
MEDIA RELEASE

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PENRITH COUNCILLOR GUILTY OF MISCONDUCT

The Office of Local Government has welcomed a decision by the NSW Civil and Administrative Tribunal (NCAT) to punish a Penrith councillor for misconduct in breaching the council's code of conduct.

Councillor Marcus Cornish has had payment of his council allowance suspended for three months for failing to comply with a formal council resolution.

In July 2015 Cllr Cornish was censured by the council for breaching its code of conduct for his behaviour at two council meetings in November and December 2014 when a development application for a Muslim place of worship was being considered.

After an independent investigation, the council formally resolved that Cllr Cornish undertake a range of actions within three months including apologising to the council and community and attending training on code of conduct requirements.

Following no action by Cllr Cornish after the expiry of the three-month period, the council referred the matter to the Office of Local Government which reported it to NCAT.

In its decision, NCAT found that Cllr Cornish was guilty of misconduct in breaching the council's code of conduct for failing to comply with the requirements of the council resolution.

NCAT noted that the passing of resolutions, the orderly conduct of meetings and councillor compliance with the code of conduct were fundamental to a council's operation.

In his decision, NCAT Principal Member Titterton said: "The respondent is an experienced councillor... He has expressed no remorse for his behaviour... He has maintained a rigid belief in the correctness of his own conduct and the wrongfulness of council's conduct in passing the various resolutions. He has not taken a single step to comply with any of the resolutions."

Office of Local Government Chief Executive Tim Hurst said the decision is a timely reminder to all councillors that significant sanctions can be imposed for such conduct.

"Regardless of how contentious an issue may be to a community, elected representatives are expected to behave with the utmost integrity and professionalism at all times," Mr Hurst said.



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“Fundamental to the effective operation of local government in NSW is the ability of a council to hold orderly meetings and pass resolutions. All councillors must comply with these resolutions as well as their council’s code of conduct to ensure that their behaviour meets community expectations and standards.”

NCAT’s full judgement in relation to Clr Cornish can be accessed here:

<https://www.caselaw.nsw.gov.au/decision/5b453d88e4b0b9ab4020db54>

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