

PRACTICE DIRECTION 1 (Revised)

This is a Practice Direction issued under clause 11.1 of the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Model Code Procedures).

Persons performing a function prescribed under the Model Code Procedures must consider this practice direction when performing the function.

Additional guidance to complaints coordinators on the referral of code of conduct matters to conduct reviewers

Who does this Practice Direction apply to?

- Complaints coordinators

What issue/s does the Practice Direction address?

- Under the Model Code Procedures, conduct reviewers are required to meet certain selection and eligibility criteria to be appointed to a council's panel. These criteria are designed to ensure that conduct reviewers are independent of the council that appointed them and have the necessary skills, knowledge and experience to undertake their role effectively and appropriately.
- Many councils have appointed incorporated and other entities to their panels of conduct reviewers. The Model Code Procedures do not explicitly preclude councils from appointing incorporated and other entities to their panels of conduct reviewers. However, where a council has appointed an incorporated or other entity to their panel, the council's complaints coordinator will need to ensure that any person that undertakes conduct review work for the council on behalf of the entity also meets the selection and eligibility criteria required of conduct reviewers.

What action does the Practice Direction require?

- When referring a code of conduct matter to a conduct reviewer that is an incorporated or other entity, complaints coordinators must ensure that the person assigned to undertake conduct review work on behalf of the entity meets the eligibility and selection criteria for conduct reviewers prescribed under the Model Code Procedures.