

7.2 Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures

REPORT BY THE MANAGER GOVERNANCE
TO 20 FEBRUARY 2019 ORDINARY MEETING
GOV400067, GOV400008

RECOMMENDATION

That Council:

1. **receive the report by the Manager Governance on the Commencement of the new Model Code of Conduct for Local Councils in NSW and Procedures**
2. **adopt the Model Code of Conduct 2018 and the Model Code of Conduct Procedures 2018; and**
3. **note that the provisions of the Model Code of Conduct and Procedures apply to volunteers of Council services and members of Council Advisory Committees.**

Executive summary

The 2018 Model Code of Conduct and Procedures have now been prescribed under the Local Government (General) Regulation 2005.

Council is required to adopt a code of conduct and procedures based on the 2018 model before 14 June 2019. The draft code of conduct and procedures were workshopped by Councillors in September 2018 during the consultation process conducted by the Office of Local Government (OLG).

Disclosure of Interest

Nil.

Detailed report

It has been the practice of the Council to adopt the OLG model code of conduct and the model procedures. It is recommended that Council adopt the Model Code of Conduct as written.

The Office of Local Government have advised Councils that a supplementary provision of a section titled **Use of Social Media** may be included into the council's code of conduct. It reads as follows and can be inserted as code 8.21 a):

You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- a) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council*
- b) contains content about the council that is misleading or deceptive*
- c) divulges confidential council information*

- d) *breaches the privacy of other council officials or those that deal with council*
- e) *contains allegations of suspected breaches of this code or information about the consideration of a matter under the Procedures, or*
- f) *could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.*

If Council would like to include this provision then the resolution should be amended to include this additional clause 8.21.

Community Plan implications

Theme	Good Governance
Goal	Strong civic leadership
Strategy	Provide accountable and transparent decision making for the community

Strategic implications

Council Strategies

Not Applicable

Council Policies

Not Applicable

Legislation

Local Government Act and the Regulations

Financial implications

Not Applicable

Associated Risks

There is a risk of Council being non-compliant with Legislative requirements if they do not adopt a Code of Conduct and Procedures in accordance with the Regulations.

TIM JOHNSTON
MANAGER GOVERNANCE

SIMON JONES
DIRECTOR COMMUNITY

3 January 2019

- Attachments:*
1. OLG Circular to Councils 18-44 Commencement of the new Model Code of Conduct. (separately attached)
 2. Model Code of Conduct for Local Councils in NSW 2018. (separately attached)
 3. Model Code of Conduct Procedure for Local Councils in NSW 2018. (separately attached)

APPROVED FOR SUBMISSION:

BRAD CAM
GENERAL MANAGER