



Circular No. 11-32  
Date 24 October 2011  
Doc ID. A261051

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## **REVIEW OF THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS - REQUEST FOR SUBMISSIONS ON POSITION PAPER**

The purpose of this circular is:

1. to advise councils of the progress of the Division of Local Government's review of the *Model Code of Conduct for Local Councils in NSW* (the Model Code),
2. to invite submissions on a position paper prepared by the Division in relation to its reform proposal,
3. to invite registrations from persons interested in participating in regional workshops to be held to discuss the Division's reform proposal, and
4. to advise of other events the Division will be participating in for the purposes of seeking stakeholder feedback.

### **Progress of the review**

The original version of the Model Code commenced operation on 1 January 2005. A revised version of the Model Code subsequently came into force on 27 June 2008 and operates to this day.

The Division sees the Model Code as an evolving document. While the framework for managing complaints about council officials has vastly improved over the six years the Model Code has been in operation, the Division agrees that there remains scope for further refinement and improvement.

Over the three years in which the revised Model Code has been in operation, the Division has identified or has had brought to its attention a number of areas where the Model Code has not operated in the manner in which it was intended or where its operation could be improved. The Division therefore considered it timely to undertake a further comprehensive review of the Model Code.

The Division commenced the review process earlier this year. A discussion paper was issued in June 2011 outlining issues raised about the operation of the current version of the Model Code. The discussion paper sought views about any other areas where the Model Code required improvement and asked for suggestions on how best to make those improvements. The discussion paper also sought submissions on possible options for improving the Model Code to address the issues that had been raised with the Division.

A total of 122 submissions were received in response to the discussion paper from a range of sources including councils, individual council officials, conduct reviewers, unions and industry bodies, Members of Parliament, NSW Government agencies such as the ICAC and the Ombudsman and members of the community.

The submissions received reflected the diversity of the local government sector, the different contexts that councils operate in and the range of stakeholders' interests that the sector impacts upon. As a result, submissions expressed a broad diversity of views on the Model Code and how it might be improved.

### **The position paper**

Based on the Division's consideration of submissions, a reform proposal has been prepared with respect to the Model Code and the misbehaviour provisions of the *Local Government Act 1993* (the Act). The Division now seeks stakeholders' views in relation to the reform proposal.

To this end, the Division has prepared a position paper outlining its reform proposal. This may be found on the 'Publications' page of the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au).

The Division is currently only seeking views on the general direction of the proposed changes. Once the broad direction of the proposed changes has been determined, the Division will be seeking stakeholders' further views on the technical detail that will underpin and give effect to the proposed changes. To this end, the Division will issue a draft of the revised Model Code and associated procedures and any ancillary proposals for the purposes of seeking comment on the technical detail of the proposed changes.

The Division requests that general managers bring the position paper to the attention of their councillors and staff. Councils may also wish to notify their communities of the position paper on their own websites or by other means.

The Division requests that submissions be made in writing to the following postal address:

Division of Local Government  
Department of Premier and Cabinet  
Locked Bag 3015  
NOWRA NSW 2541

Alternatively, submissions may be made by email to [dlg@dlg.nsw.gov.au](mailto:dlg@dlg.nsw.gov.au).

The Division requests that submissions be received by **5 December 2011**.

### **Regional workshops**

To assist in hearing the views of stakeholders involved in the administration of the code of conduct on the proposed reforms, the Division will be holding a series of workshops in a number of locations around the State.

Workshops are to be held on the following dates and locations:

**Thursday, 10 November 2011 at 6pm:** Discovery Room, Novotel Sydney Brighton Beach, Cnr The Grand Parade and Princess Street, Brighton le Sands

**Monday, 21 November 2011 at 6pm:** Tamworth Regional Council Chambers - Ray Walsh House, 4<sup>th</sup> Floor, 437 Peel Street, Tamworth

**Tuesday, 22 November 2011 at 6pm:** Dubbo Civic Administration Building – Central Conference Room, Ground Floor, Church Street, Dubbo (entry from Darling Street)

**Wednesday, 23 November 2011 at 6.30pm:** Wagga Wagga Civic Centre, Cnr Baylis and Morrow Street, Wagga Wagga.

Workshop numbers will be restricted to 40. For this reason, participation in the workshops will be limited to council officials involved in the administration of the code of conduct (including current conduct reviewers). Numbers will be limited to 4 persons per council. However if there are vacancies we may consider allowing additional persons to attend.

Members of the community, or other interested parties who wish to offer their views on the position paper, may do so by way of the written submission process.

Interested parties may register their interest in participating in any of the above workshops via the Division's website at [www.dlg.nsw.gov.au](http://www.dlg.nsw.gov.au) before **4 November 2011**.

### **Other consultation**

In addition to these workshops, staff of the Division will also be participating in the following events for the purposes of considering stakeholder feedback on the reform proposal:

- The Division will have a stall at the Local Government Association NSW Conference in Nowra between 23 and 26 October 2011 at which staff of the Division will be available to consider feedback and answer questions.
- Staff of the Division will also be attending the LGMA Governance Network meeting at Rockdale on 11 November 2011 to consider feedback from and discuss the proposal with council governance staff.

Should anyone wish to contact the Division to discuss the position paper or the Model Code of Conduct Review, they may contact Mr John Davies, Model Code of Conduct Review Project Officer, on telephone 02 4428 4139.



**Steve Orr**  
**Acting Chief Executive, Local Government**  
**A Division of the Department of Premier and Cabinet**