

Model Code of Conduct for Councillors

Public consultation submissions

August 2026



1 Submissions received

Content from the feedback submitted to the Office of Local Government on the draft Model Code of Conduct for Councillors is provided below. Table 1 provides a list of all the submissions received regarding the proposed Model Code of Conduct for Councillors.

Personal information, including contact details such as email addresses and telephone numbers, has been removed from published submissions to protect individuals' privacy. Where information has been removed, the relevant text has been replaced with [REDACTED].

Content identified as potentially offensive or inappropriate has also been withheld from publication and replaced with [REDACTED].

Where a submission provided feedback on both the Model Code of Conduct for Councillors and the Policy Statement: Improving Councillor Accountability, the content relevant to the Model Code of Conduct for Councillors has been extracted below and is indicated by an asterisk.

Table 1: List of submissions received

Sub. No.	Name	Council/organisation	Type
<u>001</u>	Graeme Kelly	United Services Union	Union
<u>002</u>	Greg Hill	Coonamble Shire Council	Council
<u>003</u>	Reuben Rose	Snowy Monaro Regional Council	Individual
<u>004</u>	Redacted	Redacted	Individual
<u>005</u>	Helen Hayden	N/A	Individual
<u>006</u>	Redacted	Redacted	Individual
<u>007</u>	Robert Fish	Port Macquarie-Hastings Council	Council
<u>008</u>	Kelly Stidworthy	Gunnedah Shire Council	Council
<u>009</u> *	Melissa Boxall	Temora Shire Council	Council
<u>010</u> *	Vaughan Macdonald	Richmond Valley	Council
<u>011</u> *	Commissioner	NSW Independent Commission Against Corruption	NSW Government Agency
<u>012</u>	Avanthi Fernando	Penrith City Council	Council
<u>013</u>	Jessica Quilty	Snowy Valleys Council	Council
<u>014</u>	Melissa Sutton	Wollondilly Shire Council	Council
<u>015</u>	Louise Kerr	Lane Cove Council	Council
<u>016</u>	Monica Barone	City of Sydney	Council
<u>017</u>	Peter J Fitzgerald	Cumberland Council	Council
<u>018</u> *	Andrew McKibbin	Oberon Council	Council
<u>019</u>	George Bounassif	City of Parramatta	Council

Sub. No.	Name	Council/organisation	Type
<u>020</u>	Yagana Naseer	Office of Australia's Special Envoy to Combat Islamophobia	NSW Government Agency
<u>021</u>	Adam Dansie	Local Government NSW	Peak Body
<u>022*</u>	Kate Barker	Central NSW Joint Organisation	Joint Organisation
<u>023</u>	Vicki Mayo	Local Government Professionals	Industry Body
<u>024</u>	Phil O'Toole	Centium	Complaints Practitioner
<u>025</u>	Susannah Pearse	N/A	Individual
<u>026</u>	Todd Hopwood	Wollongong City Council	Council
<u>027</u>	Sonia Minutillo	Information and Privacy Commission	NSW Government Agency
<u>028</u>	Peter Thompson	Wagga Wagga City Council	Council
<u>029*</u>	Lohraine Souza	Bellingen Shire Council	Council
<u>030*</u>	Redacted	Glen Innes Severn Council	Council
<u>031</u>	Ashleigh Marshall	Mid-Western Regional Council	Council
<u>032</u>	Karen Litchfield	Tamworth Regional Council	Council
<u>033*</u>	Luke O'Sullivan	Snowy Monaro Regional Council	Council
<u>034</u>	Madison Boyd	Lake Macquarie City Council	Council
<u>035</u>	Jackie Grant	Bega Valley Shire Council	Council
<u>036</u>	Redacted	Hawkesbury City Council	Council
<u>037</u>	Lani Richardson	Sutherland Shire Council	Council
<u>038</u>	Redacted	City of Ryde	Council
<u>039</u>	Redacted	Northern Rivers Joint Organisation	Joint Organisation
<u>040</u>	Emeritus Professor Rosalind Croucher AM	Information and Privacy Commission NSW	NSW Government Agency
<u>041</u>	Michelle Butler	Burwood Council	Council
<u>042</u>	Eloise Chaplain	Narrabri Shire Council	Council
<u>043*</u>	Arthur Bain JP	The Greens NSW Local Government Standing Committee	NSW Political Party

Table 2: Submissions

Sub. No.	Name	Council or organisation	Clause	Comments
001	Graeme Kelly OAM	United Services Union	Part 3	Conflicts of Interest As currently drafted, Clause 3.7 triggers an automatic conflict of interest for any political donation above \$1,000. This will necessarily capture donations above the threshold made to political parties which then disburse those funds across campaigns as they see fit. To require a councillor to automatically recuse themselves simply because they may have indirectly benefitted from a broader party donation goes beyond the anti-corruption intention of the clause. This creates unintended consequences where councillors are forced to recuse themselves from public policy matters where no actual, direct conflict exists. We propose the following as a reasonable inclusion to 3.7 that reflects current practice while maintaining the intent of the current proposal: USU proposal “Political donations made to a registered political party or group by which a councillor is endorsed, even where the councillor may benefit from those funds, do not trigger an automatic conflict under this clause. It remains at the councillor’s discretion to determine if a non-pecuniary conflict exists and how it should be managed.”
			Part 4 4.1	We recommend the following inclusion to the definitions of Serious Misconduct (addition in bold): OLG draft clause “Serious Misconduct of a councillor, would involve any of the following: A councillor potentially breaching workplace health and safety legislation by engaging in threatening or menacing behaviour, or using intimidation to create physical or mental harm to another person or group of people.” The current wording limits the example of harm to an individual. This type of misconduct may equally be targeted at a workforce or group of staff. The current example restricts the scope of the behaviour it seeks to eliminate. Our amendment expands the definition to be applicable to the full range of circumstances it is intended to capture.
			Part 4 4.3	OLG draft clause “Enable departmental officers, under delegation from the Departmental Chief Executive (DCE), to dismiss complaints that fall outside the scope of the LG Act.” Where complaints have been dismissed for want of jurisdiction, the complainant should be advised of the appropriate forum in which the complaint may be pursued. This ensures that valid complaints are not lost for procedural reasons. OLG draft clause “As part of the review of the Code of Conduct, it will be made clear to councillors that vexatious, frivolous or trivial complaints could be subject to a surcharging decision by the DCE. This will further ensure councillors are not making complaints for political purposes.”

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				We recommend the inclusion of reference to the right of appeal. This provision should not have a chilling effect on genuine complaints. Including a reference to the right of appeal provides an important safeguard and offers reassurance to complainants who might otherwise be deterred.
			Part 5	Interactions with Council Staff In addition to the prohibitions in 5.1, we recommend the following: USU proposal “Councillors must not engage in inappropriate, threatening or harassing behaviour toward council staff, whether directed at an individual staff member or staff collectively. This includes conduct that creates physical or mental harm or a hostile working environment for any person or group of people employed by the council.”
			Part 5 5.1	OLG draft clause “The Privileges Committee will be appointed by the Minister for Local Government and comprise of experienced mayors and councillors. When a complaint is referred for review, a smaller panel will be convened from this group to consider the matter.” While we support the establishment of the Privileges Committee, we recommend it be appointed jointly by the Minister, a local government union representative, and a representative from Local Government NSW. This would ensure that appointments reflect a broader range of perspectives and are not subject to the preferences of the Minister of the day.
002	Greg Hill	Coonamble Shire Council	Conclusion	Conclusion Coonamble Shire Council supports the draft Model Code and considers it an appropriate and workable framework. To support effective implementation, Council emphasises the importance of: • clear alignment with the broader conduct reforms, • improved clarity around conduct thresholds, and • accessible guidance and support for councillors.
			General	Alignment with current practice Council notes that the introduction of a dedicated Model Code of Conduct for councillors formalises an approach already adopted by Coonamble Shire Council, which has separate codes for councillors and staff. This is strongly supported, as it recognises the distinct roles and responsibilities of elected members and staff.

Sub. No.	Name	Council or organisation	Clause	Comments
			General	General comments Council considers the revised Code to be clear and practical, particularly in relation to: • general standards of conduct, • conflicts of interest, • gifts and benefits, • interactions with staff, and • access to information. The Code appropriate reinforces councillors' obligations, including the requirement to act lawfully and ethically and avoid misuse of position.
			General	Interaction with new conduct framework The Code will operate alongside the broader councillor conduct framework, where breaches of the Code may constitute misconduct under the Local Government Act 1993. Council considers there is potential for ambiguity between: • Code of Conduct breaches, • unsatisfactory behaviour, and • serious misconduct.
			General	Need for greater clarity While the Code defines behaviours such as bullying and harassment, there remains uncertainty about: • thresholds between minor breaches and misconduct, • escalation of repeated or cumulative behaviour, and • the boundary between robust political debate and unacceptable conduct. Recommendation - Council recommends: • development of supporting guidance linking the Model Code with the broader conduct framework, • inclusion of practical examples and case studies demonstrating conduct thresholds, and • clarification on how repeated minor breaches will be assessed under the new framework.

Sub. No.	Name	Council or organisation	Clause	Comments
			General	Rural council considerations Council notes that in rural communities: • councillors operate in close-knit settings, • interactions are more frequent and less formal, and • access to governance support may be limited. Council recommends that: • guidance materials are practical and accessible, and • targeted training and support is provided for rural councillors.
			Part 7	Complaints for improper purpose Council supports strengthened provisions addressing complaints made for improper purposes, including vexatious or politically motivated complaints. These provisions are important to: • protect councillors, • reduce misuse of processes, and • maintain confidence in the conduct framework.
003	Reuben Rose	Snowy Monaro Regional Council	Part 1 1.1	The purpose clause is a welcome and overdue reform. Expressly excluding good-faith decisions, political and policy judgement, opinion and political activity from the code removes the main raw material for weaponised complaints. One refinement: clause 1.1(b) excludes any function exercised "in good faith, whether or not involving error" - good faith should be presumed but rebuttable, and the drafting should make clear the exclusion does not extend to conduct that is reckless as to error.
			Part 2 2.2 & 2.3	The words "improperly or unlawfully" should be deleted. The dictionary definitions of bullying and harassment already require unreasonable, repeated or seriously humiliating conduct, so the qualifiers add nothing legally - but they invite the damaging reading that some "proper" level of intimidation, verbal abuse, harassment or bullying is acceptable. Community leaders should be held to an unqualified standard on these behaviours, and the code should not hand critics of the reform a quotable line suggesting otherwise. Simply: "Councillors must not engage in intimidation, verbal abuse, harassment or bullying towards others."
			Part 2 2.6	This creates a significant and probably unworkable administrative burden, particularly in small rural communities. It requires disclosure of all approaches and communications on any planning, development or regulatory matter "being considered by the council" - not just matters coming to a meeting for decision. In a community where residents raise development applications informally and constantly, councillors would face a near-continuous reporting obligation.

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				The clause should be confined to matters listed for determination at a meeting the councillor will participate in, with disclosure made at or before that meeting.
			Part 3 3.17(c)	Requiring the written disclosure to be lodged before the commencement of the meeting removes the current ability to declare in the meeting itself. This is a practical trap for a councillor who only appreciates the conflict when the matter is reached. In-meeting written disclosure, tabled and minuted, should remain available.
			Part 3 3.27-3.29	Strongly supported. Moving councillors' residential and tenanted property addresses to a confidential part of the register is a genuine and overdue safety improvement for elected members and their families, while preserving public transparency about the nature of interests held.
			Part 4 4.2	"Token value" is undefined, replacing the current \$10 figure. An undefined term will produce inconsistent practice between councils and between councillors. Either retain a dollar figure or empower OLG to publish an indexed amount in guidance.
			Part 4 4.4 & 4.6	Three concerns. First, tripling the acceptance cap to \$300 sets it at a level many households would regard as capable of influencing a decision-maker, irrespective of the giver's intent. Second, the removal of any annual cap means repeated sub-\$300 gifts from the same source may be accepted without limit - the cumulative influence problem the annual cap existed to address. Third, allowing a councillor to personally direct the donation of an un-refusable gift creates probity risk, since the councillor can direct the benefit to organisations associated with them. Recommended: restore an annual cap, and require gifts over the threshold to be surrendered to council, with the governing body determining any charitable recipient.
			Part 5 5.2 & 6.18	The blanket exemptions for administrators from the staff-interaction restrictions and staff-area limits are not explained and appear contrary to the separation of the governing body from day-to-day administration. An administrator stands in the shoes of the governing body and should be subject to the same disciplines, save where a specific statutory function requires otherwise. If the exemptions are retained, the rationale should be published.
			Part 6 6.1 & 6.3	Strongly supported and should be retained against any pressure to remove them. The obligation on the mayor and general manager to ensure councillors receive all information necessary for their functions, and the requirement that information provided to one councillor be available to any councillor who requests it, are fundamental to informed decision-making and to equality between elected members. These are among the best provisions in the draft.
			Part 6 6.14	The drafting "should be mindful of their obligation" is inappropriate for a statutory obligation. Councillors must comply with the State Records Act 1998 - a code cannot soften that, and wording that appears to, should not be used. Note the inconsistency with clause 6.15, which correctly uses "must not". Replace "should be mindful of their obligation to manage" with "must manage".

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			Part 7 7.1 to 7.3	Strongly supported. Making improper-purpose complaints a breach in their own right, with surcharge exposure, is the single most important integrity mechanism in the code. Its effectiveness will depend entirely on visible use: OLG should commit to publishing de-identified data on improper-purpose findings and surcharge decisions so the deterrent is real rather than theoretical.
			Part 7 7.5	The prohibition on publishing information about complaints ends once a matter is "determined", and the code is silent on whether complainant identities remain protected after that point. That detail presumably sits in procedures not yet released. The final framework should make clear that complainant identities remain protected post-determination except where disclosure is required by law - otherwise the publication right becomes a reprisal tool, which cuts against the purpose of Part 7.
004	REDACTED	REDACTED	General	The Code of Conduct for Councillors seemingly applies to "designated persons" as well, despite there being no reference in the Code of Conduct about what a designated person is. Therefore, the Code of Conduct for Councillors has application beyond its intended purpose - for Councillors. For example, language refers to "within one month of election" which is not applicable or convertible to employees or other designated persons. OLG should clarify the intended application of this Code to non-Councillors. In particular, OLG should clarify whether ARIC members should be subject to this similar code. If they are not, then other guidance or Council-level guidance could fill this gap.
005	Helen Hayden	N/A	Part 1 1.1	I support the clarification that the Code does not apply to political activities, political opinions, good faith decision-making or policy judgements. This better reflects the democratic role of elected councillors. However, further guidance should be provided to define the terms "political activity", "policy judgement", "private conduct" and "good faith" to ensure consistent interpretation across councils.
			Part 1 1.3	I strongly support the inclusion of the implied freedom of political communication. This recognises that councillors are elected representatives who must be able to engage in robust political debate without legitimate political disagreement automatically becoming a Code of Conduct issue.
			Part 2 2.1	The requirement that conduct be intentional or reckless is an improvement over the current Code. It establishes a more appropriate threshold for misconduct and better distinguishes genuine misconduct from inadvertent errors or differences of political opinion.
			Part 2 2.5	I support the requirement for transparency in planning and regulatory decisions. Councillors should continue to ensure that planning decisions are made fairly and transparently.
			Part 2 2.6	The obligation to disclose approaches and communications relating to planning matters is supported. Consideration should also be given to providing practical guidance on the types of communications that should be disclosed to ensure consistency between councils.
			Part 3 3.1	The introduction of a single conflict of interest test based on what a reasonable person would perceive is a significant improvement. It simplifies what has historically been a complex area of local government governance.

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			Part 3 3.3	I support the recognition that political views, political affiliations, advocacy and ordinary community participation do not automatically create conflicts of interest. However, additional guidance should be provided where a councillor is the founder, chairperson, office bearer or principal spokesperson of an advocacy organisation established to influence council decisions. Leadership roles in such organisations may reasonably give rise to perceived conflicts in some circumstances.
			Part 3 3.7	Further clarification is requested regarding the operation of the political donation provisions, particularly where donations are received through political parties or broader election campaigns rather than directly by an individual councillor.
			Part 3 3.8	The step-by-step conflict of interest framework is welcomed. It provides councillors with a practical method for assessing conflicts and should improve consistency across the sector.
			Part 5 5.1	The distinction between governance and administration is appropriate. However, the Code should also recognise that councillors require timely access to information necessary to fulfil their statutory responsibilities. Guidance should clarify that requesting information or clarification is not the same as directing staff.
			Part 6	Additional guidance should be developed regarding councillors' use of social media and publicly available council information. Councillors should be able to explain decisions made in open meetings and communicate with their communities provided confidential information is not disclosed.
			Part 7	The integrity of the Code would be strengthened by including safeguards against vexatious, frivolous or politically motivated complaints. Confidence in the Code depends not only on appropriate standards of conduct but also on fair and impartial complaint processes. Consideration should also be given to publishing de-identified case studies to assist councillors in understanding the practical application of the Code.
006	REDACTED	REDACTED	Part 8 8.1	Will there be opportunities for Councillors who have suffered reputational damage through the leaking of information from a Confidential Session of Council, to submit statements if the person leaking the information is found to have leaked information pertinent to that damage.
007	Robert Fish	Port Macquarie-Hastings Council	General	Generally, Port Macquarie-Hastings Council staff agree with the revised draft Model Code of Conduct. It is greatly improved by reducing the amount of information contained within the code which also simplifies the Code.
			General	Staff Model Code of Conduct As has been indicated, this new Model Code of Conduct relates specifically to Councillors. This will obviously impact the Model Code of Conduct for staff and we would seek advice regarding future plans of the Office of Local Government regarding any future plans for the Model Code of Conduct that relates to staff, committee members, etc

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			Part 3	Conflicts of Interest As included in the current Code of Meeting Practice, the term “appreciable financial gain” is very subjective without guidance as to how to quantify this. It is recommended that guidance be provided in the code to define what monetary value would be regarded as appreciable financial gain. The “Applying the Conflict of Interest Test” section is a welcome inclusion. This provides a good test for Councillors to determine whether they may have a conflict of interest in a matter before Council. I would suggest additional guidance (possibly in a supplementary guidance note) is provided regarding a comparison between current conflicts on interest declarations and proposed conflicts of interest declarations. It appears that there is a significant difference between the non-pecuniary interests currently declared and what may be required under the new draft code. I note the reduction in time that Councillors have to lodge a disclosure of written returns from 3 months to 1 months. I would like to request that this is reconsidered for the following reasons: • The administrative burden on staff to manage this process is high and for this timeframe to be reduced greatly to 1 month, in what is already a busy time of year will impact resources in service delivery. • Some Councillors can have complicated interests such as trusts, partnerships and various property holdings and rely on legal advice to assist in correctly completing annual returns. Reducing this timeframe to 1 month may limit the opportunity for Councillors to seek this assistance and lead to a rise in incorrectly completed returns.
			Part 3 3.1	General Standards of Conduct The removal of the following clause from the current Model Code is noted and would recommend the inclusion of these clauses in the draft Model Code of Conduct: 3.1 You must not conduct yourself in a manner that: a) is likely to bring the council or other council officials into disrepute New clause You must treat others with respect at all times. I feel that this clause is essential noting this was a clause in previous model code of conduct but has been removed more recently. Treating others with respect is a fundamental expectation that should remain a core component of the Code of Conduct.

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			Part 4	Personal Benefits
			4.2 (a)	4.2(a) of the draft Model Code refers to token value. The current Model Code defines the token value to be an amount of \$100. The draft Code does not quantify a token value and I would recommend that this should be defined, or allow Council's to determine this for inclusion into their respective Codes of Conduct.
			4.4 (c)	
			4.4	
			4.6	The inclusion of a maximum value of any gift that can be received by a Councillor in 4.4(c) below is a welcome inclusion. This is clear as to what is allowable without discretion or ambiguity. In the same vein, token value and appreciable financial gain should be quantified to remove any confusion, inconsistency or ambiguity. 4.4 A councillor must not: (c) accept gifts, benefits or hospitality with a market value that exceeds \$300, Again, the following clause provides clear instruction however I would suggest that all gifts over \$300 received under this clause should be surrendered to Council. Many Councillors have close relationships with community and not-for-profit groups and to allow Councillors the decision to choose an organisation to donate the gift can create a perceived conflict of interest, especially where multiple donations have been given to the same organisation. 4.6 Where a councillor receives a gift or benefit that exceeds \$300 in value that cannot reasonably be refused or returned without causing offence, they must donate the gift or benefit to a charity, or benevolent institution, or a community not for profit organisation, or surrender it to the council, (unless the nature of the gift or benefit makes this impractical), and report the action they have taken to the general manager in writing.
			Part 6	
			6.4	It is noted that in 6.4 Disciplinary Action of the Policy Statement, it suggests that these disciplinary actions include the requirement for councillors to undertake training, and the provision for formal apologies. OLG issued circular 19-25 on 2 October 2019 titled "Penalties available to councils for code of conduct breaches by councillors". This circular stated that "the Supreme Court has held that, notwithstanding the penalties available to councils for code of conduct breaches by councillors under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW (the Procedures), the only disciplinary power available to councils under the Local Government Act 1993 for code of conduct breaches by councillors, is the power to formally censure conferred under section 440G". Will the disciplinary actions be enforced by the respective Council or by OLG and does the Supreme Court ruling mentioned above impact the ability to enforce these disciplinary actions or has this been considered in drafting these disciplinary measures?
			Procedures	This is a significant change to the Code of Conduct and it is noted that there is no indication as to proposed changes to the accompanying procedures. It is expected that there would be required to be changes to the procedures document including how the privileges committee will function and I would suggest that this should also be the basis of a consultation process. It is noted that the Councillor Conduct Reform Policy Statement mentions the procedures on a number of occasions without any details regarding the content and changes to the procedures. Also be the basis of a

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				consultation process. It is noted that the Councillor Conduct Reform Policy Statement mentions the procedures on a number of occasions without any details regarding the content and changes to the procedures.
			Schedule 2	Schedule 2. Interest disclosure return form There are no comments on this section noting that there is additional information to be collected from Councillors and Designated Persons moving forward. I would like to suggest that the OLG provide on-line training modules to assist Councillors and Designated Persons to complete these new look forms to ensure that the information collected is consistent across the sector rather than relying on individual interpretations from each Council.
008	Kelly Stidworthy	Gunnedah Shire Council	Part 3 3.7 Part 7 7.2 Schedule 1-2.4	Council would prefer the time period is reduced from the previous four years to two or three years. Council suggests the inclusion of a new point "unreasonably disrupt or prevent council's operations". Council would prefer the disclosure was required for "executive" positions only instead of any position.
009	Melissa Boxall	Temora Shire Council	General	Temora Shire Council welcomes the opportunity to provide feedback on the Improving Councillor Accountability- Councillor Conduct Reform Policy Statement and the accompanying Draft Model Code of Conduct for Councillors released in June 2026. This submission was adopted by Council at the 16 July 2026 Council Meeting and should be read in conjunction with Council's November 2024 submission to the Office of Local Government, noting that many of the concerns previously raised remain relevant and have been recognised, at least in part, through the current reform package. Council broadly supports the direction of the proposed reforms and acknowledges the NSW Government's commitment to strengthening accountability, improving behavioural standards and restoring public confidence in local government. The current councillor conduct framework has proven increasingly difficult and costly to administer, particularly for smaller rural councils, and there is widespread recognition that reform is necessary. Council supports clearer definitions of unsatisfactory behaviour and serious misconduct and welcomes additional clarity regarding pecuniary and non-pecuniary conflicts of interest. Temora Shire Council recommends OLG review references to both civic duties and councillor official functions and either adopt a single term or clearly define each concept. Council supports the proposed move toward a single point of entry for complaints through the Office of Local Government, improved triage arrangements and greater recognition that patterns of behaviour may be more significant than isolated incidents. The current system often places considerable administrative burdens on Councils, General Managers and staff, frequently without delivering meaningful outcomes in a timely manner. Council also welcomes recognition that some provisions of the existing framework have been susceptible to misuse. While legitimate complaints must always be able to be raised and investigated, governance systems should not be

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				capable of being used as tools to pursue personal grievances, political disputes or ongoing campaigns against individuals.
				Council supports stronger mechanisms for identifying and managing vexatious, frivolous and unmeritorious complaints. However, further guidance is required regarding how such determinations will be made and whether there will be opportunities for Councils to recover some portion of the substantial staff and financial resources expended responding to complaints that are ultimately found to be without merit.
			Part 2	General Conduct
				Council supports the clearer articulation of behavioural expectations contained within the draft Model Code and welcomes efforts to better define misconduct and unsatisfactory conduct. Of particular importance is the increasing recognition that repeated conduct, even where individual incidents may appear minor in isolation, can collectively create significant governance, organisational and community impacts.
				Council supports stronger recognition that Councillor conduct can influence organisational culture, workplace wellbeing and public confidence regardless of whether that conduct occurs within the council chamber, through social media, on line publications, public meetings or other forums.
			Part 2	Work Health & Safety
				A particularly important aspect of the reforms relates to the interaction between Councillor conduct and workplace health and safety obligations. Council strongly supports greater recognition of the relationship between Councillor behaviour and workplace wellbeing, particularly in relation to psychosocial hazards.
				Contemporary work health and safety legislation recognises that workplace harm is not limited to physical injury and may arise through repeated unreasonable behaviour, intimidation, harassment, bullying, public humiliation, ongoing conflict and other conduct that creates psychological harm. Although Councillors are elected representatives rather than employees, their conduct can have significant impacts on staff, fellow councillors, contractors and volunteers.
				Council considers that the reforms present an opportunity to better align Councillor accountability frameworks with contemporary workplace health and safety expectations. Particular consideration should be given to situations involving repeated allegations against staff, public criticism of individuals, misuse of governance processes, on line targeting of employees or councillors and other behaviours capable of creating psychosocial hazards.
				Council recommends that the Office of Local Government provide greater clarity regarding the interaction between the proposed conduct framework and the Work Health and Safety Act 2011. Clarification is also sought regarding the respective roles of the Office of Local Government, Safe Work NSW, ICAC, the NSW Ombudsman and NSW Police where conduct issues involve overlapping jurisdictions.

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			Part 3 3.6	Conflict of Interest Council also supports the proposed improvements to conflict of interest provisions and the effort to simplify what has historically been a complex area of local government governance. Additional clarification would be beneficial regarding voluntary positions held by councillors within community organisations, particularly where councillors hold executive positions but receive no financial benefit. The interaction between volunteer roles and paid positions appears to create some ambiguity, and Council seeks confirmation regarding whether Councillors serving in unpaid governance roles may continue to participate in discussions and voting where no material financial benefit exists. Council supports clause 3.6 in relation to insignificant interests however, further guidance is sought regarding clause 3.6 and the determination of what constitutes an "insignificant" interest. Consideration should be given to establishing objective criteria or practical examples to assist councillors in applying this provision consistently across the sector. Council recommends that determinations regarding Councillor fees remain the responsibility of an independent external authority. While Councils may provide local information and feedback, Council does not support individual councils determining the final level of remuneration payable to Councillors. An independent process assists in maintaining public confidence and avoiding perceptions of conflicts of interest. While Council supports appropriate access to information by Councillors, clarification about what type of information is necessary for a Councillors civic duties/official councillor functions. Clarification is also sought regarding provisions relating to the intentional disclosure of information. Consideration should be given to the threshold required to establish intent and the process by which intentional disclosure would be distinguished from inadvertent disclosure, misunderstanding or error.
			General	Privileges Committee Council supports, in principle, the establishment of a Privileges Committee and stronger enforcement mechanisms. However, substantial questions remain regarding implementation, funding and procedural arrangements. Council seeks greater clarity regarding the operation of the proposed Privileges Committee, including hearing procedures, representation rights, funding arrangements and the extent to which councils may be expected to contribute financially. The costs associated with reform are a significant consideration for small rural Councils. While Council supports stronger accountability measures, implementation costs should not be transferred disproportionately to local government without appropriate consultation and support.
			General	Transitioning to the new framework Council requests further clarification on the proposed transitional arrangements, particularly the circumstances in which the Departmental Chief Executive will exercise discretion to assume responsibility for unresolved council-managed matters. While paragraph 8.1 of the Councillor Conduct Reform Policy Statement indicates that pre-

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				commencement matters currently being investigated or managed by councils will generally continue under the existing framework, it is unclear what criteria will guide the DCE's discretion to intervene, whether councils or parties may request intervention, and how consistency, procedural fairness and resourcing impacts will be managed across unresolved matters. Clear guidance on these matters would assist councils to plan for transition and communicate expectations to complainants and councillors.
010	Vaughan Macdonald	Richmond Valley Council	Implementation	Implementation of reforms One area of concern for the progression of the reforms lies in the timing of implementation. At the end of August 2025, Local Government was subject to the implementation of a new Model Code of Meeting Practice which required adoption of mandatory provisions by 31 December 2025. The release of this Model Code came at a time when Council had already adopted their Code of Meeting Practice to comply with section 360(3) of the LGA. Accordingly, Council was required to amend, exhibit and adopt a new Code which complied with the updated mandatory provisions by 31 December 2025, even though the instrument prescribing the new Model Code was subject to a disallowance motion. On 26 May 2026 the Local Government (General) Amendment (Model Code of Meeting Practice) Regulation 2025 which prescribed the new Code was disallowed, thereby reverting the Model Code of Meeting Practice to the 2021 Code. Council, at the June 2026 Ordinary Meeting accordingly rescinded the Code of Meeting Practice adopted at the December 2025 Ordinary Meeting and has now reverted to the Code of Meeting Practice adopted at the August 2025 Ordinary Meeting. As you can appreciate, it is preferable that implementation of the reforms coincide with assent and commencement of any legislative changes, allowing for any disallowance motions to be dealt with prior to implementing the reforms. This would support local government efficiency and not place an undue burden on resources. Council again appreciates the opportunity to provide feedback on these important reforms and looks forward to receiving your updates as to the feedback submitted by councils and progress on moving forward.
			Implementation General	Transition/implementation period Noting the Policy Statement refers to the provision of guidances, training and practical resources to support the implementation of the reforms, please provide clarification as to the following: ■ When can councils expect appropriate guidance to provide to councillors/ staff/ community on the new arrangements – will this be available prior to commencement of the reforms? ■ Will the responsibility lay solely with each council to educate their councillors and community on the reforms? ■ Has any consideration been allocated to accessibility for people who are not computer literate (for completing the proposed online submission)? How will this be managed?

Sub. No.	Name	Council or organisation	Clause	Comments
				Draft Model Code of Conduct for Councillors Generally, Council supports a code of conduct dedicated to councillors as a means of providing support for the political nature of a councillors role, in addition to outlining expectations for a councillor in conducting their role set out in an accessible and understandable way. The format of the draft Model Code is welcomed as having an improved readability on the current Code in force. Council further supports the modernisation of the interest and disclosures process to ensure transparency whilst also improving efficiency of reporting. However, it is suggested the following sections require refinement: • The definitions in the draft Code, whilst aimed to simplify expectations, may not be substantial enough. Noting the misconduct provisions in the LGA are intended to be updated and to provide expanded definitions of misconduct behaviours, the draft Model Code may further benefit from mirror definitions or examples of unreasonable behaviour. This would improve efficiency and support understanding for councillors by enabling reference to one document • Clarification on whether further guidance or training will be offered to councillors in relation to work health and safety obligations. The current draft Model Code provides that a councillor must not fail to comply with any obligations that they have under the Work Health and Safety Act 2011 (clause 2.4). It is suggested some guidance or examples as to how this relates to councillor conduct may be beneficial for councillors' understanding. • That improved clarification with respect to the planning, development and regulatory functions obligation (clause 2.5) be provided, or whether any guidelines published will include this clarification. For example, what constitutes "all reasonable and practicable steps" for a councillor to comply with this clause?
011	The Hon. John Hatzistergos AM	NSW Independent Commission Against Corruption	Part 1 1.1(c)	Application of this code This clause provides that the Model Code does not apply to "the exercise of political or policy judgement". This exclusion should be qualified by the additional phrase "in a manner that is consistent with a public purpose." The adoption of this qualification would make clear that the exclusion applies only where such judgement is exercised in furtherance of a legitimate public purpose.
			Part 3 3.1(b)	Conflicts of interest This clause states that a councillor will have conflict of interest where "a reasonable person, knowing the relevant facts, would perceive that the councillor could be improperly influenced in the exercise of their functions in relation to the matter..." The Commission's preferred definition refers to situations where a reasonable person could perceive that a public official's personal interest(s) could be favoured over their public duties.

Sub. No.	Name	Council or organisation	Clause	Comments
				The Commission's definition allows for perceptions to be framed as possibilities, consequently providing for a broader definition. Additionally, the use of the word "improperly" in the definition may unduly narrow the scope of what constitutes a conflict of interest. It also invites debate about whether the influence is improper, rather than focusing on whether a private interest could influence the exercise of public functions.
			Part 3 3.1(b)(ii)	Conflicts of interest This clause has the effect that an association that does not meet the threshold of a "very close relationship or affiliation" is excluded from being a conflict of interest. The qualifier "very close" unnecessarily limits the scope of the definition. The Commission prefers the common law test, as set out in <i>Settlement Agents Supervisory Board v Property Settlement Services Pty Ltd</i> [2009] WASCA 143 at [71], which assesses whether an interest falls within the conflict rule based on the "nature, intensity and duration of the association".
			Part 3 3.16(e) 3.16(f)	Conflicts of interest The Commission believes that a conflict of interest can still exist in the situations set out in 3.16(e) and 3.16(f). For example, a councillor's shareholdings can materially increase in value if a company wins a contract, even when their shareholding does not exceed 10% of the voting rights of the company. Additionally, the reliance on qualifications and exceptions in clause 3.16(f) makes the provision difficult to interpret. It would be simpler to rely on the principles set out above.
			Part 3 3.2	Conflicts of interest The qualification that a conflict of interest will not exist when private interests "will not be directly and materially affected" further narrows the definition. This is especially problematic when considered in conjunction with the qualifiers contained in clause 3.1(b). The Commission's firm view is that conflicts of interest can arise even where interests are not considered direct. For example, a conflict of interest could exist if a councillor holds a senior position in a company tendering for council work or if their child works for a developer seeking an approval. Despite the absence of direct ownership or personal material gain, the councillor's participation in such decisions may still be considered a conflict of interest by a reasonable person.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 3 3.29	Conflicts of interest To avoid confusion, this clause should be clear regarding the circumstances in which information contained in the confidential part of a register of interests may still be disclosed to certain individuals. It is envisaged that this would include officers of the OLG and the Commission.
			Part 3 3.3	Conflicts of interest The terminology adopted in the second paragraph of the commentary at the end of clause 3.3 is inconsistent with the conflict of interest definition provided in clause 3.1(b). For example: • the reference to the perceptions of a reasonable person is absent in the commentary • the stipulation in the commentary that “decisions are not improperly influenced” focuses on actual improper influence while clause 3.1(b) focuses on circumstances where a councillor “could be improperly influenced.”
			Part 3 3.3(c) 3.3(h) 3.3(i)	Conflicts of interest The inclusion of clause 3.3(c), which provides that political relationships or affiliations will not give rise to conflicts of interest, may falsely assure councillors that favouring political allies is permissible. The Commission’s, Investigation into the conduct of Ian Macdonald, John Maitland and others, released in August 2013, found that a Minister breached the public trust and engaged in corrupt conduct by granting a coal exploration licence to an organisation substantially for the purpose of benefiting an individual, with whom he had a close political relationship and was indebted. Similarly, clauses 3.3(h) and 3.3(i) limit the extent to which affiliations and memberships of an organisation, and volunteer work may give rise to conflicts of interest. It would be more appropriate to establish a principles-based test for determining when these categories of private interest will create a conflict of interest focussing on the nature, intensity and duration of the association.
			Part 4 4.2(f)(i)	Personal Benefits This clause could be interpreted as allowing councillors to accept free meals during informal lobbying on the grounds that gathering information relevant to official decision-making falls within the scope of their official duties. To address this concern, the hospitality should only be exempted when it is provided at official councillor engagements and events.
			Part 4 4.4	Personal Benefits Clause 4.4(c) states that gifts valued at more than \$300 must not be accepted. It is important that this clause be read in conjunction with 4.4(b), which prohibits gifts that may create a sense of obligation or create perceived influence. That is, gifts valued at less than \$300 could still be prohibited by clause 4.4(b).

Sub. No.	Name	Council or organisation	Clause	Comments
				A further sub-clause might be considered that prevents a councillor from accepting multiple gifts from the same giver, where the aggregate value exceeds \$300. Schedule 1 Interests and other matters to be disclosed in an interest disclosure return The Commission has previously recommended that the disclosures regime for Members of the NSW Parliament be expanded to encompass the interests of their immediate family members.¹ Should this recommendation be adopted, the disclosure regime applicable to councillors should be aligned accordingly. The Commission supports such information being contained on the confidential part of the register of interests that is currently being proposed.
012	Avanthi Fernando	Penrith City Council	General	Penrith City Council would like to thank the Office of Local Government for the opportunity to provide feedback on the proposed Draft Model Code of Conduct for Councillors (Councillor Code). Council acknowledges the significant work undertaken to modernise and simplify the Councillor Code. Council is broadly supportive of the proposed changes, including the simplified approach to conflicts of interest, the revised disclosure process, the introduction of annual declarations, and measures designed to improve the accessibility and transparency of interest returns. Council also supports a range of amendments relating to gifts and benefits and the practical management of councillor obligations. While supportive of the overall direction of the reforms, Council has identified several areas where further clarification, refinement or additional guidance would assist councils in implementing the proposed requirements consistently and effectively. These include the need for clearer definitions of key terms, greater certainty regarding disclosure and publication requirements, and additional guidance on the practical application of several new obligations. Council's comments are intended to support the development of a Model Councillor Code that is clear, practical, administratively efficient and capable of consistent application across the local government sector. Council appreciates the opportunity to contribute to the consultation process and looks forward to the continued development of a contemporary conduct framework that promotes transparency, accountability and public confidence in local government. Please consider Council's responses to the proposed amendments in the table below. Council is willing to provide further information if needed and would welcome the opportunity to participate in any further engagement opportunities. Part 1 Application of this Code (Purpose) New section to Draft Model Code. Agreed.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 2	General Conduct Obligations New simplified approach. Agreed. However, suggest the use of the term “improperly” in clauses 2.2 and 2.3 could be reviewed to ensure the obligations are clearly understood, consistently applied, and not open to differing interpretations.
			Part 3	Conflicts of Interest Simplified approach to reduce the 3 current types of conflicts (pecuniary, non-pecuniary significant and non-pecuniary not significant) into 2 types (pecuniary and private). Agreed.
			Part 3	Interest Returns to be tabled at Council meetings
			4.25 & 4.26 (of current Code)	The current Model Code prescribes that Interest Returns must be reported to the Council. No similar provision appears in the draft Code. Seek confirmation on whether this is still to be a requirement and if so, should this be added to the draft Code for clarity.
			Part 3 3.1 to 3.3	Conflict of interest (private interests) New addition. Agreed. However greater clarity on what constitutes a very close relationship could be provided.
			Part 3 3.1(b)(i)	Private Interest There is no definition of a ‘Private Interest’ The Draft Code defines a ‘pecuniary interest’ but not a ‘private interest’. Agreed. However, consider whether a definition of private interest should be included.
			Part 3 3.17 – 3.20	Avoidance of loss of quorum as a result of compliance with this Part At present, in some circumstances councillors can participate in considering matters if they have a non-pecuniary interest to maintain a quorum. For example for the making of a principal planning instrument when it applies to the whole or significant portion of the Council’s area.

Sub. No.	Name	Council or organisation	Clause	Comments
				The primary change appears to be that the new Code will allow councillors to vote on these matters where they have a pecuniary interest whereas the previous Code only allowed this to occur for non-pecuniary interests. Agreed. Agreed. This appears to be an appropriate and practical measure provided that disclosures are made and recorded.
			Part 3 3.21 – 3.31	Disclosure of interests in written returns New disclosure processes. Disclosure Regime - Introduces two-part register (public & confidential) and searchable online publication. Annual Declaration - Mandatory annual declaration confirming register accuracy. Returns Timing - Returns (first, annual, ongoing) within 1 month. Agreed. Appears to address the concerns raised by councils regarding publishing residential addresses.
			Part 3 3.28 & 3.29	Publication of returns The draft Code provides for publicly available copies of Interest Returns to be published publicly and the confidential part to be kept confidential. Agreed. However, it is not clear whether councils can redact information from the publicly available Returns where appropriate following a public interest test.
			Part 3 3.7	Conflicts of interest arising from the receipt of political donations Amended provisions. ‘If a councillor has received or knowingly benefitted from a political donation of or above \$1,000 made by a donor in New South Wales or in another jurisdiction in the previous four years, they will have a conflict of interest’ Current Code identifies political donations as a ‘non-pecuniary conflict of interest’ Agreed. Appears simpler and clearly defined.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 4 4.2(a) & 4.4(c)	Token Value Token value is not defined in the draft Code. However, the Code indicates that Councillors can accept gifts and benefits or hospitality with market value that do not exceed \$300. Is this to imply that token value are those gifts that are below \$300? Agreed in principle. Suggest considering whether a clear definition of token value should be provided to avoid any confusion.
			Part 4 4.4(d)	Cash or cash-like gift A Councillor would not be able to accept cash-like gifts however the draft Code does not identify what these are. The current Code explains that cash like gifts include gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons. Agree. However, consideration could be given to clearly identifying what constitutes cash-like gifts to avoid any confusion.
			Part 4 4.4(e)	A Councillor must not accept a gift, benefit or hospitality from a property developer... or a close associate of a property developer New addition to the draft Model Code. Agreed.
			Part 4 4.5	The form disclosing gifts, benefits, and hospitality The draft Code does not list what information is to be provided in the disclosure form, they are to be agreed between the Councillor and General Manager. The current Code prescribes the following information is to be provided when making a declaration - the nature of the gift or benefit - estimated value - who offered the gift - date Council suggests that providing minimum information requirements for disclosures would promote consistency and provide better protection for councillors when disclosures are made.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 4 4.6	What to do when the gift cannot reasonably be refused or returned New provision to require a Councillor to donate the gift to a charity, benevolent institution etc Agreed.
			Part 6 6.16	Councillor access to council buildings: 'Councillors other than the mayor must only enter staff-only areas of council buildings where permitted to do so by the policy' Under the current Code, councillors and administrators in general cannot enter staff only areas without the approval of the General Manager. Under the draft Code it appears the Mayor will be able to enter staff only areas and administrators can also access the buildings. Partially Agreed. Suggest it would be preferable for individual councils and their General Managers to determine their own arrangements for this access.
			Part 6 6.8	Use of Council resources New provision with possible typographical error. 'A councillor may use council resources provided for their civic duties as determined by the councillor.' It is assumed that the underlined is an error and should be referred to as 'Council'.
			Part 6 6.9 & 6.10	Incidental use of council resources New provision. The draft Code provides for incidental private use, subject to recovery of cost should council determine to do so. Agreed. This aligns with existing practice allowed under Councillor Expenses and Facilities Policy.
			Schedule 1	Interests and other matters to be disclosed in an interest disclosure return New requirements for 'Real Property' - Trusts now need to be declared - Dispositions of certain interests

Sub. No.	Name	Council or organisation	Clause	Comments
				- Water Access Licence – New requirement - Income Agreed.
			Schedule 2	Interest disclosure return form Part A – Available to public Part B – Confidential part Agreed. As above at 3.28 & 3.29, confirm if publicly available part of disclosures can be redacted as we currently do.
			Schedule 3	Annual declaration form New form Not required to complete the ‘Interest disclosure return form annually’. Only need to complete this confirming the accuracy of the information kept by the General Manager and to provide any updates if required. Agreed.
013	Jessica Quilty	Snowy Valleys Council	Conclusion	4. Conclusion Snowy Valleys Council welcomes the opportunity to contribute to the development of a modernised Councillor Conduct Framework. Council recognises that the existing framework can be improved and supports reforms that strengthen accountability, increase public confidence and reduce misuse of the complaints process. Council also welcomes the Government's recognition that councillors must be able to engage in robust political debate without inappropriate restriction on political communication. Overall, Council supports many of the policy objectives underpinning the reforms. However, Council's primary concern is not with the policy intent itself, but with the scope of the consultation. The current consultation package provides only part of the proposed framework. Many of the operational and procedural elements that will ultimately determine how the framework functions in practice have not yet been released.

Sub. No.	Name	Council or organisation	Clause	Comments
				These missing components include the administrative procedures that will govern complaint management, investigation, procedural fairness, implementation and transition. Without this information, Council is unable to fully assess whether the proposed framework will achieve its intended objectives or how it will operate in practice. Council therefore encourages the Office of Local Government to continue engaging with the local government sector as the remaining elements of the framework are developed. Council would welcome the opportunity to review and comment on the complete framework once the outstanding procedures, guidance and implementation arrangements have been released. Snowy Valleys Council appreciates the opportunity to provide this submission and looks forward to continuing to work constructively with the Office of Local Government to support the development of a conduct framework that is practical, transparent, consistent and capable of maintaining public confidence in local government across New South Wales.
			General	3. Draft Model Code of Conduct 3.1 General Observations Council supports the objective of simplifying the Model Code of Conduct and making it easier for councillors and the community to understand. The current Model Code has evolved over many years and contains detailed provisions addressing a broad range of governance and conduct matters. While comprehensive, some provisions are repetitive or overly complex. The draft Model Code is shorter, more accessible and more clearly focused on councillor conduct. However, in simplifying the document, Council considers that a number of important governance principles have been removed or substantially reduced. In particular, the draft Code places greater emphasis on responding to misconduct than promoting good governance. The current Code not only establishes minimum behavioural standards but also encourages councillors to exercise sound judgement, consider relevant matters, act fairly and consistently, and uphold high standards of public administration. Council considers these principles remain important and should continue to form part of the Model Code. Overall Council supports a simplified Model Code but recommends that key governance principles from the current Code be retained to support consistent, ethical and accountable decision-making.

Sub. No.	Name	Council or organisation	Clause	Comments
			General	3.7 General Observation – Shift from Governance to Compliance One of Council's overarching observations is that the draft Model Code represents a significant philosophical shift. The current Model Code is both a governance document and a conduct document. It promotes ethical leadership, sound decision-making and good administrative practice while also prescribing minimum behavioural standards. The draft Model Code is more narrowly focused on identifying and regulating misconduct. Council supports simplifying the document and improving its accessibility. However, Council is concerned that the reduced emphasis on good governance may unintentionally diminish the educational value of the Code, particularly for newly elected councillors. Council considers the Model Code should continue to encourage exemplary conduct rather than merely define unacceptable behaviour. A Code that focuses primarily on misconduct may result in councillors viewing compliance as the minimum standard rather than striving for best practice in public administration and ethical leadership. Council recommends retaining key governance principles from the current Model Code to reinforce ethical leadership, accountability and sound public administration while maintaining the simplified drafting style proposed in the reform package.
			General	Snowy Valleys Council welcomes the opportunity to provide a submission on the NSW Government's Councillor Conduct Framework Reform, including the Councillor Conduct Reform Policy Statement and the draft Model Code of Conduct for Councillors. Council supports the Government's objective of improving councillor accountability, strengthening public confidence in local government, reducing the misuse of code of conduct complaints for political purposes, and ensuring that genuine misconduct is dealt with effectively and proportionately. Council also supports the recognition that councillors, as democratically elected representatives, must be able to engage in robust political debate, represent community views, and express opinions on contentious matters without fear that the complaints process will be used to silence legitimate political communication. However, Council considers that the draft Model Code and Policy Statement leave a number of important governance, procedural and implementation matters unresolved. In particular, the proposed framework appears to remove or significantly reduce many of the practical safeguards currently contained in the existing Model Code of Conduct and the Procedures for the Administration of the Model Code of Conduct. Council's central concern is not with the intent of the reform, but with the current lack of operational detail. The current framework is supported by detailed administrative procedures that clearly identify how complaints are to be made, assessed, managed, investigated, reviewed and reported. The proposed framework refers to new complaint

Sub. No.	Name	Council or organisation	Clause	Comments
				pathways, triage, Privileges Committees, OLG investigations, sanctions and Land and Environment Court proceedings, but does not yet provide sufficient procedural detail to allow councils, councillors, complainants or the community to understand how the new framework will operate in practice. Accordingly, there are aspects of the reforms on which Council is unable to provide fully informed comment at this stage. Council's comments should therefore be read in the context that they are based only on those parts of the framework that have been released for consultation.
			Part 1	3.2 Application of the Code Council supports the proposal to more clearly define the scope and application of the Model Code of Conduct. The inclusion of provisions confirming that the Code is not intended to regulate private conduct unrelated to a councillor's civic role, legitimate political activities or good faith political judgement provides greater certainty for councillors and complainants alike. Council also supports the explicit recognition that the Code must be interpreted consistently with the implied freedom of political communication. This appropriately recognises the unique role of elected representatives and distinguishes local government from traditional employer-employee conduct frameworks. However, Council considers that the practical application of these provisions will depend heavily on the supporting complaint assessment process. Without detailed guidance, there remains potential for differing interpretations across councils regarding what constitutes protected political communication as opposed to conduct that may amount to intimidation, harassment or misuse of office. Without practical guidance, councils may continue to receive complaints arising from political disagreement rather than genuine misconduct, resulting in inconsistent decision-making and uncertainty for councillors. Council supports these provisions and recommends that the Office of Local Government publish practical guidance and case studies illustrating how these principles should be applied.
			Part 2	3.3 General Conduct Obligations Council supports the consolidation and simplification of the general conduct obligations. The draft Code appropriately requires councillors to refrain from conduct that is: • contrary to law; • improper or unethical; • an abuse of power; • the misuse of office for private benefit; • bullying; • harassment; or

Sub. No.	Name	Council or organisation	Clause	Comments
				- unlawful discrimination. These are appropriate minimum standards of conduct for elected representatives. However, Council is concerned that, in simplifying these provisions, a number of important governance obligations contained within the current Model Code have been removed. The current Code extends beyond identifying unacceptable conduct. It also establishes positive standards that encourage councillors to: - consider issues fairly; - deal with matters consistently; - make decisions promptly; - have regard to relevant facts; - disregard irrelevant considerations; and - follow established administrative processes. These provisions reinforce sound public administration and support councillors in making lawful and defensible decisions. Council considers that the removal of these principles changes the emphasis of the Code from promoting good governance to primarily identifying misconduct after it occurs. While misconduct provisions are essential, Council considers that the Model Code should continue to provide guidance on the behaviours and decision-making principles expected of elected representatives. Removing these provisions may reduce clarity for councillors, particularly those newly elected, regarding the standards expected when making decisions on behalf of their communities. It may also result in greater reliance on external guidance documents and legal advice to determine appropriate conduct. Council recommends that the final Model Code retain the current principles relating to fairness, consistency, relevant considerations and sound administrative decision-making.
	Part 2		3.4 Work Health and Safety	Council supports the inclusion of an explicit obligation requiring councillors to comply with their responsibilities under work health and safety legislation. Councillors play an important leadership role within local government and should contribute to maintaining workplaces that are safe, respectful and free from bullying, harassment and discrimination.

Sub. No.	Name	Council or organisation	Clause	Comments
				Council also considers that including work health and safety obligations within the Model Code reinforces the importance of respectful interactions between councillors, staff, contractors and members of the community. Including these provisions provides greater consistency between councillor conduct obligations and contemporary workplace expectations across the public sector.
			Part 2	3.5 Land Use Planning and Regulatory Functions Council strongly supports the intention of strengthening transparency in relation to land use planning, development assessment and other regulatory functions. Planning decisions are among the most sensitive and high-profile functions undertaken by councils. Public confidence depends upon these decisions being made transparently, impartially and free from improper influence. Council therefore supports requiring councillors to take reasonable steps to ensure planning decisions are made fairly and to disclose approaches made to them regarding planning matters. However, Council considers that the draft provisions require substantially more guidance before they can be consistently implemented. In particular, the obligation to disclose "all approaches" made to councillors is uncertain. The draft Code does not explain: • what constitutes an "approach"; • whether casual conversations are captured; • whether attendance at community meetings constitutes an approach; • whether social media interactions are included; • whether emails, telephone calls or text messages are included; • who disclosures should be made to; • whether disclosures must be recorded; • how long records should be retained; or • how these obligations interact with councillors' representative role. Councillors are regularly approached by members of the community regarding development proposals, planning controls and regulatory matters. Without practical guidance there is a significant risk that councils will develop inconsistent practices across the State. Inconsistent interpretation of these provisions may create uncertainty for councillors and reduce public confidence in planning decision-making.

Sub. No.	Name	Council or organisation	Clause	Comments
				Conversely, overly prescriptive interpretation may discourage councillors from engaging with their communities on legitimate planning matters. Council recommends that the Office of Local Government publish detailed guidance on the practical operation of these provisions, including standardised disclosure processes and examples illustrating when disclosure is required.
			Part 2	3.6 Binding Caucus Votes Council supports retaining the prohibition on binding caucus votes. Councillors are elected to exercise independent judgement in the interests of the communities they represent. While councillors should be free to discuss issues, share information and develop common positions prior to meetings, Council agrees that no councillor should be compelled to vote in a particular manner through disciplinary or other coercive measures. Council also supports the clarification that this provision does not prevent councillors from voluntarily reaching a shared position on matters before the council. These provisions reinforce independent decision-making while recognising the practical realities of political discussion and collaboration.
			Part 3	3.8 Conflicts of Interest Council supports the Government's intention to simplify the current conflict of interest framework and provide a clearer principles-based approach for councillors. The existing Model Code has evolved into a detailed and sometimes complex framework requiring councillors to distinguish between pecuniary interests, significant non-pecuniary conflicts and less significant non-pecuniary conflicts. While comprehensive, the current framework can be difficult for councillors to navigate, particularly those newly elected to office. Council therefore supports the move towards a clearer "reasonable person" test. However, Council is concerned that simplification should not come at the expense of certainty. The proposed provisions introduce concepts such as: • "Very close relationship"; • "affiliation"; • "Private interest"; and • "Directly and materially affected". While these concepts are appropriate, they remain subjective and will inevitably require interpretation.

Sub. No.	Name	Council or organisation	Clause	Comments
				The current Model Code provides councillors with practical examples and guidance that assist them in making appropriate decisions. Much of this explanatory material has been removed from the draft Code. Council considers this guidance remains essential. For example, further clarification is required regarding: • membership of sporting clubs; • community organisations; • charities; • service clubs; • school committees; • business associations; • environmental advocacy groups; • industry representative bodies; • volunteer organisations; and • social relationships. Regional councils rely heavily on community participation. It is common for councillors to volunteer across numerous organisations within their communities. Without practical guidance there is a risk that councillors will unnecessarily declare conflicts or alternatively fail to identify genuine conflicts. Neither outcome supports good governance. Greater uncertainty regarding conflicts of interest is likely to increase requests for governance advice and legal interpretation. This may disproportionately affect smaller regional councils that have limited governance resources. Council recommends that the Office of Local Government retain detailed practical guidance regarding conflicts of interest, either within the Model Code itself or within supporting guidelines issued concurrently with the reforms.
			Part 3	3.9 Political Donations Council supports retaining provisions dealing with political donations. Public confidence in local government depends upon transparency in decision-making and confidence that councillors are not improperly influenced by political donations or election funding. Council considers that these provisions continue to play an important role in protecting the integrity of council decision-making.

Sub. No.	Name	Council or organisation	Clause	Comments
				However, Council recommends that practical guidance continue to be provided to assist councillors in understanding: • disclosure obligations; • relevant timeframes; • associated persons; • indirect donations; • election fundraising; and • interactions with the Electoral Funding Act. Clear guidance reduces uncertainty and assists councillors in complying with their statutory obligations.
			Part 4	3.10 Personal Benefits, Gifts and Hospitality Council supports the continuation of clear restrictions regarding gifts, benefits and hospitality. These provisions are fundamental to maintaining public confidence in local government and reducing the risk of perceived or actual conflicts of interest. Council particularly supports provisions that prohibit councillors from: • soliciting gifts or benefits; • accepting cash or cash-equivalent gifts; • accepting gifts intended to influence decision-making; • accepting gifts from property developers where prohibited; and • using their position to obtain private benefits. Council also supports maintaining transparent declaration requirements. While the principles are appropriate, Council considers there would be benefit in providing updated practical guidance reflecting contemporary issues, including: • sponsored travel; • conference attendance; • complimentary event tickets; • online gifts; • digital subscriptions; • hospitality provided during community events; and • gifts received through third parties. Consistent guidance across NSW will reduce uncertainty and improve consistency in councillor decision-making.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 5	3.11 Interactions with Council Staff Council Position Council strongly supports maintaining clear governance boundaries between councillors and council staff. One of the fundamental principles of local government is the separation between the strategic leadership role of councillors and the operational responsibilities of the General Manager and staff. The draft Code appropriately recognises this principle. However, Council considers the current Model Code provides greater practical guidance regarding councillor interactions with staff than the proposed draft. The current framework assists councillors by clearly establishing expectations regarding: • requests for information; • operational directions; • customer enquiries; • regulatory investigations; • contact with contractors; • access to legal advice; • access to operational staff; • recruitment processes; • complaints involving staff; and • day-to-day operational matters. Council considers that these practical examples have assisted councils in preventing governance issues before they arise. Reducing this guidance may inadvertently increase uncertainty, particularly for newly elected councillors. Clear expectations regarding councillor and staff interactions contribute significantly to: • effective governance; • respectful workplaces; • work health and safety; • operational efficiency; and • public confidence. Council recommends retaining additional practical guidance regarding councillor and staff interactions, either within the Model Code or through supporting guidance documents.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 6	3.12 Access to Information and Council Resources Council supports retaining provisions governing councillor access to information and the appropriate use of council resources. Public confidence in local government depends upon councillors using council information, equipment and facilities solely for legitimate council purposes. Council also supports continued protections regarding confidential information and personal information. However, Council considers further guidance would assist councils in relation to: • electronic communications; • text messaging; • social media; • private email accounts; • cloud storage; • artificial intelligence tools; • cybersecurity obligations; and • information security. These issues have evolved significantly since the current Model Code was first developed. The revised framework presents an opportunity to modernise the guidance available to councillors. Modern guidance will better reflect contemporary governance practices and emerging technology risks. Council recommends updating the supporting guidance to address modern technology and information management practices.
			Part 7	3.13 Maintaining the Integrity of the Code Council strongly supports the inclusion of provisions designed to protect the integrity of the Code of Conduct framework itself. In particular, Council supports provisions discouraging complaints that are made: • frivolously; • vexatiously; • without substance; • for political advantage; • for retaliation; or • to intimidate another councillor.

Sub. No.	Name	Council or organisation	Clause	Comments
				While Council supports these provisions, their effectiveness will depend upon the operation of the proposed complaint triage process. Until those procedures are released, Council is unable to determine whether the proposed safeguards will adequately discourage misuse of the complaints process. An effective complaints framework should provide confidence that: • genuine complaints will be investigated; • inappropriate complaints will be identified early; • complainants will be treated fairly; • respondents will receive procedural fairness; and • governance resources will be directed toward matters of genuine public interest. Council supports these provisions and recommends that the supporting complaint procedures clearly establish how improper complaints will be identified and managed.
014	Melissa Sutton	Wollondilly Shire Council	Part 1 1.1-3	Application of the Code Council supports the application of a standalone Code for councillors. Clarify interaction with the Local Government Act 1993, the centralised complaints framework, and other governance instruments.
			Part 2 2.1	General standards of conduct Supported in principle. Provide practical guidance and examples to support interpretation and consistent application.
			Part 2 2.2	General standards of conduct Supported Clarify behavioural thresholds to reduce subjective interpretation.
			Part 2 2.3	General standards of conduct Supported. Ensure clear alignment with complaint categories under the new framework.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 2 2.4	WHS Supported in principle. Provide supporting documentation relating to Councillor obligations under the Work Health Safety Act.
			Part 2 2.5-6	Land use planning Supported. Develop supporting guidance material and examples to ensure consistent interpretation.
			Part 2 2.7-9	Caucus votes Supported. Provide practical guidance and examples to support interpretation and consistent application.
			Part 3 3.1-20	Conflicts of interest Supported. Provide practical tools to assist councillors in identifying conflicts. Include examples reflecting common council scenarios.
			Part 3 3.6	Pecuniary conflicts of interest Supported. Clearly define what is considered to be remote or insignificant pecuniary interests to support interpretation and consistent application.
			Part 4 4.1-2	Gifts and benefits Supported. Include examples reflecting common council scenarios.
			Part 4 4.4	Gifts and benefits Supported. Clarify monetary threshold of \$300 is for each individual gift/benefit received during the year or an aggregate of gifts/benefits received throughout the year.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 4 4.5-6	Gifts and benefits Supported. Define appropriate disclosure and reporting timeframes.
			Part 4 4.7	Misuse of position Strongly supported. Include examples such as influence over staff, access to confidential information, and misuse of resources.
			Part 5 5.3	Interactions with staff Supported. Ensure alignment with the Councillor and Staff Interactions Policy. Supporting guidance should reinforce that respectful communication, constructive questioning, information seeking and advocacy on behalf of residents are legitimate aspects of a councillor's governance role. Guidance should also promote a culture of mutual respect, trust and collaboration between councillors and staff, recognising that while roles are distinct, they are complementary and contribute to achieving positive community outcomes.
			Part 6 6.1	Access to information Supported. Clarify types of information accessible to councillors. The proposed framework should complement the existing responsibilities of the General Manager under section 335(f) of the Local Government Act 1993 to provide councillors with the information and administrative support necessary to effectively discharge their civic functions. Guidance should support processes that provide councillors with timely access to consistent information while recognising the operational responsibilities of the General Manager and staff.
			Part 6 6.14	Record keeping Supported in principle. Clearly define Councillor record keeping obligations.
			Part 6 6.16-18	Access to council buildings Supported. Ensure alignment with the Councillor Fees, Expenses and Facilities Policy.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 6 6.2	Access to information Supported. Ensure alignment with privacy and GIPA legislation.
			Part 6 6.8-6.12	Council resources Supported. Ensure alignment with the Councillor Fees, Expenses and Facilities Policy. Include references to use of council resources during an election period for campaigning is prohibited.
			Part 7 7.1-3	Compliance with the Code Supported. Clarify consequences of breaches under the new framework. Clearly define vexatious complaints and align with complaints reform measures. Clarify reporting pathways and responsibilities under OLG's centralised complaints model. Define council's role in complaint awareness and reporting. Include safeguards to ensure councillors can undertake legitimate governance activities, including robust scrutiny, questioning and community advocacy undertaken in good faith, without fear of inappropriate complaints or adverse findings. Clarify reporting pathways and responsibilities under OLG's centralised complaints model. Define council's role in complaint awareness and reporting. Include safeguards to ensure councillors can undertake legitimate governance activities, including robust scrutiny, questioning and community advocacy undertaken in good faith, without fear of inappropriate complaints or adverse findings.
			Schedule 1-3	Disclosure requirements Supported. Provide digital templates and training module/tools to support compliance.
015	Louise Kerr	Lane Cove Council	General	Subject: Model Code of Conduct Consultation Thank you for the opportunity to provide feedback on the proposed Councillor Conduct Reforms. Lane Cove Council, at its meeting of 23 July 2026, resolved to broadly support the proposed Councillor Conduct reforms. It is acknowledged that one of the key advantages of the proposed framework is that it removes the current

Sub. No.	Name	Council or organisation	Clause	Comments
				inherent conflict, whereby the general manager and senior staff of a Council are responsible for processing, investigating and resolving Code of Conduct complaints against Councillors. There are, however, some observations and comments that Council would like to share. The new Model Code of Conduct for Councillors should ideally be accompanied by a 'Procedures for the Administration of the Code of Conduct for Councillors' document, similar to the 'Procedures' document that currently supports the adopted Code of Conduct. While it is acknowledged that council staff will have limited involvement in the future management of code of conduct complaints involving councillors, a Procedures document would provide an important point of reference for councillors and designated senior staff. It would help in explaining how complaints will be managed and administered by the Office of Local Government (OLG), while also providing greater clarity regarding the roles, responsibilities and procedural requirements associated with the new complaints framework.
016	Monica Barone	City of Sydney	General	Feedback on Draft Model Code of Conduct for Councillors Thank you for the opportunity to provide feedback on the Draft Model Code of Conduct for Councillors. This feedback should be read in conjunction with our feedback on the Councillor Conduct Reform Policy Statement (copy attached). In relation to the Councillor Conduct Reform Policy Statement, we note that there are some aspects of that proposal which require significant further development and consultation. The City requests that extensive further discussions are undertaken with the sector, including both Councillors and Council officers, prior to any detailed implementation plan being developed for the proposals in that Policy Statement. Our further comments are provided in the feedback form as requested but we are happy to expand on these should the opportunity be provided. The City of Sydney generally supports the purpose and intent of the new draft Model Code, which provides a more practical approach to dealing with these matters in recognition of the role of councillors. We have some specific comments which are detailed below.
			Part 2 2.1	General standards of conduct Clause 2.1 – a new point should be added under clause 2.1 as follows: “is contrary to a Council policy”. The Code should make it clear that Councillors must comply with policies that are relevant to them (e.g. Councillor Expenses and Facilities Policy, Interaction with Staff Policy).
			Part 2 2.6	Land use planning, development assessment and other regulatory functions Clause 2.6 – it is unclear how these disclosures are to be made and when. This requirement would appear to be creating what is effectively a secondary process for disclosures of interest outside of Part 3 of the Code. The Code should be clear about the intention for how these disclosures are to be made.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 3	Conflicts of interest
			3.8	Generally, the City of Sydney welcomes the changes in this area. In particular, positive changes include: • removal of the distinction between pecuniary and non-pecuniary conflicts of interest • greater clarity on what is and isn't a conflict of interest, including the perception test in clause 3.8 • a simple and clear management pathway for a conflict of interest The new requirements in clauses 3.14 and 3.15 will be difficult for councils to implement. With regard to clause 3.14: • how is the disclosure to be made (by email, completing a form, or by some other mechanism)? • What is the General Manager/CEO expected to do with these disclosures when they are received? For example, are they to be put on a register? Are they to be made publicly available? With regard to clause 3.15: • In what circumstances is the OLG expecting this situation to arise (e.g. when being lobbied)? • In what circumstances would it be appropriate for a Councillor to refer a matter to another Councillor? Other Councillors may also have a conflict of interest and it would appear more appropriate that such matters be referred to the CEO in most circumstances. More generally, we note that there is no specific capacity for a Councillor to make a discretionary declaration in a meeting or elsewhere under the new conflict of interest requirements, for example, about an association that may not meet the threshold for a conflict of interest. Some Councillors may wish to do this for an abundance of caution and the notifications of interests below the new threshold may provide clarity that an individual turned their mind to an issue in the event that questions subsequently arise. It is possible that the OLG may receive a higher number of complaints relating to 'perceived' conflicts of interest that have not been declared under the new conflict of interest rules in the Code where a Councillor has in fact actually turned their mind to the conflict and formed an opinion that it does not meet the threshold.
			3.14	
			3.15	
			Part 4	Personal benefit
			4.2	As a matter of principle, the City of Sydney advances that the requirements for Councillors in relation to gifts, hospitality or other benefit should be consistent with the Ministerial Code of Conduct as appended in the Independent Commission Against Corruption Regulation 2017, which states: 8 Corrupt private benefits

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				(1) A Minister must not solicit, accept, or agree to solicit or accept, any private benefit as an inducement or reward for doing or not doing something in the exercise of official functions or for showing or not showing favour or disfavour to any person in the exercise of official functions. (2) A Minister must not improperly encourage or solicit the giving of any private benefit to any other person as an inducement or reward for that person, the Minister or any other person doing or not doing something in the exercise of official functions or for showing or not showing favour or disfavour to any person in the exercise of official functions. Notwithstanding, with regard to the current wording in the draft Model Code, the City of Sydney welcomes the changes in relation to gifts and benefits, in particular the increase in the value limit to \$300. The removal of the need to monitor the cumulative value of gifts/benefits from a single person or organisation in a 12-month period is also supported. Clause 4.2 – we note that ‘token value’ is not defined and that this is likely to lead to confusion and inconsistency. A definition such as that included in the current Model Code has proven helpful in practice and should be maintained.
			Part 4 4.7	Improper and undue influence Clause 4.7 – we note the use of the terminology ‘personal benefit’ and ‘private benefit’ in this clause and suggest using one or other of the terms consistently would be beneficial.
			Part 5	Interactions with Council staff The City has no specific comments on this section of the Code.
			Part 6 6.4 6.6	Access to information and resources Clause 6.4 – this clause as currently worded creates significant practical issues. Council staff will not know that a Councillor has a conflict of interest in a matter they request information on unless the Councillor advises as such, therefore it is difficult for Council staff to comply with the requirement “...or be provided with information...”. These words should be removed, and this clause should be re-worded to simply prohibit a Councillor from asking for information where they have a conflict. The onus should remain on the Councillor. For example, agenda papers which are published to all Councillors include all relevant confidential attachments. At the time these papers are published there will have been no opportunity for Councillors to be aware of what is coming on the agenda and make declarations. However, once an agenda is published the onus should be on them to make a declaration of any relevant conflict, not access confidential information and comply with their obligations under the code to not pass on or misuse any confidential information that they have become aware of. It is not possible for staff to withhold information in advance of any declaration having been made. Clause 6.6 (g) – the word “intentionally” should be removed. Intentionality should be taken into consideration as a mitigating factor only if there is a breach of this provision.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 7	Maintaining the integrity of the Code The City has no specific comments on this section of the Code. Please note the comments at the outset of this letter regarding the City's concerns about the proposed "Stage 2" reforms.
			Schedule 2	Disclosure of interests written returns The City has no specific comments on this section of the Code.
017	Peter J Fitzgerald	Cumberland Council	Conclusion	Summary of Key Recommendations 1. Provide additional guidance and practical examples to support the consistent application of the conflict of interest provisions, particularly in relation to the reasonable person test and the assessment of a very close relationship or affiliation. 2. Consider defining the term 'very close relationship' or providing a list of factors or parameters to assist councillors in determining when a relationship may give rise to a conflict of interest. 3. Clarify the intended operation of the proposed Councillor Interest Disclosure Framework and its relationship to the existing disclosure requirements under the Model Code of Conduct for Local Councils in NSW (2021), including whether separate disclosure regimes will apply to councillors and other designated persons. 4. Reduce the proposed gifts and benefits threshold from \$300 to \$150. 5. Remove clause 6.17 from the Draft Model Code and prohibit routine access by councillors, including the mayor, to staff-only areas of council buildings. 6. Ensure that councils are not able to authorise councillor access to staff-only operational areas through locally adopted councillor and staff interaction policies. 7. Maintain a clear separation between the governance responsibilities of councillors and the operational functions of council staff. Council supports the overall direction of the proposed Model Code and its objective of establishing clear, contemporary and practical standards of conduct for elected officials. Once again, Council thanks the Office of Local Government for the opportunity to make a submission on the Draft Model Code of Conduct for Councillors and looks forward to the development of a final framework that continues to promote integrity, accountability and public confidence in local government.
			General	SUBMISSION – DRAFT MODEL CODE OF CONDUCT FOR COUNCILLORS (JUNE 2026) Council welcomes the opportunity to provide feedback on the Office of Local Government's Draft Model Code of Conduct for Councillors.

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				Council is broadly supportive of the proposed reforms and acknowledges the Office of Local Government's efforts to modernise and simplify the ethical and behavioural framework governing councillor conduct. The proposed Code provides a more streamlined and contemporary set of standards that will assist councillors to better understand their obligations and support consistent governance practices across the local government sector.
			Part 3	Council supports the revised Conflict of Interest Framework contained in Part 3 of the Draft Model Code and the intention to establish a clearer and more principles-based approach to identifying and managing conflicts of interest. However, Council considers that further guidance should be provided to assist councillors in applying the provisions in practice, particularly in relation to the concepts of a "very close relationship or affiliation" and the application of the "reasonable person" test when determining whether a conflict of interest exists. While Council acknowledges the need for flexibility, the absence of any guidance or parameters regarding what may constitute a "very close relationship" may result in inconsistent interpretation and application across the sector.
				Council encourages the Office of Local Government to consider providing either a definition, a non-exhaustive list of relevant factors, or practical examples that assist councillors in assessing whether a relationship is sufficiently close to give rise to a conflict of interest. Greater clarity would promote consistency, improve decision-making and reduce uncertainty for councillors when making disclosure decisions.
			Part 3 Schedule 1	Council also notes the introduction of a new and standalone Interest Disclosure Return Framework for councillors under Part 3 and Schedule 1 of the Draft Model Code. Council would appreciate clarification regarding the intended relationship between these proposed requirements and the existing disclosure obligations that currently apply to designated persons and other council officials under the Model Code of Conduct for Local Councils in NSW (2021). The Draft appears to establish a separate disclosure regime for councillors, distinct from that applying to other public officials within councils. Council seeks clarification as to whether it is intended that two separate disclosure frameworks will operate in parallel in the future, namely one for councillors and another for designated persons and other council officials. If this is the intended approach, Council encourages the Office of Local Government to consider the potential for increased administrative burden, duplication and confusion arising from maintaining different disclosure standards and reporting requirements across categories of council officials. Council considers that consistency and clarity in disclosure obligations are important principles in supporting compliance, transparency and public confidence in local government governance arrangements.
			Part 4 4.4(c)	Council notes the proposed prohibition on accepting gifts, benefits or hospitality with a market value exceeding \$300. Council considers that the proposed threshold is too high and may adversely affect public confidence in the integrity and independence of elected representatives. Clause 4.4(c) represents a substantial increase when compared with the existing Model Code of Conduct for Local Councils in NSW (2021), which establishes a threshold of \$100. While Council acknowledges that inflationary pressures and increasing costs since 2021 may justify some increase to the threshold, it does not consider an increase to \$300 to be appropriate.

Sub. No.	Name	Council or organisation	Clause	Comments
				Council recommends that the threshold be reduced to \$150. This amount would provide a reasonable adjustment having regard to contemporary economic conditions while maintaining a strong integrity framework and community confidence in local government decision-making. A \$150 threshold would more appropriately balance the practical realities of rising costs with the need to ensure that gifts and benefits do not give rise to actual or perceived influence over councillors in the exercise of their public duties.
			Part 6 6.17	Council has significant concerns regarding clause 6.17, which permits councillors, other than the mayor, to enter staff-only areas of council buildings where authorised under a council's policy governing councillor and staff interactions. Council strongly opposes the inclusion of this provision and recommends that it be removed from the Model Code. A fundamental principle of sound local government governance is the clear separation between the strategic and representative role of councillors and the operational responsibilities of council staff. Allowing councillors access to staff-only work areas creates an unnecessary risk of actual or perceived interference in operational matters and has the potential to undermine that distinction. Council considers that the Model Code should reinforce clear governance boundaries and support the independence of staff in undertaking operational functions. Council is particularly concerned that the draft provision would permit councils to authorise such access through locally adopted councillor and staff interaction policies. In Council's view, this creates an avoidable corruption and integrity risk and may lead to inconsistent governance practices across the sector. Council's position is that neither the mayor nor councillors should have routine access to staff-only areas of council premises. The Model Code should not provide an opportunity for such access, nor should it enable councils to establish local arrangements that permit it. Where access is required for legitimate operational, ceremonial, safety or emergency purposes, this should occur only under arrangements authorised by the General Manager and not by councillor-staff interaction policies. Accordingly, Council recommends that clause 6.17 be removed from the Draft Model Code and replaced with a provision that expressly prohibits routine access by councillors, including the mayor, to staff-only areas of council buildings. Council further recommends that councils not be permitted to establish local policies that authorise councillor access to staff-only operational areas. Council considers that these amendments are necessary to uphold good governance principles, preserve the separation of roles between governing bodies and administration, and minimise the risk of undue influence or perceived interference in operational matters.
018	Clr Andrew McKibbin	Oberon Council	Conclusion	Conclusion Oberon Council has serious concerns with the proposed changes to the Model Code of Conduct as outlined above and has used examples to illustrate its concerns. Whilst Free Speech is an essential ingredient of our democracy so is the protection of Local Government, its office holders and staff from unwarranted commentary including social media commentary.

Sub. No.	Name	Council or organisation	Clause	Comments
				The examples show the dilemma this draft Code of Conduct will place on Local Government office holders. The definition of “Unsatisfactory behaviour” is so broad with a reference to normal expectations implies the following. If a community has had to put up with what it believes is less than satisfactory behaviour, but due to no restraints being placed on a Councillor’s behaviour, then that less than satisfactory behaviour now becomes then normal expectation of behaviour from that Councillor. Hence the draft Code and the Free Speech guideline will encourage behaviour that is initially not normal expectations of the community but due to repetitive conduct below the standard by that Councillor it becomes normal expectations for the Council as a whole to the community detriment. It is difficult in small communities like Oberon to encourage people to stand for Council let alone people of diverse backgrounds and to contribute their expertise to the community. Many existing Councillors and staff have said to me as the Mayor “I did not sign on for this” meaning the language and social media commentary from a particular Councillor is adversely affecting them. The Policy Statement states that unsatisfactory behaviour includes “using media and other commentary to deliberately spread disinformation in order to achieve a political or personal outcome”. The question is how is this going to be proven? Some would argue fake news and being involved in behaviour that is on the verge of unacceptable behaviour, but does not reach the Privileges Committee threshold, may be designed to dissuade anyone from standing in the next Council election or anyone not allied to that particular Councillor. It may also encourage existing Councillors not to stand again. This will see the demise of true democracy in our Local Government. The Draft Code, Policy Statement and Free Speech Guideline fail to appropriately deal with social media and its impact on Council, Councillors, Council Staff and the Community through uncensored commentary that has a psychological impact on readers with Work Health and Safety impacts.
			Dictionary	Definitions of Unsatisfactory Behaviour and Serious Misconduct These definitions are in the Policy Statement (Section 4.1) not in the code so what legislative backing will these definitions have? The Policy Statement states: • “Unsatisfactory Behaviour” conduct outside normal expectations, or beyond the implied freedom of political communication, such as harassment or bullying • “Serious Misconduct” including undeclared conflicts of interest, repeated serious unsatisfactory behaviour, patterns indicating systemic issues, WHS breaches involving threats or intimidation, corrupt conduct, and criminal offences Practically the definition of unsatisfactory behaviour is broad, and it will be up to the Privileges Review Committee to determine what falls within the definition and what constitutes a vexatious and/or frivolous claim.

Sub. No.	Name	Council or organisation	Clause	Comments
				The Policy Statement states examples of actions that may constitute unsatisfactory behaviour include the use of language that uses racial, gendered or other demeaning commentary as an alternative to debate on an issue. Other examples could include using media and other commentary to deliberately spread disinformation in order to achieve a political or personal outcome. The definition of Serious Misconduct refers to “repeated serious unsatisfactory behaviour, patterns indicating systemic issues” however the definition of unsatisfactory behaviour and “systemic issues” is yet to be tested. The chain of conduct and the evidence required to prove it falls within the definition has not been defined. Experience in Oberon has shown that members or the community and in surrounding communities such as Bathurst and the Blue Mountains have posted on social media and in emails their distress at comments on social media directed at them by a particular Councillor. The anti-social behaviour has caused these people distress and they cannot understand or comprehend why Council and in particular the Mayor cannot prevent, restrain, reprimand or dismiss a Councillor who repeatedly and intentionally provokes members of the community with demeaning commentary. Similarly, there is clear evidence that the morale and psychological welfare of staff and other Councillors is significantly affected by the actions of Councillors who criticise staff and use demeaning language towards them. The Government is increasing the Work Health and Safety risk to Councils whilst giving no powers to Councils to manage and mitigate this WH&S risk. Council staff may have been repeatedly criticised, aggressively spoken to, targeted through social media so that cumulatively this causes distress and anxiety. The bar for unsatisfactory behaviour or Serious Misconduct may not be breached but the WH & S risk crystallises with the full ambit of employer responsibilities under that legislation. This Code precludes the General Manager removing or mitigating that risk.
			General	The submission is in regard to: • The Model Code of Conduct for Councillors (Draft, June 2026) (“the Model Code”); and • Improving Councillor Accountability — Councillor Conduct Reform Policy Statement (June 2026) (“the Policy Statement”).
			Implementation	Councillor referral from Privileges Committee to undertake training Oberon Councils experience is that continuous education on the Code of Conduct does not always improve Councillor behaviour. A referral for further or continuing education to a Councillor who has continued to cause angst in the community, amongst staff and with other Councillors through social media and other commentary does not change their pattern of behaviour and is unlikely to change systemic unsatisfactory behaviour.

Sub. No.	Name	Council or organisation	Clause	Comments
				Examples Example 1 The Free Speech in Local Government Guideline issued in June 2025 emphasise that Councillors right to free speech is paramount. The free speech guideline states “It is inevitable that councils, councillors, council staff and members of the community will disagree with, dispute or may even be offended by comments made by councillors when engaging with the community. Unless the comment involves a clear breach of the provisions of the code of conduct referred to above (e.g. because it is personally disparaging, abusive or intimidating), the code of conduct is not the appropriate mechanism for addressing that comment.” An Oberon Councillor on Facebook accused the Mayor of being a bully in July 2026. A community member had written a post supporting the mayor. The Councillor disagreed with community member’s comment, which the Councillor is entitled to do, but then said, “he is a bully”. No substantiating evidence was provided or has ever been provided for this allegation. There has been repeated chain of conduct from this Councillor over their terms in office has consistently caused angst in the community and to individuals who have been subject to comment. The Mayor has the following considerations: a) Due to it being common practice for this Councillor to make similar comments about people he cannot claim that the comments are personally disparaging, abusive or intimidating but rather such commentary is common for this Councillor. b) Has the Councillor used social media to spread disinformation, by calling the Mayor a bully, in order to achieve a personal outcome; this would be a subjective determination by a yet to be facilitated Privileges Committee or the OLG Departmental Chief Executive c) The mere fact that the comment potentially places the Mayor in a position of disrepute in the eyes of the community or it is perceived it will do so has no efficacy due to clause 3.1a) of the existing Code of Conduct being removed. d) Due to a) in raising a complaint under the new Code of Conduct there is a possibility that any Complaint would be considered by the Privileges Committee, OLG Departmental Chief Executive or the Land and Environment Court as vexatious and/or frivolous as: i) The Behaviour is not outside the norms and expectations for this sitting councillor: ii) The Behaviour is not beyond the implied right of free political communication and does not represent harassment and bullying due to the chain of behaviour, with which this is consistent, that Councillors and Council have been subject to over this Councillor’s terms on Council. iii) The Mayor considering the probable time frame a complaint would take to investigate by OLG noting past experience; and/or iv) The Mayor would not want the possibility of Council or the Mayor incurring costs for Council if the Complaint was considered vexatious or frivolous.

Sub. No.	Name	Council or organisation	Clause	Comments
			e)	Whilst there is a possibility the Mayor could bring defamation proceedings the Mayor is not in a financial position to bring such an action with a potential indeterminate result and if successful any judgement may be pyrrhic as there is no certainty a judgement could be paid by the relevant Councillor. There would also be an argument that as this behaviour is commonplace and the community is aware of these types of publications from this Councillor no serious harm would occur to the Mayor. This example illustrates why the new and existing Code of Conduct when read with the Free Speech Guideline is toothless in the face of unacceptable behaviour by Councillors. Despite repeated representations by The Mayor to the Minister and OLG Councils concerns and those of the Oberon Community have been ignored. Example 2 A councillor places in a neighbouring Councils media site, which is distributed through the region, exaggerated and inflammatory commentary about Oberon's largest employer polluting the air and water through their industries. There is no substantiating evidence of continuous pollution causing harm to people. This commentary causes alarm amongst tourist operators and businesses in an economy already impacted by lack of tourism due to one of its major tourist attractions being closed and Victoria Pass closure. This puts Council into disrepute. Unfortunately, some fake news sticks. The Councillor may be more than happy to do this repeatedly knowing that the Mayor and Council staff will have to expend time and effort refuting the allegations and the Council and Mayor's reputation will be continually and cumulatively affected.
		Removed	Removal of the existing Code of Conduct 3.1a)	Clause 3.1a) has been deleted from the draft Code of Conduct. Clause 3.1a) stated: Councillors must not conduct themselves in a manner that "is likely to bring the council or other council officials into disrepute ". It appears the practical effect of the current draft Model Code's in emphasising free political communications set out in The Free Speech in Local Government in NSW guideline (OLG, June 2025). However, the Guideline describes a provision in the Model Code of Conduct then in force requiring councillors not to conduct themselves in a way likely to bring the council or other council officials into disrepute. That provision does not appear anywhere in the draft Model Code. While broader and less precisely defined than a defamation, harassment or intimidation standard, this threshold provided councils with a mechanism to address councillor conduct that damaged the standing of the council or its officials, even where that conduct fell short of being personally disparaging, abusive or intimidating. Therefore, the current draft Model Code appears to narrow considerably the grounds on which community members, councillors and councils may raise legitimate concerns about a councillor's public commentary, including on social media. Oberon Council is concerned that this removes a standard that previously protected the reputation and proper functioning of local government as an institution. The removal of the previous Clause 3.1a)) will make it more difficult to hold councillors to account for commentary that damages public confidence in council or its Councillors.

Sub. No.	Name	Council or organisation	Clause	Comments
				It is clear the comments of a Councillor that put the Council or Mayor into disrepute on the basis the community is likely to attribute those comments to the Council as a whole and the Mayor as its leader will not be considered unacceptable behaviour. Despite repeated comments by a Mayor that these comments do not represent Councils view the fact the comments have been allowed to be made sticks. The innocent Councillors and Mayor will still be subject to community outrage; that the comments were made, that Council has done nothing to prevent it and the Council is ineffectual, powerless and weak in constraining the Councillors behaviour. This is the experience in Oberon.
019	George Bounassif	City of Parramatta	Conclusion	Conclusion City of Parramatta Council supports the overall direction of the draft Model Code of Conduct for Councillors and acknowledges the significant work undertaken by OLG to simplify and modernise the framework. Council considers, however, that the final Code must be supported by greater clarity, practical guidance and appropriate safeguards. In particular, Council recommends further refinement of the conflict of interest provisions, disclosure obligations, councillor access to information framework, political donation provisions and meeting conduct safeguards. Council's overarching position is that reform should proceed in a manner that strengthens transparency and accountability while remaining practical, proportionate and capable of consistent application across the NSW local government sector.
			General	City of Parramatta Council Submission – Draft Model Code of Conduct for Councillors City of Parramatta Council welcomes the opportunity to provide feedback on the draft Model Code of Conduct for Councillors. Council supports the Office of Local Government's objective of modernising, simplifying and improving the councillor conduct framework. Council recognises that the existing Model Code of Conduct has, over time, become increasingly detailed and technical, particularly in relation to conflicts of interest, disclosures and complaint-related obligations. A more accessible and principles-based Code has the potential to assist councillors, council staff and the community to better understand expected standards of conduct. Council also acknowledges that several themes raised through earlier consultation, including Council's previous submission on the 2024 councillor conduct reform proposals, appear to have been considered in the draft Model Code. In particular, Council supports the movement towards a shorter and clearer Code, improved privacy protections for residential property disclosures, and greater recognition of the representative, political and community role of elected councillors. However, Council considers that a number of governance risks remain unresolved. These risks relate primarily to the practical application of the proposed conflict of interest framework, the operation of disclosure obligations, councillor

Sub. No.	Name	Council or organisation	Clause	Comments
				access to information, the omission of existing meeting conduct safeguards, and the absence of detailed guidance on lobbying and external influence. Council's comments are provided with the objective of strengthening the final Code so that it is clear, practical, proportionate and capable of consistent application across the NSW local government sector.
			Implementation	Implementation Risks The draft Model Code represents a significant change to the current conduct framework. Successful implementation will require more than adoption of the final Code. Councillors and council staff will require practical guidance, training, templates and transitional support. Council is concerned that without adequate implementation support, the new framework may be applied inconsistently across the sector. This may undermine the very objectives of simplification and improved accountability. Council recommends that the final Code be accompanied by: • comprehensive guidance materials; • model disclosure forms; • conflict of interest assessment tools; • councillor training resources; • staff implementation guidance; • transitional arrangements; and • ongoing sector support.
			Introduction Part 3	Councillor Consultation and Representative Functions Council supports the draft Model Code's recognition that councillors are elected representatives who bring knowledge of community priorities, stakeholder perspectives and local issues to council decision-making. Effective representation requires councillors to engage with residents, businesses, community organisations, advocacy groups and industry stakeholders as part of understanding emerging issues and forming policy positions. However, Council considers that the final framework would benefit from additional guidance regarding the distinction between legitimate consultation and conduct that may give rise to an actual or perceived conflict of interest. Councillors will frequently engage with stakeholders during the early development of strategic initiatives, community projects, planning proposals and policy matters. The draft Code provides welcome recognition that community participation, advocacy and political engagement do not automatically constitute conflicts of interest. However, additional guidance would assist councillors and councils in understanding when stakeholder engagement remains an appropriate part of the representative role and when further disclosure or management of interests may be required.

Sub. No.	Name	Council or organisation	Clause	Comments
				Council recommends that OLG develop practical guidance addressing common scenarios involving community consultation, stakeholder engagement, advocacy activities and early policy development. Such guidance would help support public confidence while ensuring that councillors are not discouraged from undertaking legitimate engagement activities expected by the communities they represent.
			Part 2	Political Donation and Conflict Management
			Part 3	
			Part 4	Council supports improved transparency regarding political donations and decision-making. The community must have confidence that council decisions are made in the public interest and are not improperly influenced by political donations or campaign support.
				However, Council considers that the political donation provisions require further clarification before implementation. Practical uncertainty remains regarding how councillors are expected to identify relevant donors, how historical donations are to be tracked, whether donations are to be aggregated, and what constitutes a “matter before council” for the purpose of the conflict provisions.
				There is a governance risk that councillors may not have sufficient information available at the time of decision-making to determine whether a political donation conflict exists. This risk may be heightened where donations were made through campaign structures, groups, associated entities or third parties.
				Council recommends that OLG provide detailed guidance and worked examples on the operation of the political donation provisions. This should include guidance on historical donations, aggregated donations, donors associated with development or commercial interests, and circumstances where a councillor may need to obtain additional information before participating in a matter.
			Part 3	Conflict of Interest Framework
				Council supports the objective of simplifying the existing conflict of interest framework. The current distinction between pecuniary and non-pecuniary conflicts of interest can be complex, particularly for newly elected councillors and members of the public seeking to understand councillor obligations. A simplified framework may assist in improving accessibility and reducing unnecessary technical complexity.
				However, Council is concerned that the draft Model Code may replace one form of complexity with another. The proposed framework relies heavily on concepts such as “private interest”, “very close relationship” and “very close affiliation”. These concepts are central to determining whether a councillor has a conflict of interest, yet they are not sufficiently defined or supported by practical examples.
				This creates a governance risk that similar circumstances may be interpreted differently by different councillors, councils, investigators, the Office of Local Government, the proposed Privileges Committee or relevant decision-making bodies. Inconsistent interpretation of conflict provisions may undermine confidence in the framework and create uncertainty for councillors attempting to comply with their obligations.

Sub. No.	Name	Council or organisation	Clause	Comments
				Council is also concerned that the removal of the existing distinction between significant and less-than-significant non-pecuniary conflicts may reduce the practical guidance available to councillors when assessing whether they are able to remain in the chamber, participate in debate or vote on a matter. The current framework, while detailed, provides a structured pathway for assessment. The proposed framework would benefit from equivalent practical guidance. There is also a risk that uncertainty in the conflict framework may lead to overly cautious decision-making. Councillors may choose to withdraw from matters where no genuine conflict exists, in order to avoid criticism or complaint. This may have unintended consequences for democratic representation, particularly where councillors have been elected to represent specific community views, local issues or policy positions. The proposed framework also represents a significant conceptual shift from the existing Model Code. While Council supports simplification, the transition from a significance-based assessment of non-pecuniary conflicts to a broader perception-based test introduces greater reliance on individual judgement. Without detailed guidance and worked examples, there is a risk that the framework will be applied inconsistently across the sector, resulting in uncertainty for councillors and councils and increasing reliance on advisory opinions and post-event interpretation. Council therefore considers that substantial implementation guidance should accompany the final Code. Council recommends that the final Model Code be supported by comprehensive guidance material, including practical examples, decision trees and case studies. This guidance should address common scenarios involving community memberships, political affiliations, prior advocacy, membership of community reference groups, professional associations, sporting clubs, local organisations and historical involvement in community campaigns. Council also recommends that the operation of the new conflict framework be reviewed following implementation to assess whether it is being applied consistently across the sector.
			Part 3	Disclosure and Transparency Provisions Council supports the objective of improving transparency and strengthening public confidence in councillor decision-making. Clear and accessible disclosure obligations are an important part of maintaining the integrity of local government decision-making and ensuring that councillors are able to identify and appropriately manage relevant interests. Council particularly supports the proposed distinction between public and confidential disclosure registers. This approach more appropriately balances the public interest in transparency with legitimate privacy and personal safety considerations for councillors. In particular, Council supports the improved treatment of residential property information, which recognises that publication of detailed personal address information may create unnecessary privacy and security risks. Council also notes that the draft Model Code prescribes a standardised Interest Disclosure Return Form under Schedule 2 and a standardised Annual Declaration Form under Schedule 3. Council supports the inclusion of

Sub. No.	Name	Council or organisation	Clause	Comments
				standardised forms across the local government sector, as this has the potential to improve consistency, reduce variation in local administrative practices and assist councillors to better understand the information they are required to disclose. The inclusion of prescribed forms is a positive reform and appears to respond to the need for greater consistency in the administration of councillor disclosures. A standardised approach should assist councils in managing disclosure obligations more efficiently and provide councillors with clearer expectations regarding the information required. However, Council considers that the introduction of prescribed forms alone will not fully address the practical complexity associated with the proposed disclosure framework. The draft Code appears to move from a primarily periodic disclosure model to a more continuous disclosure regime, requiring councillors to update disclosures when relevant circumstances change and to provide an annual declaration confirming the accuracy and completeness of disclosures. Council is concerned that this may create an increased risk of inadvertent non-compliance, particularly where councillors are required to determine whether a change in circumstances is material, whether an interest falls within a disclosure category, or how complex interests such as trusts, beneficial interests or indirect financial arrangements should be reported. The proposed annual declaration process may also create uncertainty regarding the level of due diligence expected of councillors when confirming that previously submitted disclosures remain complete and accurate. Without clear guidance, councillors may either under-disclose due to misunderstanding or over-disclose out of caution, neither of which necessarily supports a clear and proportionate transparency framework. Council is also mindful that the proposed disclosure regime will create additional administrative responsibilities for council staff responsible for maintaining public and confidential registers, reviewing submitted forms, managing updates, following up incomplete information and supporting councillors to comply with their obligations. These responsibilities are likely to be particularly significant following a local government election, during councillor induction periods, and where multiple disclosure updates are received throughout a council term. Council therefore supports the inclusion of the prescribed Interest Disclosure Return Form and Annual Declaration Form, but recommends that these forms be supplemented by detailed explanatory guidance, worked examples and sector-wide training. In particular, Council recommends that OLG provide guidance on: • when a councillor is required to update an interest disclosure; • what constitutes a material change in circumstances; • how trusts, beneficial interests and indirect interests should be disclosed; • the level of review expected before submitting an annual declaration; • how public and confidential register information should be managed; and • practical examples of common disclosure scenarios.

Sub. No.	Name	Council or organisation	Clause	Comments
				Council also recommends that OLG consider whether materiality thresholds, reasonable update timeframes and simplified explanatory materials should be included to ensure the disclosure framework remains proportionate, practical and capable of consistent administration across the sector. Council further recommends that OLG provide guidance and worked examples regarding the types of changes that require a further interest disclosure return. Given the proposed transition to a continuous disclosure model, councillors and councils will benefit from greater clarity regarding what constitutes a material change in circumstances. This will assist in reducing unintended non-compliance, promote consistency across the sector and ensure administrative effort is focused on changes that are genuinely relevant to transparency and accountability outcomes. Council's position is that transparency is strongly supported, but the framework should be designed in a way that assists genuine compliance rather than increasing the risk of administrative or technical breaches arising from uncertainty about the operation of the new disclosure regime.
			Part 6	Access to Information Council supports the inclusion of provisions recognising that councillors require access to information in order to perform their civic functions. Timely and appropriate access to information is fundamental to informed decision-making, accountability, oversight and effective community representation. However, Council considers that the draft Model Code does not provide sufficient detail regarding the circumstances in which access to information may be refused or restricted. While it is appropriate that access to information may be subject to lawful limitations, including privacy, confidentiality, legal privilege and operational considerations, the framework would benefit from clearer criteria. The governance risk is that without clear guidance, access to information may be applied inconsistently between councils or become a source of dispute between councillors and council administrations. Conversely, councils may face uncertainty when determining whether requested information is reasonably necessary for a councillor to perform their role. Council considers that the final framework should provide a clearer basis for assessing councillor information requests. This should include guidance on the types of information ordinarily available to councillors, legitimate grounds for refusal, reasons that must be provided where access is denied, and mechanisms for resolving disputes. Council also recommends that OLG consider whether additional regulation or guidance should expressly address the concern that information not be withheld unnecessarily where it is required for councillors to perform their statutory functions.

Sub. No.	Name	Council or organisation	Clause	Comments
			Removed	Lobbying, Advocacy and External Influence Council notes that lobbying and external influence were matters identified during earlier consultation on councillor conduct reform. While the draft Model Code includes obligations relating to approaches concerning planning and regulatory matters, it does not establish a broader framework addressing lobbying transparency or external influence across the full range of council functions. Council recognises that councillors must be able to engage with residents, businesses, community groups, advocacy organisations and industry stakeholders as part of their representative role. Such engagement is fundamental to democratic participation and should not be discouraged. However, public confidence may be strengthened where there is greater clarity regarding circumstances in which approaches by external parties should be disclosed, recorded or otherwise managed. Council considers that the final framework would benefit from additional guidance distinguishing legitimate community advocacy from lobbying activity intended to influence council decision-making in relation to planning, procurement, commercial, regulatory or strategic matters. Such guidance should assist councillors to understand expectations regarding transparency, records of engagement and the management of perceived conflicts of interest. Council therefore recommends that OLG develop supplementary guidance on lobbying, advocacy and external influence, including practical examples and scenario-based guidance addressing common interactions between councillors and external stakeholders.
			Removed	Meeting Conduct and Governance Standards Council notes that the draft Model Code appears to remove a number of detailed behavioural provisions currently contained in the existing Model Code. These include provisions dealing with conduct intended to disrupt meetings, obstruct council business, manipulate quorum, misuse procedural mechanisms or otherwise undermine effective decision-making. Council is concerned that the removal of these provisions may create a governance gap. Council meetings are a central mechanism through which elected representatives make decisions on behalf of the community. The effective conduct of meetings is therefore fundamental to good governance, transparency and public confidence. While some meeting conduct matters may be addressed through the Code of Meeting Practice, Council considers that the Model Code also has an important role in setting behavioural expectations. Conduct that deliberately obstructs council business or undermines the proper functioning of meetings should remain clearly identified as unacceptable. The governance risk is that, in the absence of specific provisions, councils may have fewer tools to address conduct that is disruptive, repeated or strategically designed to frustrate decision-making. This may weaken the framework's ability to respond to conduct that falls short of serious misconduct but nevertheless damages the effective operation of council.

Sub. No.	Name	Council or organisation	Clause	Comments
020	Yagana Naseer	Office of Australia's Special Envoy to Combat Islamophobia (OSECI)		Council acknowledges that some meeting conduct matters may be more appropriately regulated through the Model Code of Meeting Practice. However, Council considers that the conduct framework should continue to clearly identify behaviours that undermine the effective operation of council meetings. This includes conduct intended to deliberately disrupt meetings, obstruct council business, repeatedly misuse procedural mechanisms or otherwise frustrate the orderly conduct of council decision-making. Without clear expectations, councils may have fewer tools available to address conduct that adversely affects governance outcomes while falling short of more serious misconduct. Council recommends that OLG either retain key meeting conduct provisions within the final Model Code or clearly identify how such conduct will be regulated through the revised Code of Meeting Practice or broader accountability framework.
			Additional recommendations	Recommendation 4: introduce a positive obligation requiring councillors to promote respectful engagement, social inclusion and cultural diversity obligations on councillors aimed at expanding community participation and promoting social cohesion.
			Additional recommendations	Recommendation 5: introduce a dedicated provision addressing online conduct and social media use, while mitigating the spread of misinformation.
			Conclusion	By adopting the recommendations provided above, the NSW code would be better placed to promote integrity, social cohesion and meaningful participation in local democracy.
			General	Re: Submission on the draft Model Code of Conduct for Councillors The Office of Australia's Special Envoy to Combat Islamophobia (OSECI) welcomes the opportunity to provide input on the NSW Government's Model Code of Conduct for Councillors. OSECI was established on 14 October 2024, following the Prime Minister's appointment of Mr Aftab Malik as Special Envoy. OSECI and the Special Envoy are independent of government and seek to assist and advise on combating Islamophobia, social cohesion, promote public awareness and understanding of the impact of Islamophobia, supporting efforts to address systemic, interpersonal racism and hate. The Special Envoy's mandate is to advocate for policies that both protect Muslim Australians and challenge structural and institutional inequalities. As the state with the largest Muslim population in Australia, New South Wales is home to around half of the nation's Muslims, comprising of approximately 4.3% of the state's residents.¹ OSECI acknowledges the important progress being made in NSW through the reform of the councillor conduct framework, including efforts to set clearer standards of behaviour, strengthen accountability mechanisms and build public confidence in local government decision-making.

Sub. No.	Name	Council or organisation	Clause	Comments
				OSECI also acknowledges the Government's two-staged reform process, including the transfer of jurisdiction for councillor misconduct matters and the creation of a new pathway for consideration of complaints. These reforms are being advanced at a time when local councils face a range of intersecting challenges, including increasing public scrutiny, high volumes of complaints, financial constraints, and growing community expectations regarding their role. Councillors, as democratically elected representatives, occupy positions of significant public influence. This includes playing a vital role in shaping community attitudes, public discourse, and perceptions of belonging within their local area. Through council meetings, media appearances, public statements, community engagement activities and social media platforms, councillors can either strengthen inclusion and social cohesion or on the other hand, contribute to the marginalization and exclusion of vulnerable communities. Unlike ordinary members of the public, councillors speak and act with the authority and legitimacy associated with elected office. As a result, their conduct carries heightened significance and has the potential to influence public attitudes and behaviours. While conduct that promotes misinformation, discrimination, harassment or hostility towards groups can have far-reaching consequences that can undermine trust, discourage civic participation and damage social cohesion long-term. In addition, it is important to recognise that councillors as public office holders have a role in the mainstreaming of ideas. For example, as stated by the Australian Muslim Women's Centre for Human Rights (AMWCHR), politicians and the media have a role in mainstreaming ideas that exist beyond the confines of regular political discourse and are responsible for shifting the Overton window on how Islam and Muslims are spoken about in public spaces, expanding levels of acceptance of dehumanising and Islamophobic rhetoric.² It is therefore both welcome and critical that the model code of conduct reflects both the unique responsibilities associated with elected office and provides adequate safeguards against conduct that can damage social cohesion and erode public confidence in local government. OSECI agrees with the OLG's assessment that the current framework is increasingly struggling to effectively manage councillor performance and accountability. However, for the reforms to achieve their intended purpose, the Code of Conduct needs to respond to contemporary challenges which includes addressing hate speech, mis- and dis-information, online conduct, discrimination and the impact of councillor behaviour on vulnerable communities. OSECI makes the following recommendations:
			Part 1 1.1(c)-(f)	Recommendation 1: amend clauses 1.1.(c)-(f) to clarify that while councillors are entitled to engage in robust political debate, policy advocacy and the expression of political opinion, these activities should not exempt councillors from complying with the Code's behavioural standards.
			Part 2	Recommendation 2: amend part 2 to include a prohibition on conduct that causes or perpetuates stigma, stereotyping or prejudice towards a person or group.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 2 2.3	Recommendation 3: amend clause 2.3 to include a prohibition on vilification, which would seek to prevent identity-based hostility towards groups on the basis of pre-established protected characteristics in law and the NSW Anti-Discrimination Act.
021	Adam Dansie	Local Government NSW	Dictionary	Definitions Relatives The definition of “relative” in the dictionary of the Draft Model Code excludes the reference to section 21C of the Interpretation Act 1987 (NSW) currently contained in the 2020 Model Code. LGNSW notes that the section 21C definition of “de facto partner” and “de facto relationships” of the Interpretation Act 1987 is more expansive than that which is included in the Draft Model Code and the removal of this definition may cause confusion as to the relevant definition of de facto spouse.
			General	LGNSW Policy As the OLG and Minister are aware, LGNSW Annual Conferences are the supreme policy-making body of LGNSW where mayors and councillors from across the state come together to share ideas and debate issues that shape the way LGNSW is governed and advocates on behalf of the local government sector. The following Conference resolution is specifically relevant to the issues raised in the Model Code of Conduct: 2024 Annual Conference (Item 9) “That Local Government NSW write to the Minister for Local Government to: “... 1. Commend the Minister for prioritising the review of the Councillor Conduct Framework, as this is something that LGNSW has long been calling for.” In relation to this Resolution, the Minister for Local Government provided a response to LGNSW on 29 September 2025 advising LGNSW that implementation of the councillor conduct framework is being undertaken progressively including by way of the release of the Free Speech Guidelines, changes to the Code of Meeting Practice and the announcement of the change of jurisdiction of the NSW Civil and Administrative Tribunal. This response also noted that further work was required to create a ‘privileges committee’ including on the composition and functions, the development of which would involve consultation with the local government sector. The Minister for Local Government provided a further response to LGNSW on 31 July 2024 advising of a commitment to ensuring greater transparency and accountability to NSW councils, including the development of a new councillor behavioral framework. The Minister also noted his commitment to engaging with the sector on options to improve the councillor behavioral framework and the way the code of conduct and meeting practices are managed.

Sub. No.	Name	Council or organisation	Clause	Comments
				Opening Local Government NSW (“LGNSW”) welcomes the opportunity to review and provide feedback to the Office of Local Government (“OLG”) on the draft Model Code of Conduct for Councillors (“Draft Model Code”). The submission is informed by the policy positions of LGNSW and consultation with member councils, county councils and joint organisations. Background To date, the Model Code of Conduct for Local Councils in NSW 2020 (“2020 Model Code”) is in place to set the minimum standards of conduct for council officials and to assist these individuals to (at page 5 of the Model Code): • Understand and comply with the standards of conduct that are expected of them, • fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence, and • act in a way that enhances public confidence in local government. On 29 November 2024, LGNSW made a submission (2024 Submission) in response to the Councillor Conduct and Meeting Practices: Discussion Paper (“Discussion Paper”). That submission was endorsed by the LGNSW Board on 6 December 2024 and LGNSW continues to rely on the 2024 Submission. On 4 March 2026, OLG advised LGNSW and other Local Government sector leaders via email that the Model Code will be split into two different codes: one for mayors and councillors and one for council officials. The reasons listed in this email for such a separation include the desire to streamline and simplify the Code of Conduct provisions whilst also minimising the risk of complaints investigation being weaponised for political purposes. On 12 June 2026, the OLG published a Council Circular seeking feedback from the Local Government sector on the proposed reforms to the regulation of councillor conduct including the Councillor Conduct Reform Policy Statement (“Policy Statement”) and draft Model Code of Conduct for Councillors (“Draft Model Code”). LGNSW will provide a separate submission on the Policy Statement. On 9 July 2026, LGNSW called for submissions from our member Councils on their feedback regarding the Policy Statement and Draft Model Code.
			Part 2	General Conduct Obligations
			2.1	General standards of conduct
				Clause 2.1 of the Draft Model Code has been amended to remove the provision prohibiting behaviour which would likely bring council or council officials into disrepute (clause 3.1 (a) – General Conduct of the 2020 Model Code).

Sub. No.	Name	Council or organisation	Clause	Comments
				We do note though that the Policy Statement considering the establishment of the Privileges Committee deals in more detail with behavioural standards expected of councillors, although the question remains open as to where those standards will ultimately be set out – either in the Local Government Act 1993 (NSW) or the Regulation. LGNSW requests further information from the OLG on the nature and location of the behavioural standards, and an opportunity to make further submissions on them before they are implemented.
			Part 3	Conflicts of Interest – Part 3 LGNSW notes the proposal to simplify the provisions governing pecuniary and non-pecuniary conflicts of interest through the merging of Parts 4 and 5 of the 2020 Model Code into one part titled “Part 3 - Conflicts of Interest”, with distinct content then relating to pecuniary interests. LGNSW notes the inclusion of clause 3.7 which prescribes a value of \$1,000.00 to political donations which will give rise to a conflict of interest. LGNSW notes that prescribing a value may assist councils to understand what donations trigger a conflict of interest, noting there is no monetary limit assigned in the 2020 Model Code. LGNSW notes that clauses 4.28 and 4.29 of the 2020 Model Code have been amalgamated into clause 3.9 of the Draft Model Code requiring councillors with a conflict of interest to disclose the nature of the interest to the council meeting as soon as practicable and for that councillor to not be present at any time whilst the matter is being considered. LGNSW notes the inclusion of clause 3.8 of the Draft Model Code for “Applying the conflict of interest test,” and considers these questions useful for councils. However, LGNSW requests further clarity on the meaning of “very close relationship or affiliation” in clause 3.8(c) of the Draft Model Code. LGNSW acknowledges the note in clause 3.3 of the Draft Model Code that: “Councillors are elected from and by the local community to bring to the council's decision-making process their knowledge of human affairs, community activities, and community priorities acquired as a member of that community and through their participation in community activities - often through their involvement in sporting, educational, religious, charitable and benevolent organisations. Likewise, simply knowing someone or having social interaction with a person that a councillor knows in the local community is not regarded as a “very close relationship”. Councillors should be able to apply that knowledge to the decision-making of council, provided those decisions are not improperly influenced by either pecuniary or private interests that place a private interest ahead of the public interest.” However, LGNSW seeks a definition of “very close relationship or affiliation” to allay any potential issues as to their meaning. Clauses 3.14 and 3.15 of the Draft Model Code are noted as being new provisions not currently included in the 2020 Model Code. These clauses read as follows:

Sub. No.	Name	Council or organisation	Clause	Comments
				“3.14 A councillor must also disclose conflicts of interests they have in any matters they deal with outside of council and committee meetings in writing to the general manager as soon as practicable by identifying the nature of the interest. 3.15 Where a councillor has a conflict of interest in a matter that arises outside of a council or committee meeting, they must not have any involvement in the matter but may refer the matter to another councillor or to the general manager. A councillor should not seek to influence any action by the person the matter is referred to.” LGNSW notes the broad nature of clause 3.14 and the confusion this may raise in terms of having to declare an interest. We would request further information as to the intended extent and coverage of this provision. Does it for example extend to conflicts that councillors may have as board members of other organisations but which are not conflicts concerning their role as a councillor? LGNSW notes clause 3.18 is a new provision requiring written disclosures made under clause 3.17(c) to be “laid on the table at the meeting as soon as practicable after the disclosure is made” with the information contained in the disclosure to be recorded in the minutes of the meeting. This requirement for disclosure may cause concerns in relation to potential private, or confidential information, being disclosed as part of the requirement under clause 3.18 for information to be recorded in the minutes of the meeting. LGNSW notes the amendment to reduce the time-limit for submitting written disclosures from 3 months to 1 month in clauses 3.21, 3.22 and 3.30. The reduction in time from 3 months to 1 month may cause issue for some Councils when complying with the relevant reporting requirements depending on the number of disclosures of interest made.
			Part 4	Personal Benefits Increase to limits for personal benefits LGNSW notes that under the 2020 Model Code a gift or benefit under a value of \$10 had an exemption under clause 6.2 and was not included as a gift or benefit. Under clause 4.2 of the Draft Model Code this amount has been increased from \$10 to “of a token value” without a definition as to what is to be considered “token value”. LGNSW notes that under clause 4.4 of the Draft Model Code anything over \$300 is considered a gift or benefit and cannot be accepted. LGNSW raises an issue that without a definition of “token value” Councils could consider anything under \$300 as “token value”. This amount (\$300) is also different to the amount of \$500 which is referenced in clause 2.7(b)(i) of Schedule 1 which will cause further confusion.

Sub. No.	Name	Council or organisation	Clause	Comments
				LGNSW requests that the Model Code include a clear and unambiguous definition on the meaning of “token value” and/or that the OLG provide clarity on the meaning of “token value” as well as guidance to Councils on the differing amounts provided in cl4.2, cl4.4 and cl2.7(b)(i) of Schedule 1 of the Draft Model Code
			Part 5	Interactions with Council Staff Part 5 Clause 5.1 LGNSW notes that clause 7.2 of the 2020 Model Code has been amended. This is now reflected in clause 5.1 of the Draft Code reads as follows: “A councillor must not: (a) direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor exercising their functions under section 226 of the LGA or any other functions delegated to them by the council, (b) seek to improperly or unlawfully influence a member of staff or a delegate of the council in the exercise of their functions, (c) improperly contact a member of staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff approved by the council in consultation with the general manager, (d) contact or issue instructions to any of the council’s contractors, including the council’s legal advisers, unless by the mayor exercising their functions under section 226 of the LGA or any other functions delegated to them by the council.” With the amended clause 5.1(b) of the Draft Model Code inserting “...improperly influence a member of staff or a delegate of council...” without defining what would amount to improperly or unlawfully influence which may cause confusion with Councils. The amended clause 5.1(b) of the Draft Model Code inserting “improperly” without defining what would be considered improper which may cause confusion in complying with this requirement.
			Part 6	Access to Information and Resources Part 6 Clause 8.1 of the 2020 Model Code currently requires general managers to assume responsibility for providing councillors and administrators with the necessary information required for the performance of their official functions. LGNSW notes that clause 6.1 of the Draft Model Code adds Mayors into this requirement with the general manager. The addition of the mayor would depend on the individual Council and LGNSW cannot respond on behalf of all

Sub. No.	Name	Council or organisation	Clause	Comments
				Councils on this change and would also note that it extends beyond the role and function of the Mayor as set out in section 226 of the Local Government Act. LGNSW notes that clause 6.6(a) of the Draft Model Code requires councillors to only access council information “that is not otherwise publicly available that is needed to perform their official functions.” Clause 6.6(b) of the Draft Model Code requires councillors to not use council information which is not otherwise publicly available for private purposes. Clause 6.6(a) and clause 6.6(b) of the Draft Model Code amended clauses 8.9 and 8.13 of the 2020 Model Code by simplifying the areas which may assist Councils. LGNSW notes the inclusion of clauses 6.8-6.11 in the Draft Model Code which are new provisions on the use of council resources. This appears to have expanded on clause 8.9 of the 2020 Model Code which may assist Councils. Clause 6.13 of the Draft Model Code appears to be a simplified version of clause 8.20 of the 2020 Model Code regarding improper use of council resources which may assist councils. LGNSW notes that clauses 6.14 and 6.15 of the Draft Model Code appear to have simplified clauses 8.21-8.24 of the 2020 Model Code relating to council record keeping which may assist Councils. LGNSW notes that clause 6.16 of the Draft Model Code has removed the requirement for councillors to seek an authority from the general manager to access council buildings outside of normal business hours and instead prescribes that the council is to determine this access “from time to time” which may assist Councils.
			Part 7	Maintaining the Integrity of this Code Clause 7.3 LGNSW notes OLG is looking at enforcing harsher penalties for councillors who misuse code of conduct complaints for political or vexatious purposes under clause 7.3 of the Draft Model Code and LGNSW has no comment in relation to this change. Clause 7.3 of the Draft Model Code provides that the Departmental Chief Executive of the OLG may, under section 435(2) of the Local Government Act 1993 (NSW), surcharge a councillor, general manager or any other council staff member the amount of any loss or deficiency incurred by council as a consequence of making a complaint for an improper purpose. LGNSW has no comment in relation to this change.
			Schedule 1	Written Disclosure Return Matters Schedule 1 LGNSW notes that clause 2.1 Schedule 1 of the Draft Model Code has removed the time period of 30 June of the previous financial year in relation to real property held by a councillor which must be disclosed which may assist Councils.

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				It is also noted that clause 2.2 Schedule 1 of the Draft Model Code is new and is not currently included in the 2020 Model Code. This relates to trusts and LGNSW has no comment on this amendment. Clause 2.4 of the Draft Model Code requires councillors to declare positions in trade unions and professional or business associations but no longer contains the exemption for disclosing positions which the councillor ceased to hold prior to becoming a councillor or designated person. LGNSW has no comment on this amendment. LGNSW notes clause 2.6(a) of the Draft Model Code has amended the time relevant to sources of income which must be disclosed. Clause 26 of the 2020 Model Code requires sources of income received in the period from 30 June of the previous financial year to be declared. Clause 2.6(a) of the Draft Model Code requires sources of income exceeding \$500 received “since the last ordinary council election” and any such income expected to be received “during the remainder of the council term” to be disclosed. LGNSW notes the time period has been extended in the Draft Model Code with the limit of \$500 appearing to be the same which may assist Councils. Clause 2.6(b)(ii)-(c) of the Draft Model Code are new provisions regarding sources of income from being the holder of another office, partnership, a contract or agreement, trust or other income. These provisions are not previously contained in the 2020 Model Code. LGNSW has no comment on these amendments. LGNSW notes that clause 2.7(a) Schedule 1 of the Draft Model Code states that councillors must disclose a “description of each gift they have received and the name and address of the donor of each gift. It is noted that clause 2.8(a)(i) Draft Model Code specifies that contributions to travel received “during the current council term,” are to be declared. To provide certainty to NSW Councils, LGNSW seeks confirmation as to the applicable time-period for declarations made pursuant to clause 2.7(a) Schedule 1. LGNSW also notes that clauses 2.9 and 2.10 Schedule 1 of the Draft Model Code regarding dispositions of certain interests and water access licences are new provisions and LGNSW has no comment on this amendment.
022	Kate Barker	Central NSW Joint Organisation	Conclusion	Conclusion CNSWJO supports the overall objective of a clearer, more consistent and better-resourced councillor conduct framework, and welcomes the specific improvements identified in Section 1 of this submission. However, member councils hold genuine concerns regarding the removal of local and independent resolution options, the absence of any delegation to Mayors or General Managers, and the financial implications of the proposed cost recovery model. We ask that these concerns, together with the clarification questions raised and the broader matter raised around social media, be directly addressed as the reforms progress to drafting of the Bill and accompanying Regulations, and that the Model Code and Policy Statement be reconciled with one another before either is finalised. CNSWJO would welcome the opportunity to discuss this submission further and to be included in any targeted consultation on the design of the cost recovery model referred to in Section 8.2 of the Policy Statement.

Sub. No.	Name	Council or organisation	Clause	Comments
			Dictionary	Consequential Matters Arising in the Model Code The preceding sections focus primarily on the Policy Statement, as that document sets out the substantive reform architecture. However, member councils note the current draft Model Code has not yet been reconciled with that architecture. In particular, the Introduction to the Model Code states that “failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA” — a single-tier formulation — whereas the distinction between “unsatisfactory behaviour” and “serious misconduct” proposed in Section 4.1 of the Policy Statement does not appear anywhere in the Model Code itself. CNSWJO supports the definitional clarity sought earlier in this submission but notes this is not simply a matter of the definitions being clear — it is that the two source documents have not yet been reconciled. We ask that the Model Code be amended to expressly incorporate the proposed tiered definitions before either document is finalised.
			General	Re: Councillor Conduct Framework Reform Central NSW Joint Organisation speaks with a unified voice for its collective priorities. This region has a proud history of working collaboratively, representing over 180,000 people covering an area of more than 53,000sq kms comprising the local government areas of its membership - Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes, Weddin. Tasked with intergovernmental cooperation, leadership and prioritisation, CNSWJO has consulted with its stakeholders to identify key strategic regional priorities. The CNSWJO Strategic Plan can be found here - www.centraljo.nsw.gov.au. We welcome the opportunity to respond on behalf of our member councils to the current consultation on councillor conduct reform, comprising: • The Model Code of Conduct for Councillors (Draft, June 2026) (“the Model Code”); and • Improving Councillor Accountability — Councillor Conduct Reform Policy Statement (June 2026) (“the Policy Statement”). This submission consolidates feedback previously provided by member councils together with additional matters raised for OLG's clarification. Given the two documents serve different purposes — the Model Code sets standards of conduct, while the Policy Statement sets out the proposed complaints, investigation and sanctions architecture (including matters to be progressed through the Local Government and Other Legislation Amendment (Councillor Conduct) Bill 2025) — this submission is organised accordingly and specifies which document each point relates to. Matters of Concern Member councils have raised the following concerns, which we ask OLG to give further consideration.

Sub. No.	Name	Council or organisation	Clause	Comments
			Implementation	Administrative Directions, Cyber Security and Corporate Governance The reform material states that the new Code is intended to remove administrative requirements that are more relevant to staff and that unduly constrain councillors in carrying out their elected role. This principle is sensible and reflects the fact that councillors are elected representatives rather than employees. However, councils have many policies and governance frameworks that expressly apply to councillors as well as staff. These commonly include obligations relating to: • cyber security, • privacy and information protection, • records management, • information governance, • child safety and youth protection, • workplace health and safety, • acceptable use of council systems, • confidentiality obligations, • social media use, and • governance and probity requirements. In many cases, these policies ultimately rely on the Code of Conduct as the mechanism for enforcement. This creates a practical governance issue. The General Manager remains responsible for: • organisational risk, • cyber security, • privacy compliance, • records management, • information governance, • workplace health and safety, • protection of council assets, and • compliance with statutory obligations. However, where a councillor refuses to comply with a reasonable organisational requirement, the practical response often appears to be limited to the Code of Conduct process. For example, if a councillor: • refuses a cyber security requirement, • disregards a records management obligation, • fails to comply with information governance controls, • breaches a privacy requirement, • refuses to follow a child safety process,

Sub. No.	Name	Council or organisation	Clause	Comments
				- disregards a workplace safety requirement, or - fails to comply with another council policy that applies to councillors, the General Manager may be left with limited options other than referring the matter as a conduct issue. This can create a circular process where governance policies apply to councillors, but enforcement ultimately relies on the Code of Conduct process. Where a councillor refuses to comply, there may be no practical mechanism to immediately address the underlying organisational risk while a complaint is assessed and determined The issue is not whether councillors should remain independent. The issue is how councils are expected to manage significant organisational risks where the General Manager remains accountable for the outcome but does not appear to have clear authority to require compliance with reasonable controls designed to protect the organisation. This concern is particularly relevant given that councils hold significant volumes of information and are expected to maintain increasingly sophisticated governance, cyber security and privacy controls. If a councillor's non-compliance contributes to a cyber incident, privacy breach, records failure or other governance failure, it is unclear what practical mechanisms exist to protect the organisation before a conduct complaint is investigated and determined. The proposed framework would benefit from clearer guidance regarding: - compliance with council policies that expressly apply to councillors, - the relationship between governance policies and the Code of Conduct, - the authority of a General Manager to implement reasonable organisational controls, - the management of organisational risks created through councillor non-compliance, and - when serious or repeated non-compliance with policies may constitute misconduct. These issues are not political communication issues. They are governance, risk management and public accountability issues.
			Implement ation	Requests for Clarification The following matters are not addressed, or not fully addressed, in either the Model Code or the Policy Statement. CNSWJO requests OLG's clarification on each: - Scope of the scheme: Does the new complaints and triage framework extend to complaints made under any special or existing complaints arrangements, or are these intended to remain separate? - Notification to councils: Will a council be notified when a complaint concerning one of its councillors is received by OLG, and again when it is finalised — noting the Policy Statement refers to procedural fairness safeguards for the councillor involved (Section 4.3) but does not address notification to the council as an

Sub. No.	Name	Council or organisation	Clause	Comments
				institution? Member Councils see this as an important learning opportunity for Councillors and staff in improving their understanding of Code of Conduct matters. • Legal representation and costs at the Land and Environment Court: Given the Policy Statement anticipates a higher evidentiary standard to support LEC proceedings (Section 6), will councillors facing such proceedings be entitled to legal representation at council expense or through councils' insurers, and has this cost been factored into the proportionate costs model discussed in Section 8.2? • Consultation with councils during triage: Will OLG's triage process (Section 4.3) involve any consultation with the relevant council to establish the complaint history of a particular matter or complainant, including for the purpose of identifying vexatious or repeat complainants, or will triage be conducted by OLG in isolation from council records?
			Removed	Removal of the 'disrepute' standard and narrowing of complaint grounds Member councils have raised concern about the practical effect of the current draft Model Code's shift in emphasis toward protecting free political communication. The Free Speech in Local Government in NSW guideline (OLG, June 2025), describes a provision in the Model Code of Conduct then in force requiring councillors not to conduct themselves in a way likely to bring the council or other council officials into disrepute. That provision does not appear anywhere in the current draft Model Code. While broader and less precisely defined than a defamation, harassment or intimidation standard, this threshold provided councils with a mechanism to address councillor conduct that damaged the standing of the council or its officials, even where that conduct fell short of being personally disparaging, abusive or intimidating. Read together with the Free Speech Guideline's position that a code of conduct complaint is not the appropriate response unless a comment amounts to a clear breach such as personal disparagement, abuse or intimidation, the current draft Model Code appears to narrow considerably the grounds on which members of the public — and councils themselves — may raise legitimate concerns about a councillor's public commentary, including on social media. Member councils are concerned that this removes a standard that previously protected the reputation and proper functioning of local government as an institution, without a clear equivalent protection in its place, and that it may make it more difficult to hold councillors to account for commentary that damages public confidence in council even where it does not meet the narrower thresholds retained in the current draft. CNSWJO asks OLG to clarify the reasoning for the removal of the disrepute threshold, and to confirm whether any other mechanism is intended to address conduct that damages the reputation of the council or its officials but does not meet the narrower thresholds retained in the current Model Code.
023	Vicki Mayo	Local Government Professionals	Conclusion	Thank you for the opportunity to provide feedback on the Draft Model Code of Conduct for Councillors. The proposed Code represents an important step in strengthening governance, accountability and public confidence in local

Sub. No.	Name	Council or organisation	Clause	Comments
				government. It is hoped these comments will assist in the finalisation and implementation of a practical and effective Model Code that can be applied consistently across the sector.
			General	Submission on the Draft Model Code of Conduct for Councillors Local Government Professionals Australia, NSW is the peak body representing professionals orking across the New South Wales local government sector. Our members include council executives, governance professionals and other local government practitioners responsible for supporting effective governance, ethical decision-making and the administration of councils. Accordingly, our comments focus on the practical implementation and operation of the proposed Model Code. The Association supports the intent of the proposed reforms and the development of a contemporary, principles-based Model Code that promotes accountability, integrity and public confidence in local government. The comments below are intended to assist in ensuring the Code is clear, practical and capable of consistent application across the sector.
			Part 1 1.1	Clause 1.1 Comments The revised purpose of the Code is supported. Clearly defining the scope of the Code, including matters that fall outside its application, provides greater certainty for councillors, councils and the community regarding the intended operation of the Code. This approach appropriately recognises the distinction between councillor conduct and the legitimate exercise of political judgement while maintaining appropriate standards of ethical behaviour.
			Part 2 2.1-2.3	Clause 2.1-2.3 Comments The revised general conduct obligations are supported. The principles-based behavioural standards provide a clear framework for ethical conduct and reinforce expectations relating to integrity, respectful behaviour and the appropriate exercise of public office. The inclusion of provisions addressing improper conduct, intimidation, harassment, bullying and discrimination supports safe and professional working relationships across the local government sector. Supporting guidance and practical examples would assist councils and councillors in promoting consistent interpretation and application of these provisions. It is also recommended that consideration be given to expanding clause 2.2 to expressly include sexual abuse and physical abuse alongside intimidation, harassment, bullying and discrimination. Explicitly recognising these behaviours would strengthen the Code by providing greater clarity regarding the standards expected of councillors and reinforcing expectations of respectful and safe conduct.

Sub. No.	Name	Council or organisation	Clause	Comments
				While the move to a principles-based framework is supported, the revised Code no longer expressly refers to behavioural expectations relating to fairness and equity or compliance with council administrative requirements and policies. Greater recognition of these expectations in the revised Code would assist in reinforcing the standards of conduct expected of councillors.
			Part 3 3.1-3.8	Clause 3.1-3.8 Comments The revised conflict of interest framework is supported and provides a clearer principles-based approach to identifying and managing conflicts of interest. The clarification of interests that do not, of themselves, constitute a conflict appropriately recognises the representative role of councillors while maintaining public confidence in impartial decision-making. Given the significance of the new conflict of interest framework, including the application of the reasonable person test and the introduction of political donation provisions, supporting guidance and practical examples would assist councillors in applying the new requirements consistently across the sector.
			Part 5 5.1-5.3	Clauses 5.1–5.3 Comments The dedicated provisions governing interactions between councillors and council staff are strongly supported. Clear boundaries between the strategic leadership role of elected officials and the operational responsibilities of council staff are fundamental to good governance and effective organisational leadership. The requirement for councils to establish policies and procedures governing interactions between councillors and staff is welcomed. Supporting guidance and practical examples would assist councils in implementing these provisions consistently and maintaining respectful and professional working relationships.
			Part 6	Clauses 6.1-6.6 Comments The provisions governing councillors' access to information are supported and provide a clear framework regarding access to information and the appropriate management of confidential information. The requirement to provide written reasons where access to requested information is refused promotes transparency and accountability while recognising the importance of protecting confidential information. Supporting guidance on the practical operation of these provisions would assist councils in promoting consistent application, particularly in relation to requests for information and the management of confidential information.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 7 7.1-7.6	Clauses 7.1-7.6 Comments The inclusion of provisions addressing complaints made for an improper purpose is supported. These provisions reinforce the importance of ensuring that the councillor conduct framework is used appropriately and is not misused to pursue political or personal objectives. Education for councillors on the operation of the complaints framework will assist in promoting confidence in the integrity of the Code and encourage consistent understanding of the appropriate use of the conduct framework.
024	Phil O'Toole	Centium Pty Ltd	Dictionary	Draft Model Code Dictionary The definition of 'harassment' provided in the Dictionary on page 2 specifies that harassment is conduct that is 'not wanted by the person, that seriously [our emphasis] humiliates or intimidates [a] person, and creates a hostile environment.' Definitions of harassment in other sources of guidance and authority do not require that the conduct is serious. We question whether: • Introducing the concept of seriousness serves any helpful purpose • Risks creating a situation where conduct that might be regarded as harassment in another context is viewed as something less than this in respect of a councillor • Importing the concept of seriousness into the definition risks conveying that harassment other than 'serious harassment' is permissible, something that we presume is not intended. Misconduct The Draft Model Code defines 'conduct,' but does not define misconduct. We see value in referring to the meaning given to s 440F (Definitions) of the Local Government Act 1993 (NSW) and possibly to guidance as to how that statutory language might be assessed and applied in practice. Tribunals of fact often draw on the decision in Blyth Chemicals Ltd v Bushnell (1933) 49 CLR 66 where the Court said the misconduct involves a wilful or deliberate breach of duty, or a wilful or reckless disregard of the standards of behaviour the [in the context of the case, an employer] is entitled to expect. We have encountered situations where it might be fairly said that the code of conduct has been breached, but the conduct lacks intention or inherent seriousness. The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW do not provide guidance as to the intention and seriousness issue.

Sub. No.	Name	Council or organisation	Clause	Comments
				We suggest that the OLG: Consider including content that guides what would constitute misconduct or ‘unsatisfactory behaviour’ to clarify that not every breach might or should give rise to a conclusion of wrongdoing, considering things such as intention and seriousness.
			Implementation	Generative AI There is significant current discussion about the use of generative AI in complaint-making and pleadings and evidence in courts and tribunals. One high-profile example is the growth in the workload of the Fair Work Commission. We have noticed the use of generative AI in written submissions put to us by councillors. We have received submissions that have used AI to set out information about, for example, the Implied Freedom that has been incorrect or out of context, and has then required time and effort to respond to. The OLG should consider its position on the use of generative AI in the lead-up to establishing Privileges Committees and proceedings in the NSWLEC, and whether it wishes to express a view on whether and how generative AI can be used in complaint processes. We suggest that the OLG consider: Anticipating the use of generative AI in complaint processes and whether it wishes to make statements in the policy framework on if and/or how AI can be used.
			Part 1	Purpose One of the purposes set out in the Draft Model Code relates to the requirement that the code should be ‘interpreted and applied having regard to the implied freedom of political communication in the Australian Constitution’ (the Implied Freedom). The Implied Freedom is an important concept for all of the reasons that the OLG refers to in the Free Speech Guideline. An elected councillor holds a political role and councillors should be free to speak about political matters. The statement in the Purpose would be strengthened if there was guidance in the body of the Draft Model Code as to how the Implied Freedom operates in the local government context. The statement in our view does not stand on its own foundation. The jurisprudence on the Implied Freedom is unsettled. We have undertaken several code of conduct processes in which councillors have invoked the Implied Freedom to argue that their conduct has not breached the code of conduct because the Implied Freedom protected it. An incorrect or partial understanding of the Implied Freedom has been advanced, and we have to respond in ways that reflect our interpretation of the issues.

Sub. No.	Name	Council or organisation	Clause	Comments
				We suggest that OLG consider inserting in the Draft Model Code content that defines the Implied Freedom and notes that the code, made under the power of legislation, and the requirement for compliance, does not impermissibly burden the Implied Freedom. We have no reason to believe that a Privileges Committees will not be required to deal with claims concerning the Implied Freedom. Guidance in the Draft Model Code would be a stitch in time. We suggest that the OLG consider: • Adding content to the reference to the implied freedom of political communication to clarify what is and is not an impermissible burden in the context of a code of conduct made under legislation.
			Part 2	‘General standards of conduct’ When the Minister first spoke of an intention to reform the councillor conduct system, inclusive of the code of conduct, the language of an ‘aspirational code’ was used. It was suggested that a revised code would provide an opportunity to encourage behaviour that aligns with the expectations of the community and reposed in an elected representative. The Draft Model Code has not adopted the hearts and minds approach that was initially flagged. The ‘General standards of conduct’ reduces what had previously been set out in the ‘General conduct’, ‘Fairness and equity’, ‘Harassment and discrimination’, and ‘Bullying’ clauses over a page and a half of the Model Code of Conduct for Local Councils in NSW 2020 to three clauses and eight lines of text in the Draft Model Code. Symbolism can be important, including in relation to a document that intends to define the boundaries of acceptable conduct. We question whether the revised content under the ‘General standards of conduct ’ heading in its current form would serve to motivate councillors to behave in ways that fall within a boundary of, to pick one example, collegial engagement with their peers. There is a risk that the limited coverage of ‘general standards of conduct,’ compared with the 30 or so pages related to other forms of conduct and obligation, sends a message that might not be the message that is intended. To serve as an elected councillor and fulfill civic responsibilities is a privilege. We recommend adding a preface to the Draft Model Code that refers to the privilege of holding office and that concepts such as public office come with obligations and an opportunity to lead by example. This would pick up on the ‘aspirational’ objective that the Minister has spoken of.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 2	‘Work health and safety’ A councillor has a positive duty under the Work Health and Safety Act 2011 (NSW). We suggest referring to the relevant provision in the Act and removing the double negative (‘most not fail comply’) so that the positive obligation is clear.
			Part 2	Psychological safety / psychosocial hazards Neither document refers to the legislative arrangements in relation to psychosocial hazards. This issue has come up not uncommonly in our practice. We suspect that the regulator would look to the code of conduct and policy statement documents when investigating the control framework in response to a complaint. We suggest that the OLG consider: • Referring explicitly to psychological safety and regulatory arrangements concerning psychosocial hazards in connection with the ‘General standards of conduct’ and ‘Work health and safety’ clauses of the Draft Model Code.
			Part 3	‘When will a councillor have a conflict of interest in a matter?’ We question whether it is open to say that ‘voluntary work with community organisations that is not remunerated’ can never give rise to a conflict of interest. We can envisage situations where the fact that work is not remunerated would not guard against possible conflict. If a councillor was the patron or director of a community managed organisation (CMO) in a voluntary capacity, could it not be said that they held a conflict if the Council considered some commercial relationship with the CMO? On our understanding of sources of authority such as NSW Independent Commission Against Corruption’s Managing conflicts in the NSW public sector, the absence of remuneration would be determinative of whether a conflict existed.
			Part 7	‘Complaints made for an improper purpose’ The wording of clause 7.2 is difficult to interpret and would benefit from being rewritten. We disagree that it is open to say that a ‘trivial’ complaint, or one found to have lacked merit, was made for an ‘improper purpose.’ A complainant often holds a genuine view that their complaint is serious, when objectively it is not. The fact that a complaint—assessed objectively and possibly with more facts available to the appraiser than the complainant—does not of itself ground a conclusion that it was made for an improper purpose. We suggest that the OLG consider: • Revisiting an opportunity to include ‘aspirational’ content in the Draft Model Code that speaks to the privilege of civic representation and sets positive behaviour expectations

Sub. No.	Name	Council or organisation	Clause	Comments
				• Redrafting the Work health and safety clause to remove the double negative and make the positive obligation under WHS legislation clear • Reviewing the content in the conflict of interest section advising that work in a voluntary capacity cannot give rise to a conflict • Reviewing if it is correct to say that a trivial complaint is a complaint made with an improper purpose.
			Part 7	‘Disclosure of information about code of conduct complaints’ Clause 7.5 provides that a councillor may disclose or publish information about a code of conduct matter following determination of the complaint. If this is the intention, should the clause provide caveats about what can, or more to the point cannot, be said about a complaint after its determination? It is possible to envisage disputes and complaints related to a councillor’s publication of their view of the determination or the identities of other parties (e.g., complainants). If the determinations of a Privileges Committee are published (where a sanction is imposed), would publication be limitable to what was contained in the public documents? We suggest that the OLG consider: • Adding content to clause 7.5 to clarify what a councillor could or could reasonably publish following the determination of a complaint.
025	Clr Susannah Pearce	N/A	General Part 2	Thank you for the opportunity to provide comment on the Draft Model Code of Conduct. Our shire of the Moree Plains has not been immune to Code of Conduct matters, with one councillor having been censured three times and matters referred to OLG for consideration of further disciplinary measures. Unfortunately, repeated disorder in council meetings and the protracted complaint-investigation-determination-referral process has meant - at our council - that we are unable to provide for councillor and staff safety in the workplace, as the behaviour is free to continue from meeting to meeting. Evidence of the effect of the protracted Code of Conduct process which has led to escalation in meeting disorder can be viewed REDACTED meeting recording: REDACTED The challenge we have is that whilst it is expected and understood that the Councillor must comply with the Code of Meeting Practice including at the following council meeting, and that Code of Conduct processes may result in the disorder being addressed through the Procedures, there is an inability for the council to provide for the safety of the councillors, staff and viewing members of the public in real time, whilst matters are lodged, investigated and determined.

Sub. No.	Name	Council or organisation	Clause	Comments
				Yes councils are in the political realm, but councils are also a workplace and as Mayor and Chair of council meetings, the Code of Conduct, its Procedures, and the Code of Meeting Practice are not providing clear guidance on councillor's Work Health and Safety responsibilities, nor expedient response to actions which make the workplace unsafe. In any other workplace, an individual exhibiting such behaviour would simply not be able to return to the workplace the next workday without there being responsive disciplinary and investigation measures. The draft Code of Conduct states: Work health and safety 2.4 Councillors must not fail to comply with any obligations that they have under the Work Health and Safety Act 2011. However, a councillor's role under the Work Health and Safety Act 2011 as an elected official is ambiguous. The Model Code of Conduct needs to provide a much clearer set of expectations for councillors in regards to Work Health and Safety. Professional and safe conduct 2.5 Councillors must conduct themselves professionally, civilly and respectfully when exercising their civic functions and in all interactions substantively connected with their role as a councillor. 2.6 Councillors must take reasonable care that their acts or omissions do not adversely affect the physical or psychological health and safety of another person. 2.7 Councillors must not engage in conduct that creates, materially contributes to, or could reasonably be expected to create or materially contribute to, a risk to the physical or psychological health and safety of another person. 2.8 Clauses 2.5–2.7 apply to: a. a single serious incident or a pattern of conduct; b. verbal, written, electronic or physical conduct; and c. conduct occurring at council or committee meetings, closed meetings, briefings, workshops, council premises or elsewhere where the conduct is substantively connected with the councillor's civic functions. 2.9 Nothing in clauses 2.5–2.8 prevents robust political debate, passionate advocacy, criticism of council decisions, policies or performance, disagreement between councillors, or the expression of contentious political views, provided that the manner of the conduct otherwise complies with this Code. These requested additions are not designed to restrict free speech, passion or robust debate, which we recognise as critical to effective democracy. They are about protecting councils as professional workplaces, where councillors,

Sub. No.	Name	Council or organisation	Clause	Comments
				staff and the public have a right to their physical and psychosocial safety. Implementing the above will also help to improve councils' reputations in the community, and desirability as employers. We also recommend that the Code of Meeting Practice be amended to require meetings to be both professional and safe, with clearly defined processes for managing unsafe behaviour. Even after repeated expulsions and Code of Conduct censures, our council currently lacks proportionate powers to protect councillors and staff while OLG considers related conduct matters. Clear expectations must be set and supported by clear measures to ensure a safe workplace.
026	Todd Hopwood	Wollongong City Council	Conclusion	13. Conclusion Council supports reform that improves public trust, reduces misuse of complaint processes, provides timely and proportionate resolution of conduct matters, and makes Councillor obligations clearer and more workable. Council considers the June 2026 draft Model Code is a substantial improvement on the earlier proposal for a short aspirational code only, particularly because it preserves enforceable standards in key areas. Council's submission is intended to support a framework that is clear, enforceable and capable of consistent application across the sector. In particular, Council considers that the final framework should expressly address key areas of contemporary governance risk, including sexual harassment, child protection and safeguarding, Councillor use of social media, privacy and safety in disclosure returns, anonymous complaints, complaint limitation periods, preliminary assessment, decision-maker competency and proportional sanctions. Addressing these matters in the Code, procedures or supporting guidance will assist Councillors, Councils, complainants, staff and decision-makers to understand their obligations and apply the framework fairly. Council's support is therefore subject to further detail being provided on procedures, triage, referral pathways, decision-making powers, committee composition, sanctions, guidance materials, resourcing and transition. Council strongly encourages OLG to consult further with the sector on the draft procedures, guidance and implementation materials before the framework commences.
			Conclusion	Summary of key recommendations Issue - Status and enforceability of the code Council position - Support an enforceable Councillor code rather than a purely aspirational model. Suggested OLG action - Retain clear enforceable obligations and avoid removing substantive behavioural controls unless they are replicated in legislation or procedures. Issue - Sexual Harassment not referenced in Draft Code of Conduct Council position - Code doesn't specifically mention sexual harassment despite the

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				significant community, legal, WHS and governance focus on that issue in recent years. Suggested OLG action - Amend the draft Code to expressly prohibit sexual harassment, rather than relying on broader harassment or work health and safety provisions and provide supporting guidance and examples in the implementation material. Issue - Child protection and safeguarding Council position - The draft Code does not expressly refer to child protection, child safety or safeguarding obligations, despite councillors interacting with children and young people through civic, community and digital engagement activities. Suggested OLG action - Expressly recognise child protection, safeguarding and reportable conduct obligations in the Code or supporting guidance. Issue - Conflict of interest framework Council position - Support clearer conflict tests but seek additional guidance on “very close relationship”, “directly and materially affected” and political donation conflicts. Suggested OLG action - Issue practical guidance, case studies and declaration templates before commencement. Issue - Gifts and benefits Council position - Support clear limits and prohibition on gifts from property developers. Suggested OLG action - Resolve the relationship between the \$300 acceptance limit and \$500 disclosure thresholds in the returns. Issue - Gifts and benefits Council position - Concerned by inconsistency between acceptance limit for Council staff and Councillors. Suggested OLG action - Council recommends that OLG explain the policy basis for the selected threshold and consider whether a lower threshold would better align with contemporary integrity expectations and existing local government integrity frameworks and also provide commentary on why different threshold limits will be implemented for different Council officials. Issue - Gifts and benefits Council position - Council suggests a prohibition on gifts, benefits and hospitality from current suppliers to Council.

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				Suggested OLG action - Council recommends that an additional clause be added to the Code stating that a Councillor must not accept a gift, benefit or hospitality from a person or organisation that is a current supplier, currently participating in a council procurement process or that is seeking to obtain, renew or vary a contract with the council. Issue - Procedural rules Council position - The absence of a mechanism for rapid assessment and referral back for informal resolution could mean that relatively minor matters are automatically drawn into a formal complaints process, resulting in disproportionate delay, administrative burden and damage to working relationships. Suggested OLG action - Council recommends that OLG establish a mandatory preliminary assessment process, with a target timeframe of days rather than months, to determine whether a complaint should be dismissed, referred for informal resolution, referred back to the General Manager for clarification or education, or proceed to formal investigation. Issue - Procedural rules Council position - The draft code does not reference the issue of whether anonymous complaints will be accepted nor, how they will be managed. Suggested OLG action - Council recommends that the procedures expressly address anonymous complaints, clarifying when anonymous complaints may be accepted, what minimum information must be provided, when such complaints should be dismissed or referred to another body, and how natural justice will be afforded to the Councillor who is the subject of the complaint. Issue - Implementation Council position - Support staged implementation and further consultation. Suggested OLG action - Provide draft procedures, guidance, template forms and transitional arrangements for sector comment before commencement.
			Dictionary	5.5 Disinformation Council notes that the Policy Statement identifies deliberate disinformation as a potential example of unsatisfactory behaviour. Given the complexity of political debate and the implied freedom of political communication, Council recommends that any future provisions dealing with misinformation or disinformation be carefully drafted, objectively assessed and supported by clear evidentiary standards to avoid unintended impacts on legitimate political debate or differing policy viewpoints.

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			General	1. Executive summary Wollongong City Council welcomes the opportunity to provide feedback on the Office of Local Government's proposed reforms to the regulation of Councillor conduct and the draft Model Code of Conduct for Councillors. Council's overall position remains broadly consistent with its November 2024 submission. Council supports changes that strengthen public trust, improve timeliness, reduce administrative burden and prevent the misuse of complaints processes. Council also supports reform that removes councils and general managers from the difficult position of receiving, triaging and managing conduct complaints about Councillors, provided that the replacement framework is properly resourced, procedurally fair and supported by clear thresholds, guidance and decision-making criteria. Council considers that the June 2026 draft Model Code is a material improvement on the earlier proposal for a short aspirational code only. In particular, Council supports the inclusion of enforceable standards relating to general conduct, work health and safety, conflicts of interest, personal benefits, interactions with staff, access to information and complaint integrity. However, Council submits that several aspects require further refinement before finalisation. Council recommends that the final framework address emerging and practical governance risks, including sexual harassment, child protection and safeguarding obligations, Councillor use of social media, anonymous complaints, complaint limitation periods, and minimum training and competency requirements for persons involved in preliminary assessment, investigation, decision-making and review. These matters are important to ensure the framework is not only principled, but operationally clear, procedurally fair and capable of consistent application across the sector.
			Implementation	10.2 Confidentiality of code of conduct complaints Council supports provisions preventing Councillors from alleging breaches other than through the applicable procedures and from disclosing or publishing information about alleged breaches until determined, except for legal advice or as required by law. This is important to avoid political weaponisation, reputational damage, prejudicing investigations and undermining procedural fairness. Council also supports the express preservation of rights to make public interest disclosures under the Public Interest Disclosures Act 2022. This should be supported by guidance so Councillors understand the difference between code of conduct complaints, public interest disclosures, mandatory reports to other regulators and public commentary. Council notes a potential inconsistency between the proposed Councillor conduct framework and the protections available to individuals making disclosures under the Public Interest Disclosures Act 2022. Under the PID framework, significant protections apply to the identity of disclosers and to the management of information that may identify them. By contrast, it is unclear from the proposed Councillor conduct framework what protections, if any, will apply to the identity of Councillors who make conduct complaints in good faith. This lack of clarity may discourage legitimate complaints, particularly in circumstances where there are concerns about reprisals, workplace relationships,

Sub. No.	Name	Council or organisation	Clause	Comments
				intimidation or adverse treatment. Council recommends that the procedures clearly address the circumstances in which the identity of a complainant may be disclosed, establish appropriate confidentiality protections, and provide guidance on managing risks of reprisal, while ensuring natural justice is afforded to the subject of the complaint.
			Implementation	11.3 Procedural rules Council recommends that draft procedures be released for consultation before commencement. At a minimum, procedures should address jurisdiction, standing to complain, triage, dismissal thresholds, natural justice, conflicts of interest of decision-makers, evidence standards, legal representation, to OLG, NCAT or other bodies. Definitions of unsatisfactory behaviour and serious misconduct Council supports the policy objective of clearly distinguishing between "unsatisfactory behaviour" and "serious misconduct" and recognises the benefits of establishing clearer pathways for complaint triage and resolution. However, Council considers that the proposed definitions remain broad and may be difficult to apply consistently in practice. Terms such as "outside the norms and expectations of a sitting councillor", "abuse of the privilege of free political communication" and "repeated unsatisfactory behaviour of a serious nature" should be further defined within legislation or supporting guidance. Council recommends that OLG publish detailed examples and decision-making criteria to promote consistency, transparency and procedural fairness. Council recommends that OLG publish and maintain a library of anonymised Privileges Committee decisions and case studies. This would assist councillors, councils, complainants and decision-makers to understand how behavioural standards are being interpreted and applied over time.
			Implementation	12. Implementation and transition Council recommends that OLG adopt a staged implementation plan. Councils will require time to update local codes, procedures, Councillor and staff interaction policies, disclosure registers, training materials, Councillor induction content, internal reporting pathways and governance systems. Council recommends the following implementation support: • final draft Model Code, procedures and any legislative amendments released together for sector review before commencement; • plain English guidance notes for Councillors, mayors, general managers and governance staff; • model forms for disclosures, annual declarations, complaints, preliminary assessments and conflict of interest declarations; • training materials and scenario-based case studies; • a model Councillor and staff interaction policy; • privacy and publication guidance for interest disclosure registers;

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				• a transition timetable for existing complaints and disclosures; and • resourcing commitments for OLG and any new decision-making body.
		General	3.2 Retention of enforceable standards	Council supports the draft Code moving away from a purely aspirational model. The draft Code states that its purpose is to prescribe ethical and behavioural standards with which Councillors must comply. This is preferable to a short aspirational code that risks creating uncertainty about what standards are enforceable and what behaviours are merely encouraged. Council submits that community confidence in local government requires clear, enforceable standards for elected representatives. These standards should be framed in plain English, but should not be so general that Councillors, staff, complainants, investigators or decision-makers cannot confidently determine whether conduct is permissible or prohibited.
		General	Anonymous Complaints	Council recommends that the procedures expressly address anonymous complaints. Anonymous complaints may sometimes raise legitimate integrity, safety or reprisal concerns, but they also create practical difficulties for assessment, investigation and procedural fairness. The procedures should clarify when anonymous complaints may be accepted, what minimum information must be provided, when such complaints should be dismissed or referred to another body, and how natural justice will be afforded to the Councillor who is the subject of the complaint. Council considers that anonymous complaints should not automatically be excluded, but they should be subject to clear threshold tests to ensure that only matters capable of fair and meaningful assessment proceed.
		General	Time Limits on Complaints	Council recommends that the procedures include clear time limits for making complaints. Without a defined limitation period, historical complaints may be difficult to assess fairly due to unavailable records, faded recollections, changed circumstances or inability to properly test the evidence. A reasonable time limit would promote timely resolution, procedural fairness and efficient use of regulatory resources, while still allowing genuinely serious matters to be accepted out of time where exceptional circumstances exist. Council recommends that OLG specify both the standard complaint lodgment period and the criteria for accepting late complaints.
		Part 1	4.1 Scope of application	Council supports the draft Code clarifying that it does not apply to decisions or actions of the council itself, good faith decisions or discretionary actions, political or policy judgments, private conduct not substantively related to the

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				Councillor role, expression of opinion unless accompanied by other conduct that may breach the Code, and participation in political activities. This is important to preserve democratic debate and freedom of political communication. However, Council submits that guidance should be issued to explain how the exclusion for expression of opinion interacts with obligations not to engage in intimidation, verbal abuse, harassment, bullying, unlawful discrimination, misuse of position, improper staff contact, disclosure of confidential information or complaints made for an improper purpose.
			Part 1	4.2 Implied freedom of political communication Council supports the draft Code expressly requiring interpretation and application having regard to the implied freedom of political communication. As Council submitted in 2024, Councillors should be able to speak publicly on council-related matters, including disagreement with majority decisions. However, this must be balanced against appropriate limits concerning confidential information, personal attacks, conduct that may bring Council into disrepute, and behaviour towards Councillors or staff that may cause harm. Council submits that this balance should be made clear in guidance material. The Code should not be used to suppress legitimate political debate, but nor should the implied freedom be treated as a blanket immunity for conduct that is unlawful, abusive, intimidating, discriminatory, improperly discloses information, misuses office or creates unreasonable work health and safety risks. Council also recommends that OLG provide specific guidance on Councillor use of social media. Online communication is now a significant part of political advocacy, community engagement and public debate, but it is also a common source of conduct complaints and reputational risk. Guidance should clarify how the Code applies to posts, comments, sharing, tagging, livestreaming, private groups, campaign pages and interactions with staff, other Councillors, complainants and members of the public. This guidance should recognise the importance of political communication while making clear that online conduct is not exempt from obligations relating to confidentiality, harassment, bullying, intimidation, discrimination, misuse of position, improper disclosure of information, complaint integrity and work health and safety.
			Part 2	5.1 General standards Council supports the inclusion of general standards requiring Councillors not to intentionally or recklessly conduct themselves in a manner that is contrary to law or an applicable council resolution, improper or unethical, an abuse of power, or involves the misuse of position to obtain a private benefit. Council also supports retaining express prohibitions on improper or unlawful intimidation, verbal abuse, harassment, bullying and discrimination. These provisions are important for public trust, workplace safety, psychosocial risk management and respectful interactions between Councillors, staff and community members. Sexual harassment

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				Council is concerned that sexual harassment is not expressly identified in the draft Code. While sexual harassment may potentially fall within broader concepts such as harassment, bullying, unlawful conduct or work health and safety obligations, Council considers that the issue is of such significance that it warrants explicit reference. Sexual harassment remains a critical workplace safety, governance and public confidence issue across all sectors, including local government. The Code should clearly state that Councillors must not engage in sexual harassment and should provide guidance on expected standards of behaviour when interacting with staff, other Councillors, contractors, volunteers and members of the public. Express recognition of sexual harassment would remove ambiguity, reinforce community expectations of elected representatives and support councils in maintaining safe and respectful workplaces. Council already has included detailed provisions in our both our staff and Councillor Codes of Conduct in relation to sexual harassment, but Council is of the opinion that these issues should be addressed in the model code for all Councils. Council recommends that OLG amend the draft Code to expressly prohibit sexual harassment, rather than relying on broader harassment or work health and safety provisions and provide supporting guidance and examples in the implementation material.
			Part 2	5.3 Land use planning and regulatory functions Council supports the inclusion of specific obligations regarding land use planning, development assessment and regulatory functions. The requirement for Councillors to take reasonable and practicable steps to ensure relevant decisions are made properly, transparently and fairly, and to disclose approaches and communications relating to those matters, is consistent with integrity and corruption prevention principles. Council recommends that OLG develop a model lobbying policy and practical register template to support implementation. Council also recommends examples covering development applications, planning proposals, submissions from applicants and objectors, Councillor site meetings, community campaigns and communications from professional lobbyists.
			Part 2	5.4 Binding caucus votes Council supports retaining a prohibition on binding caucus votes. Council also supports the clarification that Councillors are not prevented from discussing matters before a meeting or voluntarily holding a shared view. This distinction is important and should be explained in guidance, particularly where Councillors participate in political groups, informal Councillor discussions or pre-meeting conversations that do not involve threats of disciplinary action or compulsion.
			Part 2 2.4	5.2 Work health and safety Council strongly supports retaining an express obligation that Councillors must not fail to comply with obligations they have under the Work Health and Safety Act 2011. Council previously submitted that expectations around discourse

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				and personal interactions should be addressed from a workplace safety and psychosocial hazards perspective. While Councillors must be able to engage in robust political debate and public advocacy, these considerations should not diminish the obligation to maintain safe, respectful and lawful interactions with staff, other Councillors, contractors, volunteers and members of the public. The Code should make clear that principles relating to political communication do not excuse conduct that constitutes bullying, harassment, sexual harassment, intimidation, discrimination or other behaviour that creates unacceptable psychosocial risks. Council recommends that OLG issue practical guidance explaining how Councillor conduct obligations interact with council duties to manage psychosocial hazards, abusive or intimidating behaviour, staff contact protocols, meeting conduct, access to staff-only areas and obligations to provide a safe working environment. This guidance should be designed for Councillors, mayors, general managers and governance staff. Council is concerned that the draft Code does not expressly refer to child protection, child safety or safeguarding obligations. Councillors may interact with children and young people through civic events, youth councils, community engagement activities, volunteering initiatives, social media and digital engagement channels. While relevant conduct may be captured by broader obligations relating to lawfulness, harassment, discrimination, health and safety or misuse of office, Council considers that child safety is of such importance that it should be expressly recognised in the Code or supporting guidance. Council already has included detailed provisions in our both our staff and Councillor Codes of Conduct in relation to child protection, but Council is of the opinion that these issues should be addressed in the model code for all Councils. Council recommends that OLG include specific guidance confirming that Councillors must comply with applicable child protection, safeguarding and reportable conduct obligations, and must not engage in conduct that creates an unacceptable risk to children or young people.
			Part 2	6.4 Political donations
			Part 3	
			Part 4	Council notes the proposed conflict of interest arising from receipt of, or knowing benefit from, a political donation of or above \$1,000 made by a donor in New South Wales or another jurisdiction in the previous four years, where the donor has a matter before council. Council supports the inclusion of political donation conflicts, subject to clear guidance on how Councillors will know whether they have knowingly benefitted from a donation, how associated entities are treated and how recurring donations are managed.
			Part 2	7.2 Property developers
			Part 4	Council supports special controls relating to property developers and close associates, given the heightened corruption and perception risks associated with planning, development and infrastructure decisions. However,

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				Council submits that further detailed guidance is required on the definitions of property developer and close associate, the interaction with Electoral Funding Act definitions, and the practical implications for Councillors in small, regional and rural communities where business ownership and civic participation can overlap.
			Part 3	6. Conflicts of interest 6.1 Overall support Council supports the draft Code's attempt to simplify and clarify the conflict-of-interest framework. Council welcomes the retention of a reasonable person test and the continued emphasis on conflicts where a private interest, or the interest of a person or organisation with which the Councillor has a very close relationship or affiliation, may improperly influence the exercise of functions. However, Council submits that the practical operation of the conflict framework will depend heavily on guidance. Concepts such as "very close relationship", "directly and materially affected", "improperly influenced" and "private interest" require examples and decision-making tools so that Councillors can confidently identify and manage conflicts before meetings and in out-of-session interactions.
			Part 3	6.2 Pecuniary interests Council previously submitted that any definition or test for pecuniary interests should capture not only receiving a financial benefit but also avoiding a financial loss or denying a commercial opportunity to a competitor. Council submits that this remains important. The proposed wording referring to appreciable financial gain or loss should be retained and supported by examples dealing with avoided loss, indirect benefit, beneficial interests through trusts, companies and relatives, and competitive commercial advantage. Council supports retaining broad categories of affected persons and entities, including relatives, partners, employers, companies and other bodies. Council also supports the draft Code's approach to the idea that a remote or insignificant interest should not be treated as a pecuniary interest if it could not reasonably be regarded as likely to influence a decision.
			Part 3	6.3 Non-pecuniary interests Council supports the use of an objective reasonable person test for non-pecuniary interests. Council does not support subjective tests that depend on whether a Councillor considers a matter controversial, minor or unlikely to affect the outcome of a vote. Such tests risk inconsistency and may encourage Councillors to make assumptions about voting outcomes before meetings. Council recommends that the final Code and guidance avoid the language of "controversial" as a decisive criterion. Instead, guidance should focus on the closeness of the relationship or affiliation, the significance of the affected

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				interest, the degree to which the decision directly and materially affects the person or organisation, and whether a reasonable and informed person would perceive improper influence.
			Part 3	6.5 Management of conflicts Council supports the requirement that a Councillor with a conflict of interest in a matter being considered at a council or committee meeting must disclose the nature of the interest and must not be present, vote on the matter or discuss the matter with another Councillor. Council also supports recording disclosures in minutes. Council recommends further guidance on conflicts arising outside council and committee meetings, including examples relating to constituent enquiries, Councillor requests, site visits, staff discussions, referral of matters to another Councillor or the general manager, and the point at which a Councillor's involvement must cease.
			Part 3	6.6 Disclosure returns and privacy Council supports modernising written disclosures, maintaining an electronic register, and separating publicly available information from confidential residential and tenanted property information. Council supports publishing a searchable copy of the publicly available part of the register, provided privacy and safety protections are clear and operationally workable. Council emphasises that Councillor safety is not a hypothetical concern. Councils periodically deal with individuals who engage in persistent abusive, intimidating or threatening conduct towards Councillors and staff. In some circumstances these matters escalate to police investigations, security arrangements, access restrictions and ongoing risk management responses. Council is therefore concerned that reforms aimed at improving transparency could have unintended consequences if insufficient regard is given to personal safety, particularly where disclosure information may assist individuals seeking to target Councillors or their families. For this reason, Council strongly supports retaining robust privacy protections and allowing the suppression or redaction of information where there is a demonstrated or reasonably foreseeable risk to personal safety. Council recommends that OLG provides a model form, privacy guidance, publication template and frequently asked questions for Councillors. This should include guidance on redaction, treatment of residential and tenanted property interests, trusts, self-managed superannuation, sources of income and discretionary disclosures.
			Part 4	7. Personal benefits 7.1 Gifts, benefits and hospitality Council supports clear rules prohibiting Councillors from intentionally soliciting gifts, benefits or hospitality, accepting gifts or hospitality that may create a sense of obligation or perceived influence, accepting gifts above the prescribed limit, accepting cash or cash-like gifts, or accepting gifts from property developers or close associates of property developers.

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				Council recommends that OLG clarify the relationship between the \$300 acceptance limit in the personal benefits provisions and the \$500 disclosure threshold in the interest disclosure return schedule. Without guidance, Councillors and governance staff may find it difficult to explain why an item may be prohibited at one threshold but disclosed at another. Additionally, Council questions whether the proposed \$300 acceptance threshold appropriately reflects contemporary community expectations of elected representatives. The threshold is substantially higher than the token gift thresholds that commonly apply to council staff and other public officials and may create a perception that Councillors are permitted to accept benefits of a value that would not be acceptable in other parts of the public sector. Council is concerned that such a limit could create a scenario where a staff member and a Councillor are offered and accept the same gift, but the Council staff member may be in breach of the Code of Conduct whilst the Councillor would be permitted to retain the gift. Council recommends that OLG explain the policy basis for the selected threshold and consider whether a lower threshold would better align with contemporary integrity expectations and existing local government integrity frameworks and also provide commentary on why different threshold limits will be implemented for different Council officials. Council notes that the draft Code does not expressly address gifts, benefits or hospitality offered by current suppliers, contractors, tenderers or other persons participating in procurement processes involving the council. Whilst Council acknowledges that clause 4.4(b) would prohibit gifts that may create a sense of obligation or be perceived as intended to influence a Councillor, Council considers that greater clarity would be achieved through an express prohibition. Procurement and contracting decisions involve significant public expenditure and carry elevated corruption, probity and reputational risks. Council recommends that the Code expressly prohibit Councillors from accepting gifts, benefits or hospitality from current suppliers to council, entities participating in a procurement process, or entities seeking to obtain or retain council contracts. Council recommends that an additional clause be added to the Code stating that a Councillor must not accept a gift, benefit or hospitality from a person or organisation that is a current supplier, currently participating in a council procurement process or that is seeking to obtain, renew or vary a contract with the council.
		Part 5	8. Interactions with council staff	Council supports the re-inclusion of clear obligations governing interactions with staff. Council considers these provisions essential to protect the separation between the governing body and administration, maintain appropriate lines of authority through the general manager, and manage psychosocial risks for staff. Council supports the requirement that Councillors must not direct staff other than through appropriate council or committee resolutions or the mayor lawfully exercising functions, must not improperly or unlawfully influence staff or delegates, must not improperly contact staff except in accordance with an approved Councillor and staff interaction policy, and must not contact or instruct contractors or legal advisers except through an authorised pathway.

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				The draft Code already singles out property developers for special treatment. A similar rationale exists for procurement participants because both involve parties seeking favourable decisions from Council and both create elevated integrity and perception risks. Council recommends that OLG provide a model Councillor and staff interaction policy aligned to the final Code, including practical examples of appropriate contact, inappropriate contact, Councillor requests, operational enquiries, customer service matters, Councillor workshops, external auditors, ARIC chairs and staff-only areas.
			Part 6	9.2 Confidential information Council supports the prohibition on using confidential information for unauthorised purposes and on intentionally disclosing confidential information discussed in a closed part of a council or committee meeting or other confidential forum unless the information has previously been made publicly available by the council. Council recommends that the final framework clearly preserve confidentiality where required by the Local Government Act 1993, privacy legislation, legal privilege, commercial-in-confidence obligations, public safety, staff privacy or other statutory obligations. Councillors should receive plain English guidance on what may and may not be publicly discussed following closed sessions, workshops, briefings or committee meetings.
			Part 6	9.3 Record keeping Council supports the inclusion of obligations relating to the State Records Act 1998. Council recommends that OLG provide practical guidance for Councillors on managing council records created, sent and received through email, messaging platforms, social media, personal devices and Councillor portals.
			Part 7	10. Maintaining the integrity of the Code 10.1 Complaints made for an improper purpose Council strongly supports the inclusion of provisions dealing with complaints made for an improper purpose. Council's 2024 submission emphasised that frivolous complaints are often an indicator of complainant behaviour, and that impacts can be significantly reduced through stringent triage and effective preliminary review. Council supports prohibiting Councillors from making or threatening to make complaints, or causing complaints to be made, for an improper purpose, including where they are trivial, frivolous, vexatious, not made in good faith or lack merit and are substantially made to bully, intimidate or harass, damage reputation, obtain political advantage, influence or disrupt council functions, avoid disciplinary action or take reprisal action. Council recommends that the procedures contain strong early assessment powers, clear examples, written reasons for decisions, protections for genuine complainants, and a procedurally fair process before any finding is made that a complaint was made for an improper purpose.

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027	Sonia Minutillo	Information and Privacy Commission NSW	General	General Comments 1. The Privacy Commissioner welcomes the opportunity to provide feedback on the Office of the Local Government's (OLG) Policy Statement: Improving Councillor Accountability (Policy Statement) and draft Model Code of Conduct for Councillors (draft Code). 4. The Privacy Commissioner's comments are confined to matters relevant to the statutory functions of the Privacy Commissioner under the PPIP Act and HRIP Act. 5. The Privacy Commissioner supports the objectives of the Policy Statement and draft Code to promote integrity, accountability and public confidence in local government. The comments below are intended to assist in ensuring that these objectives continue to operate consistently and in accordance with NSW's privacy framework.
			Schedule 2	Draft Model Code of Conduct for Councillors 11. The Privacy Commissioner supports an approach which aims to strengthen the protection of personal information. Schedule 2 of the draft Code contemplates both a publicly available register of councillors' disclosures as well as a confidential register and explains that a searchable version of the public register will be made available on councils' websites. However, it is unclear how the proposal to publish the publicly available parts of the register on councils' websites aligns or is intended to align with the existing provisions of Part 6 of the PPIP Act relating to public registers, which: • limits the circumstances in which the contents of public registers may be disclosed to the public (as modified by the Privacy Code of Practice for Local Government) • provides, in section 58, for a person's ability to seek to have their personal information removed from a public register.
028	Peter Thompson	Wagga Wagga City Council	General	Good afternoon, Thank you for the opportunity to participate in the recent OLG Councillor Conduct Reforms expert advisory seminar. In addition to the group discussion, I would like to add the following comments. I appreciate that the path has been 'set', but I'd like to make the comments anyway. The approach to the Councillor code of conduct appears to be undertaken without regard to what the code of conduct should aspire to achieve. To answer this question, it should be acknowledged that the current revision on conduct itself seems to take inspiration from the NSW State Government requirements. The Minister has said as much. The reality is that the interaction of elected officials in NSW State Government is very different to what is required in Local Government.

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				In State Government one political party is "in government". They are all on the same team and pursue their work with a "one team" structure. The work of the state and decisions about policy and programs and deployment of resources is made by one team in Cabinet. Law changes etc are debated in the Legislative Assembly and the Legislative Council, but this is not the engine room of the State. The engine room is the "one team" behind the closed doors workspace of the Government in power. In contrast, the Local Government system provides for allocation of resources, setting priorities, direction to workforce and policy to be set in a public forum where elected officials who participate in the decisions come from the full spectrum of political and philosophical views. If the Legislative Assembly or Legislative Council become dysfunctional, (noting the narrow scope of essential work they do) - not much happens. The State continues to function quite effectively because the vast majority of work is administered by "one team" outside those chambers. In stark contrast, Local Government quickly becomes dysfunctional and loses public respect if the Council Chamber is in disarray due to poor conduct. The key point here is that the Code of Conduct for Local Government should aim to be expedient and decisive in addressing poor conduct. The aim should be to provide a coherent and respectful space which focuses on the issue and has zero tolerance for interpersonal criticism and degradation. The current proposal, like those in the past, completely ignores the environment in Local Government which incubates poor behaviour and the immediate effect that dysfunction has on the community and perceptions in the community. As a minimum, there should be a standard that has zero tolerance for comments and insults which criticise other elected members as an individual. I have had the good fortune of working with some cohesive (albeit very diverse) Councils and the single biggest factor which underpins their success is that they invariably play the ball and not the player. The Code of Conduct should prescribe this standard and be both ruthless and immediate to address breaches. Deal with this, and you will resolve the majority of dysfunction plaguing Council chambers across the State. Regards,
029	Lohraine Souza	Bellingen Shire Council	Dictionary	However, the final code should remain tight. It should avoid vague behavioural language that can be used to convert ordinary political disagreement into conduct complaints. The framework should draw a firm line between robust political debate and genuine misconduct.
			Implementation	The final Code and procedures should require OLG, the Departmental Chief Executive or the Privileges Committee to notify the affected council of any substantiated finding and sanction. Such findings and sanctions should generally be reported to an ordinary meeting of the affected council and included in a publicly accessible OLG register, subject to

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				lawful limitations protecting complainants, staff, witnesses, children, health information, privacy, legal privilege and public interest disclosures. Complaints dismissed at triage should generally not identify the councillor concerned. Without clear public reporting, the proposed framework may improve process efficiency but weaken visible accountability.
			Implement ation	Where a finding is substantiated, the community has a legitimate interest in knowing the decision-maker, whether the matter was dealt with by the Privileges Committee, OLG, the Departmental Chief Executive or the Land and Environment Court, and whether the Councillor has complied with the sanction, including any apology, training order, undertaking, suspension or loss of sitting fees imposed.
			Part 1 1.1	Council understands the rationale for developing a code that specifically recognises the political and public-facing role of Councillors. However, Council has significant concerns about creating two separate model codes: one for Councillors and another for council staff, delegates and committee members. Two separate codes may add complexity to a framework intended to be simplified, particularly given mixed council settings involving Councillors, staff, delegates and community members in briefings, committees, working groups and reference groups. Council recommends that OLG reconsider the two-code model and instead adopt a single integrated Model Code of Conduct with separate role-specific parts (for example: Part A – all council officials; Part B – councillors; Part C – staff; Part D – delegates and committee members; Part E – disclosure of interests; Part F – complaint handling). If two codes are retained, OLG should release the companion code before finalising the framework and provide a plain-English comparison table, standard training materials, guidance for complaints involving multiple categories of council officials, a single complaint pathway map, template reports and adoption wording for councils, and clear transitional arrangements.
			Part 1 1.1 & 1.3	Council supports the provisions clarifying that the Code does not apply to good-faith decisions or actions, the exercise of political or policy judgement, private conduct unrelated to the Councillor role, the expression of opinions (unless accompanied by other conduct that breaches the Code), or participation in political activities. These provisions are important to protect Councillors' ability to debate, advocate, disagree and communicate with the community, and should continue to draw a clear distinction between robust political debate and genuine misconduct, consistent with the implied freedom of political communication.
			Part 3 3.1-3.8	Council supports the simplified conflict-of-interest provisions and the express recognition that personal views, political views, community involvement, ordinary social connections and voluntary work with community organisations do not automatically create conflicts of interest. Council also supports clearer treatment of political donations. OLG should provide practical examples to support consistent interpretation of expressions such as 'very close relationship or affiliation', 'directly and materially affected' and 'improperly influenced', and guidance on applying the political donation provisions particularly in smaller regional and rural communities where Councillors are more likely to personally know donors and other affected parties.

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030	REDACTED	Glen Innes Severn Council	Part 3 3.21-3.31	Council supports the proposed changes to disclosures of interests, including a full return following election, targeted updates when interests change and an annual declaration confirming the accuracy of the register. Council also supports the searchable public register and confidential treatment of residential address information. OLG should provide standardised digital templates for the register of interests, including mandatory fields, publication format, privacy settings, update logs and guidance on retaining historical disclosures, to avoid inconsistent, individually-developed council systems.
			Part 6 6.1-6.18	Council also supports clearer provisions around councillor interaction with staff, access to information, use of council resources, and maintaining the integrity of the code.
			Part 7 7.1-7.3	Council supports strong safeguards against frivolous, vexatious, bad-faith or politically motivated complaints, including meaningful consequences for Councillors who repeatedly make such complaints. However, a complaint should not be treated as having been made for an improper purpose merely because it is dismissed, cannot be substantiated or is found to lack sufficient evidence.
			Part 7 7.4-7.6	Council supports confidentiality while a complaint is being assessed or investigated. However, confidentiality during the process should not result in secrecy after a complaint has been substantiated and a sanction imposed.
			Conclusion	Further guidance is required regarding when a conflict is considered to arise, how access decisions are to be made, and how councils are expected to administer these requirements in practice. Failure to provide clear guidance may lead to inconsistent application and increased disputes regarding access to information. Council is also concerned that these provisions may increase the administrative burden on councils where information must be assessed, managed or distributed differently for individual councillors.
			General	Council supports the objectives of creating a more independent and consistent conduct framework. However, the success of the framework will depend on adequate resourcing, clear service standards, consistent decision-making processes and transparent governance arrangements. Council is particularly concerned that the proposed framework does not clearly explain how consistency will be maintained between different Privileges Committee panels and OLG investigators. Further detail regarding governance, oversight, accountability and performance expectations is required to support public confidence in the framework. Council supports independent consideration of conduct matters but has concerns regarding the structure of the proposed Privileges Committee. • The proposed model creates a risk of actual or perceived bias, factional decision-making and politicisation of conduct matters. To maintain public confidence, Council considers that: • Privileges Committee decisions should be subject to appropriate independent oversight. • Committee members should be subject to robust conflict of interest requirements.

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				• The composition of panels should reflect a diversity of experience, background and perspective. • The process for selecting panel members should be transparent. • Clear criteria should be established for determining whether matters constitute unsatisfactory conduct or serious misconduct. • Without these safeguards, the proposed framework risks replacing one perceived conflict with another.
			Part 3	Council is concerned that the proposed conflict of interest framework places insufficient emphasis on transparency and public confidence. The proposed approach adopts a narrower test focused on direct and material influence and may discourage disclosure in circumstances where a reasonable member of the public may question impartiality. While Council supports efforts to simplify the framework, transparency should not be diminished. The framework should continue to encourage disclosure where there is doubt and should be supported by clear examples and practical guidance.
			Part 3	Council is concerned that the proposed political donation provisions create compliance obligations without providing practical mechanisms for compliance. Further guidance is required regarding how councillors are expected to identify, verify and monitor donation-related conflicts. The framework should include reasonable steps protections for councillors acting in good faith and provide practical tools to support compliance.
			Part 3	Councillor memberships, affiliations and leadership roles in external organisations may give rise to actual, potential or perceived conflicts of interest. The proposed Code should provide clearer guidance on how these interests are assessed and managed. Different external roles carry different levels of risk and may require different levels of disclosure and management. Additional guidance would assist councillors to make consistent decisions and help maintain community confidence in council decision-making.
			Part 5	Council supports the ongoing prohibition on councillors directing or improperly influencing council staff. However, the proposed framework should provide greater clarity regarding how behavioural issues involving councillors and staff will be managed under the new conduct framework and what role General Managers will retain in addressing concerns before formal complaint escalation occurs.
			Part 6	Council is concerned about the practical application of provisions restricting access to non-public information where a conflict of interest exists.

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			Part 7	Council strongly supports measures aimed at reducing vexatious, frivolous and politically motivated complaints. However, the effectiveness of these provisions will depend on consistent enforcement. The Code should provide greater clarity regarding the threshold for determining improper purpose and the consequences that apply where misuse of the complaints process is identified. Without meaningful consequences, there is a risk that the complaints process will continue to be used as a political or tactical tool.
031	Ashleigh Marshall	Mid-Western Regional Council	Part 1 1.1	Council supports the clear statement regarding the purpose and application of the Code. That the Code should focus on conduct and ethical standards as opposed to political decision making or positions and that decisions made in good faith, even when involving error are not subject to the Code.
			Part 1 1.3	Council supports the freedom of political communication under the Australian Constitution. This allows Councillors the ability to engage in legitimate debate without the fear of reprisal.
			Part 2 2.6	Planning matters are often highly contentious and the inclusion of provisions requiring Councillors to disclose approaches and communications relating to planning and development matters is one of the most beneficial additions to the draft Code. This addition will improve transparency and public confidence in decision making.
			Part 3 3.1-3.6	Council strongly supports the clearer explanation of what does and does not constitute a conflict of interest, in particular, when a Councillor will have a pecuniary interest in a matter. Different Councillors can interpret conflict provisions differently, resulting in inconsistent declarations and complaints. The conflict of interest test will not only assist Councillors when determining whether a conflict of interest exists but will assist staff when providing guidance to Councillors and the public on understanding whether a conflict of interest is present, including perceived conflicts.
			Part 3 3.21-3.31	Strongly supported. Council supports the proposed new approach to disclosures of interest, particularly the ability to submit an annual declaration where no changes have occurred. This reduces the administrative burden on Councillors and staff yet still remains transparent. The requirement to keep two separate registers allows for greater transparency, however the requirement to publish a searchable copy of the register on Councils website will put additional burden on staff. Council is already required to publish completed returns on Council's website. The need to not only publish completed returns, but a register as well seems to be a double up of the same information.
			Part 3 3.8	It will also assist complainants who may apply the test to the matter prior to deciding whether or not to make a complaint.

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 3 3.9-3.15	Council strongly supports the clearer guidelines on how Councillor conflicts of interest should be managed. Councillors are often unsure how they may participate in a matter, particularly when they feel that a conflict of interest is minor.
			Part 4 4.1-4.7	Council supports the clarification of what constitutes a gift or benefit. This can often be misunderstood as to when something is an ordinary part of being a Councillor and representing the community and when something may cross over into territory that falls outside this scope and is intended or may be perceived to influence. The clear instruction on what a Councillor should do with a gift that exceeds \$300 in value that cannot be reasonably refused without causing offence is welcomed.
			Part 6 6.14-6.15	Emphasis on Councillor record keeping and the requirement to ensure all records, both sent and received must be managed in accordance with relevant legislation is a crucial addition to the Code. Council has historically struggled to reiterate this requirement to Councillors, with it often being overlooked and dismissed by those who may not have access to Council record keeping systems and do not understand the need for good record keeping.
			Part 6 6.1-6.6	Council strongly supports the requirement for Councillors to be provided the information required to undertake their civic duties. Clear boundaries surrounding where information is needed for their role as a Councillor as opposed to a private interest is essential to ensure that Councillors are not misusing their position to gain access to confidential or personal information for the wrong reasons. Clearly stating that Councillors have the same right to apply for access to information as any other member of the public confirms that Councillors can still interact with Council as a member of the community and provides the public with confidence that their information is protected.
			Part 6 6.7	Emphasis to Councillors on their obligations under the Privacy and Personal Information Protection Act and the Health Records and Information Privacy Act is greatly welcomed.
			Part 7 7.1-7.3	Strongly supported. Council very much welcomes the provisions relating to improper complaints. A significant amount of staff time, resources and expense is used managing complaints that are frivolous, vexatious and often used as a form of retaliation. Recognising that making a complaint for an improper purpose may actually constitute misconduct in itself may reduce misuse of the complaints process.
032	Karen Litchfield	Tamworth Regional Council	Implement ation	It is inappropriate for Councillors to bring Council or Council Officials into disrepute - at the very least Councillors should not be able to cast dispersion on Council staff in public forums.
			Part 2 2.1-2.3	Removing provisions to act honestly and exercise a reasonable degree of care and diligence and fairness and equity and to follow Council policies is diluting the standards of behaviour for Councillors. There is no mention of Child Safety or

Sub. No.	Name	Council or organisation	Clause	Comments
				fraud and corruption. The draft Code mentions verbal abuse, however physical and sexual abuse should also be prohibited.
			Part 2 2.6	Will there be guidance on how Councillors should disclose all approaches made given that there could be hundreds of emails, phone calls and potentially Councillors being stopped in the supermarket.
			Part 3 3.2	how does the OLG define directly and materially affected in the context of the clause - if a Councillor believes it won't affect their decision is that the measure?
			Part 3 3.22	Consider a longer period than 1 month - possibly 2-3 months.
			Part 3 3.4	The wording of reasonable likelihood or expectation of appreciable financial gain or loss has created much confusion in the current Code and the wording and definition should be clearly articulated in the new Code - or the word appreciable be removed.
			Schedule 1	Clause 2.1 Real Property - Parcels outside of NSW should have no relevance on the business of council and should not need be to included.
033	Luke O'Sullivan	Snowy Monaro Regional Council	Conclusion	Conclusion Council supports the reform and its intent. Our message is simple: hold the line on simplicity, make the triage genuinely fast, keep baseline standards of behaviour clear, and do not pass the bill to ratepayers. If those things are done, this reform will achieve what the current framework has not - less time and money spent on complaints, and more spent serving our communities. Council would welcome the opportunity to discuss this submission further.
			General	Below is the response from Council by Resolution 265/26: Snowy Monaro Regional Council Submission to the Office of Local Government Improving Councillor Accountability: Councillor Conduct Reform Policy Statement and Draft Model Code of Conduct for Councillors (June 2026) Introduction Snowy Monaro Regional Council thanks the Office of Local Government (OLG) for the opportunity to comment on the proposed councillor conduct framework and the draft Model Code of Conduct for Councillors. Council has resolved to keep this submission short and practical. Councillors deal with the current framework first-hand, and our feedback is grounded in that experience.

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				Council supports the direction of the reform. The Policy Statement correctly identifies the central problem: the current framework has been overwhelmed by trivial, vexatious and politically motivated complaints. Code of conduct complaints are too often used as a weapon in political disputes rather than as a genuine accountability tool. They consume significant council time, staff effort and ratepayer money, and they deliver very little for the community. That is exactly our experience, and reform is overdue.
			General	What Council asks OLG to get right: Council offers five practical points. They go to making the reform work in practice, particularly for smaller rural and regional councils. 1. Keep it simple. The value of this reform will be lost if the new framework becomes as detailed and prescriptive as the one it replaces. A short, plain-English code that any councillor and any resident can read and understand will do more to lift standards than pages of definitions, qualifications and procedure. Complexity is what created the current complaints industry; simplicity is the cure. 2. Make the triage fast and firm. The triage process is the single most important element of the reform. It should operate to published timeframes, with trivial and vexatious matters dismissed within weeks, not months, and with complainants and councillors told promptly of the outcome. If triage is slow or timid, the volume of complaints will simply migrate to OLG rather than reduce. 3. Do not shift the cost onto councils. Council notes the proposed cost recovery and proportionate costs² model. Ratepayers in councils like ours already carry a disproportionate share of the cost of complaints, most of which go nowhere. A model that recovers the costs of the Privileges Committee, panels, legal advisers, investigations or court proceedings from councils would simply move the existing burden rather than remove it, and would fall hardest on small rural councils that have no say in how a matter is run. The State is centralising the function; the State should fund it, with any surcharging directed at those who misuse the system, not at councils generally. 4. Keep the basics non-negotiable. Simplifying the code should not read as lowering the bar. The community rightly expects that bullying, harassment, intimidation, dishonesty and using office for private benefit remain clearly unacceptable, without qualification. Council asks OLG to make sure the final drafting states these baseline standards plainly, so the simplified code cannot be portrayed as or exploited as a softening of expected behaviour. 5. Avoid creating new red tape. Some proposed additions run against the reforms own intent. For example, requiring councillors to disclose every approach or communication on any land use planning matter before council would create a significant new administrative burden for councillors in small communities, where residents raise such matters constantly and informally. New obligations should pass the same test as the rest of the reform: do they reduce workload and improve accountability, or just add process?

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			Implementation	Consultation and implementation Council asks that OLG allow realistic timeframes for councils to consider material of this significance. The consultation window, spanning the June-July meeting cycle, left elected members little time to consider the documents before resolving a position. For implementation, Council supports OLG's commitment to plain guidance and practical training, and asks that these be ready before the new framework commences.
034	Madison Boyd	Lake Macquarie City Council	Part 1 1.1-1.3	Council staff support the introduction of a standalone Code of Conduct tailored to councillors as elected representatives. A shorter, principles-based Code may improve accessibility of conduct expectations. Practical guidance is important because councillors will need to apply broad principles to complex, real-world circumstances. This is particularly acute for new councillors as they learn to navigate their civic role and a political environment. Council staff recommend OLG develops supporting guidance and examples that clarify protected political communication, legitimate governance activity, and assist in understanding the distinction between robust democratic debate and decision-making merit, and Councillor misconduct.
			Part 2 2.6	Council staff support the objective of improving transparency in planning, development and regulatory matters. As community representatives, Councillors regularly engage with community members in formal and informal settings. We recommend OLG provides further guidance to: - clarify what constitutes a disclosable communication or approach, addressing examples of routine community engagement, informal discussions, public meetings, social media and community events. - include expectations of timing, methods, interaction with planning requirements and practical administrative processes.
			Part 3 3.1-3.20	Council staff support a simplified conflict-of-interest framework. However, as the principles-based approach places greater reliance on councillor judgement, practical guidance will be important to support consistent decision-making, maintain public confidence and avoid unnecessary exclusion of councillors from decisions where no actual conflict exists. We recommend OLG issues supporting guidance that provides examples, case studies and decision-making tools which address common local government scenarios. Guidance should explain how councillors should transparently manage community perceptions of conflicts in cases of indirect, remote and insignificant interests where the objective circumstances do not require withdrawal from decision-making.
			Schedule 1-3	Council staff support the simplification of disclosure requirements and the protection of residential address information.

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				We recommend OLG provides digital templates, practical examples and decision-support tools for common disclosure scenarios, as this will support consistent compliance and further reduce administrative complexity across the sector.
035	Jackie Grant	Bega Valley Shire Council	General	The 2020 Code contains staff obligations and examples of inappropriate interaction in one document; the reform separates councillor and staff codes. This creates a practical implementation risk unless OLG provides aligned guidance across both codes. Council recommends that OLG provide detailed implementation guidance, including a crosswalk between the councillor code and the existing provisions of the 2020 Code being maintained for staff, contractors and volunteers. Broadly the code could be supported with practical examples distinguishing political debate from misconduct, guidance on the management of cumulative lower-level conduct, model processes for planning and lobbying disclosures, and transition arrangements for interest disclosure returns and annual declarations.
			Part 1 1.3	The draft expressly protects implied freedom of political communication and excludes political judgement, opinion and political activities from the code's application. The draft code could be improved by specifying what information would be used to assess a complaint where a respondent relies on free speech and robust political debate.
			Part 2 2.1	The draft's use of 'intentionally or recklessly' and seriously humiliates or intimidates' may reduce misuse of the code for minor disputes but could also make it harder to address repeated lower-level conduct that has cumulative psychosocial impacts on staff, councillors or meeting environments. We suggest reinstating the general conduct requirement relating to bringing council or council officials into disrepute. This is important because inappropriate conduct can diminish community confidence in Council, damage relationships between elected leaders, staff, stakeholders and the broader community, and adversely affect Council's ability to effectively represent and serve its constituents.
			Part 2 2.5-2.6	The draft adds a positive obligation to disclose approaches and other communications in land use planning, development approval and associated regulatory matters. Council requests OLG strengthen guidance by providing template policies and procedures that specifically deal with developer incentives and corrupt conduct by Councillors.
			Schedule 2	Interest disclosure return form: Because the 2020 code uses written returns and a special disclosure form, while the draft uses interest disclosure returns and an annual declaration form, councils will need support to transition current registers, forms, public access arrangements and councillor induction material; noting that current reporting requirements are due this September. The new provisions for declarations regarding real property to maintain privacy of councillors should also apply to designated persons.

Sub. No.	Name	Council or organisation	Clause	Comments
036	REDACTED	Hawkesbury City Council	Part 7 7.5	The Model Code of Conduct for Councillors at clause 7.5 uses the words 'disclose or public information about alleged code of conduct breaches'❏. Council would request further clarification on the interpretation of the term 'publish'❏ and the current provision that Code of Conduct matters are to remain confidential.
037	Lani Richardson	Sutherland Shire Council	Conclusion	In addition to our feedback on the proposed new Model Code of Conduct for Councillors, we also look forward to having the opportunity to review the new Model Code of Conduct for Council Staff, Delegates and Committee Members once it is available. We would like to note that it is important that LGNSW and the local government HR network are consulted on the development of the separate Model Code for staff and delegates, in addition to the local government governance network, to ensure the document is fit for purpose with current HR legislation, relevant awards and processes. We would also like to note that, once all consultation processes have been completed, it would be beneficial for councils if the new Model Codes are released simultaneously as they are complimentary to each other and will allow councils to manage changes in a structured, unified manner. Further, the sector would benefit from clarification on: 1. if there will be a supporting document similar to the current Procedures for the Administration of the Code of Conduct that outlines complaints management pathways explicitly for councillor conduct, and 2. whether complaints management processes within the Procedures for the Administration of the Code of Conduct will remain the same for all council officials covered under the non-councillor Model Code and that there will still be a supporting Procedures document.
			General	In summary, Council supports: 1. the decision to have a separate Model Code for councillors, to better reflect the different nature of the role of a councillor to other council officials, 2. the overall simplification of the Model Code and removal of overly administrative language and provisions, 3. the revised conflict of interest provisions, however we believe there are a number of amendments that could be made to better support councillors which we have outlined below, and 4. the reforms to the disclosures of interest for designated persons.
			Part 2 2.1	2.1 – general standards of conduct The provision in the current Model Code that states ‘is likely to bring the council or other council officials into disrepute’ should also be included in this clause as an intentional or reckless act that brings the council into disrepute should remain an unaccepted behaviour.
			Part 2 2.6	2.6 - Land use planning, development assessment and other regulatory functions Further definition of what constitutes an ‘approach’ and ‘communication’ should be added into the Model Code to provide councillors with clarity on the types of situations that are reportable, as opposed to what falls under general

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				community correspondence. Additionally, the Model Code should include required procedures for the disclosure of these interactions to ensure consistency across all councils.
			Part 3 3.1(b)	3.1(b) – when will a councillor have a conflict of interest in a matter? We suggest that this type of conflict be explicitly named as ‘Significant non-pecuniary’, similar to how clause 3.1(a) names a ‘pecuniary’ conflict. Councillors are familiar with this type of language and this will provide a level of consistency as they transition to the new Model Code.
			Part 3 3.21	3.21 – disclosure of interests in written returns We suggest that the timeframe for the lodgement of an initial interest disclosure return remain at 3 months, similar to current practice. Only allowing 1 month is a tight timeframe, in particular having regard for the fact that declarations of elections may happen on different days across councils and the high number of onboarding activities that must happen in the early months of a new Council term. The timeframe of 1 month for an additional disclosure and the annual acknowledgement is appropriate noting the significant reduction in information that is required to be completed.
			Part 3 3.3	3.3 – when will a councillor have a conflict of interest in a matter? Some of the examples listed as to when a councillor will not have a conflict act in contradiction with each other. For example, a councillor may be on the board of a community organisation (which under part h may give rise to a conflict) however this work may not be remunerated (which under part i does not give rise to a conflict). As councillors will quite often have these types of affiliations with community groups, these definitions should be reviewed to ensure that there are no contradictory interests. Additionally, clear guidance on what is classified as an organisation would be beneficial – for example, is a local business considered an organisation. An appendix or supplementary guide that provides clear and relatable examples from the OLG on scenarios that will and will not give rise to a conflict would be helpful to assist councillors in applying the new provisions to their own situations.
			Part 4 4.1-4.2	4.1-4.2 – what is a gift or benefit? We suggest that the new Model Code include a clause similar to the previous Model Code (clause 6.10) that provides examples of what a gift or benefit may be to provide councillors with clear examples of the types of gifts or benefits that need to be considered.

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			Part 4 4.3-4.6	4.3-4.6 – how are offers of gifts and benefits to be dealt with? The new Model Code omits the current clause that requires any gifts in excess of the token value from the same person or organisation within a 12-month period to be refused. We suggest that this clause be included in the new Model Code as, with the threshold value of gifts being raise to \$300, there is a risk that a single person or organisation could offer a gift or benefit of a \$300 value on multiple, separate times across a 12-month period, leading to a cumulative high value
			Part 6 6.5	6.5 – councillors' access to information We suggest that a note be added under this clause, based on the provisions of the current Model Code, which states that the general manager will take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter.
038	REDACTED	City of Ryde	Part 3 3.1-3.2	Conflict of Interest Provisions Require Greater Clarity Council supports the move towards a simpler and more principles-based conflict of interest framework. However, several key concepts used throughout Part 3 are subjective and may give rise to inconsistent interpretation and application. These include: * "directly and materially affected" (3.2) * "improperly influenced" (3.1) * the "reasonable person" test. (3.1) Without further guidance, these terms may be interpreted in a way that unduly limits councillors involvement in, and representation of, their communities. Recommendation Council recommends: * Consideration be given to defining key terms within the Code. * Practical examples be developed covering common local government scenarios, particularly community organisations and sporting clubs.
			Part 3 3.21-3.31	Privacy and Security Considerations Council acknowledges the OLG's efforts to protect residential address information through the creation of a confidential register. However, the proposed public register may still allow members of the public to identify significant personal information relating to councillors, their interests and associations. Given increasing concerns

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				relating to harassment, intimidation and abuse of elected officials, Council considers stronger privacy protections may be warranted. Council recommends OLG: * Review privacy impacts associated with publicly searchable disclosures. * Consider whether additional categories of information should remain confidential.
			Part 5	Councillor & Staff Interactions Council supports provisions that protect staff from inappropriate influence and maintain clear governance boundaries. However, councillors must also be able to engage appropriately with staff and access the information needed to make informed decisions on behalf of their communities. The Model Code of Conduct should provide a clear framework for appropriate councillor and staff interactions outside formal Council meetings, including briefings, workshops and information sessions. Recent restrictions on closed councillor briefings introduced under the Local Government (General) Amendment (Meetings) Regulation 2026 have been detrimental to informed decision-making. Transparency concerns could be addressed through measures such as livestreaming workshops, consistent with public access to Senate estimates and parliamentary inquiries at other levels of government. Recommendations The Model Code should create a framework for councillor and staff interactions, including briefings and workshops which are potentially livestreamed or otherwise made accessible to improve transparency.
			Part 7 7.1-7.3	Complaint Provisions Should Not Discourage Legitimate Complaints Council supports measures to prevent vexatious, frivolous or politically motivated conduct complaints. However, councillors should not be discouraged from raising legitimate concerns due to uncertainty about whether a complaint may be characterised as having been made for an improper purpose². Recommendation Council recommends that guidance be developed to distinguish bad-faith complaints from legitimate complaints.
039	REDACTED	Northern Rivers Joint Organisation	Dictionary	NRJO supports the inclusion of definitions to assist councillors to understand conduct expectations and disclosure obligations. However, some definitions would benefit from further detail and practical examples, particularly where terms such as bullying, harassment, binding caucus vote, relative and political donation may require interpretation in different factual circumstances. NRJO also recommends including a definition of misconduct, linked to the relevant

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				provisions of the Local Government Act 1993, to improve continuity between the Code and the proposed statutory framework.
			General	NRJO generally supports the development of a councillor-specific Code of Conduct that reflects the distinct role of elected representatives and presents obligations in a clear, accessible format. The following comments identify provisions that would benefit from further clarification, guidance or supporting examples before implementation.
			Part 2 2.4	Part 2, 2.4 – Work health and safety Clause 2.4 requires councillors to comply with the Work Health and Safety Act 2011, but the draft Code does not explain the nature or practical scope of those obligations as they apply to councillors. NRJO recommends that the OLG provide further guidance and training materials for councillors, Mayors and General Managers to support consistent understanding and compliance.
			Part 2 2.5	Part 2, 2.5 – Land use planning, development assessment and other regulatory functions NRJO supports the principle that planning, development assessment and regulatory decisions should be made properly, transparently and fairly. However, clause 2.5 should be clarified to explain what “reasonable and practicable steps” means for councillors, particularly having regard to the different roles of councillors, staff and consent authorities in planning and regulatory matters. Improved clarification or guidelines would reduce uncertainty and assist councillors to understand how the obligation is practically applied.
			Part 3	Part 3 – Conflicts of interest NRJO supports the proposed modernisation and simplification of interest and disclosure requirements, including the separation of public-facing information from private information. This approach has the potential to improve transparency while reducing unnecessary administrative burden. NRJO recommends that the OLG provide clear implementation guidance and transition arrangements to assist councils to update local processes and ensure consistent publication practices.
040	Emeritus Professor Rosalind Croucher AM	Information and Privacy Commission NSW	Conclusion	12. The Information Commissioner recommends that careful consideration be given to the issues identified in the submission above, the consideration and implementation of which will further bolster the GIPA Act’s emphasis on transparency, accountability and integrity.
			General	The Information Commissioner welcomes the opportunity to provide feedback on the Office of the Local Government’s (OLG) Policy Statement: Improving Councillor Accountability (Policy Statement) and draft Model Code of Conduct for Councillors (draft Code). 1. The Information Commissioner’s comments are confined to matters relevant to the statutory functions of the Information Commissioner under the GIPA Act.

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				2. The Information Commissioner supports the objectives of the Policy Statement and draft Code to improve integrity, transparency and public confidence in local government. The comments below are intended to assist in ensuring that these objectives continue to operate consistently with NSW's information access framework.
			Part 3	Draft Model Code of Conduct for Councillors
			Schedule 1	Transparency of councillors' interest disclosure returns
				5. The draft Code engages with the content and process of councillors' interest disclosure returns. These interest disclosures are prescribed as 'open access information' under clause 4(1) of the Government Information (Public Access) Regulation 2018 (GIPA Regulation), which means they must be made 'publicly available unless there is an overriding public interest against disclosure of the information'. (GIPA Act section 6(1)).
				6. Through this framework, interest disclosure returns are generally made publicly available on council websites, or in some cases are available by request. If a councillor requests that any information not be made public, then the publication of interest disclosure returns occurs after the council conducts any necessary public interest balancing to consider whether it is appropriate for any information not to be made public. A partially redacted interest disclosure return is then published. This process is in line with guidance published by the Information Commissioner under sections 12(3) and 14(3) of the GIPA Act, which agencies are required to have regard to in accordance with section 15(b) of the GIPA Act, namely Guideline 1: For local councils on the disclosure of information contained in the returns disclosing the interests of councillors and designated persons developed under the Government Information (Public Access) Act 2009 (NSW) (Guideline 1).
				7. The draft Code now includes a new proposal, which contemplates splitting the current public register of councillors' public interest disclosures into two separate parts: one to be made publicly available on councils' websites (which the draft Code labels 'Part A'), and the other not to be publicly available (the draft Code labels this Part B; see Part 2.1(b)–(c), Schedule 1 of the draft Code). The draft Code contemplates councillors having the option to decide for themselves whether they wish to have details surrounding the interests that they hold in real property to be publicly available, and if they do not, they may include those interests only on the non-public portion of the return at Part B. The draft Code explains the reasoning behind this proposed change as to 'protect the privacy and safety of persons occupying real property disclosed in the return', without further elaboration (paragraph 3.29).
				8. The Information Commissioner does not support this proposal to allow councillors to make unilateral decisions about whether to disclose their residential addresses, which the Information Commissioner considers to be inconsistent with the legal framework governing councillors interest disclosure returns. As set out above, that legal framework provides that information on councillors' interest disclosure forms will only be withheld from the public after a fact-specific analysis, to be conducted by council (as opposed to councillors themselves) under the public interest balancing framework contained in the GIPA Act and Regulation.

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				9. The Information Commissioner is particularly focused on issues surrounding councillors' public interest disclosures arising out of historical non-compliance with the GIPA Act's 'open access' requirements in this space. In 2021 and 2023, the Information Commissioner undertook sector-wide compliance audits examining councils' compliance with obligations to publish returns disclosing the interests of councillors and designated persons as open access information under the GIPA Act. The 2021 audit identified low levels of compliance across the local government sector, finding that almost one-third of councils had failed to comply with their obligation to make returns of interests publicly available – as per clause 4(1) of the GIPA Regulation 2018 – and that 90% of councils had failed to maintain the records required by section 6(5) of the GIPA Act. While the 2023 follow-up audit found substantial improvements across the sector, it also identified continuing non-compliance with key open access obligations. In particular, 19% of councils had returns that were either not up to date or had not been published at all, and 70% of councils that had published returns failed to maintain the section 6(5) record required by the GIPA Act. 10. On a separate note, the Information Commissioner recommends that the final Code expressly acknowledge councils' existing obligations under the GIPA Act, the GIPA Regulation and any Guidelines issued by the Information Commissioner regarding publication of interest disclosure returns. The Information Commissioner notes that to include such a reference would be consistent with the current Model Code of Conduct for Local Councils in NSW, which includes that content at section 4.27. 11. Finally, the Information Commissioner supports the draft Code's proposal to introduce a searchable electronic register of interest disclosures, which is likely to improve accessibility and transparency.
041	Michelle Butler	Burwood Council	Dictionary	Dictionary (definition of 'relative')
				The definition of 'relative' currently does not include a cousin but appears to include every other kind of familial relationship. This oversight has caused confusion for councillors in practice.
			Dictionary Schedule 1	Dictionary; Schedule 1, Part 1.2 (definition of 'interest'); see also clause 2.1 (Real property)
			Part 1	The current legalistic reference to having to declare any 'interest' in real property is not helpful for the layperson, who commonly assumes that only refers to property that a person owns. It would be helpful if the Code made it clear that an interest in property also includes property that is leased or regularly used by a person (for example, if you live in a house, you have an interest in that property even if you do not own or lease it).
			1.2	
			Part 2	
			2.1	
			Part 3	The draft folds pecuniary and non-pecuniary interests into a single "conflict of interest" concept, but pecuniary interest is a term is still used elsewhere in local government legislation (audit, ICAC referral pathways, other officials' disclosure obligations). Will consequential amendments be made to those other references to harmonise these concepts and make it easier to administer and advise on?
			3.1	

Sub. No.	Name	Council or organisation	Clause	Comments
			Part 3 3.27, 3.28	Cl 3.27, 3.28, 3.29 The draft Model Code expressly requires the interest disclosure register to be split into a public part and a confidential part, with the public part searchable on council's website. We ask that OLG provide clear implementation guidance and, where possible, a standard register template, to support consistent implementation across councils of varying size and resourcing. Will consequential amendments be made to the GIPA Regulation, which requires that full disclosures are published on council's website?
			Part 3 3.7	Clause 3.7 creates a conflict of interest from a donation of \$1,000 or more from a single donor within the previous four years. By contrast, the equivalent gifts provision (clause 2.7(b)(i)) and travel contributions provision (clause 2.8(b)(v)) in Schedule 1 both expressly provide that multiple smaller amounts from the same person are aggregated. Clause 3.7 is silent on this point. We ask OLG to confirm whether donations from the same donor are intended to aggregate over the four-year period, and if so, to amend clause 3.7 to say so expressly, consistent with the drafting elsewhere in the schedule.
			Part 4 4.2 & 4.4(c)	Clause 4.2 exempts gifts and hospitality of "token value" from the disclosure and acceptance rules, and clause 4.4(c) sets an upper limit of \$300, but no figure is given for what constitutes "token value" itself. To assist in advising councillors on token gifts, we ask that the final Model Code specify a dollar figure for token value.
042	Eloise Chaplain	Narrabri Shire Council	General	1. Lack of a positive duty to Council's interests The proposed Code imposes no positive duty on the part of Councillors to act in the best interests, or even in the interests, of their respective Council. Councillors are elected by their communities to serve as the governing body of their local government. Councillors should be under a positive duty to act in their respective Council's best interests, and not for private or partisan interests. Narrabri Shire Council suggests including a positive duty for Councillors to act in the best interests of Council.
			General	2. Weakened anti - corruption safeguards The draft Code creates or expands avenues for serious corruption in ways that are inconsistent with responsible government, community expectations, good governance, the Independent Commission Against Corruption Act 1988 (NSW), and have no interplay with the implied freedom of political communication or the vicissitudes of elected office.
			Part 2 2.1(d) and Part 4 4.7	Firstly, Narrabri Shire Council raises concerns about the following clauses in sequential order. 3. Clauses 2.1(d) and 4.7 Clause 2.1(d) prohibits Councillors from conducting themselves in a manner that involves the misuse of their position to obtain a private benefit. However, clause 2.1(d) does not prohibit Councillors from misusing their position to grant or procure the grant of a private benefit to another person. There are no circumstances under which a Councillor might

Sub. No.	Name	Council or organisation	Clause	Comments
				legitimately “misuse” their position to grant or procure the grant of a private benefit to a relative or close associate that would be necessary, even for an elected official. Misuse of position for private benefit meets the requirements of corrupt conduct as defined by sections 8 of the ICAC Act. Clause 2.1(d) is also partially inconsistent with clause 4.7 (which is dealt with separately below). Narrabri Shire Councils recommends adding “or to grant, or procure the grant of, a private benefit on another person” to the end of the clause 2.1(d) Such an addition would not be disproportionate with the legitimate purpose of ensuring integrity in Local Government governance and thus would not unconstitutionally infringe upon the implied freedom of political communication.
			Part 2 2.5 and 2.6	4. Clauses 2.5 and 2.6 The use of “all reasonable and practicable steps” in clauses 2.5 and 2.6 are inconsistent with responsible governance and government integrity. Furthermore, they are superfluous to requirements. Particularly, clause 2.6 relates to disclosure of approaches. A councillor will know whether they have been approached in relation to a particular matter. A requirement to “take all reasonable and practicable steps” to disclose, rather than a simple duty to disclose is not satisfactory. It risks creating a situation where Councillors act for the interests of others rather than Councils’ as well as decreasing Councillors accountability to the public.
			Part 3 3.1(b)	5. Clause 3.1(b) Clause 3.1(b) identifies that a conflict of interest arises when a Councillor might be perceived to be “improperly” influenced by the matters listed in 3.1(b)(i) and (ii). Therefore, under the draft Code, a Councillor’s discharge of their public duties may be influenced by one of those matters provided such influence is not “improper”. Notwithstanding the draft Code’s complete lack of a positive duty to act for the interests of Council, Section 8A(1)(h) of the LG Act requires that Council acts fairly, ethically, and without bias, in the interests of the local community. Section 232(1)(d) of the LG Act imposes a duty on Councillors to represent the collective interests of residents, ratepayers, and the local community. Section 8(1) of the ICAC Act defines corrupt conduct as including, among other things, the partial exercise of official functions, or conduct that adversely affects the impartial exercise of official functions. Therefore, it is difficult to conceive of a situation where a Councillor might be influenced by their private interests in a way that was lawful, let alone proper. This creates a risk of Councillors engaging in corrupt conduct as defined by section 8 of the ICAC Act, relying on this introduced and undefined notion of propriety. In doing so, it weakens integrity in the NSW Local Government sector. Narrabri Shire Councils therefore recommends that the word improper should be removed from clause 3.1(b). This would ensure consistency with Councillors’ duties under the LG Act and with the provisions of the ICAC Act. It would not, in any way, infringe up on the implied freedom of political communication. Even if it did, its use in the safeguarding of government integrity would not be disproportionate to any imposition on political communication. It would therefore not infringe upon the implied freedom.

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			Part 3 3.2	6. Clause 3.2 Clause 3.2 excludes Councillors private interests from a conflict of interest where their private interests or the interests of the person they have a close relationship or affiliation with, will not be directly and materially affected by the exercise of functions in relation to a matter. Narrabri Shire Council recommends adding “or to grant, or procure the grant of, a private benefit on another person” to the end of the clause 2.1(d) Such an addition would not be disproportionate with the legitimate purpose of ensuring integrity in Local Government governance and thus would not unconstitutionally infringe upon the implied freedom of political communication. Narrabri Shire Council recommends that clause 3.2 be removed in its entirety. This would promote consistency with the ICAC Act and promote integrity in Council decision - making. It would not unlawfully infringe on the implied freedom of political communication.
			Part 3 3.3(b) and (d)	7. Clause 3.3(b) and (d) Clause 3.3(b) excludes religious affiliations from interests giving rise to a conflict of interest. Clause 3.3(d) excludes affiliation with an organization engaged in political activities, advocacy, or campaigning from interests giving rise to a conflict of interest. Both clauses give rise to a risk of conduct that meets the elements of section 8 of the ICAC Act and conduct inconsistent with sections 8A and 232 of the LG Act, in that they permit a Councillor to be influenced by and act in the interests of a religious body, lobbying organisation, or other advocacy/ campaigning organisation in a partial manner, rather than impartially in their Council’s interests. Narrabri Shire Council recommends that the words “or affiliations” be removed from clause 3.3(b) and that all words after “political activities” be removed from clause 3.3(d).
			Part 3 3.13	8. Clause 3.13 Clause 3.13 permits a Councillor who has a conflict of interest in a particular matter to participate in the decision to delegate consideration of a matter to another person or body. This creates a significant corruption risk. There is nothing in the draft Code which would prevent a conflicted Councillor from selecting, promoting, voting for, or advocating for such a delegate based on that delegate’s preference for their private or pecuniary interest. In other words, conflicted Councillors cannot make the decision to benefit their private interests, but they can appoint somebody who may. Such a circumstance could meet the elements of section 8 of the ICAC Act, and its prohibition should remain in order to satisfy section 9. Narrabri Shire Council recommends that clause 3.13 be removed in its entirety. It creates a significant corruption risk.
			Part 3 3.16(g)	9. Clause 3.16(g) Clause 3.16(g) permits a Councillor to not disclose or remove themselves from decision - making in relation to a proposed contract between Council and their relative, provided that contract is in similar terms and conditions to other contracts made or proposed to be made with other residents in respect of similar matters. The current Code

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				limits such an exclusion to the performance by Council of works at the relative's expense or services provided by Council. The draft code expands this to any contract or agreement. In other words, a Councillor can participate in decision - making regarding a contract with a relative for the relative to carry out works for Council, without ever disclosing that interest, provided the terms and conditions of the contract/agreement are similar to what another resident might receive. This creates a significant corruption risk. Section 8(1) of the ICAC Act defines corrupt conduct as, among other things, the partial exercise of public functions. Clause 3.16(g) would enable a Councillor or Councillors to participate in a decision to corruptly issue work and contracts to relatives, provided they didn't request (for example) higher rates than a comparable contractor might receive. This would squarely meet the elements of section 8 of the ICAC Act.
				Narrabri Shire Council recommends that clause 3.16(g) revert to the wording of clause 4.6(i) of the current Code .
		Part 4 4.6	10. Clause 4.6	Clause 4.6 of the draft Code permits a Councillor to donate a gift or benefit worth more than \$300 that they cannot reasonably refuse or return to a charity, benevolent institution, or not for profit organisation, or surrender it to Council. Under the current Code, Councillors are required to surrender such gifts to Council. Clause 4.6 of the draft Code creates a corruption risk in two ways. Firstly, it permits a Councillor to derive a political benefit from the gift, through the donation. In the absence of a requirement to disclose the ultimate source of the gift and the fact that they are donating it out of obligation under the Code, Councillors could purport to make the donation on their own behalf. This provides them with a private and/or political benefit and may also serve as a backdoor means of a political donation from the original gift - giver. Furthermore, the ability for Councillors to donate gifts they cannot refuse to charities, benevolent institutions, or not for profits creates an avenue for potential gift- laundering. It is not unreasonably inconceivable that a Councillor might donate such a gift and then receive the gift back following some sham competition process or the like, and then the Councillor can derive the benefit of the gift in full or in part. Narrabri Shire Council appreciates that this might appear to be an unlikely example, but the annals of ICAC investigation reports are filled with such examples. The private or political benefit a Councillor might receive from such a donation is not worth that risk. Narrabri Shire Council therefore recommends that the ability for a Councillor to directly donate such a gift be removed. Gifts of this class should be surrendered to Council, where they can be dealt with by the Council impartially and transparently. Where Council resolves to donate the gift, it will be from the Council rather than the individual Councillor. Therefore, no private or political benefit will be gained by the Councillor and the risk of gift - laundering can be mitigated.
		Part 4 4.7	11. Clause 4.7	Clause 4.7 prohibits Councillors from using their position to obtain a personal benefit for themselves (the first proposition), while also prohibiting them from seeking to improperly influence another official to obtain a private benefit for themselves or somebody else (the second proposition). In relation to the first proposition, clause 4.7 is

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				consistent with clause 2.1(d) and therefore problematic for the same reasons as clause 2.1(d). There are no circumstances under which a Councillor might properly and lawfully use their position to obtain a personal benefit for themselves. Furthermore, the first proposition does not prohibit Councillors from obtaining a personal benefit for somebody else (like a relative), provided they are not improperly influencing another council official to do so. This creates significant corruption risk, in that a Councillor might obtain a personal benefit for a relative, close associate, or affiliate. Such a benefit may constitute an offence under section 249B of the Crimes Act 1900 (NSW). In relation to the second proposition, clause 4.7 prohibits a Councillor from improperly doing so for themselves or somebody else. Noting sections 8 and 9 of the ICAC Act and section 249B of the Crimes Act 1900 (NSW), it is difficult to conceive of a situation where a Councillor could properly seek to influence another council official to obtain a private benefit for themselves or somebody else. Narrabri Shire Council therefore recommends that clause 4.7 be reverted to the wording of clauses 6.14 and 6.15 of the current Code. These clauses are entirely appropriate and sufficient to mitigate the risk of corrupt conduct in the use of gifts and benefits. There is no proper basis for watering down this requirement in the manner envisaged by the draft Code.
	General		12. Erosion of existing anti - corruption safeguards	Narrabri Shire Council is concerned that the above clauses would significantly degrade existing anti- corruption safeguards. Pursuant to section 9(1) of the ICAC Act, conduct identified in section 8 is only corrupt conduct if it could constitute or involve: a) a criminal offence; or b) a disciplinary offence; or c) reasonable grounds for dismissal/termination; or d) a substantial breach of an applicable ministerial or parliamentary code of conduct. Section 9(6) goes on to state that a disciplinary offence in the Local Government context is a “substantial breach” of an applicable requirement of a code of conduct made pursuant to section 440(5) of the LG Act. By permitting the above problematic behaviours, many of which are capable of meeting the requirements of section 8(1) of the ICAC Act, the draft Code reduces the range of conduct capable of satisfying section 9. As a consequence, conduct that would previously have been capable of constituting corrupt conduct, and ought to remain so, would no longer fall within the jurisdictional scope of the ICAC Act. The effect is therefore not merely to alter behavioural expectations for Councillors. It also weakens integrity and accountability in Local Government, increasing the risk of governance failures, dysfunction, partial decision - making, and the erosion of public confidence in the sector.
	Part 2		13. Binding Caucus Votes for Mayor or Deputy Mayor	Clause 2.9 of the proposed code permits binding caucus votes for the election of the mayor, deputy mayor or nomination to committees and external bodies. This is contrary to clause 2.7 of the Code and requires further

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				consideration. Binding caucus votes undermine the representative nature of elected office. Councillors are elected by their communities to represent the interests of that community as a whole (see for example section 232(1)(d) of the LG Act). Binding caucus votes risk promoting the interests of political parties or other groups over the interests of the community. It is unfortunate enough that binding caucus voting by political parties dominates federal and state parliaments without introducing it to Local Government which is unnecessary. Narrabri Shire Council recommends that clause 2.9 be removed. This would enhance the representative nature of the Councillor as an official elected by their community .
			Part 2	14. Work Health and Safety Requirements and protections against bullying/ harassment/ abuse/ intimidation As the governing body of a Council, Councillors have duties under the Work Health and Safety Act 2011 (NSW) to contribute to providing a safe workplace. Furthermore, Council as an entity has duties under that Act. Those duties are not abrogated simply because members of the governing body are elected. The draft Code does not advance that duty far enough, and it is, in parts, inconsistent with Councils' duties to manage psychosocial risks. The only reference to WHS in the draft Code is clause 2.4, which imposes a duty on Councillors to not fail to comply with obligations under the WHS Act,2011. This needs to be expanded to emphasise the Councillors duty. Clause 2.2 prohibits Councillors from improperly or unlawfully engaging in intimidation, verbal abuse, harassment, or bullying towards others. It is difficult to conceive of a situation where a Councillor might "properly" intimidate, abuse, harass, or bully another, or even do so lawfully (given their duties under the WHS Act). The phrase "improperly or unlawfully" is superfluous and liable to making some Councillors believe they have licence to engage in bullying/ harassment/ intimidation/ abuse/ discrimination, provided they do so "properly" or "lawfully." Narrabri Shire Council therefore recommends that clause 2.4 be phrased as a positive duty and that the words "improperly or unlawfully" be removed from both 2.2 and 2.3.
			Part 5 5.1(b) and (c)	15. Interaction with Staff Clauses 5.1(b) and (c) of the proposed Code repeats the word "improperly" in terms of influencing and contacting staff. It is difficult to conceive of a situation where a Councillor might "properly" influence a member of staff or delegate in the exercise of their functions, particularly in view of the division of functions between the elected body and the General Manager. Furthermore, Councillors should not be permitted to influence a member of staff or delegate in exercising their functions, other than through a resolution directing the General Manager or exercise of the Mayor's functions under section 226, especially in relation to regulatory decision - making, noting the ICAC's guidance on the separation of political interests from regulatory duties and functions. Narrabri Shire Council recommends that the word "improperly" be removed .
			Part 6 6.11	16. Use of Council Resources

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				Clause 6.11 prohibits Councillors from improperly permitting the misuse of Council resources. It is difficult to conceive of a situation where a Councillor might “properly” permit the misuse of Council resources. Narrabri Shire Council recommends that the word “improperly” should be removed.
			Part 6 6.14	17. Council Record Keeping Clause 6.14 states that Councillors “should” be mindful of their obligations under the State Records Act 1988 (NSW). The word “should” in this context is both misleading and unnecessary loose. The term “should” implies a discretion. Under the SR Act, there is no such discretion. Narrabri Shire Council recommends that the word “should” be replaced with “must” .
			General	18. Interplay with Councillor Accountability Processes The proposed model code is silent on the also - proposed Councillor accountability processes, such as unsatisfactory behaviour, serious misconduct, or the privileges committee. Clarity is vital in ensuring that the Code is enforceable as it is intended. There should be no mistake which breaches are capable of constituting unsatisfactory behaviour and which are considered serious misconduct. Take, for example, the legal profession’s relevant conduct rules. These clearly articulate which particular breaches are capable of constituting unsatisfactory professional conduct, and which are capable of constituting professional misconduct. Narrabri Shire Council provides separate feedback on the accountability processes. However, a lack of direct and explicit link between the two risks unanticipated or unexpected outcomes in their implementation and ultimate interpretation by Courts and Tribunals. Narrabri Shire Council therefore recommends including direct explicit integration references with accountability processes.
			Conclusion	19. Conclusion The new draft Model Code of Conduct risks regression and deterioration in Local Government integrity. While the intention to reduce the perceived weaponisation of the Code is commendable, that must not come at the price of integrity. Integrity in the closest level of government to the people is paramount. It is one of the cornerstones of that which separates a civilised society from an uncivilised one. Compromising integrity to avoid inconvenience or remove a perceived but unproven “weaponisation” is anathema to good governance. The Code of Conduct must ensure integrity which maintains trust, faith and confidence in Local Government .
043	Arthur Bain JP	The Greens NSW Local Government Standing Committee	General	Submission of the NSW Model Code of Conduct for Councillors 2026 The Greens welcome this opportunity to make comment on the proposed new Model Code of Conduct and the foreshadowed implementation mechanism. This submission has been prepared by the Convenor of the Greens NSW Local Government Standing Committee and Planning and Environmental Law Officer, informed by the experiences of

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				current and former Greens Councillors. There are currently 73 Greens Councillors elected to 43 different councils across the state. General The Greens support: • The need to improve accountability, integrity, timeliness and natural justice in the handling of complaints. Procedural fairness is not always well understood by Councillors, General Managers / Chief Executive Officers and Conduct Reviewers. • The removal of the complaints system from the General Manager, the Mayor and the elected Councillors who are immediate colleagues of a councillor subject to complaint. We agree that neither the General Manager nor the Mayor are immune to the local political vicissitudes.
			Part 2 2.4	Some observations on the June 2026 Code of Conduct 6. The requirement in Clause 2.4 that Councillors must not fail to comply with any obligations they have the Work Health and Safety Act 2011 is not helpful. It is far from clear exactly what obligations a Councillor does have under the WHS Act. Our experience is of a multitude of presentations given to Councillors which claim they have obligations, and then a very poor response from SafeWork NSW when Councillors ask for some action to be taken. In our view it is not fair for this requirement to be placed in the Code without further detailed guidance from the OLG on precisely what obligations of a Councillor has under the Act. It might be better to leave this issue until there is a new edition of the Councillor Handbook and more detailed guidance can be provided.
			Part 3 3.1(b)(ii)	7. In Clause 3.1(b)(ii) the interest of a person who is close to the Councillor must be clarified to exclude a political or personal opinion. This is not yet sufficiently clear in the new Code.
			Part 3 3.3(f)	8. The exemption in Clause 3.3(f) relating to employment in the office of a State or Federal Minister unless the councillor has direct involvement in a matter is not supported. Wherever the local member has taken a strong publicly identifiable position on an issue the public and colleague councillors will perceive that a Councillor who works in the office will be subject to a conflict.
			Part 3 3.7	9. Clause 3.7 - it is our view that political donations received within the past 8 years should be considered a conflict. This will capture donors who helped a candidate become elected and to whom a Councillor may still feel obliged in their second term.
			Part 3 3.27(b)	10. Clause 3.27(b) - The address of all property owned by a Cllr or their family (as defined in the Act) should be disclosed except that of a principal private residence of the elected Councillor. Noting that the identification of the address of property regarding which a Councillor has an interest in via association of a family member, does not require identification of who lives at the address.

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			Part 3 3.21-3.31	11. The Disclosure of interests arrangement is strongly objected to. The arrangements in Clauses 3.21 – 3.31 and the Schedule 2, allow a Councillor to obscure to the level of suburb only the addresses of all residential land which is occupied by themselves, a relative, or tenanted. This lack of transparency does not allow the public to assess what interests may be affecting a Councillor. Only the primary residential address of the Councillor should be kept confidential.
			Part 4 4.4(c)	12. Clause 4.4(c) allows gifts and benefits of up to \$300 to be kept by the Councillor. The Greens believe this is too high and should remain at \$50.
			Part 6 6.1	13. Clause 6.1 remains one of the most difficult parts of the Code. What information is required by a Councillor is determined by the General Manager. There are many examples of General Managers refusing to give out any information on any Council activity that is not the subject of an Item of the Council Meeting Agenda. This is clearly an incorrect interpretation of the Code. Other General Managers refuse to allow Councillors to see legal advice provided to the Council, contracts, and sometimes even a copy of their own contract with the Council. The Code would be vastly improved if it provided a reasonable interpretation of information that may be required by a Councillor to perform their duties.