the general manager's contract.

Breaches by councillors may result in the following action:

- requirement for training
- counselling
- requirement for apology
- findings of inappropriate conduct made public
- censure
- referral to the Division of Local Government for disciplinary action including but not limited to suspension for up to 3 months
- referral by the Division to the Pecuniary Interest and Disciplinary Tribunal for suspension of up to 6 months or disqualification from holding civic office.

* Council officials include councillors, members of staff of council, administrators, members of council committees, conduct reviewers and delegates of council.