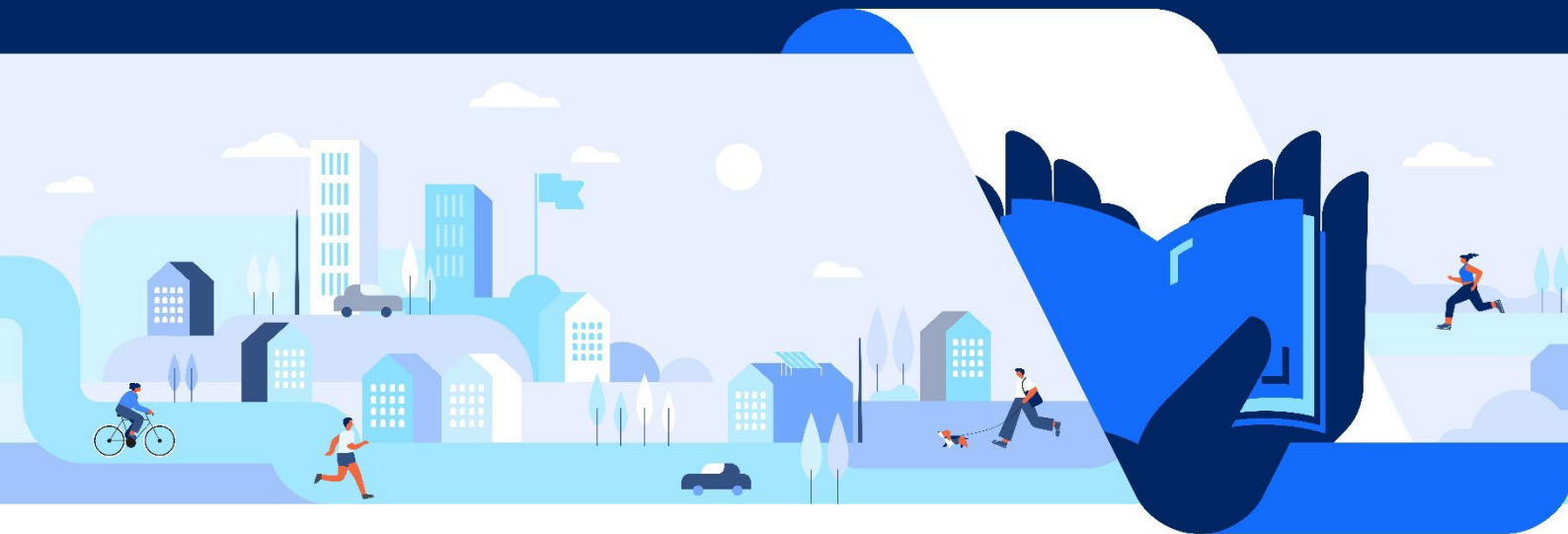


Department of Planning, Housing and Infrastructure
Office of Local Government

Policy Statement: Improving Councillor Accountability

Public Consultation Submissions

August 2026



Submissions received

Content from the feedback submitted to the Office of Local Government on the draft Policy Statement: Improving Councillor Accountability is provided below.

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].

Table 1: List of submissions received

Sub. No.	Organisation	LGA	Type
01	Eye on Shoalhaven	Shoalhaven	Community Group
02	United Services Union	All	Industry Body
03		Central Coast	Individual
04	Eye on Shoalhaven	Shoalhaven	Community Group
05	Shoalhaven Council	Shoalhaven	Councillor
06	Personal information withheld	Shoalhaven	Individual
07	Personal information withheld	Information withheld	Individual
08	Coonamble Shire Council	Coonamble	Council
09	This submission has been withheld from publication as some content is not suitable for publication	Withheld	Withheld
10	Central Coast Council	Central Coast	Councillor
11	Personal information withheld	Lismore	Individual
12	Snowy Monaro Regional Council	Snowy Monaro	Councillor
13	This submission has been withheld from publication as some content is not suitable for publication	Withheld	Withheld
14	Personal information withheld	Information withheld	Councillor
15	Gunnedah Shire Council	Gunnedah	Council
16	Coolamon Shire Council	Coolamon	Council

17	Personal information withheld	Information withheld	Council
18	Bega Valley Shire Council	Bega Valley	Council
19	ICAC	All	Integrity / Legal / Complaints Practitioner
20	Upper Hunter Shire Council	Upper Hunter	Council
21	Bayside Council	Bayside	Council
22	Randwick Council	Randwick	Council
23	North Sydney Council	North Sydney	Council
24	Lismore City Council	Lismore	Councillor
25	Walcha Council	Walcha	Council
26	Armidale Regional Council	Armidale	Council
27	Weddin Shire Council	Weddin	Council
28	City of Sydney	Sydney	Council
29	Liverpool City Council	Liverpool	Council
30	Penrith City Council	Penrith	Council
31	Wollondilly Shire Council	Wollondilly	Council
32	Woollahra Municipal Council	Woollahra	Council
33	Northern Beaches Council	Northern Beaches	Councillor
34	Lake Macquarie City Council	Lake Macquarie	Council
35	Wingecarribee Shire Council	Wingecarribee	Council
36	Singleton Council	Singleton	Council
37	Personal information withheld	Coffs Harbour	Individual
38	Upper Lachlan Shire Council	Upper Lachlan	Council
39	Strathfield Council	Strathfield	Council
40	Local Government Professionals Australia, NSW	All	Industry Body
41	Mid-Western Regional Council	Mid-Western	Council
42	Personal information withheld	Information withheld	Individual
43	Wagga Wagga City Council	Wagga Wagga	Council
44	Submission withheld at the request of the submitter	Withheld	Withheld
45	Tamworth Regional Council	Tamworth	Council

46	Blacktown City Council	Blacktown	Council
47	City of Newcastle	Newcastle	Council
48	Bellingen Shire Council	Bellingen	Council
49	Central Coast Council	Central Coast	Council
50	Cumberland City Council	Cumberland	Council
51	Broken Hill Council	Broken Hill	Council
52	Bellingen Shire Council	Bellingen	Council
53	Glen Innes Severn Council	Glen Innes	Council
54	City of Coffs Harbour	Coffs Harbour	Council
55	Mid Coast Council	Mid Coast	Council
56	Cessnock City Council	Cessnock	Council
57	Moree Plains Shire Council	Moree Plains	Council
58	Riverina Eastern Regional Joint Organisation of Councils	Bland, Coolamon, Cootamundra-Gundagai, Greater Hume, Junee, Lockhart, Temora, Wagga Wagga and Goldenfields Water and Riverina Water County	Joint Organisation of Councils
59	Temora Shire Council	Temora	Council
60	Wollongong City Council	Wollongong	Council
61	Bathurst Regional Council	Bathurst	Council
62	Local Government NSW	All	Industry Body
63	City of Parramatta	Parramatta	Council
64	Richmond Valley Council	Richmond Valley	Council
65	City of Sydney	Sydney	Council
66	Australian Local Government Women's Association	All	Industry Body
67	Central NSW Joint Organisation of Councils	Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes and Weddin	Joint Organisation of Councils
68	Oberon Shire Council	Oberon	Council
69	Sutherland Shire Council	Sutherland	Council
70	ICAC	All	Integrity / Legal / Complaints Practitioner
71	Albury City Council	Albury	Council

72	Country Mayor's Association	Remote, rural and regional councils	Industry Body
73	Forbes Shire Council	Forbes	Council
74	Submission withheld at the request of the submitter	Withheld	Withheld
75	Submission withheld as it refers to an ongoing investigation	Withheld	Withheld
76	Shoalhaven City Council	Shoalhaven	Council
77	Lane Cove Council	Lane Cove	Council
78	Oberon Council	Oberon	Council
79		Shoalhaven	Individual
80	Centium	All	Consultancy
81	Tweed Shire Council	Tweed Heads	Council
82	Northern Sydney Regional Organisation of Councils	Hornsby, Hunter's Hill, Kuring-gai, Lane Cove, Mosman, North Sydney, Ryde and Willoughby	Regional Organisation of Councils
83	Northern Rivers Joint Organisation of Councils	Ballina, Byron, Clarence Valley, Kyogle, Lismore, Richmond Valley and Tweed	Joint Organisation of Councils
84	Information and Privacy Commission (Information Commissioner)	All	Integrity / Legal / Complaints Practitioner
84	Information and Privacy Commission (Privacy Commissioner)	All	Integrity / Legal / Complaints Practitioner
85	Burwood Council	Burwood	Council
86	The Greens NSW	All	Other

SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT

Improving Councillor Accountability:

Councillor Conduct Reform Policy Statement (June 2026)

Submitted by: [REDACTED]

Date: 16 June 2026

1. Introduction

This submission responds to the NSW Department of Planning, Housing and Infrastructure's Councillor Conduct Reform Policy Statement, "Improving Councillor Accountability" (June 2026). It is made from the perspective of a community member with a direct and sustained interest in the conduct and accountability of local government in NSW.

The proposed reforms contain genuine improvements, particularly the shift toward a centralised complaints pathway and the introduction of stronger judicial enforcement for serious misconduct. These are welcome steps. However, the Policy Statement raises three structural concerns that, if unaddressed, risk producing a system that serves the preferences of incumbent councillors more than the expectations of the communities they are elected to represent.

These concerns are:

- The Privileges Committee peer review model risks encoding a demographically narrow view of "acceptable behaviour" as the legal standard.
 - The triage process requires OLG to make determinations about whether complaints are trivial or vexatious before any investigation — creating a logical and procedural problem the Policy Statement does not resolve.
 - Community expectations are not represented at any point in the complaint assessment, calibration, or adjudication processes.
-

2. The Peer Review Model: A Demographically Narrow Standard of "Acceptable Behaviour"

2.1 What the Policy Statement proposes

The Policy Statement proposes a Privileges Committee — comprising "experienced mayors and councillors" appointed by the Minister for Local Government — to assess whether a councillor has engaged in "unsatisfactory behaviour." The standard applied will be whether the behaviour is "outside the norms and expectations of a sitting councillor."

The Policy Statement is explicit that this standard cannot be codified. It states:

"The reason why unsatisfactory behaviour needs to be judged by a councillor's peers is because it represents an abuse of the privileges that

a democratically elected representative enjoys. It can't be codified and will depend on a view as to whether debate or a campaign on an issue is being undertaken in a way that crosses an expectation around appropriate, free and fair debate."

The Committee will convene a panel of five from a broader group of twenty. That panel will issue warnings, reprimands, censures, or referrals. These are formal disciplinary outcomes. The calibration of the triage process will also be adjusted based on feedback from the Committee itself, not from the community.

2.2 The demographic risk

The problem is structural. The NSW local government sector is not demographically representative of the communities it serves. Across the state, sitting councillors and mayors skew significantly toward older, male, and culturally Anglo representation. This is documented across electoral data and is not a contested finding.

If the pool from which the Minister draws the Privileges Committee reflects these demographics, the “norms and expectations of a sitting councillor” will be assessed through that particular lens. This creates a predictable and well-documented risk: behaviour that women councillors, younger councillors, councillors from non-Anglo backgrounds, or councillors representing minority or progressive constituencies experience as harassment, bullying, or demeaning commentary may be assessed by a majority-peer panel as acceptable robust debate.

The Policy Statement lists “the use of language that uses racial, gendered or other demeaning commentary as an alternative to debate on an issue” as an example of unsatisfactory behaviour. This is the right aspiration. But the mechanism for enforcing it relies on a panel whose composition may not be well-placed to recognise such behaviour when it occurs, particularly in its more coded or normalised forms.

This is not a speculative concern. Research on peer review and misconduct assessment in male-dominated institutional settings consistently shows that peer reviewers normalise behaviours they have experienced as ordinary and that conduct complaints from women or minority members are disproportionately assessed as tactical or trivial. A conduct framework that delegates the definitional question to a peer group drawn from an unrepresentative pool is structurally predisposed to under-enforce against exactly the behaviours the Policy Statement names as misconduct.

2.3 The calibration feedback loop compounds the risk

The Policy Statement proposes that OLG will report dismissed matters to the Privileges Committee “on a regular basis to ensure the process is appropriately calibrated to views on what the Committee believes are appropriate matters to review.”

This means the Committee’s own views about what is serious enough will feed back into the triage process. Over time, the triage threshold will converge toward what the Committee finds acceptable — not what the community finds acceptable. If the Committee is drawn from a pool that has historically normalised certain types of conduct, that normalisation will progressively be embedded in the front-end filter.

2.4 What is needed

The submission recommends:

- A diversity requirement for the composition of the Privileges Committee, addressing gender, cultural background, and geography, with the selection criteria made publicly available.
 - The appointment process to include consultation with community and sector bodies beyond elected office holders.
 - The calibration review mechanism to include community-facing reporting, not only internal feedback from the Committee to OLG.
 - The “norms and expectations” standard to be accompanied by published guidelines that draw on community expectations as well as peer expectations, developed with reference to broader equality and dignity standards.
-

3. Pre-Investigation Triage: Determining Vexatiousness Before Investigation

3.1 The logical problem

The Policy Statement proposes that departmental officers, under delegation from the Departmental Chief Executive (DCE), will be able to dismiss complaints that are “outside the scope of the LG Act,” trivial, or vexatious — before any formal investigation commences.

This raises a question the Policy Statement does not resolve: how does OLG determine a complaint is vexatious, trivial, or without merit without first conducting an investigation?

A vexatious complaint is one made without substance, for an improper purpose. An unsubstantiated complaint is one that investigation does not support. These are different categories. The first can be identified without full investigation only if the complaint lacks any apparent factual basis on its face. The second requires investigation to determine. The Policy Statement conflates them.

The current proposal is that triage officers make this assessment from a web form submission, with “clear descriptions of the complaint, who is making the complaint... and details of any corroborating information.” That is a paper-based threshold assessment, not an investigation. It cannot reliably distinguish between a complaint that is genuinely without merit and one that is well-founded but difficult to prove at first sight.

3.2 Who bears the cost of a wrong triage decision

If a complaint is dismissed at triage as vexatious and the dismissal is wrong, the consequences fall entirely on the complainant. The complainant has no appeal right described in the Policy Statement. The Policy Statement notes that “vexatious, frivolous or trivial complaints could be subject to a surcharging decision by the DCE,” which creates an asymmetric risk: complainants face financial penalty for erroneous complaints; councillors face no equivalent consequence for conduct that survives a triage filter incorrectly.

This asymmetry will deter legitimate complaints, particularly from community members who lack resources or formal representation and are less confident about whether their complaint meets a threshold they cannot fully see.

3.3 The absence of published triage criteria

The Policy Statement does not publish the criteria by which triage officers will determine a complaint falls “outside statutory threshold.” It refers to “statutory criteria” in one passage, but those criteria are not set out in the Policy Statement itself and will presumably be developed in subsequent Regulation. Until those criteria are public, the community has no basis on which to assess whether the triage process is applying a coherent and defensible standard.

It is also notable that the Policy Statement proposes that OLG’s triage role will be undertaken by “departmental officers,” without specifying what experience, qualifications, or oversight these officers will have for this gatekeeping function. Given the significance of a triage dismissal to a complainant, this requires more specificity.

3.4 What is needed

The submission recommends:

- The triage criteria to be published in draft before the Regulation is finalised, with an opportunity for public comment.
- Triage decisions to include a written statement of reasons provided to the complainant, explaining on what basis the complaint was dismissed.
- An independent review mechanism for triage dismissals, accessible to complainants who believe their complaint was wrongly categorised.
- The vexatiousness surcharge to apply only where there is affirmative evidence of improper purpose, not simply where a complaint is assessed as having insufficient merit after triage.

4. Community Expectations Are Absent from the Assessment Framework

4.1 The stated objective and the actual mechanism

The Policy Statement states that a key goal of reform is to “give the community confidence that councillors behave with integrity.” It lists as a desired outcome that the system should “ensure an efficient and effective response to create a disincentive for poor behaviour” and provide “clear guidance to support councillors on what is expected of them.”

These are community-facing aspirations. But the mechanism proposed to assess whether behaviour crosses the line is entirely councillor-facing. At every decision point — triage, Privileges Committee assessment, OLG discretion to proceed — the assessment is made by government officers or by councillor peers. There is no formal mechanism for community input into how the standard is set, how individual cases are assessed, or how outcomes are evaluated.

4.2 The discretion to not proceed after Privileges Committee referral

The Policy Statement states in section 7.2 that when the Privileges Committee refers a matter back to OLG as potential serious misconduct, “this remains a discretionary decision of OLG whether to progress with a matter.”

This means that even where a Privileges Committee — a body of the councillor’s own peers — has assessed the matter as serious enough to escalate, OLG can decide not to investigate. No criteria are given for how this discretion will be exercised. No reporting requirement is described that would require OLG to account publicly for how often it declines to proceed after a Committee referral, or on what grounds.

This is a significant gap. OLG is not a neutral party in the local government system: it has ongoing regulatory, funding, and advisory relationships with the councils and councillors it regulates. The exercise of a wide unreviewable discretion to decline to proceed, without published criteria or reporting obligations, carries a structural risk of institutional reluctance to escalate matters that involve councils or councillors with whom OLG has established working relationships.

4.3 The community’s interest in visible accountability

The legitimacy of a conduct system depends not only on its outcomes but on the visibility of those outcomes. Communities need to be able to see that complaints are being handled, that the standards applied are ones they recognise, and that dismissals are explainable. A system in which most decisions are made by officers or peers without public reporting of decision rationales, triage rates, or OLG non-referral decisions will struggle to generate the public confidence the Policy Statement says it seeks.

4.4 What is needed

The submission recommends:

- Annual public reporting by OLG on complaint volumes, triage outcomes, Privileges Committee outcomes, and the rate at which OLG declined to proceed following a Committee referral — with reasons categorised, even if individual matters are not identified.
- The Privileges Committee’s composition and appointment criteria to be publicly disclosed, including any diversity considerations applied.
- A community standing to provide input on the “norms and expectations” standard — for example, through the development of published guidelines that are open to public comment before finalisation.
- OLG’s discretion to not proceed after a Privileges Committee referral to be bounded by published criteria, with a requirement to provide written reasons to the complainant when that discretion is exercised.

5. Conclusion

The proposed framework is a genuine step forward from the current system. The centralisation of complaints with OLG, the introduction of clearer definitions, the move

to judicial oversight for serious misconduct, and the triage process intended to filter weaponised complaints all reflect sound policy design.

However, a framework intended to restore public confidence in local government accountability must be designed to account for the full range of communities — including communities that have historically found their concerns dismissed, minimised, or lost inside processes that defer to peer judgment and institutional discretion without adequate transparency.

The three concerns raised in this submission — demographic representativeness of peer panels, the pre-investigation triage problem, and the absence of community voice — are not marginal technical objections. They go to whether the system will work for the communities it is designed to protect, or only for the councillors it is designed to regulate.

This submission respectfully asks that the Office of Local Government address these concerns in the development of the legislation and Regulation that will give effect to this Policy Statement.

[REDACTED]
[REDACTED]
[REDACTED]

25 June 2026

Council Governance Team
NSW Office of Local Government

By your side



By email: olg@olg.nsw.gov.au

To whom it may concern,

Re: Model Code of Conduct consultation

The United Services Union represents local government workers across New South Wales. Our members are directly affected by the conduct of elected officials and we have a substantive interest in the operation of the Model Code of Conduct for Councillors. We provide the following submissions for consideration.

Councillor Conduct Policy Reform Statement

4.1 Simplified definition of poor behaviour

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.

4.3 Triage and management of complaints

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.

UNITED SERVICES UNION

NSW LOCAL GOVERNMENT, CLERICAL,
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Grafton, Hay, Port Macquarie,
Tamworth, Wagga Wagga

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.”

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.

5.1 A Panel of peers

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.

The Model Code of Conduct for Councillors

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.”

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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.”

Regards,

[REDACTED]

[REDACTED]

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Tamworth, Wagga Wagga

Dear Council Governance Team,

Re - Submission on the Draft Model Code of Conduct for Councillors and Councillor Accountability Reforms

This submission is made in my personal capacity and not as a Councillor and reflects my own views and experiences. It should not be taken as representing the position of Central Coast Council.

Introduction

Thank you for the opportunity to comment on the proposed reforms to the Model Code of Conduct for Councillors and the broader councillor accountability framework. I have also completed the online feedback submission, but feel compelled to provide an additional submission, because this is such an important reform.

Overall, I support the objective of improving accountability, increasing public confidence in local government and addressing the acknowledged weaponisation of the Code of Conduct process.

As a first-term independent councillor, I have experienced both the strengths and weaknesses of the current framework. While councillors must be held accountable for genuine misconduct, the current system can also be used strategically to discourage robust debate, silence dissenting views and consume significant council resources through complaints that ultimately do not meet the threshold for misconduct.

I support the overall direction of the reforms, this additional submission is commenting on things which I believe would strengthen procedural fairness, improve transparency and ensure the new framework operates consistently, efficiently and independently across NSW.

1. Provide greater certainty around "unsatisfactory behaviour"

One of my primary concerns is the proposed definition of unsatisfactory behaviour. While I acknowledge that context is important and not every circumstance can be prescribed, the current description remains highly subjective.

Questions that come to mind are -

- What constitutes the "norms and expectations" of a councillor?
- How will those norms be assessed?
- Will expectations differ between metropolitan and regional councils?
- How will robust political debate be distinguished from misconduct?

Providing additional legislative guidance, practical examples and case studies would improve consistency and reduce uncertainty for councillors and decision-makers alike.

2. Strengthen confidence in the independence of the Privileges Committee

The proposed Privileges Committee has the potential to improve consistency and accountability. However, public confidence will depend upon both its independence and the perception of independence.

Consideration should be given to -

- an independent appointment process, rather than only Ministerial appointment
- transparent selection criteria
- a balance of expertise in governance, administrative law and local government
- publication of de-identified decisions to promote consistency and set useful precedents.

These measures would strengthen confidence that decisions are impartial and evidence based.

3. Improve transparency and procedural fairness throughout the complaints process

The proposed framework gives the OLG an important gatekeeping role through complaint triage, however, further explanation is needed on -

- the threshold for progressing complaints
- how frivolous, vexatious or politically motivated complaints will be identified
- whether decisions can be reviewed
- how consistency between decisions will be monitored.

Also, more and better guidance should be provided regarding councillors' procedural rights, including:

- access to all relevant evidence
- opportunities to respond to new allegations and any new information that arises during an investigation
- rights of representation or otherwise assisted
- clear reasons for decisions
- access to review or appeal mechanisms where appropriate.

Greater transparency will improve confidence in the integrity of the process for both complainants and respondents.

4. Introduce statutory timeframes

One of the biggest frustrations with the current system is the length of time complaints can remain unresolved. While the discussion paper indicates the new framework should operate more efficiently, it does not specify target timeframes for -

- complaint assessment
- investigations
- decision-making, or
- notification of outcomes.

Introducing statutory or published performance timeframes would improve accountability, reduce uncertainty and provide greater confidence in the effectiveness of the framework.

5. Better define the categories of serious misconduct

The proposed reforms significantly simplify the current framework, however, the category of serious misconduct continues to include a wide range of conduct, from administrative failures through to corruption.

Consideration should be given to distinguishing between -

- administrative misconduct
- ethical misconduct
- serious governance failures
- corrupt conduct
- criminal conduct.

Recognising these differences would help in making sure that sanctions remain proportionate to the seriousness of the conduct.

6. Ensure appropriate safeguards accompany expanded investigative powers

The proposed investigative powers are significant and should be supported by equally strong safeguards. The legislation should provide greater certainty regarding -

- proportionality
- rights of legal representation
- privilege against self-incrimination where applicable
- review mechanisms
- the circumstances in which more intrusive investigative powers may be exercised.

Strong accountability frameworks require both effective investigations and appropriate protections for those involved.

7. Increase transparency and improve evaluation of the framework

To promote public confidence and enable ongoing evaluation of the reforms, I recommend mandatory annual reporting by the OLG including -

- number of complaints received
- number dismissed at preliminary assessment
- investigation timeframes
- complaint outcomes
- investigation costs
- de-identified data regarding repeat complainants and repeat respondents

- publication of de-identified decisions where appropriate.

This information would help councils, councillors and the community to better understand how the framework operates and whether it is achieving its objectives.

8. Mandatory education and professional development

The success of the new conduct framework will depend not only on the Code itself but also on councillors understanding their obligations and how the framework operates.

I recommend mandatory training for all councillors at the commencement of each council term, with periodic refresher training throughout the term. The training should cover:

- the Code of Conduct and complaint process
- conflicts of interest
- interactions with staff
- ethical decision-making
- procedural fairness
- confidentiality obligations
- the roles and responsibilities of the OLGovernment and the Privileges Committee.

Consistent, high-quality training would improve understanding of the framework, reduce inadvertent breaches, promote consistent standards across NSW councils and ultimately reduce the number of unnecessary complaints.

Practical observations with the current framework

Having worked within the current Code of Conduct framework as an elected councillor, there are several practical issues that I believe warrant further consideration.

- **Complaints initiated by council staff** - The reforms do not clearly explain how complaints initiated by council staff will be independently assessed where concerns arise regarding potential misuse of the complaints process.
- **Procedural fairness** - While procedural fairness is recognised as a guiding principle, greater detail would assist in explaining access to evidence, opportunities to respond to evolving allegations and appropriate remedies where procedural requirements are not followed.
- **Confidentiality**: The framework would benefit from clearer guidance regarding situations where confidential complaint information becomes public before a matter has been determined, including the extent to which parties may publicly respond.
- **Misuse of the complaints process**: The proposed prohibition on complaints made for an improper purpose is welcomed, however, more guidance regarding how this provision will be assessed and enforced would strengthen confidence that the reforms will effectively address the weaponisation of the complaints

process.

Conclusion

The proposed reforms represent a significant and welcome step towards improving local government governance and accountability. The current conduct framework has, in some cases, had unintended consequences. Lengthy investigations, inconsistent outcomes and the perception that the complaints process can be used strategically have the potential to diminish confidence among councillors, councils and the broader community.

The success of these reforms will depend on whether they restore confidence that the conduct framework is fair, independent, timely and consistently applied, and if that is the result then they will strengthen both public confidence in local government and the ability of councillors to represent their communities effectively.

Kind regards,

[REDACTED]

[REDACTED]

Response ID:	365948
Your council or organisation:	Eye on Shoalhaven Council
Type of organisation:	Community member
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	Four aspects need more work. **How vexatiousness is determined.** The Policy Statement uses "vexatious," "trivial," and "unsubstantiated" interchangeably, but they are legally and procedurally distinct. The Regulation needs to define each term precisely and specify what evidence standard triage officers must apply before dismissing on each ground. Without this, the surcharge provision for vexatious complaints has no principled basis. **The scope of "unsatisfactory behaviour."** The policy says this category "can't be codified" and will depend on peer judgment. That may be true at the margins, but the centre needs anchoring. The examples given "racial and gendered commentary, deliberate disinformation" are clear enough to form the basis of published guidelines. Leaving the entire category to unguided peer discretion creates inconsistency across panels and across time. **The transition arrangements for existing complaints.** Section 8 describes a three-pathway transition model but leaves significant discretion with the DCE to intervene in matters already underway. Complainants and respondents with live matters need certainty about which rules apply to them and at what point. The Regulation should set clear cut-off rules rather than relying on DCE discretion to manage the changeover. **Cost recovery.** The proportionate costs model is flagged as unresolved - "further work is ongoing." This cannot remain open when the framework commences. Councils need to budget for it, and the distribution methodology will affect whether smaller or rural councils are disproportionately burdened. It needs to be settled and published before the legislation passes.
The proposed complaints process (including OLG triage) will be effective in addressing current issues	Neutral

such as delays and vexatious complaints?	
What improvements would you suggest to the proposed complaints process?	**Make the triage criteria public and contestable.** The current proposal asks complainants to submit through a web form and accept a dismissal with no visibility of the threshold being applied. Publish the triage criteria in draft before the Regulation is finalised, require written reasons for every dismissal, and give complainants a single independent review right. Without this, the front door of the system is a black box and a black box that can surcharge you for using it incorrectly. **Add a community standard to the peer standard.** The "norms and expectations of a sitting councillor" test needs a counterweight. OLG should develop published conduct guidelines that reflect community expectations "not just sector norms" and those guidelines should be open to public comment before finalisation. The Privileges Committee should be required to apply them, not substitute its own collective judgment for them. This does not undermine peer assessment; it anchors it. **Require transparent reporting on discretionary non-referral decisions.** OLG can currently decline to proceed after a Privileges Committee escalation with no obligation to explain why. This is the point in the process where institutional reluctance is hardest to detect and most consequential. The fix is straightforward: publish annual data on how often OLG declines to proceed after Committee referral, with reasons categorised. Sunlight on that discretion is the cheapest accountability mechanism available, and the Policy Statement does not propose it. Together these changes make the system visible, contestable, and anchored in community expectations rather than peer tolerance.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	**Three changes the policy needs:** **1. Fix the peer panel composition.** The Privileges Committee must have published diversity requirements covering gender, cultural background, and geography. The current proposal of "experienced mayors and councillors" "appointed by the Minister" draws from a pool that skews older, male, and Anglo. A homogeneous panel applying an uncoded "norms and expectations" standard will moderate genuine complaints down to accepted behaviour. The calibration loop (where the Committee's views reset the triage threshold) makes this worse over time. Community input must feed into that calibration, not just peer feedback. **2. Fix the triage logic.** Departmental officers cannot determine a complaint is vexatious before investigating it. The policy confuses "vexatious" (improper purpose, identifiable on the face of the complaint) with "unsubstantiated" (requires investigation to determine). The fix: publish the triage criteria before the Regulation is

	finalised, require written reasons for every dismissal, and provide complainants an independent review pathway. The surcharge for vexatious complaints should only apply where there is affirmative evidence of improper purpose not simply where triage officers assess insufficient merit. **3. Make OLG's discretion accountable.** OLG can currently decline to proceed even after the Privileges Committee has escalated a matter, with no criteria and no reporting obligation. This is an unreviewable gap in a regulator with ongoing relationships with the councils it oversees. The fix: publish the criteria for non-referral decisions, require written reasons to complainants, and mandate annual public reporting of triage and referral outcomes.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that the framework's central mechanism “peer assessment” will systematically under-enforce against the behaviours it most needs to catch. The policy is designed around two gatekeeping layers: OLG triage officers who filter complaints before investigation, and a Privileges Committee of councillor peers who assess whether behaviour crosses the line. Both layers apply standards that are either uncodified (“norms and expectations of a sitting councillor”) or undisclosed (the triage criteria). Both are insulated from community input. And the Committee's own views feed back into the triage threshold over time. This creates a self-reinforcing loop. If the peer panel normalises conduct that the community experiences as harassment or exclusion because the panel is drawn from a demographic that has historically not been on the receiving end of that conduct, complaints will be filtered out at triage, or resolved with warnings that carry no real deterrent weight. Over time, the calibration mechanism embeds that tolerance into the front-end filter. Serious conduct gets reclassified as robust debate. The community loses confidence. Complaints dry up. The system reports success because complaint volumes drop and substantiation rates appear stable. This is precisely what happened with the current framework, which the Policy Statement acknowledges is “struggling” and has seen substantiated complaints “drop significantly” even as serious poor behaviour becomes more common. The reform addresses the structural inefficiency of the old system without adequately addressing the structural bias risk of the new one. That is the implementation failure most likely.

Response ID:	365737
Your council or organisation:	Shoalhaven council
Type of organisation:	Councillor
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Disagree
What aspects of the framework need further refinement or further explanation?	Complaints must be dealt with by an independent organisation, not by councillors or council staff.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Disagree
What improvements would you suggest to the proposed complaints process?	What councillors/council may deem to be 'vexatious' may not be considered that by independent arbiters.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Either all members of the committee must be independent of council (not councillor or council staff) or the body itself must be outside council.
What is the greatest risk to effective implementation of the proposed conduct framework?	Bias from those on the committee due to connection to council.

Response ID:	365697
Your council or organisation:	Shoalhaven City Council
Type of organisation:	Community member
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	There needs to be a wider selection of people than ex councillors etc. we need long term residents who have had experience dealing with several councillors
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	This is vital. Our council is staked so there is no accountability. We need outside guidance
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	People who have experience dealing with Shoalhaven City Council for many years be involved.
What is the greatest risk to effective implementation of the proposed conduct framework?	Complacency. We need the proposed conduct framework to be viable regardless who is in government

Response ID:	365185
Your council or organisation:	NA
Type of organisation:	Other
Please specify:	Retired Rate Payer and Ex Councillor
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	The framework as a guidance tool for staff to remind Councillors about their responsibilities to the Community they are elected to serve. However it lacks a solution to issues such as staff withholding information or providing it to only some Councillors and not others (excl Mayor). There is no reference to or remedy for Staff/Councillor relationships and the impact these can have on a Council. not intimate relationships bu those that prefer certain information upon Councillors. The framework is highly centred on Councillor conduct and standards with little to no guidance on issues of dealing with conduct of Beauracrats toward Councillors. This includes the GM/CEO or Directors. Additionally the integrity issues around pecuniary interest require consideration of past involvement in Councils such as havign acted as a Consultant and therefore having existing relationships with staff. Or having operated in a key part of the organisation as a Certifier or Valuer, possibly and Engineer or planner. As compromising in some cases as a rel Estate Agent or Developer, with understandign or relationship with othe rDevelopers or the like etc.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Clear outlines of what qualified as a 'real' complaint to be submitted would be helpful for Councillors confused about what is bullying and requires referral to Worksafe/Union and what is normal argy bargy. What constitutes direspect v what is a direction ignored?.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	A privileges Committee should be diverse, it should be not only be peers but also a Lawyer and a community representative skilled in Council activities with an operational knowledge.

What is the greatest risk to effective implementation of the proposed conduct framework?	Conflict in the Chamber and outside it is heavily steeped in differing political beliefs and also jsut personalities. They are hard to overcome and generally handled badly. A good Mayor maintians a level of impartiality, a bad Mayor acts in bad faith for a party or group. Giving them such a lot of power to remove a Councillor for perceived misconduct right before a vote on the floor is a powerful tool in a split council. A Mayor should have an elevated Code of Conduct that reflects their added responsibilities as an arbitor on the floor, not just the vote that continually carries bad policy across a line for the side they like best. What is their threshold for poor behaviour if it sits wihtin the Councillor Code of Conduct?
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Response ID:	376914
Your council or organisation:	Coonamble Shire Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Council considers that the proposed definitions of unsatisfactory behaviour and serious misconduct require further guidance and practical examples. While Council supports simplified statutory definitions, concepts such as behaviour outside the norms and expectations of a councillor, abuse of free political communication, and patterns of behaviour indicating misconduct remain high-level and may be open to differing interpretations. Council recommends that OLG develop clear supporting guidance, practical examples and indicative thresholds to distinguish acceptable political debate, unsatisfactory behaviour and serious misconduct. Council also recommends that the framework be aligned, where appropriate, with established concepts such as bullying, harassment and WHS obligations.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Council supports the proposed centralised complaints model but recommends that it be supported by clear procedural guidance, consistent triage criteria and transparent communication with councils, complainants and councillors who are the subject of complaints. Council also recommends that OLG provide practical guidance on the information required when lodging complaints, the circumstances in which complaints may be dismissed early, and how matters will be allocated between no further action, Privileges Committee referral, OLG investigation and possible court proceedings. Council further recommends additional consultation on the proposed cost recovery model, including how costs will be allocated

	and how the capacity of rural and remote councils will be considered.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council supports the proposed establishment of a peer-based Privileges Committee to consider matters of unsatisfactory behaviour. Council considers that this approach appropriately recognises the context of political debate and elected office. To enhance effectiveness, Council recommends that the Privileges Committee include regional and rural representation and operate under clear and consistent procedural guidance. This will assist in ensuring that decisions are informed by the practical realities of councils of different sizes, locations and operating environments.
What is the greatest risk to effective implementation of the proposed conduct framework?	Council considers that the greatest implementation risk is uncertainty or inconsistency in how the new definitions and thresholds are applied. If the distinction between robust political debate, unsatisfactory behaviour and serious misconduct is not clear, the new framework may still be vulnerable to subjective interpretation, inconsistent outcomes and continued use of complaints for political purposes. A further risk is the proposed cost recovery model. Council supports reform but notes that detail is currently limited on cost allocation and potential financial impact. Any cost recovery model should be subject to further consultation and should take account of capacity to pay, particularly for rural and remote councils.

Response ID:	377399 This submission has been withheld from publication as some content is not suitable for publication.
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Response ID:	377403
Your council or organisation:	Central Coast Council
Type of organisation:	Councillor
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	While the proposed framework is a significant improvement on the existing Code, some areas would benefit from more refining and clearer guidance. e.g. 1)The difference between legitimate political debate and misconduct should be more clearly explained. Councillors are elected to advocate for their communities, challenge decisions and engage in robust public debate. Additional guidance and practical examples would help ensure these activities are not inadvertently treated as Code breaches. 2)The framework should provide clearer guidance on the threshold for progressing complaints. Greater detail on what makes frivolous, vexatious or politically motivated complaints would assist in achieving more consistent early assessment and reduce unnecessary investigations (and complaints). 3)The operation of the proposed Privileges Committee needs further explanation, including its jurisdiction, relationship with existing complaints processes, decision-making powers and how procedural fairness will be maintained. 4) Further guidance should be provided on the application of confidentiality provisions, particularly where complaints become public through other means. Councillors should have a clear understanding of what information they may disclose in order to respond publicly while preserving the integrity of the complaints process. Providing practical guidance, case studies and published examples alongside the final framework would promote greater consistency, transparency and confidence across the local government sector.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree

What improvements would you suggest to the proposed complaints process?	The proposed complaints process is a positive step, particularly the emphasis on early assessment and proportional responses, however, I believe further improvements are needed to ensure the process is fair, efficient and not vulnerable to misuse. There should be stronger powers to dismiss complaints at the earliest opportunity where they are frivolous, vexatious, politically motivated or simply relate to differences of opinion rather than genuine misconduct. The complaints process should not be used as a political tool to discourage legitimate debate or community advocacy. Clear timeframes should also be introduced for each stage of the process to minimise unnecessary delays and provide greater certainty for both complainants and respondents. Respondents should receive sufficient information about the allegations and the reasons for decisions to ensure procedural fairness, while complainants should receive clear explanations where complaints are dismissed. OLG should publish de-identified statistics and guidance on complaint outcomes to promote consistency, transparency and confidence in the framework. This would also assist councillors to better understand how the Code is interpreted and encourage more consistent decision-making across NSW.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The proposed Privileges Committee has the potential to improve consistency and accountability, provided it operates independently, transparently and with clear procedural safeguards. Its role, jurisdiction and decision-making powers should be clearly defined and the Committee should include members with expertise in local government governance, administrative law and procedural fairness, rather than relying solely on current or former councillors. To maintain public confidence, decisions should be supported by clear written reasons, with de-identified determinations published where appropriate to establish precedents and improve consistency across councils. Regular reporting on the Committee's activities, including complaint numbers, outcomes and timeframes, would improve transparency and enable ongoing evaluation of the effectiveness of the reforms.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that the framework could continue to be used as a political tool rather than an accountability mechanism if sufficient safeguards against misuse are not included. A conduct framework should promote high standards of behaviour while recognising that robust political debate, advocacy and differing opinions are fundamental to representative democracy. If councillors continue to face lengthy investigations from minor interpersonal disputes or political disagreements, the framework risks

	discouraging legitimate scrutiny, reducing public debate and undermining confidence in the system. Another significant risk is inconsistent interpretation and application across councils. Without clear guidance, training and quality assurance, similar conduct may continue to produce different outcomes depending on the council or reviewer involved. Adequate resourcing will be critical. Delays in assessments and investigations can create uncertainty for all parties and increase costs for councils. Ensuring reviewers are appropriately trained, supported and able to resolve complaints promptly will be essential to achieving the objectives of the reforms. The success of the new framework will ultimately depend on balancing accountability with fairness, consistency and the ability of councillors to represent their communities without fear of politically motivated complaints.
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Response ID:	377796
Your council or organisation:	Lismore City Council
Type of organisation:	Community member
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	I welcome the proposed reforms and particularly the move towards a more independent process. Public confidence in local government depends on councillors being held to the same standards regardless of their position or influence. However, the framework would benefit from clearer guidance on repeated patterns of behaviour. Individual incidents may appear minor in isolation, but repeated conduct over time can have a significant impact on community confidence, council staff, volunteers and public participation. There should also be greater transparency around outcomes so the community can understand how complaints are assessed and why decisions are made, while still protecting legitimate privacy concerns.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	The new triage process has the potential to reduce delays and improve consistency. However, complaints should also be assessed for cumulative patterns of behaviour rather than considering each incident in isolation. The system should include reasonable timeframes for decisions and regular updates for complainants so matters do not remain unresolved for extended periods. It is also important that genuine complaints are not dismissed simply because they involve elected representatives or attract public attention. Equally, clearly vexatious complaints should be identified and managed efficiently so resources remain focused on matters of substance.
What changes would you recommend to the	The committee should be as independent as possible and avoid perceptions of councillors effectively judging their own colleagues.

proposed privileges committee to enhance effectiveness?	Clear published reasons for decisions, consistent sanctions, appropriate expertise in governance and natural justice, and transparency around processes would improve community confidence. The focus should always remain on restoring trust in local government rather than protecting institutions or individuals.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that reforms become procedural rather than cultural. If complaints continue to take excessive time, if outcomes remain inconsistent, or if communities perceive that some councillors are treated differently from others, public confidence will continue to decline. A conduct framework should protect respectful democratic debate while ensuring that bullying, intimidation, misuse of office and repeated inappropriate conduct are addressed consistently, fairly and independently. The success of these reforms will ultimately depend not only on the rules themselves but on their timely, transparent and impartial application

Response ID:	378208
Your council or organisation:	Snowy Monaro Regional Council
Type of organisation:	Councillor
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	1. The costs model is the most significant gap. Section 8.2 proposes a "proportionate costs model" under which councils "would contribute" to the cost of conduct matters, particularly the Privileges Committee, and the Conclusion states that councils will be responsible for funding the costs of managing conduct complaints. This could see five-member panels (sitting fees, travel, accommodation), the panel's legal adviser, OLG investigations and potentially Land and Environment Court proceedings all charged back to councils for matters councils no longer control. The claimed savings to councils will not eventuate. The State is centralising the function and should fund it, with cost recovery targeted at those who misuse the system. Councils cannot properly assess this framework until the costs model is published for consultation. 2. The supporting procedures and regulations are not yet available. The draft code is admirably brief, but the operative detail, panel procedures, complaint handling, publication and confidentiality rules will sit in instruments not yet released. If these recreate the prescriptive detail the code has stripped out, the simplification is cosmetic. OLG should commit to the procedures matching the code's brevity, and to consulting on them. 3. Drafting of the general conduct standards needs attention. Clauses 2.2 and 2.3 prohibit councillors from "improperly or unlawfully" engaging in intimidation, verbal abuse, harassment or bullying. The qualifiers are unnecessary. 4. Triage lacks timeframes, performance measures and reporting obligations (addressed further below). 5. The Privileges Committee appointment model risks being, or appearing, political.
The proposed complaints process (including OLG triage) will be effective in addressing current issues	Disagree

such as delays and vexatious complaints?	
What improvements would you suggest to the proposed complaints process?	Three improvements. First, the triage process is the make-or-break element of the entire reform, yet the policy contains no timeframes, performance measures or reporting obligations for it. Without these, complaint volumes will simply migrate from councils into a queue at OLG. Dismissal of trivial, frivolous and vexatious matters should be subject to published statutory timeframes ‘measured in weeks, not months’ with both complainant and councillor notified promptly of the outcome, and with OLG publicly reporting complaint volumes, dismissal rates and processing times each year. Second, design the process around the actual problem. OLG’s own data shows a quarter of councils generate almost 80% of complaints. Before finalising the process, OLG should analyse and publish what is driving that concentration – the likelihood is councillor-versus-councillor complaints used as political tools, which is precisely the behaviour the triage criteria, and the surcharge power, must be built to identify and shut down quickly. Third, make the deterrent real. The surcharge power for improper-purpose complaints will only change behaviour if it is actually used and seen to be used. OLG should commit to publishing de-identified data on surcharge decisions so serial complainants understand the web form is not a free weapon.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The committee’s authority will rest entirely on the perceived independence and capability of its members. A committee appointed solely at ministerial discretion risks being seen (fairly or not) as a political body, which would undermine its decisions from the outset. I recommend that appointments be drawn from a pool nominated by the sector itself: each Joint Organisation, and LGNSW for councils outside a JO, should nominate candidates with reasons supporting each nomination. Members appointed this way would carry the confidence of the councils they will sit in judgement over. Two supporting measures would strengthen this further: a standing rule that panel members do not sit on matters arising from their own region or involving councillors they have served alongside, and the inclusion of experienced former mayors and councillors, who bring peer understanding without current political entanglements.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that the single front door becomes a bottleneck. The framework’s success depends entirely on the speed and firmness of OLG’s triage, yet the policy sets no timeframes or performance measures for it, while OLG’s own data shows a quarter of councils generate almost 80% of all complaints, all of which will arrive at OLG from day one. If triage is under-resourced or slow, the reform relocates the current delays into one central queue rather than removing them, and councils will have lost even the ability to

	dismiss trivial matters locally. The companion risk is that the yet-to-be-released procedures and regulations quietly reintroduce the prescriptive detail the new code has stripped out. Both risks have the same cure: published statutory timeframes for triage, transparent reporting on complaint volumes and dismissal rates, and a commitment that the supporting procedures will match the code's brevity.
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Response ID:	378471
	This submission has been withheld from publication as some content is not suitable for publication.

Response ID:	379000
Your council or organisation:	[REDACTED]
Type of organisation:	Councillor
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Explicit guidance on unacceptable behaviour relating to social cohesion, racist, antisemitic, antizionist language and behaviour . The code needs to ensure that actions and words that use antizionist or antisemitic tropes to advance hate speech need to be assessed in the same way that other hate speech is considered . This should also apply to Councillors on the floor of Council.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	no further comment
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	no further comment
What is the greatest risk to effective implementation of the proposed conduct framework?	The lack of resources at a sufficiently senior level at the Office of Local Government and the Privileges Committee to sensibly address and sanction bad behaviour

Response ID:	379094
Your council or organisation:	Gunnedah Shire Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	It is unclear from the information available who will be able to lodge a complaint to OLG and whether this be limited to Council staff or the Mayor, as is currently the case, or will any member of the public be able to lodge a complaint? It is unclear from the information provided who will bear the costs of this new system and also what financial implications may result from the proposal to surcharge councillors for vexatious, frivolous or trivial complaints. It is unclear from the information provided how or if outcomes of complaints will be referred back to the council and what the council's role may then be in enforcing any outcomes.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral
What improvements would you suggest to the proposed complaints process?	Include provision for a review process to assess whether the new framework is delivering on stated objectives.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council is of the view that increased diversity should be considered for the formation of the Committee beyond mayors and councillors. Current mayors and councillors should not be eligible as this would likely lead to situations where the Committee members may have conflicts in matters they would need to determine. Senior experienced individuals with governance and legal knowledge or backgrounds and knowledge of the local government industry would also make ideal candidates for the Committee. The current membership proposal for the Committee may not give Council officers confidence the Committee will operate in an unbiased and independent manner.
What is the greatest risk to effective implementation of	Perceived lack of independence of the Privileges Committee as it is currently proposed; lack of definitions around what constitutes

the proposed conduct framework?	unsatisfactory behaviour may result in inconsistent outcomes and may not result in a reduction of vexatious complaints; resourcing and capacity within OLG to take on the triaging of complaints as this is currently performed by Council officers who usually have detailed background knowledge and information.
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Response ID:	380432
Your council or organisation:	Coolamon Shire Council
Type of organisation:	Mayor
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	1. The need for timely resolution of misconduct matters, noting that excessive delays undermine the effectiveness of the framework and embolden recalcitrant councillors. 2. The need for stronger controls on councillor use of social media, recognising both the implied freedom of political communication and the growing risks posed by unregulated online platforms.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Coolamon Shire Council supports the proposed shift to a clearer, more streamlined complaints process, including the triage model, the establishment of the Privileges Committee, and the transfer of serious misconduct matters to the Land and Environment Court. These reforms respond directly to concerns raised across the sector about the weaponisation of the Code of Conduct, the prevalence of trivial complaints, and the lack of meaningful consequences for serious misconduct. Council agrees but equally, delays in resolving legitimate complaints empower councillors who intentionally push boundaries, ridicule processes, or undermine staff and fellow councillors. Council therefore recommends: - Statutory timeframes for each stage of the complaints process. - Public reporting of OLG performance against those timeframes. - Clear escalation triggers where delays occur, ensuring matters do not stagnate. - Interim measures for councillors subject to serious allegations, such as temporary restrictions on committee membership or representative roles.

	These measures would strengthen the integrity of the new framework and ensure that misconduct is addressed promptly, fairly and transparently.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The committee should be able to require Councillors to disable public comments on their social media posts relating to council matters. This is a practical, enforceable measure that: - prevents followers from posting defamatory, abusive or offensive comments; - reduces the risk of councillors being considered ‘publishers’ of third party content; - ensures councillors remain accountable for their own statements; - aligns with the Free Speech Guideline principle that councillors must avoid personal attacks and maintain a safe, respectful environment. The guideline notes that councillors may be liable for content they ‘like, share or retweet’. Requiring comments to be disabled is a reasonable extension of this principle. Council recommends that the revised Code of Conduct include explicit provisions stating that councillors must not: - use social media to ridicule, mock or personally attack fellow councillors or staff; - misrepresent council decisions or processes; - publish content likely to bring the council into disrepute; - use social media platforms to circumvent meeting rules or confidentiality obligations. These standards already exist implicitly within the Code and Guideline, but explicit articulation would strengthen enforcement and reduce ambiguity. Given the reach and influence of social media, Council recommends that online misconduct be treated as an aggravating factor when determining sanctions. Repeated or deliberate misuse of social media should be considered serious misconduct, particularly where it: - undermines public confidence, - damages staff wellbeing, - distorts electoral information, or - encourages hostility or division within the community.
What is the greatest risk to effective implementation of the proposed conduct framework?	Council is concerned that the current framework does not adequately address the risks posed by modern digital communication. Unlike traditional media, social media platforms allow councillors to broadcast commentary to thousands of followers instantly, without editorial oversight, fact checking, or accountability. During election periods, this risk is amplified. Statements made online can significantly distort the truth, influence

	voter perceptions, and undermine the integrity of the electoral process.
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Response ID:	382882
Your council or organisation:	[REDACTED]
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	General Feedback: The State Government's recent amendment to the Local Government (General) Regulations 2021 mandating restrictions on Councillors meeting with staff to discuss matters that are listed on the agenda of a Council Meeting has resulted in the making of a submission to the Office of Local Government on the Councillor Conduct Framework cumbersome and difficult. The Councillor Conduct Reforms was considered at the Council Meeting of 21 July 2026, and whilst delegated authority has been provided to the General Manager to finalise the submission, free discussion between Councillors and staff on areas of the Policy Statement and Draft Code of Conduct for Councillors on matters of significant interest of Councillors has resulted in a lengthy process to finalise the submission. Policy Statement: Improving Councillor Accountability: Council is generally supportive of the Framework achieving improved accountability and integrity in Local Government. Clearer definitions of unsatisfactory behaviour to remove ambiguity is required. Council welcomes definitions of serious misconduct, and pathways for the consideration of complaints. Council also supports the triage model proposed to be undertaken by the Office of Local Government.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the	Council would request clear expectations on timeframes required to manage behaviours at a local level.

proposed complaints process?	
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council also recommends mechanisms are required to ensure members of the Privileges Committee remain independent, politically neutral and unbiased in the consideration of unsatisfactory behaviours.
What is the greatest risk to effective implementation of the proposed conduct framework?	Investigative Powers: Council would request further information in relation to the mechanism allowing Councillors and Councils to enter into voluntary undertakings. Council would also request further consideration as to the enhanced investigative powers to be provided to the Office of Local Government and Privileges Committee. Proposed Sanctions and Appeals: Council would request further consideration required for significant pecuniary interest contraventions and the impact on Council decisions. Implementation Proportionate Cost Model: Council would request further consideration required as to the cost recovery model, noting that existing Council resources are utilised to triage alleged Councillor misconduct, prior to referral to Conduct Reviewer.

Response ID:	383184
Your council or organisation:	Bega Valley Shire Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	Council supports reform that strengthens independence, improves timeliness, reduces duplication, protects robust political debate and directs serious matters to an appropriate external pathway. The 2026 policy statement is broadly aligned with Council's earlier position that councillor conduct complaints require clearer definitions, stronger OLG oversight, proportionate sanctions and less reliance on local General Managers and CEOs to manage complaints about councillors. The issue is how the reforms will operate in practice for individual councils, particularly where councils no longer manage councillor misconduct complaints but remain responsible for governance systems, meetings, workplace safety, record keeping and community confidence. Removing councils from complaint investigations may create uncertainty about what councils can still do locally. The Minister may consider Issue a model local implementation protocol defining council, CEO, mayor, OLG, Privileges Committee and LEC roles. Councils need practical guidance on the boundary between robust political communication, unsatisfactory behaviour, bullying, harassment and WHS obligations. Provide sector-specific case studies and cross-reference the free speech guideline, Code of Conduct and WHS obligations.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Disagree
What improvements would you suggest to the proposed complaints process?	Clarify what remains appropriate for local debriefing, mediation, facilitated conversations, training, mayoral guidance and meeting management to support early resolution of lower-level governance matters that do not warrant OLG or Privileges Committee involvement.

	Explain the notification process provided to councils when a complaint is lodged with OLG via the webform. The triage framework should include examples distinguishing trivial or vexatious complaints, unsatisfactory behaviour, serious misconduct, legislative breaches, WHS issues, police matters, ICAC matters and staff complaints. Publish triage criteria, decision templates and review rights, and report anonymised trend data. Develop a records preservation and evidence referral protocol, supported by privacy, GIPA and confidentiality guidance. To address risks associated with delays, OLG should establish service standards, communication milestones and status update protocols. While the reforms may reduce external conduct reviewer costs, they may introduce additional expenses. OLG should publish a cost model and provide implementation support, particularly for regional councils. Establish a monitoring framework, including periodic reporting to ARICs and a formal post-implementation review. The success of the reforms will depend on effective implementation. While complaint handling may be centralised, councils will remain responsible for meeting management, record keeping, governance assurance, public confidence and safe systems of work. OLG should support implementation with clear guidance and a robust review framework.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Peer assessment may be criticised as lacking independence or consistency if appointment, conflict management and decision-making standards are not transparent. The Minister should issue transparent appointment criteria, conflict declarations, written reasons, publication protocols and quality assurance reviews. Reporting on the efficiency and effectiveness of the panels (for example, decisions, timeframes, penalties determined) should be done annually by OLG. The reform should prescribe minimum standards for notice, opportunity to respond, evidence disclosure, conflict management, reasons for decision, review rights and privacy protections for matters decided by a privileges committee.
What is the greatest risk to effective implementation of the proposed conduct framework?	Staff wellbeing and psychosocial safety Although the reforms relate to councillors, poor conduct issues often affect staff, meeting officers, executive teams and governance staff. Centralisation does not remove council WHS obligations. As part of the policy reforms, OLG should strengthen the framework with stronger penalties for breaches of WHS, specifically psychosocial risks. Meeting practice implementation risk

	New meeting powers, apology requirements, expulsions or loss of fees may be applied inconsistently unless mayors and chairs are trained and supported. Mayors and chairs should receive OLG-delivered training on maintaining order, using new powers proportionately, managing apologies, dealing with repeated disruption and preserving procedural fairness. OLG should provide chairing scripts, procedural checklists, review pathways and training for mayors, deputy mayors and governance officers. Insurance and legal liability uncertainty Unclear responsibility for costs, representation, indemnity and information sharing may affect insurance and legal risk management.
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Response ID:	383222
Your council or organisation:	ICAC
Type of organisation:	Integrity/legal/complaints practitioner
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	The Executive Summary of the Policy Statement provides that allegations of unsatisfactory behaviour will be considered by a new Privileges Committee, which will determine whether a councillor has abused their privileges to speak freely. Elsewhere, the Policy Statement further describes unsatisfactory behaviour as conduct that falls outside the norms and expectations of a sitting councillor. Matters involving serious misconduct will be dealt with by OLG. There may be a potential jurisdictional gap in circumstances where conduct falls short of the threshold for serious misconduct and is not considered unsatisfactory behaviour. This possibility is supported by the examples of misconduct provided in the Policy Statement, which rely on terms such as 'significant', 'serious' and 'systemic'. Alternatively, the Policy Statement recognises on page 13 that OLG will have the statutory power to issue formal warnings for significant conduct where the breach is minor. While this statement is somewhat contradictory, it suggests a role for OLG in dealing with conduct that may fall below the threshold of serious misconduct. Further clarification is required regarding the threshold for matters to be considered under the councillor misconduct framework. The Commission does not support any reduction in the scope of enforceable obligations governing councillors conduct in public office. Additionally, it remains uncertain what criteria will be used to distinguish unsatisfactory behaviour from serious misconduct. It is noted that the OLG will publish regulatory guidelines. The Commission supports publishing the criteria that will be used.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral

What improvements would you suggest to the proposed complaints process?	The reference to serious corrupt conduct ‘within the meaning of the Independent Commission Against Corruption Act 1988’ (the ICAC Act) on page 7 of the Policy Statement is problematic. Sections 7 through 9 of the ICAC Act define corrupt conduct, while s74BA provides that the Commission can only make findings of corrupt conduct if the conduct is serious corrupt conduct. The ICAC Act, however, does not provide a statutory definition for serious corrupt conduct. The Commission can only determine what is serious at the corrupt conduct findings stage of an investigation. The Commission wrote to the NSW Government in letters dated 20 October 2025 and 12 November 2025 regarding the meaning of the serious corrupt conduct and understands that references to this term have been removed from the current draft of the Local Government and other Legislation Amendment (Councillor Conduct) Bill 2025 (the Bill). The Commission has also previously advised the NSW Government in a letter dated 15 October 2025 that it does not consider it appropriate that it have power to initiate proceedings against councillors or to apply for orders to suspend councillors from office. Such provisions do not fit comfortably with the Commission’s role and functions under the ICAC Act. The Commission understands that these provisions have now been removed from the Bill and supports this revision.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The Commission advised OLG in a submission dated 8 November 2024 that there is a potential for criticism if the Privileges Committee members are perceived as being influenced by political affiliations. The submission noted that findings of the Legislative Councils 2002 Privileges Committee inquiry into Edward Obeid Sr’s pecuniary interest returns demonstrate the inherent shortcomings associated with relying on parliamentary peers to investigate the behaviour of Members. The Commission recommends that the OLG: - considers expanding the Privileges Committee membership beyond elected officials to include people with demonstrated experience in areas such as governance and workplace investigations - ensures that all Privileges Committee members are well-grounded in the principles of administrative decision making - carefully screens all proposed Privileges Committee members to identify any potential sources of conflict of interest - trains all Privileges Committee in the requirements of their new role, including the need to disclose conflicts of interest.
What is the greatest risk to effective implementation of	The Commission wishes to ensure that s11 of the ICAC Act, which imposes an obligation on agency heads to report reasonably suspected corrupt conduct to the Commission, is not diluted.

the proposed conduct framework?	Section 11 should continue to apply to individual councils and the OLG. In addition, if the Privileges Committee forms a reasonable suspicion of corrupt conduct, administrative arrangements should be in place for such matters to be referred to the Commission, via the OLG. As outlined in the Commission's submission on the draft Model Code of Conduct for Councillors, several of the proposed provisions have the effect of raising the threshold for what constitutes misconduct. This is of particular concern in relation to the provisions governing conflicts of interest. The unduly narrow definition of a conflict of interest has the potential to undermine the integrity of council decision making by minimising the range of conduct that may be captured. Additionally, the draft definition: - is inconsistent with the proposed definition for council staff. While the Commission appreciates that councillors perform a legitimate political role that differs from that of staff, this should not justify any reduction in the integrity standards of public officials - reduces the opportunity for early intervention as relationships such as friendships develop - undermines the effectiveness of conflict of interest management by allowing situations that present integrity risks to go unmanaged.
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Response ID:	383225
Your council or organisation:	Upper Hunter Shire Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	The proposed clarification of the definitions of unsatisfactory conduct and serious misconduct is supported, as is the establishment of a single point of entry for complaints through the Office of Local Government. These reforms should improve consistency and reduce the administrative burden on councils. Further refinement is required in several areas. Additional guidance should be provided on the interaction between the conduct framework and the Work Health and Safety Act 2011, particularly regarding psychosocial hazards and the respective roles of the Office of Local Government, SafeWork NSW, ICAC, the NSW Ombudsman and NSW Police where responsibilities overlap. Clarification is also needed on the use of the terms "civic duties" and "official councillor functions" to ensure consistent interpretation throughout the Model Code. Further guidance would assist councillors in applying the consolidated conflict of interest provisions, particularly in relation to unpaid governance roles within community organisations, insignificant interests, access to information required to perform statutory responsibilities, and the threshold for establishing the intentional disclosure of confidential information. Finally, greater certainty is required regarding transitional arrangements, including when the Departmental Chief Executive may intervene in existing matters and how procedural fairness and consistency will be maintained during implementation.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral
What improvements would you suggest to the proposed complaints process?	The proposed single point of entry for complaints is strongly supported and should improve consistency, reduce duplication and relieve councils of significant administrative responsibilities. The framework should continue to provide an effective process for

	investigating legitimate complaints while recognising that complaint mechanisms can be misused to pursue political disputes, personal grievances or ongoing campaigns against individuals. Accountability processes should not inadvertently facilitate behaviour unrelated to good governance. Stronger provisions to identify and dismiss vexatious, frivolous and unmeritorious complaints are supported. However, the framework should clearly outline the criteria used to make these determinations to ensure transparency and consistency. Consideration should also be given to recognising the significant staff time, financial resources and organisational impacts associated with responding to complaints that are ultimately found to be without merit. Reducing unnecessary complaints will improve efficiency while allowing resources to be directed towards genuine conduct issues. The proposed recognition of patterns of behaviour is also supported, as repeated conduct may have a far greater impact on governance, workplace culture and community confidence than isolated incidents considered individually.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The establishment of a Privileges Committee is supported in principle; however, several aspects require further consideration to ensure public confidence and procedural fairness. While the experience of current or former mayors and councillors would provide valuable practical insight, greater independence should be incorporated into the committee's membership to reinforce impartiality and public trust in decision-making. Further detail should also be provided regarding hearing procedures, representation rights, decision-making processes, governance arrangements and appeal mechanisms to ensure transparency and consistency. Clarification is also required regarding the proposed funding and cost recovery model. There is concern that councils with relatively few conduct matters could be required to subsidise costs generated by councils experiencing significantly higher complaint volumes. Consideration should be given to a funding model that more fairly reflects usage and does not disproportionately affect smaller rural and regional councils. A well-defined, independent and transparent committee structure will strengthen confidence in the new framework and improve its overall effectiveness.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that the framework could become more complex and resource-intensive without sufficient guidance, clarity and support for councils. Smaller rural and regional councils are particularly vulnerable to increased administrative and financial burdens associated with implementing the new framework. Any additional obligations should be proportionate and supported through appropriate consultation, guidance and resourcing. Uncertainty regarding the interaction between the conduct framework and other statutory obligations, particularly work health

	and safety legislation and the jurisdiction of integrity agencies, also presents a risk of inconsistent application and duplication of processes. Clear implementation guidance, practical examples and well-defined transitional arrangements will be essential to ensure consistency across the sector and maintain procedural fairness. Finally, public confidence will depend on complaints being managed consistently, independently and efficiently, while ensuring that accountability mechanisms cannot be misused for political or vexatious purposes. Achieving the appropriate balance between strong accountability and practical administration will be critical to the success of the proposed reforms.
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29 July 2026

Brett Whitworth
Deputy Secretary
Office of Local Government

Via email: olg@olg.nsw.gov.au

Bayside Council Submission to the Office of Local Government – Councillor Conduct Framework Reforms

Council welcomes the opportunity to contribute to this important reform process. Council shares the Office of Local Government's commitment to a conduct framework that is fair, effective and fit for the realities of contemporary local government.

At its 22 July 2026 meeting, Council resolved as follows:

12.3 CP26.029 Councillor Conduct Reforms - Submission to Office of Local Government

RESOLUTION

Item Resolved by Exception Minute No. 2026/144

Resolved on the motion of Councillors Morrissey and Bredehoeft

- 1 That Council notes the consultation draft Model Code of Conduct for Councillors and related reforms.*
- 2 That Council endorses in principle the draft submission to the Office of Local Government (**Attachment 4**).*
- 3 That Council delegates authority to the General Manager to finalise and lodge the submission.*

The following comments are offered in that spirit as a constructive contribution to getting the detail right, not as opposition to the reform's intent.

1. Material Differences from the 2020 Code

The proposed reforms represent a move from a prescriptive, rule-based system to a judgement-based framework. This has significant implications for councillor behaviour, governance, certainty and consistency across the local government sector.

The removal of provisions such as the 'disrepute' test, detailed bullying definitions and structured conflict management frameworks reduces the ability of councillors and Councils to readily assess whether conduct is compliant.

2. Privileges Committee

Council recognises the potential benefits of peer assessment. However, there is insufficient clarity regarding how Privileges Committees will assess behaviour, particularly the weight to be given to council-adopted policies.

In this context, it would be useful to clarify:

- Whether policies are intended to establish baseline expectations
- How consistency across councils will be ensured
- How subjective judgement will be constrained

3. Impact on Other Model Policies

Council notes that the draft framework implicitly relies on Council policies to provide behavioural clarity, while at the same time treating those policies as non-determinative by the Privileges Committee. Council considers that clearer guidance is required on how policies are intended to inform assessments of unsatisfactory behaviour.

While several model policies will take on increased importance under the proposed framework, the Council Officials Relationships and Access Policy and the Model Social Media Policy are likely to be the most significantly impacted. This reflects the removal of detailed guidance on councillor–staff interactions and a reduced emphasis on codified behavioural expectations, shifting greater responsibility to these policies to provide practical direction in areas where issues most commonly arise. This places greater reliance on these policies to manage day-to-day interactions and public communication, without corresponding certainty as to how they will be applied in conduct assessments.

Council recommends that the Office of Local Government clarifies the expected scope and timing of updates to:

- Model Social Media Policy
- Model Council Official Relationships and Access Policy
- Model Code of Meeting Practice
- Model Expenses and Facilities Policy

4. Implementation, Training and Guidance

Council considers implementation to be the critical success factor for the reforms. Without comprehensive guidance and training, the move to judgement-based assessment risks confusion, inconsistency and unintended behaviour.

Council strongly recommends that the Office of Local Government provide sector-wide training, training materials, practical examples and transitional guidance.

5. Conclusion

Council is genuinely supportive of the direction these reforms are taking and recognises the significant work that has gone into developing the proposed framework. Council sees this consultation as an important opportunity for the local government sector to provide input to strengthen the final model Code.

With clearer guidance on the Privileges Committee process, updated model policies and a strong implementation program, Council is confident that the proposed framework can deliver meaningful improvements for councillors, staff and communities across the sector. Council looks forward to continued and active engagement with the Office of Local Government as this work progresses.

Should you have any questions, please do not hesitate to contact me directly.

Yours Sincerely

[REDACTED]
[REDACTED]

Councillor Conduct Reform Policy Statement

Councillor Conduct framework reforms – Have your say

June 2026

Information on Privacy and Confidentiality

When you submit this feedback form, the Office of Local Government (OLG) will collect some personal information about you, in particular:

- Your name
- your_email_address
- any_personal_information_you_put_in_the_additional_comment_field.

All input received through this consultation process may be made publicly available. Please let us know below if you do not want your name and personal details published.

As part of the consultation process, we may need to share your information with people outside OLG, including other public authorities and government agencies. We may also use your email to send you notifications about further feedback opportunities or the outcome of the consultation.

There may also be circumstances when OLG is required by law to release information (for example, in accordance with the requirements of the *Government Information (Public Access) Act 2009*). There is a privacy policy on OLG's website that explains how some data are automatically collected (such as your internet protocol (IP) address) whenever you visit OLG's website. The link to that policy is <https://www.olg.nsw.gov.au/about-us/privacy-policy/>.

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	
Your council or organisation	<u>Bayside Council</u>
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Council
Email address	
Are you responding on behalf of your organisation?	☐ Yes ☐ No

Feedback		
1	The_proposed_conduct_framework will improve accountability and integrity in local government	☐ Strongly_agree ☐ Agree ☒ <u>Neutral</u> ☐ Disagree ☐ Strongly_disagree
2	What aspects of the framework need further refinement or further explanation?	<u>Refer to attached letter.</u>
3	The proposed complaints process (including OLG triage) will be_effective_in_addressing current_issues_such_as_delays and vexatious complaints?	☐ Strongly_agree ☒ <u>Agree</u> ☐ Neutral ☐ Disagree ☐ Strongly_disagree
4	What_improvements_would_you suggest to the proposed complaints process?	<u>Refer to attached letter</u>
5	What changes would you recommend to the proposed privileges_committee_to_enhance effectiveness	<u>Refer to attached letter</u>
6	What is the greatest risk to effective_implementation_of_the proposed_conduct_framework	<u>Refer to attached letter</u>

By_submitting_this_form,you_have_read_and_agreed_to_the_department's_[privacy statement](#).

Feedback Submission

OLG proposed

Councillor Conduct

Framework

(Including the draft Model Code of
Conduct for Councillors)

28 July 2026

The Office of Local Government invited Councils to provide feedback on the following questions with regard to the proposed reforms to the Councillor Conduct Framework and Model Code of Conduct for Councillors.

1. The proposed conduct framework will improve accountability and integrity in local government.

The proposed conduct framework represents a positive and necessary step towards strengthening accountability, integrity and public confidence in local government. The move towards greater consistency, independent oversight and a more streamlined complaints process addresses many of the shortcomings identified in the current framework.

The reforms have the potential to improve confidence for councillors, councils and the community by promoting more transparent, timely and consistent management of conduct matters. The proposed emphasis on early triage and proportionate responses should also assist in reducing unnecessary delays and ensuring resources are focused on matters that present genuine integrity risks.

However, the success of the framework will ultimately depend on its implementation. Clear legislative guidance, adequate resourcing, consistent decision-making, comprehensive training and adherence to the principles of procedural fairness will be essential to achieving the intended outcomes. Ongoing monitoring and evaluation of the framework following implementation will also be important to ensure it remains effective, practical and responsive to emerging issues across the local government sector.

2. What aspects of the framework need further refinement or further explanation?

Overall, the proposed framework represents a positive and necessary reform of the councillor conduct system. Greater consistency, independence and transparency are welcome improvements.

Further refinement would assist in several areas. Greater clarity is needed regarding the thresholds for triaging complaints, the circumstances in which matters will be dismissed or referred, and the respective roles of councils, the Office of Local Government and the Privileges Committee. Clear decision-making criteria will help ensure consistency across the sector.

The framework would also benefit from more detailed guidance on proportional sanctions, ensuring responses are appropriate to the seriousness of the conduct while maintaining procedural fairness.

Implementation guidance should also include practical resources, training and standard operating procedures to support consistent application by councils and decision-makers.

3. The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?

The centralised triage model has the potential to improve consistency and reduce duplication, provided it is adequately resourced.

The proposed complaints process has the potential to address many of the shortcomings of the current framework, particularly through the introduction of a centralised Office of Local Government triage function. A consistent, independent assessment process should assist in reducing duplication, improving consistency in decision-making and filtering out matters that are frivolous, vexatious or more appropriately managed through alternative mechanisms.

However, the effectiveness of the proposed model will ultimately depend on adequate resourcing, clearly defined assessment criteria and published service standards. Without these, there is a risk that delays currently experienced by councils may simply shift to another part of the system.

The success of the reforms will also depend on transparent communication with complainants, respondents and councils throughout the complaint process, together with clear reasons for decisions. This will strengthen confidence in the integrity of the framework while reinforcing the principles of procedural fairness and natural justice.

Overall, the proposed model has the potential to be an improvement on the current framework, provided implementation is supported by sufficient resources, practical guidance and ongoing review and evaluation to ensure it delivers timely, consistent and proportionate outcomes.

4. What improvements would you suggest to the proposed complaints process?

The introduction of a centralised triage function is supported as it should promote greater consistency and independence in complaint handling. To maximise its effectiveness, clear assessment criteria should be published so complainants, respondents and councils understand how complaints are prioritised, managed and, where appropriate, dismissed.

The framework should establish service standards for assessment and investigation timeframes to reduce unnecessary delays. Timely resolution is essential to maintaining confidence in the process for all parties.

There should also be stronger mechanisms for identifying and managing vexatious, frivolous or repeated complaints while ensuring legitimate complaints continue to receive appropriate consideration. Consideration should be given to early resolution processes for lower-level behavioural matters, allowing investigative resources to focus on more serious allegations.

Regular reporting on complaint volumes, outcomes and timeframes would also enhance transparency and support ongoing evaluation of the framework.

The framework should also recognise the significant governance and administrative resources required to manage conduct complaints. Efficient triage and clear jurisdictional boundaries will enable councils to focus resources on matters that present genuine integrity risks while ensuring less serious matters are resolved proportionately.

5. What changes would you recommend to the proposed privileges committee to enhance effectiveness?

The effectiveness of the Privileges Committee will depend on its independence, expertise, consistency, and ability to manage conflicts of interest and perceived bias.

Committee members should possess demonstrated governance and investigative experience, supported by clear procedural rules and published decision-making principles. Deidentified decisions should be published where appropriate to assist councils and councillors in understanding expected standards of conduct and to promote consistency across the sector. This will also provide confidence to complainants and to the community to know that complaints are being managed appropriately and outcomes are satisfactory.

Consideration should also be given to adopting a codified schedule of conduct categories and corresponding enforcement option. This would provide greater certainty regarding the types of conduct that fall within each category and the range of sanctions that may be applied, resulting in more consistent and transparent decision-making.

The framework should also include robust provisions for identifying and managing actual, potential and perceived conflicts of interest involving Committee members. Clear disclosure requirements, recusal processes and transparent reporting of how conflicts have been managed will be essential to maintaining public confidence in the Committee's independence and impartiality.

The Committee should also be appropriately resourced to ensure matters are determined in a timely manner without compromising procedural fairness.

6. What is the greatest risk to effective implementation of the proposed conduct framework?

The greatest risk is inconsistent implementation arising from insufficient resourcing, inadequate guidance and varying levels of capability across the sector.

While the proposed reforms provide a stronger framework, they will only achieve their intended outcomes if the Office of Local Government and councils are adequately resourced to

administer the new processes efficiently. Delays in complaint handling or inconsistent application of the framework would undermine public confidence.

Another significant risk is a lack of education for councillors and council staff. Comprehensive training, practical guidance materials and ongoing support will be essential to achieving consistent interpretation and application of the new framework.

Ultimately, the success of the reforms will depend not only on the legislative changes themselves but also on ensuring they are implemented consistently, transparently and in accordance with the principles of procedural fairness.

A further implementation risk is the lack of clarity regarding the funding model for the proposed framework. It is not clear whether the additional responsibilities associated with the centralised complaints process, the Privileges Committee and related reforms will be fully funded by the Office of Local Government, or whether councils will be expected to absorb some of these costs.

Given the existing financial pressures facing many councils and their communities, any transfer of costs to local government has the potential to impact the effective implementation of the reforms and create inconsistencies across the sector. Clarification of the proposed funding arrangements, including the ongoing costs associated with administering the new framework, should form part of the final reform package to provide certainty for councils and support consistent implementation.

Where the reforms introduce functions that are centralised or undertaken in the public interest, consideration should be given to these being appropriately funded by the Office of Local Government rather than creating an unfunded cost shift to councils.

7. Any comments regarding changes proposed in the draft Model Code of Conduct for Councillors?

The significant changes that have been identified relate to conflicts of interest, implied freedom of political communication and social media use.

Conflicts of Interest

With regard to the new conflict of interest provisions (Part 3, particularly clauses 3.1–3.3) and the express recognition that personal and political views do not, of themselves, create a conflict of interest, these changes are supported as they better recognise the constitutional role of elected representatives while preserving strong integrity safeguards.

The proposed amendment provides a clearer and more objective test by focusing on whether a reasonable person, knowing the relevant facts, would perceive that a councillor could be improperly influenced by a private interest. This approach simplifies the previous provisions while continuing to maintain appropriate safeguards to protect the integrity of council decision-making.

Clause 3.3 makes it clear that personal or political views, political relationships or affiliations, participation in political activities, advocacy, campaigning, voluntary community involvement and the ordinary exercise of a councillor's functions do not, of themselves, give rise to a

conflict of interest. This is a significant and welcome clarification that better reflects the democratic and political nature of the role of councillor.

These provisions appropriately recognise that councillors are elected to advocate for their communities, campaign on policy positions and participate in political debate. The Code should not discourage councillors from fulfilling that representative role simply because they have publicly expressed views on matters before becoming a councillor. At the same time, the Code appropriately retains safeguards for when a councillor has a genuine private interest or other relationship that could reasonably be perceived to improperly influence the exercise of their public functions.

Under the current Code, councillors have sometimes faced complaints simply because they had expressed a political opinion, campaigned on an issue, belonged to a political party or advocacy organisation, or had taken a public position before election. Clause 3.3 of the draft Code makes it explicit that these matters do not create a conflict of interest by themselves, which is a substantial shift in a positive direction. It reinforces that councillors are elected to represent views and advocate for policy outcomes, while still requiring them to declare a conflict and step aside where there is a genuine private interest that could actually, or be perceived to, improperly influence their decision-making.

Freedom of Political Communication

The recognition of the implied freedom of political communication is supported. The model Code should facilitate robust political debate while continuing to require councillors to conduct themselves respectfully and ethically. By distinguishing legitimate political advocacy from conduct that undermines public confidence or gives rise to an actual conflict of interest, the draft Code provides an appropriate balance between democratic accountability and integrity.

Councillors are elected to advocate for their communities, scrutinise decisions, debate public policy and represent the diverse views of their constituents. These functions can involve robust political discussion, public advocacy and, at times, disagreement on matters of significant public interest. The Model Code should recognise and support these democratic functions while continuing to set clear expectations regarding integrity, respect and appropriate conduct.

Importantly, acknowledging the implied freedom of political communication does not diminish the standards expected of councillors. Rather, it provides an appropriate framework for distinguishing between legitimate political expression and conduct that amounts to bullying, harassment, discrimination, intimidation or other behaviour that undermines public confidence in local government. This distinction will assist decision-makers to focus on the substance and seriousness of conduct, rather than complaints arising solely from political disagreement or differing viewpoints.

By expressly recognising the constitutional and democratic context in which councillors operate, the draft Code is likely to reduce complaints that arise from legitimate political debate rather than genuine misconduct. This will enable the councillor conduct framework to better focus its resources on serious integrity matters while protecting the ability of elected representatives to perform their democratic functions without unnecessary constraint.

Social Media

The draft Model Code has deliberately moved away from some of the more prescriptive social media provisions that appeared in the previous Model Code. This aligns with the broader objectives of the reforms to recognise the political nature of the councillor role, support the

implied freedom of political communication, and remove provisions that have been capable of subjective interpretation or used in complaints that do not involve genuine misconduct.

This approach to social media use is supported. The previous Code included provisions that were, at times, difficult to apply consistently and were capable of giving rise to complaints based on political disagreement or differing views rather than genuine misconduct.

Recognising that social media is now a primary means by which councillors engage with their communities, communicate policy positions and participate in public debate, it is appropriate that the Code focuses on overarching standards of lawful, ethical and respectful conduct rather than prescribing detailed behavioural expectations for specific mediums of communication.

The removal of provisions, such as 'social media', that are open to subjective interpretation should assist in reducing complaints that do not raise genuine integrity concerns while preserving appropriate accountability for conduct that is unlawful, discriminatory, intimidating, defamatory or otherwise inconsistent with the standards expected of elected representatives.

It will remain important that councillors are provided with practical guidance and education on the application of the Code in online environments, including examples of acceptable and unacceptable conduct, to promote consistent understanding and application.

Council is at liberty to include supplementary provisions at its discretion to strengthen these provisions of the Code once the Model Code is prescribed.

It should be noted that the principles that apply to councillors' conduct should apply consistently regardless of whether communication occurs in the council chamber, at a community meeting, in traditional media or through social media platforms. The focus should remain on the nature of the conduct rather than the medium through which it is communicated.

Overall, these reforms provide greater certainty for councillors, Council staff, community members, and complaint decision-makers and should reduce complaints based solely on political disagreement or differing policy positions, allowing the conduct framework to focus on matters involving genuine misconduct or conflicts of interest.



Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	North Sydney Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree (see further detail in attached submission) ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	<u>Council's operational role after centralisation - Council recommends that OLG clarify what councils must do once complaints are redirected to OLG. This should include guidance on information requests, meeting recordings, council records, staff statements, councillor access to documents, support for affected staff, and work, health, and safety responsibilities. Cost recovery model - The reform paper proposes cost recovery, with councils contributing to complaint management costs, particularly Privileges Committee costs, while OLG's core regulatory functions would not be recovered from councils. Council recommends further consultation on the model before implementation. The model should be transparent, predictable, and equitable, and should avoid imposing disproportionate costs on councils with low complaint volumes.</u>
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree (see further detail in attached submission) ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	Council recommends the following practical improvements. Introduce service standards - The framework should include expected timeframes for complaint acknowledgement, preliminary assessment, triage, referral, investigation, draft findings, final decision, and closure. The current Model Procedures include specific procedural timeframes in several areas, including referral to a conduct reviewer within 21 days and preliminary assessment within 28 days. Comparable service expectations should be included in the new framework. Clarify procedural fairness - Detailed procedures should address notification, evidence relied

		on, opportunity to respond, confidentiality, affected-person rights, legal representation or support persons, and treatment of anonymous complaints. - Clarify council obligations - Councils need guidance on preserving records, providing meeting footage, responding to staff safety risks, communicating with complainants, and managing reputational issues while OLG processes are underway. - Provide sector training and templates - Councils, councillors, and staff will need plain-English guidance, flowcharts, complaint examples, information request templates, confidentiality guidance, and transition materials.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	Council supports the establishment of a Privileges Committee as a peer-based mechanism for assessing unsatisfactory behaviour, because elected councillors are well placed to understand the context of political debate and the responsibilities of elected office. However, several changes would enhance its effectiveness. First, membership should be appointed through transparent criteria, including local government experience, integrity, governance capability, meeting practice knowledge, diversity of council type and geography, and demonstrated capacity to assess conduct objectively. The reform paper proposes that the Committee be appointed by the Minister and comprise experienced mayors and councillors, with smaller panels convened from the broader group. Council recommends that appointment criteria and conflict-of-interest rules be published. Second, the Committee should have strong independence safeguards. Panel members should be required to declare conflicts, recuse themselves where there is actual or perceived bias, and avoid considering matters involving councils, councillors, or political groupings where independence could reasonably be questioned. Third, the Committee should be supported by independent legal and governance advice. The reform paper proposes an independent legal adviser to guide legislative requirements and procedural fairness, without participating in decision-making. Council supports this and recommends access to meeting practice and local government governance expertise where necessary. Fourth, the Committee's procedures should be clearly prescribed. This should include evidence requirements, written submissions, optional hearing processes, confidentiality, reasons for decisions, publication of outcomes, recordkeeping, referral back to OLG, and review pathways. The reform paper proposes that a panel may take no further action, issue a formal warning, reprimand or censure, or refer more serious matters

		back to OLG. Council supports these outcomes but recommends consistent sanction guidance. Finally, the Committee should receive regular de-identified reporting on complaints dismissed at triage, as proposed in the reform paper, so that OLG and the Committee can calibrate thresholds over time.
6	What is the greatest risk to effective implementation of the proposed conduct framework	The greatest risk is that centralisation may not deliver the intended improvements if OLG is not adequately resourced, if triage thresholds are unclear, or if service standards are not transparent. In that scenario, delays and administrative burden may simply shift from councils to OLG, while councils remain responsible for managing local impacts, staff wellbeing, community expectations, and reputational risk. The cost model is also a significant implementation risk. The reform paper acknowledges that further work is needed on the design and build of cost recovery arrangements. Council recommends that any model be equitable and predictable, with costs linked to the nature and volume of matters and with safeguards for councils that do not generate significant conduct issues. Council also recommends post-implementation review after the first full reporting cycle to assess whether the reforms have reduced complaint volumes, delays, costs, and misuse of the system. Council considers these risks manageable if OLG provides clear operational guidance, published triage criteria, defined service standards, transparent reporting, sector-wide training, procedural fairness safeguards, and an equitable cost recovery model.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

North Sydney Council's submission (draft) re Councillor Conduct Reforms

1. The proposed conduct framework will improve accountability and integrity in local government

Council agrees that the proposed conduct framework is likely to improve accountability and integrity in local government if it is implemented with adequate resourcing, clear statutory thresholds, procedural fairness safeguards, and transparent reporting.

The current framework contains important standards, but it can be complex and resource-intensive. The reform paper identifies several weaknesses in the existing system, including duplication, delay, and increased costs where council-managed matters are later referred to OLG and effectively restarted.

Council agrees that a single OLG entry point and early triage should improve consistency and reduce the burden on councils, provided the triage function is sufficiently resourced and supported by clear criteria. Council also supports the proposed distinction between unsatisfactory behaviour and serious misconduct, because it recognises that not all poor conduct warrants formal investigation or court-based sanction.

A further benefit of the proposed reforms is the removal of councils, including General Managers, from the direct handling and assessment of councillor conduct complaints. Under the current framework, councils are responsible for managing complaints about their own elected representatives, which can create real or perceived conflicts of interest and place administrative pressure on council staff. The proposed centralisation of complaints through OLG introduces a more independent and consistent process, reducing the risk of local political influence, enhancing procedural integrity, and allowing councils to focus on governance, service delivery, and supporting a safe and respectful working environment for staff and councillors.

Council also supports the proposed stronger pathway for serious misconduct. The existing NCAT pathway allows sanctions including counselling, reprimand, and suspension for up to six months, disqualification for up to five years, and suspension of remuneration for up to six months. The reform proposes to transfer serious councillor misconduct matters to the Land and Environment Court, with broader court-determined orders including suspension, disqualification, civil penalties, compensation or restitution, and reversal of unjust benefit. This is likely to strengthen deterrence and public confidence where serious misconduct is established.

2. What aspects of the framework need further refinement or further explanation?

Council's operational role after centralisation

Council recommends that OLG clarify what councils must do once complaints are redirected to OLG. This should include guidance on information requests, meeting recordings, council records, staff statements, councillor access to documents, support for affected staff, and work, health, and safety responsibilities.

Cost recovery model

The reform paper proposes cost recovery, with councils contributing to complaint management costs, particularly Privileges Committee costs, while OLG's core regulatory functions would not be recovered from councils. Council recommends further consultation on the model before implementation. The model should be transparent, predictable, and equitable, and should avoid imposing disproportionate costs on councils with low complaint volumes.

3. The proposed complaints process, including OLG triage, will be effective in addressing delays and vexatious complaints

Council agrees in principle that the proposed complaints process, including OLG triage, should be effective in addressing current issues such as delays and vexatious complaints.

The current procedures already permit early decline of complaints that are not code of conduct complaints, are out of time, trivial, frivolous, vexatious, not made in good faith, already addressed, or insufficiently particularised. The Model Code also prohibits complaints made for an improper purpose, including complaints that are trivial, frivolous, vexatious, or made to obtain political advantage, damage reputation, intimidate, harass, disrupt council functions, or avoid disciplinary action. These safeguards are important, but they remain embedded in a council-administered framework which might be vulnerable to local political pressure.

The proposed OLG triage model should improve independence and consistency by creating a single front door for councillor complaints and categorising complaints based on seriousness and credibility. It should also reduce duplication because serious matters would be identified earlier and directed to the appropriate investigation or court pathway, rather than progressing through a council process before referral.

However, effectiveness depends on implementation. If OLG is not resourced to triage complaints quickly, the process may centralise delay rather than resolve it. Council therefore recommends that OLG publish service standards and performance reporting, including acknowledgement timeframes, triage timeframes, investigation timeframes, reasons for delay, complaint volumes, complaint categories, outcomes, and cost data.

Aggregated reporting would allow the sector and community to assess whether the reforms are reducing delays and vexatious complaints in practice.

4. What improvements would you suggest to the proposed complaints process?

Council recommends the following practical improvements.

Introduce service standards

The framework should include expected timeframes for complaint acknowledgement, preliminary assessment, triage, referral, investigation, draft findings, final decision, and closure. The current Model Procedures include specific procedural timeframes in several areas, including referral to a conduct reviewer within 21 days and preliminary assessment within 28 days. Comparable service expectations should be included in the new framework.

Clarify procedural fairness

Detailed procedures should address notification, evidence relied on, opportunity to respond, confidentiality, affected-person rights, legal representation or support persons, and treatment of anonymous complaints.

Clarify council obligations

Councils need guidance on preserving records, providing meeting footage, responding to staff safety risks, communicating with complainants, and managing reputational issues while OLG processes are underway.

Provide sector training and templates

Councils, councillors, and staff will need plain-English guidance, flowcharts, complaint examples, information request templates, confidentiality guidance, and transition materials.

5. What changes would you recommend to the proposed Privileges Committee to enhance effectiveness?

Council supports the establishment of a Privileges Committee as a peer-based mechanism for assessing unsatisfactory behaviour, because elected councillors are well placed to understand the context of political debate and the responsibilities of elected office. However, several changes would enhance its effectiveness.

First, membership should be appointed through transparent criteria, including local government experience, integrity, governance capability, meeting practice knowledge, diversity of council type and geography, and demonstrated capacity to assess conduct objectively. The reform paper proposes that the Committee be appointed by the Minister and comprise experienced mayors and councillors, with smaller panels convened from the broader group. Council recommends that appointment criteria and conflict-of-interest rules be published.

Second, the Committee should have strong independence safeguards. Panel members should be required to declare conflicts, recuse themselves where there is actual or perceived bias,

and avoid considering matters involving councils, councillors, or political groupings where independence could reasonably be questioned.

Third, the Committee should be supported by independent legal and governance advice. The reform paper proposes an independent legal adviser to guide legislative requirements and procedural fairness, without participating in decision-making. Council supports this and recommends access to meeting practice and local government governance expertise where necessary.

Fourth, the Committee's procedures should be clearly prescribed. This should include evidence requirements, written submissions, optional hearing processes, confidentiality, reasons for decisions, publication of outcomes, recordkeeping, referral back to OLG, and review pathways. The reform paper proposes that a panel may take no further action, issue a formal warning, reprimand or censure, or refer more serious matters back to OLG. Council supports these outcomes but recommends consistent sanction guidance.

Finally, the Committee should receive regular de-identified reporting on complaints dismissed at triage, as proposed in the reform paper, so that OLG and the Committee can calibrate thresholds over time.

6. What is the greatest risk to effective implementation of the proposed conduct framework?

The greatest risk is that centralisation may not deliver the intended improvements if OLG is not adequately resourced, if triage thresholds are unclear, or if service standards are not transparent. In that scenario, delays and administrative burden may simply shift from councils to OLG, while councils remain responsible for managing local impacts, staff wellbeing, community expectations, and reputational risk.

The cost model is also a significant implementation risk. The reform paper acknowledges that further work is needed on the design and build of cost recovery arrangements. Council recommends that any model be equitable and predictable, with costs linked to the nature and volume of matters and with safeguards for councils that do not generate significant conduct issues. Council also recommends post-implementation review after the first full reporting cycle to assess whether the reforms have reduced complaint volumes, delays, costs, and misuse of the system.

Council considers these risks manageable if OLG provides clear operational guidance, published triage criteria, defined service standards, transparent reporting, sector-wide training, procedural fairness safeguards, and an equitable cost recovery model.

Response ID:	384380
Your council or organisation:	Lismore City Council
Type of organisation:	Councillor
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Elected officials with no relevant qualifications should sit on any Committee deciding outcomes against political opponents, particularly while Party politics remains in local government. Politics may influence decision making. Escalations directly to the LEC will mean dealing with matters will be cost prohibitive to many elected officials, more so if an appeal is to follow.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Disagree
What improvements would you suggest to the proposed complaints process?	The OLG has a history of responding very slowly to compliance concerns and not having the experience to interpret and apply the legislation or policy equitably or objectively. Funding seems to also be an issue resulting in inadequate resourcing.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Removing politically motivated appointments and decision makers will result in better decision making. Most elected officials are completely dominated by General Managers and seem quite clueless about how to objectively interpret the Code of Conduct. Many subjectively decide something is wrong so decide to punish their political opponents.
What is the greatest risk to effective implementation of the proposed conduct framework?	Allowing poorly trained staff and politically motivated elected officials anywhere near the assessment and decision making regarding complaints. The process should be free from actual or perceived biases and it requires certainty so elected officials can better represent their communities.

Response ID:	384706
Your council or organisation:	Walcha Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	See below, comment regarding having an independent member with a legal background on the proposed Privileges Committee. We think having all complaints processed by OLG via a Privileges Committee is a positive step. As is having separate Codes of Conduct for elected members and staff. The roles are very different and the conduct for each should be governed by customised rules that reflect the different expectations that apply.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	No specific suggestions. We are very supportive of the new triage system being mooted, with the ability to dismiss or suggest alternative dispute provisions for trivial matters.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	I would suggest the inclusion of an independent person with a legal background to assist the Committee in its deliberations.
What is the greatest risk to effective implementation of the proposed conduct framework?	Making the right appointments for the Privileges Committee. The Committee performs an important, "gatekeeper" role. Therefore, Committee members need to be people with good objective minds and strong governance skills, not merely someone with a high profile.

Response ID:	384766
Your council or organisation:	Armidale Regional Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	Council particularly supports the proposed centralisation of councillor conduct complaints through the Office of Local Government. The current framework can place considerable administrative pressure on councils and may create perceptions of inconsistency when councils are responsible for managing complaints involving their own elected representatives. A centralised and independent process is likely to improve public confidence, provide greater consistency across the sector and enable complaints to be managed more efficiently.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	Council particularly supports the proposed centralisation of councillor conduct complaints through the Office of Local Government. The current framework can place considerable administrative pressure on councils and may create perceptions of inconsistency when councils are responsible for managing complaints involving their own elected representatives. A centralised and independent process is likely to improve public confidence, provide greater consistency across the sector and enable complaints to be managed more efficiently. Council also supports measures aimed at reducing the impact of trivial, vexatious or politically motivated complaints. The ability to resolve minor matters quickly and focus resources on genuine misconduct concerns will strengthen the effectiveness of the framework and allow greater attention to be directed towards serious conduct issues.
What changes would you recommend to the proposed privileges	The proposed establishment of a Privileges Committee to consider less serious conduct matters is supported. Council considers that experienced elected representatives are appropriately placed to

committee to enhance effectiveness?	assess conduct issues within the context of local government decision-making and political debate, while maintaining accountability and procedural fairness. Council further supports the proposed separation of the councillor code of conduct from the code applying to council staff, delegates and committee members. A dedicated code for councillors better reflects the unique role of elected representatives and provides greater clarity regarding expected standards of behaviour.
What is the greatest risk to effective implementation of the proposed conduct framework?	Overall, Armidale Regional Council considers the proposed reforms to be a positive step towards a more effective, transparent and accountable councillor conduct framework. Council supports the proposed policy direction and looks forward to continued engagement as the reforms progress through implementation.

Response ID:	385014
Your council or organisation:	Weddin Shire Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Disagree
What aspects of the framework need further refinement or further explanation?	There are potential concerns regarding the proposed transfer of complaint management responsibilities to the OLG, the creation of a Minister-appointed Privileges Committee, the potential financial implications for councils under the proposed cost recovery model, and the need to ensure procedural fairness, local context and councillor autonomy are not diminished. The proposed cost recovery model could place additional financial pressure on councils, particularly smaller rural councils such particularly if costs are charged to Council's without consultation before costs are incurred. Furthermore, some aspects of the proposed definitions of unsatisfactory behaviour may be open to subjective interpretation, and the expanded investigation powers proposed for OLG will require strong procedural fairness. safeguards.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral
What improvements would you suggest to the proposed complaints process?	The proposed transfer of complaint management from councils to OLG may reduce local input and understanding of individual circumstances. Regarding the OLG report on the matters that were dismissed through the triaging process to the Privileges Committee on a regular basis the Council concerned, and the Complainant concerned must be provided access to this report as it related to their matter.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The Minister-appointed Privileges Committee raises questions regarding independence and representation. The NSW Government needs to establish a transparent appointment process regarding the Privileges Committee (what is experienced? number of years number of Council's?), require conflict of interest declarations, utilise independent legal advisers, and publish reasons for decisions where

	appropriate. There is no explanation as to how conflicts will be managed.
What is the greatest risk to effective implementation of the proposed conduct framework?	The success of the reforms will depend on adequate resourcing of OLG to prevent delays and ensure complaints are dealt with efficiently and fairly. There are also concerns regarding the proposed cost recovery model, which could place additional financial pressure on councils, particularly smaller rural councils such as if costs are charged to Council's whether Council's are consulted before costs are incurred. Furthermore, some aspects of the proposed definitions of unsatisfactory behaviour may be open to subjective interpretation, and the expanded investigation powers proposed for OLG will require strong procedural fairness safeguards.

Response ID:	385232
Your council or organisation:	Council of the City of Sydney
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	1. Definition of unsatisfactory behaviour. It is not clear what the nexus is with the Code of Conduct for this definition. What are the 'norms and expectations'? 2. Privileges Committee appointments and operations. How will the Minister/OLG ensure that the composition of the Committee is not politicised? What is the application and appointment process? What qualifications are required for appointment? How will the panel members for a matter be decided and how will OLG ensure this is not politicised? Will the CEO/General Manager be told if a complaint is lodged about a Councillor? Will outcomes from the Committee be referred back to the CEO/General Manager to be implemented (e.g. reprimand or censure from the Council, or does the Committee issue the reprimand and/or censure a Councillor? 3. OLG investigation powers. There is a lot of overlap with the role and powers of ICAC and this creates confusion. If there is an allegation of corruption Council is obliged make a s.11 notification to ICAC and now will also send the complaint to OLG. The overlap creates confusion and undermines confidentiality of ICAC referrals.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral
What improvements would you suggest to the proposed complaints process?	The proposed triage process could be effective at addressing delays and vexatious complaints, particularly for those councils where this is a problem, however the actual improvements delivered will depend on how the changes are implemented, resourced and undertaken by the OLG and this is yet to known. The guidelines on how the triage process will work and how long the process will take (it should be time limited) should be made public. One of the disadvantages of the change is for those councils that are functioning well, there is no longer a role for the CEO/General Manager to

	informally resolve minor or trivial complaints quickly and with very minimal, if any, cost. There will be delays and uncertainty for those the subject of such complaints while the matter is subject to OLG triage processes and a risk of politicisation depending on the way the Privileges Committee operates in practice. There needs to be the ability and resources for the OLG to promptly dismiss minor or trivial matters.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	It is difficult to comment with the limited detail provided to date. Much greater detail on this proposal should be published for public consultation. 1. Public reports should be made available of the nature and outcome of all matters considered by the Privileges Committee. Meetings of the Privileges Committee should be public and livestreamed and recordings of those meetings published. 2. Similar to those proposed in section 7.4, there need to be penalties for obstruction and non-compliance with the Privileges Committee process, not just an investigation.
What is the greatest risk to effective implementation of the proposed conduct framework?	1. Politicisation and operational issues with the Privileges Committee, including consistency of decisions and reasoning. 2. Cost recovery model is not based on user pays and instead a more generalised allocation formula or sharing arrangement that penalises councils that do not have a history of code of conduct complaints or a requirement for these services. 3. The resourcing and capacity of the OLG to undertake the triage process in a timely manner.

Liverpool City Council

Office of Local Government

**Response to Proposed Councillor Conduct Reforms and Draft Model
Code of Conduct for Councilors**

[REDACTED]
8-6-2026

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

To: Office of Local Government

From: [REDACTED] Liverpool City Council

Executive Summary

Liverpool City Council supports the Office of Local Government's objective of modernising the councillor conduct framework to improve accountability, restore community confidence and reduce the misuse of conduct processes for political purposes. The Council agrees with the need for earlier triage of complaints, stronger sanctions for repeat or serious misconduct, improved procedural efficiency and greater deterrence.

However, Council does not support the wholesale transfer of responsibility for the assessment of councillor conduct complaints away from councils and elected representatives. Councillor conduct is fundamentally a matter of democratic accountability and should, in the first instance, remain within the local government framework, with external intervention reserved for repeated, serious or systemic misconduct.

Liverpool City Council proposes a modified framework which:

- Retains local assessment and resolution of conduct complaints.
- Provides for rapid triage and disposal of frivolous, vexatious and politically motivated complaints.
- Empowers the CEO to deal quickly with minor substantiated matters through education, mediation and behavioural interventions.
- Escalates repeated or significant misconduct to independent external assessment.
- Introduces a clearly defined graduated sanctions regime (escalation ladder) that provides real consequences for repeated or serious misconduct.
- Preserves procedural fairness while significantly reducing delay and cost.

This approach achieves the stated objectives of accountability, proportionality, efficiency and deterrence while preserving local democratic responsibility.

[REDACTED]

[REDACTED]

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

Approach – A Proposed Conduct Management Framework

1. Retain Local Determination of Conduct Complaints

Liverpool City Council submits that allegations regarding councillor conduct should continue to be initially assessed and managed by councils.

The existing framework already recognises that CEOs may:

- decline frivolous or vexatious complaints,
- resolve minor matters through mediation and informal means, and
- refer serious matters for independent review.

Rather than removing councils entirely from the process, OLG should strengthen and streamline these powers. Councillors are elected representatives and, except for matters involving corruption, criminality, significant conflicts of interest or serious misconduct, complaints should be capable of local resolution. This mirrors parliamentary practice whereby peers assess standards and conduct before regulatory intervention.

2. A Three-Tier Complaint Assessment Framework

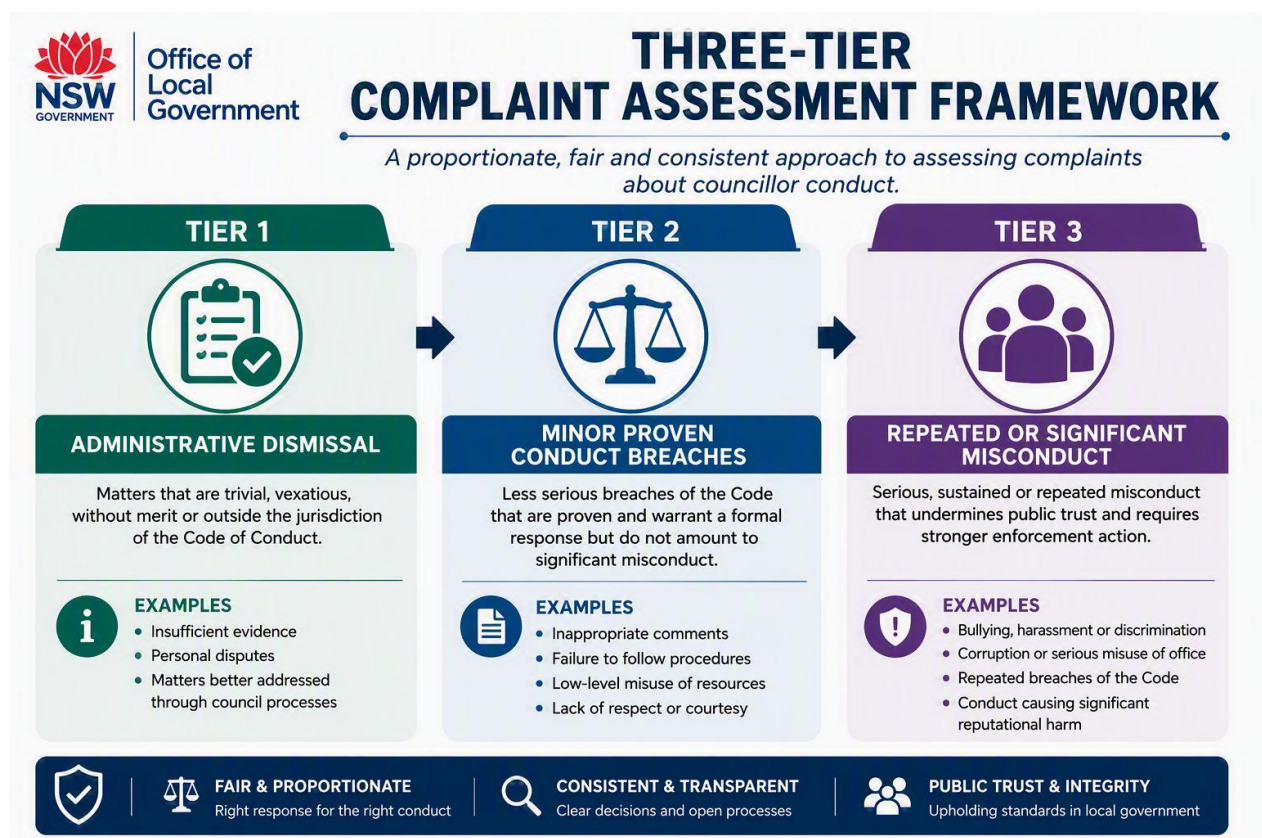


Figure 1 - OLG Three-Tier Complaint Assessment Framework

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

Tier 1 – Administrative Dismissal

The CEO should be empowered to immediately dismiss complaints where:

- the complaint is outside the Code of Conduct;
- no prima facie evidence exists;
- the complaint is trivial, frivolous or vexatious;
- the matter has previously been determined;
- the complaint is made primarily for political purposes;
- the allegations would not constitute a breach even if proven.

A written determination should be provided within 14 days triggering a position where there should be no further review rights unless new evidence emerges. This would significantly reduce weaponisation of conduct complaints and align with OLG's objective of filtering unmeritorious matters at the outset.

Tier 2 – Minor Proven Conduct Breaches

Where evidence demonstrates a breach, but the conduct is isolated, low level or non-systemic, the CEO should have authority to determine appropriate remedial action.

Possible actions should include:

- private counselling;
- facilitated discussion;
- mediation;
- mentoring;
- behavioural undertaking;
- governance coaching;
- mandatory training;
- written acknowledgement of conduct expectations;
- voluntary apology.

Importantly, these outcomes should not be punitive and should focus on behavioural correction. Examples may include:

- inappropriate meeting behaviour;
- disrespectful communications;
- isolated bullying-type conduct not amounting to serious misconduct;
- breaches of staff interaction protocols;
- first-instance social media misconduct.

This approach is broadly consistent with existing procedures and OLG's proposed emphasis upon proportional behavioural correction.

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

Tier 3 – Repeated or Significant Misconduct

Mandatory referral to independent external assessment should occur where there exists:

- three substantiated minor breaches within a term of council;
- repeated failure to comply with Tier 2 corrective actions;
- serious bullying or harassment allegations;
- intimidation of staff;
- misuse of confidential information;
- misuse of council resources;
- significant reputational damage to council;
- conduct creating WHS risks;
- conflicts of interest;
- integrity provisions;
- conduct that may amount to corruption or a statutory offence.

An independent reviewer or tribunal should then determine whether serious misconduct has occurred.

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

Proposed Graduated Sanctions Framework

Liverpool City Council strongly supports OLG's proposal for proportionate sanctions but submits that the proposed framework does not yet provide an adequate escalation pathway. A clearer statutory Civic Conduct Escalations Ladder should be established.

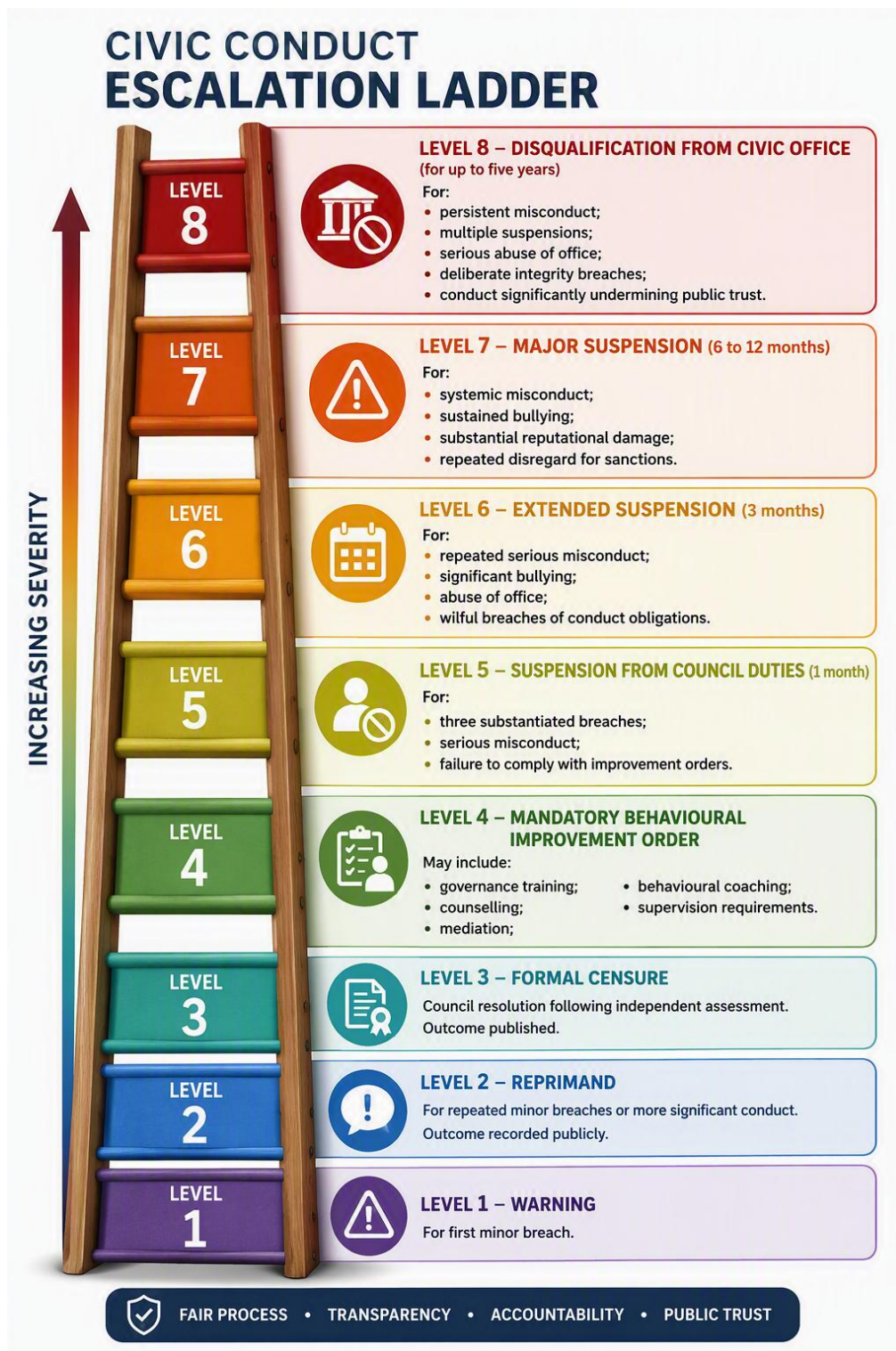


Figure 2- OLG Civic Conduct Escalations Ladder

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

This approach to escalations builds upon the existing legislative framework that already recognises repeated misconduct as grounds for disqualification. It is proposed that the escalation of sanctions from Level 1 through to 3 be Council determined whereas escalation of sanctions beyond level 3 be referred to the OLG for implementation.

Proposed Legislative Principles

Liverpool City Council recommends that any new Model Code and Procedures be based upon the following principles:

1. **Local accountability first** - Councils retain primary responsibility for conduct management.
2. **Rapid triage** - Frivolous and vexatious complaints dismissed immediately.
3. **Behavioural correction before punishment** - First breaches addressed through education and intervention.
4. **Escalation for repeat conduct** - Three substantiated breaches trigger mandatory review.
5. **Independent assessment of serious misconduct** - Significant matters referred externally.
6. **Graduated sanctions** - Increasing consequences linked to severity and history.
7. **Transparency** - Public reporting of substantiated breaches and sanctions.
8. **Procedural fairness** - Natural justice protections maintained throughout.
9. **Deterrence** - Meaningful sanctions including suspension and disqualification.
10. **Protection against misuse** - Repeat frivolous complainants subject to restrictions and cost consequences, consistent with OLG's stated objective of reducing weaponised complaints.

Response to Proposed Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

Conclusion

Liverpool City Council supports the intent of the proposed reforms but submits that the most effective model is not one that centralises all councillor conduct complaints within OLG or external body. Rather, councils should remain responsible for the assessment and determination of allegations in the first instances (3-Steps), with CEOs empowered to rapidly dismiss unmeritorious complaints, resolve minor proven matters, and escalate repeated or significant misconduct for independent review.

The key reform needed is not simply a new complaints pathway, but a clearly defined and enforceable sanctions regime.

We submit that the introduction of an escalating series of consequences, ranging from warnings and behavioural interventions through to suspension and disqualification, will provide both accountability and deterrence while preserving local democratic responsibility and public confidence in local government.

[REDACTED]

[REDACTED]

Liverpool City Council

Personal information	
Would like your name and personal contact details to remain confidential?	☒ Yes, please keep my details confidential ☐ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Penrith City Council
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☒ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	The draft Code does not define ‘unsatisfactory behaviour’ and yet the Policy Statement identifies that there will be new definitions of unsatisfactory behaviour and serious misconduct, with new pathways for the consideration of complaints. Clarity on what these definitions are and where they will be provided would be helpful to ensure that expectations and consequences are clearly understood.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	The proposed framework adopts a graduated response and appeal rights for misconduct aligned to severity. Council notes that the Policy Statement indicates the Departmental Chief Executive (DCE) would be granted authority to impose sanctions such as suspension or suspension without sitting fees for more serious cases of unsatisfactory behaviour when the DCE receives a referral from the Committee. Consistent with earlier submissions by Council it is suggested that any significant sanction, such as suspension, significant fine or disqualification from office, should only be undertaken by an appropriate tribunal or body.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	In principle, Council supports the proposed establishment of a peer review committee to address allegations of unsatisfactory conduct. However, further clarity is required regarding the Committee’s composition, operating procedures, decision-making processes, and safeguards to ensure impartiality. In previous submissions, Council advocated for measures to promote procedural fairness and minimise the risk of political bias, including consideration of independent external members as part of the committee’s panel. Council also previously submitted that alternative dispute resolution mechanisms be encouraged for lower-level disputes before matters

		escalate to formal proceedings. It is noted that the proposed framework includes a mechanism for 'voluntary undertakings' initiated by the OLG to resolve issues without full formal proceedings, which Council views positively as an early resolution tool. Council suggests that guidance should be provided on how Committee decisions will be reported back to the affected council, and what appeal rights might be available for a councillor who is a subject of a Panel decision.
6	What is the greatest risk to effective implementation of the proposed conduct framework	1. The DCE of the OLG will have primary responsibility for investigating serious misconduct cases and deciding on appropriate action, including commencing proceedings in the Land and Environment Court for the most severe matters. To enable this, new investigative powers are proposed. These include OLG investigators authority to compel individuals to provide information or answers and stronger powers for entry and seizure of evidence during investigations. Council is concerned whether it is appropriate to provide this level of power to the OLG. Council notes that this would result in additional powers for the OLG and suggests that clear parameters should be defined, noting that other agencies may have a role. 2. Council seeks clarification on the anticipated timeframes for progressing complaints under the proposed framework. In particular, guidance should be provided regarding the expected timeframes from receiving the complaint through to investigating and actioning. Establishing a framework with standards or target timeframes for the various stages of the process would assist councils, complainants and councillors in understanding expectations and ensuring matters are resolved in a timely manner. Council supports the objective of creating a more streamlined and centralised complaints handling system where matters will be dealt with efficiently and effectively, reducing administrative overheads and investigation time and reporting costs for councils. However, without clear investigation and determination timeframes, it is uncertain how long matters may remain unresolved. Council considers that the OLG should provide guidance on expected processing timeframes. This includes matters referred to the Privileges Committee and those progressing to enforcement action or proceedings before the Land and Environment Court. 3. It is noted that councils will be expected to contribute to the costs of administering the proposed Councillor Conduct Framework, particularly the operation of the Privileges Committee. Council also notes that work is still underway to develop an appropriate cost recovery model. Council seeks further information on how the cost recovery arrangements will operate in practice,

		including the methodology that will be used to allocate costs between councils. Clarification is also requested on how councils will be able to determine and budget for their likely financial contribution under the new framework. Council would appreciate the opportunity to review and provide feedback on the final Cost Recovery Model and supporting guidance once developed to better understand the financial implications of the proposed reforms on councils.
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By submitting this form, you have read and agreed to the department's [privacy statement](#).

SUBMISSION – IMPROVING COUNCILLOR ACCOUNTABILITY FRAMEWORK (JULY 2026)

Wollondilly Shire Council is pleased to provide a submission on the proposed Councillor Conduct Framework reforms. Council supports the intent of these reforms to deliver a more efficient, fair and consistent conduct framework and enable resources to be focused on serious misconduct rather than minor or trivial complaints. Council also identifies several key issues and areas requiring clarification for consideration of the Minister and OLG as outlined below.

1. WHAT ASPECTS OF THE FRAMEWORK NEED FURTHER REFINEMENT OR EXPLANATION?

1.1 Role of Councils under the Centralised Model

While complaints will be centralised within OLG and removed from councils' direct management, there is insufficient clarity regarding:

- How councils will be notified of complaints involving their councillors
- What level of input or procedural fairness councils will have (particularly where matters impact council operations)
- Whether councils will receive regular reporting on complaint volumes, trends, and outcomes

Without clarity, councils' risk being excluded from governance insight relating to their elected body.

1.2 Complaints Triage and Transparency

The framework proposes triage and early dismissal of trivial complaints, which is supported. However, further detail is required on:

- Decision making criteria for triage thresholds
- Mechanisms to ensure consistency and transparency
- Whether complainants and councils can seek review of triage decisions

1.3 Definition of Behaviour Standards

The intent to simplify definitions of unsatisfactory behaviour is supported.

However, further guidance is needed to:

- Ensure clear thresholds between “unsatisfactory conduct” and “serious misconduct”
- Reduce ambiguity that could result in disputes about classification
- Align the draft Model Code of Conduct with practical, example-based guidance for councillors

1.4 Training, Guidance and Implementation Support

A critical gap is the absence of detail on:

- Availability of standardised training for councillors
- Incorporate practical, scenario based training for councillors
- Ongoing education and advisory support beyond implementation
- Timely development and release of simple process guides, flowcharts and other educational resources to assist councillors, particularly first term councillors, to understand complaint pathways, responsibilities and procedural requirements
- Access to early advisory services and guidance to assist with resolving misunderstandings before matters escalate into formal complaints

Effective implementation will depend heavily on these resources being available prior to commencement.

2. WHAT IMPROVEMENTS WOULD YOU SUGGEST TO THE PROPOSED COMPLAINTS PROCESS?

2.1 Structured Communication Protocols

Introduce mandatory protocols to ensure:

- Councils are notified of all complaints concerning their councillors (subject to confidentiality requirements)
- Councils receive progress updates and final outcomes
- Councils are able to respond to allegations where they relate to council processes or decisions
- Communication arrangements support councillors in carrying out their representative role through timely access to accurate and consistent information
- The framework recognises existing governance mechanisms, including Business Paper Questions, Questions with Notice and Council meeting processes, as transparent mechanisms that support informed decision-making and accountability

2.2 Reporting and Transparency

OLG should provide:

- Quarterly reports to councils outlining:
 - Number and type of complaints
 - Outcomes and timeframes
 - Trends and systemic issues
 - Sector-wide de-identified reporting to promote transparency and learning

2.3 Timeframes for Complaint Resolution

Although the reforms aim to improve timeliness, no clear benchmarks are outlined.

It is recommended that:

- Statutory or policy based timeframes be established for each stage of the process
- Escalation pathways exist for delayed matters

2.4 Procedural Fairness and Natural Justice

The framework should explicitly confirm:

- Rights of councillors to respond to allegations early in the process to assist with resolving misunderstandings before matters escalate
- Transparency of evidence used in decision-making
- Access to review or appeal mechanisms

2.5 Managing Vexatious Complaints

While reducing vexatious complaints is a key objective, further measures could include:

- Consideration of deterrents (e.g. repeat complaint controls or cost recovery in extreme cases)
- Clear definitions of “vexatious” or “frivolous” complaints
- Appropriate safeguards to ensure councillors are able to undertake legitimate governance activities in good faith, including scrutiny, questioning, seeking clarification and advocacy on behalf of their communities, without concern that such activities may be characterised as misconduct

3. WHAT CHANGES WOULD YOU RECOMMEND TO THE PROPOSED PRIVILEGES COMMITTEE?

3.1 Composition and Expertise

The proposal for a committee of councillors is supported, and requires further detail on:

- Selection criteria and appointment process
- Tenure of panel members
- Inclusion of independent or probity advisors
- Clarification is sought on the safeguards that will be implemented to ensure decision-making is conducted through a fair, independent, and transparent process that is demonstrably immune to political bias.

3.2 Independence and Perception of Bias

As a peer-based model there is a risk of perceived or actual bias.

Consideration should be given to:

- Independent chairs or observers
- Conflict of interest management processes
- Rotating membership

3.3 Scope and Decision-Making Authority

Further clarity is required on:

- The types of matters the committee can determine
- Thresholds for escalation to OLG or the Land and Environment Court
- Whether decisions are binding or advisory

Consideration should be given to strengthening the Committee's functions by providing it with more effective enforcement and disciplinary powers where appropriate. Without this, the effectiveness of the committee could be significantly limited.

3.4 Consistency Across the State

To ensure consistency:

- Standardised procedures, templates and decision frameworks should be developed

4. WHAT IS THE GREATEST RISK TO EFFECTIVE IMPLEMENTATION?

4.1 Insufficient Implementation Planning and Resourcing

The most significant risk is implementation without adequate support, particularly:

- Delays in providing councils with simple and clear process guides, flowcharts and other training resources and educational materials

4.2 Capacity and Workload Pressures on OLG

Centralisation may create:

- Bottlenecks and delays if resourcing is inadequate
- Risks of inconsistent decision-making under high volumes

4.3 Cultural and Behavioural Change

The success of the framework depends on:

- Councillors understanding and accepting new processes
- Avoiding continued “weaponisation” of complaints despite structural changes
- Suitable enforcement and disciplinary powers being available to the committee, OLG and other bodies where appropriate

5. ADDITIONAL CONSIDERATIONS

5.1 Integration with the Draft Model Code of Conduct

- Ensure alignment between code obligations and enforcement mechanisms
- Provide practical examples and case studies to support interpretation

5.2 Data Sharing and Governance Insights

Councils should retain access to aggregated data to inform:

- Governance improvements
- Training needs
- Risk management frameworks

5.3 Alignment with Broader Governance Frameworks

Ensure integration with:

- Audit, Risk and Improvement Committee functions
- Public Interest Disclosure frameworks
- Councillor induction and ongoing professional development
- Staff and Councillor Interactions Policy

5.4 Cost Recovery Model and Financial Implications

The Policy Statement notes that further work is to be undertaken to develop a cost recovery and cost distribution model to support the centralised complaints framework.

Council considers it critical that:

- Any cost recovery model is equitable and proportionate, taking into account the number, complexity, and type of complaints associated with each council, rather than applying a uniform or broadly distributed cost across the sector.
- The model recognises that councils with lower complaint volumes should not be disproportionately burdened by the conduct of other councils.
- Consideration is given to incentivising good governance practices, ensuring councils that invest in councillor training and early intervention are not financially disadvantaged.

In addition, the timing of the development and release of the cost model is a key concern. Councils operate within strict financial planning cycles and require:

- Early visibility of anticipated costs to enable appropriate budget planning and reporting
- Clear guidance on how costs will be calculated, allocated, and reviewed over time
- Transparency regarding whether costs will be fixed, variable, or subject to ongoing adjustment

Without timely and detailed information, there is a risk that councils will be unable to adequately plan for the financial impacts of the new framework, which may create budget pressures and affect service delivery.

5.5 Positive Governance Culture

Council recognises that accountability frameworks are most effective when supported by initiatives that promote positive governance behaviours and productive working relationships.

Council encourages OLG to recognise the value of governance tools such as:

- Councillor and Senior Leadership Team Charters (example from Wollondilly attached)
- Councillor and Staff Collaboration Frameworks
- Relationship and behavioural agreements
- Governance development and continuous improvement programs

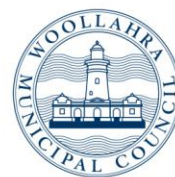
These Wollondilly Shire Council existing initiatives can complement the proposed conduct framework by promoting:

- Trust and mutual respect
- Constructive communication
- Shared understanding of roles and responsibilities
- Early resolution of issues before they escalate into formal complaints

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Woollahra Municipal Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	See attached submission
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	See attached submission
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	See attached submission
6	What is the greatest risk to effective implementation of the proposed conduct framework	See attached submission.

By submitting this form, you have read and agreed to the department's [privacy statement](#).



Council Ref: 26/146146
Your Ref:

31 July 2026

Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Via email: olg@olg.nsw.gov.au

Councillor Conduct Reforms Submission

In response to the release by the Office of Local Government (OLG) of *Circular 26-8 – Consultation on Councillor Conduct Reforms* on 12 June 2026, at the Council meeting held on Monday 27 July 2026, Council resolved the following:

THAT Council:

- A. Notes the consultation draft Model Code of Conduct for Councillors and related Councillor conduct reforms as included in this report.*
- B. Endorses the draft submission to the Office of Local Government as included at Attachment 4 to this report subject to part M being deleted.*
- C. Delegates authority to the General Manager to finalise and lodge the submission by the closing date of 7 August 2026.*

In light of the above-mentioned Council resolution, please find following the Woollahra Council submission on the Councillor conduct reforms, with responses provided to the four questions posed as part of the consultation process, as well as other matters.

Council welcomes the opportunity to contribute to this important reform process, with Council sharing the OLGs commitment to a conduct framework that is fair, effective and a more appropriate fit for modern local government.

Material Differences from the 2020 Model Code:

The proposed reforms represent a move from a prescriptive, rule-based system to what appears to be a judgement-based framework. This has significant implications for councillor behaviour, governance, certainty and consistency across the local government sector. The removal of provisions such as the 'disrepute' test, detailed bullying definitions and structured conflict management frameworks reduce the ability of Councillors and Councils to readily assess whether conduct is compliant.

Privileges Committee

Council recognises the potential benefits of peer assessment. However, there is insufficient clarity provided regarding how the Privileges Committee (PC) will assess behaviour, particularly the weight to be given to council-adopted policies. In this context, it would be useful for the OLG to clarify:

- Whether Council policies are intended to establish baseline expectations.
- How consistency across Councils will be assured if individual Council policies are used for baseline expectations?
- How subjective judgements will be managed by the PC?

Impact on Other Model Policies

As mentioned above, Council notes that the draft framework implicitly relies on Council policies to provide behavioural clarity, while at the same time treating those policies as non-determinative by the PC. Council considers that clearer guidance is required on how policies are intended to inform assessments of unsatisfactory behaviour, noting the shift to Council policies having a greater responsibility to provide practical direction in areas where issues most commonly arise.

Implementation, Training and Guidance

Council considers implementation to be the critical success factor for the reforms. Without comprehensive guidance and training, the move to judgement-based assessment risks confusion, inconsistency and potentially unintended behaviour. Council strongly recommends that the OLG provide sector-wide training, training materials, practical examples and transitional guidance to all Councils.

Following are the specific matters relating to the Councillor conduct reforms as tabled at the 27 July 2026 Woollahra Council meeting. Where appropriate the matters raised have been grouped under the relevant questions posed by the OLG:

A. What aspects of the framework need further refinement or further explanation?

a) **Judgement-based standards not prescriptive rules.** The current Model Code sets out detailed rules covering conduct, bullying, staff interactions, conflicts of interest and meeting behaviour. Under the draft Code, much of this detail is removed or moved into high-level principles. This means that compliance will no longer be assessed by reference to specific clauses, but by whether behaviour is considered acceptable in the context of civic office. This means that behavioural tests are replaced by the judgement of the proposed PC. This will likely have the effect of reducing clarity around what behaviours are acceptable and may lead to inconsistent decisions by the proposed PC, thereby reducing Councillor, Council staff and community confidence.

The removal of detailed definitions around things like bullying and harassment are considered to be a major backward step when it comes to what are or are not acceptable behaviours, particularly when matters such as bullying and harassment can have major psychosocial impacts on people.

b) **Removal of the “disrepute” test.** The current Model Code prohibits conduct likely to bring the Council into disrepute. However, this has been removed under the draft Code. This significantly narrows the range of behaviour that can be formally pursued and places greater reliance on subjective assessments of seriousness rather than reputational impact. This appears to mean that conduct that damages Council reputation is no longer automatically actionable unless the proposed PC considers it unsatisfactory behaviour. The risk in having this test removed is that there may be a higher tolerance for questionable behaviour, with an increased reliance on subjective judgement alone.

c) **Behaviour at meetings.** Detailed meeting conduct rules in the Model Code are largely removed from the draft conduct framework and are to be addressed through the Model Code of Meeting Practice. This places greater importance on dealing with inappropriate behaviours at meetings by the Chair at the meeting, rather than by a post-event complaint process. This risks an inconsistent approach by Councillors and will likely result in the need for more detailed training for Councillors on these matters.

d) **Conflicts of interest.** The draft Code simplifies the treatment of non-pecuniary conflicts of interest, removing the structured “significant / non-significant” test. While this may reduce technical complexity, it also removes clear decision rules that currently guide Councillors in managing conflict situations. This means that Councillors have less structured guidance on how to manage certain conflicts.

e) **Privileges Committee (PC).** A key feature of the reform is the introduction of a PC to assess behavioural matters. The PC is intended to be a peer-based body made up primarily of Councillors. This moves away from the use of independent conduct reviewers under the Model Code. It is considered that there are pros and cons to this approach:

Pros:

- A peer assessment of relevant complaints may reduce trivial or politically motivated complaints.
- A focus on patterns of behaviour rather than isolated technical breaches may prove to be advantageous over the mid to longer term.
- Greater emphasis on balance and seriousness of the complaint.

Cons:

- There may be inconsistent outcomes between Councils due to lack of detailed benchmarks.
- There may be subjectivity in assessing “acceptable political conduct”.
- There is likely to be uncertainty regarding the weighting to be given to Council-adopted policies when considering complaints.
- There is the possibility of reduced certainty for Councillors about where acceptable standards of behaviour sit i.e. the draft Code or the Model Code of Meeting Practice or both, or indeed in Council policies.

f) **Council Officials Relationships.** The Model Code has detailed guidance on Council Official interactions supported by practical examples and is supported by a Model Policy (Staff Interactions) providing further guidance to Councillors and staff. In the draft Code, Councillor-staff interactions are addressed in Part 5 through a small number of high-level principles. This represents a significant departure from the Model Code, where detailed provisions provide practical examples and clear guidance on appropriate conduct. The removal of detailed staff interactions provisions from the draft Code places greater reliance on judgement about what constitutes acceptable conduct, rather than clear, predefined rules.

g) **Weighting of Council Policies.** Under the proposed framework, Council policies are expected to inform but not determine outcomes. The PC will assess conduct against Code principles, with policies used as contextual guidance rather than enforceable standards. Notwithstanding the above, some policies may take on increased importance under the proposed framework such as the recently Council-adopted Councillors' Access to Information and Their Interaction with Staff policy.

Further to the above comments, the draft Code reflects the removal of detailed guidance on Councillor - staff interactions and there is a reduced emphasis on codified behavioural expectations, thereby shifting greater responsibility to policies to provide practical direction in areas where issues most commonly arise. Whilst the move places greater reliance on these policies to manage day-to-day interactions, there is no clear certainty as to how they will be

applied in peer conduct assessments as proposed by the new conduct framework. This is likely to create increasing complexity in that behavioural detail is more likely to be located in Council policies, yet these policies will not carry any determinative weight in decision-making as they did under the Model Code.

h) **Implementation of the Code.** Implementation of the new framework is likely to be complex. Councillors will require strong guidance and mandatory training to ensure there is no reduction in clarity around expected standards.

i) **Costs.** It is unclear how the new complaints management regime will be funded, including the PC, noting the substantial administrative support that the PC will require. There is reference to '*cost recovery*' and '*Councils contributing to the cost of managing conduct matters*', plus there is reference in the draft code to a '*surcharge*', however there is no detail available for Councils to be able to comment on the proposed funding and what impacts this is likely to have on each Council. The key question in relation to this is whether this means that Councils only contribute if they have a complaint or are all Councils meant to contribute? One suggestion in relation to funding is that perhaps there should be a levy placed on each Council that is based on the size of each Council, with Councils required to pay this levy annually. Then any excess funds collected (i.e. greater than required to fund the Councillor conduct processes), could be used to run education seminars etc. on conduct matters.

j) **Time Limits.** There should be a time limitation imposed on making a complaint i.e. within 12 months from the date of the alleged conduct.

k) **Summary of Decisions.** A summary of each decision from the PC should be published and used as guidance and or an education resource.

l) **Insurance.** Clarification should be provided as to the extent to which Councils' insurances will cover conduct matters, especially legal costs.

m) **Gifts.** There are several parts of the draft Code where the dollar value of gifts is mentioned. However, there is confusion around the interplay between the various clauses that mention gifts and the dollar values and how this is to be applied in reality.

We understand that under clause 4.5 of the draft Code, Councillors are required to disclose in writing gifts or benefits (within the meaning of clauses 4.1 and 4.2) of any value that they receive to the General Manager, noting that references to a "gift, benefit or hospitality" in Part 4 do not include "items or hospitality of token value", therefore these do not need to be disclosed under clause 4.5.

Clause 4.4 prohibits Councillors from accepting gifts, benefits or hospitality with a market value that exceeds \$300. However, where they receive 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, and report the action they have taken to the General Manager in writing as per clause 4.6.

Then in Schedule 1 of the draft code, there is a requirement for Councillors to disclose their personal interests in written returns under clause 3.21. The requirement to disclose gifts under clause 2.7 of Schedule 1 relates to gifts received by Councillors in any capacity (i.e. both private and official) and it is this particular part of the draft Code that is confusing. There seems to be no definition around what sort of gifts this means when talking about gifts that a Councillor has received in their private capacity. Does this mean birthday gifts, engagement gifts, anniversary gifts and the like.

Council requests that the OLG provide clarification / guidance notes within the draft Code (or associated documentation) that includes some worked examples, so that Councillors, General Managers and members of the public are clear on what gifts should and should not be declared by Councillors in their private capacity.

B. What improvements would you suggest to the proposed complaints process?

Please refer to the general responses provided within this submission.

C. What changes would you recommend to the proposed privileges committee to enhance effectiveness?

As detailed in response to Question A above in relation to the Privileges Committee, Council raises the following concerns and notes that these matters need to be addressed during the establishment of the Privileges Committee:

- There may be inconsistent outcomes between Councils due to lack of detailed benchmarks in the draft Code which will be used by the Privileges Committee.
- There may be subjectivity in assessing “acceptable political conduct”.
- There is likely to be uncertainty regarding the weighting to be given to Council-adopted policies when considering complaints.
- There is the possibility of reduced certainty for Councillors about where acceptable standards of behaviour sit i.e. the draft Code or the Model Code of Meeting Practice or both, or indeed in Council policies.

D. What is the greatest risk to effective implementation of the proposed conduct framework?

Since the draft Code is less prescriptive than the previous Model Code, there is a far greater chance for inconsistency of application of the Code for complaint-determining bodies such as the Office of Local Government, the Privileges Committee and the NSW Land and Environment Court. This likely inconsistency is considered to be one of the greatest risks to the Councillor conduct reforms.

Another key risk is around resources i.e. ensuring that the OLG and the Privileges Committee are adequately funded and resourced in order to be able to undertake their respective roles in the complaints process as appropriate.

Conclusion

Council is genuinely supportive of the intent of the reforms and recognises the significant work that has gone into developing the proposed framework. With clearer guidance on the Privileges Committee process, updated model policies and a strong implementation program, it is hoped that the new framework can deliver meaningful improvements for Councillors, staff and communities across local government in NSW. Woollahra Council looks forward to continued and active engagement with the Office of Local Government as this reform work progresses.

Yours sincerely

Submission to the NSW Office of Local Government

Councillor Conduct Framework Reform

Prepared by: [REDACTED]

This submission welcomes the draft reforms but submits that further legislative and procedural reform is required to ensure integrity, procedural fairness, independence and public confidence in the councillor conduct framework.

Executive Summary

The existing framework has the potential to be used in ways that discourage robust democratic debate and impose significant personal and financial burdens on councillors. The Office of Local Government's proposal to independently triage complaints is welcomed. However, additional reforms are required to improve procedural fairness, investigator independence, accountability and transparency.

The existing framework has progressively become overly legalistic, expensive, slow and, regrettably, capable of being weaponised against councillors.

My observations are not made from a theoretical perspective.

They arise from my experience:

- serving as an elected councillor;
- lodging Code of Conduct complaints;
- responding to vexatious Code of Conduct complaints and helping Councillors across the State;
- observing complaints involving other councillors across New South Wales; and
- reviewing parliamentary debates, Budget Estimates evidence and reported court decisions.

I support reform.

However, I respectfully submit that the proposed reforms do not yet go far enough.

The Code of Conduct has become a weapon

One of my greatest concerns is that the Code of Conduct has evolved from a mechanism intended to maintain integrity into one that is capable of being used strategically against political opponents or minority councillors.

In my experience complaints are increasingly used:

- as political retaliation;
- following legitimate criticism of General Managers or staff;
- following complaints about General Managers or Council staff;
- to consume councillors' time;
- to discourage scrutiny.

That is not the purpose for which Parliament enacted the legislation.

Complaints should be sworn

I find it extraordinary that a complaint capable of ending a councillor's political career and result in substantially reputational damage need not presently be supported by a Statutory Declaration.

There is no equivalent requirement that:

the complainant swear the truth;

or

that witnesses swear the truth.

This invites abuse.

Investigators have a financial incentive

Whilst I do not question the integrity of the overwhelming majority of investigators, the present system creates an unfortunate financial perception.

A reviewer who recommends:

"No further action": receives a lesser fee.

A reviewer who recommends: "Investigation" generates further work and further investigations generate further fees.

Even where no actual conflict exists, the appearance of such an incentive undermines public confidence.

A **flat fee** for Investigators needs to be introduced to remove an incentive to investigate vexatious, hopeless and frivolous complaints for financial gain.

Previous complaints

I consider one of the most unfair provisions in the Procedures for the Administration of the Code of Conduct (the Procedures) is the ability of reviewers to obtain previous complaints that were never proven.

Administrative decision-makers should determine each complaint solely on its own evidence.

To permit consideration of historical allegations risks creating apprehended bias.

Also, I have seen some instances, whereby a Councillor has not even been notified of a complaint, receive a letter stating a complaint was received about you, while the complaint was made out, it was determined you be counselled. This is a complete breach of procedural fairness principles and goes on the record of a Councillor and can be used (under the current Procedures against the respective Councillor in future matters).

General Managers

This would become one of the strongest chapters.

In my respectful opinion, the present framework gives General Managers too much influence over processes affecting their own accountability.

The ability to influence Performance Review Panels is inconsistent with accepted principles of good governance. General Managers being able to appoint a Councillor to their Performance Review Panel obstructs genuine complaints and performance issues from being fairly considered and amounts to a significant conflict of interest.

Ombudsman

There is confusion regarding whether the NSW Ombudsman can investigate the conduct of a Code of Conduct investigation or Office of Local Government investigation.

Different advice appears to have been provided over time. The NSW Ombudsman has written to complainants advising that its Schedule to the NSW Ombudsman Act prevents this Statutory Authority from investigating (an investigatory body) the Office of Local Government or Code of Conduct Investigator and yet the Minister for Local Government, Ron Hoenig, responded to a Question on Notice regarding this matter in the NSW Parliament that the NSW Ombudsman does have such powers and the NSW Office of Local Government has also written similarly to complainants.

This uncertainty is unacceptable.

Insurance

I also remain concerned that councillors are expected to personally fund legal advice whilst responding to Code complaints despite councils purchasing insurance using public funds. While Council Insurers fund (using ratepayers' money) Councillors subject to investigation by the NSW Office of Local Government or ICAC it does not do so on Code of Conduct matters at a Council level. Further, there is an inherent conflict of interest when one Board of an Insurer is comprised of General Managers of Councils in New South Wales – as this involves public money, the Parliament needs to legislate to ensure greater scrutiny of such insurers because unfortunately, the Australian Financial Complaints Authority has confirmed in writing to Councillors and Council staff it has no jurisdiction to investigate.

Vexatious complaints

At present there is almost no downside to lodging a false complaint.

There is, however, a very significant downside to defending one. It takes up time, resources and money of a respondent. Many complaints are also strategically lodged just before elections.

That imbalance encourages misuse.

I have made these submissions because I want local government to succeed.

The overwhelming majority of councillors, General Managers and Council staff perform their duties with integrity.

The conduct framework should protect that integrity.

It should not become an instrument capable of discouraging independent councillors from robustly representing their communities.

I therefore commend these recommendations to the Minister and respectfully request they be considered before the reforms are finalised.

1. Statutory Declarations

Every Code of Conduct complaint and every witness statement should be verified by statutory declaration. This would discourage knowingly false allegations, improve evidentiary reliability and reinforce the seriousness of the complaint process.

2. Procedural Fairness

The Procedures should be amended so reviewers and investigators approach every complaint with an open mind. Historical complaints that have not been substantiated should not be provided unless directly relevant and expressly authorised. Natural justice principles reflected in *Kioa v West*, *Ebner v Official Trustee*, *Isbester v Knox City Council*, *SZBEL* and *WZARH* support impartial decision-making and disclosure of adverse material.

One of my principal concerns with both the existing Code of Conduct framework and the proposed reforms is the continued absence of adequate procedural fairness protections for councillors who are the subject of complaints.

The principles of procedural fairness are well established in Australian administrative law. They require that a person whose rights, interests or legitimate expectations may be adversely affected by a decision be given a genuine opportunity to know and answer the case against them before any adverse decision is made.

In my respectful submission, the Procedures for the Administration of the Model Code of Conduct do not adequately reflect these fundamental principles.

Failure to disclose all adverse material

In practice, councillors frequently receive:

- the Notice of complaint;
- The NSW Office of Local Government has repeatedly told investigators that they only have to provide the “substance of the complaint” and not supporting material; and
- requests for a response.

However, there is no express requirement that **every document, witness statement, interview record, previous statement, email or other material that may be adverse to the councillor be disclosed in the Notice of Complaint.**

The Procedures should be amended to require that when any reviewer or investigator serves a Notice on a Councillor, the councillor must receive with that Notice **all credible, relevant and significant adverse material** that may be relied upon.

A councillor cannot properly answer allegations if they do not know the entirety of the evidence said to support them.

That requirement is not merely good practice. It is a fundamental requirement of natural justice.

Australian case law

The High Court has repeatedly confirmed these principles.

***Kioa v West* (1985) 159 CLR 550**

In *Kioa v West*, the High Court recognised that procedural fairness ordinarily requires that a person be given notice of adverse information that is credible, relevant and significant before a decision affecting their interests is made.

The Court emphasised that fairness requires an opportunity to respond to adverse material before the decision-maker reaches a conclusion.

That principle should be expressly incorporated into the Code Procedures.

***Minister for Immigration and Border Protection v WZARH* (2015) 256 CLR 326**

In *WZARH*, the High Court reaffirmed that procedural fairness requires disclosure of adverse information where that information may be significant to the outcome of the decision.

The obligation is not satisfied merely by inviting submissions generally.

Rather, the affected person must have an opportunity to respond to the actual adverse material upon which the decision-maker proposes to rely.

***Minister for Immigration and Multicultural Affairs v SZBEL* (2006) 228 CLR 152**

The High Court held that procedural fairness requires a person to know the critical issues and adverse matters that may determine the outcome.

A person cannot meaningfully respond if those matters have not been disclosed.

This principle has direct application to Code of Conduct investigations.

***Ebner v Official Trustee in Bankruptcy* (2000) 205 CLR 337**

Although dealing principally with apprehended bias, *Ebner* reinforces the requirement that decision-makers approach matters with an open and impartial mind.

The Procedures presently permit reviewers to obtain previous complaints, even where those complaints were never substantiated.

In my respectful opinion, this creates a real risk of apprehended bias.

Each complaint should be determined solely on the evidence relevant to that complaint.

Isbester v Knox City Council (2015) 255 CLR 135

The High Court confirmed that public confidence requires decision-makers not only to be impartial but to appear impartial.

Processes that permit investigators to consider previous allegations or otherwise depart from fundamental principles of procedural fairness risk undermining public confidence in the integrity of the conduct framework.

Legislative amendment

Accordingly, I recommend the Procedures be amended to provide:

The reviewer or investigator must provide the councillor with copies of every document, witness statement, interview record, email, recording and other material that is credible, relevant and significant and which may be relied upon in making findings.

The Procedures should further provide that:

- investigators must identify any issue that may lead to an adverse finding;
- councillors be afforded a reasonable opportunity to respond;
- no finding may be made based upon material not disclosed; and
- any failure to comply constitutes a denial of procedural fairness rendering the investigation invalid.

Any exculpatory evidence should also be provided to the Councillor the subject of a complaint.

3. Vexatious Complaints

The legislation should empower decision-makers to dismiss vexatious complaints at an early stage and provide for reimbursement of a councillor's reasonable legal costs where complaints are found to be knowingly false or without substance. Consideration should also be given to costs or penalties against complainants who abuse the process.

4. OLG Triage

The proposal that OLG triage complaints is supported. However, legislation should define triage, prescribe objective criteria, publish service standards and ensure rapid decisions so delay does not prejudice procedural fairness.

5. Investigators

Investigators should be appointed solely by OLG from an accredited rotational panel rather than selected by councils. A fixed fee schedule should replace open-ended charging to remove any perceived financial incentive to escalate reviews into investigations unnecessarily.

6. Accreditation

OLG should establish a formal accreditation and performance framework for reviewers and investigators, including mandatory training, continuing professional development, complaints handling and removal from the panel where significant deficiencies are established.

7. General Managers

The framework should address perceived conflicts where General Managers influence the composition of councillor performance review panels. Performance review processes should be independently constituted to strengthen accountability.

8. Public Interest Disclosures

The interaction between the Public Interest Disclosures Act and the Code Procedures should be clarified to ensure disclosures are handled efficiently without unnecessary delay or duplication and minimise risks for confidentiality breaches and/or reprisals..

9. Insurance and Legal Assistance

Councillor insurance funded by ratepayers should extend to reasonable legal assistance from the commencement of formal Code proceedings, not only external statutory investigations. Governance arrangements for such insurance should be demonstrably independent.

10. Ombudsman

Legislation or published guidance should clarify the Ombudsman's jurisdiction during Code investigations or Office of Local Government investigations to remove uncertainty and ensure appropriate external oversight.

11. Financial Penalties

Financial penalties should be reconsidered. Councillors receive modest fees and should not be placed in a worse position than Members of Parliament without compelling policy justification. If judicial referrals remain, access to reasonable legal assistance should accompany that process. Members of Parliament are not financially penalised if they are called before the Privileges Committee, ICAC or the Judiciary. Members of Parliament are also provided with financial assistance for legal representation.

12. Privileges Committee

Any Privileges Committee should comprise genuinely independent legally qualified members rather than former politicians, thereby reducing perceptions of political influence.

13. Legislative Recommendations

Amend the Local Government Act 1993, the Model Code of Conduct and the Procedures to implement the recommendations contained in this submission, including statutory declarations, independent investigator appointment, fixed investigation fees, strengthened procedural fairness protections, insurance reform and costs protections.

Conclusion

The reforms present an opportunity to restore confidence in the councillor conduct framework. The system should protect integrity while ensuring fairness, independence, transparency, proportionality and accountability. This submission is intended as a constructive contribution to achieving those objectives.

Authorities for Consideration

- Kioa v West (1985) 159 CLR 550.
- Ebner v Official Trustee (2000) 205 CLR 337.
- Isbester v Knox City Council (2015) 255 CLR 135.
- Minister for Immigration v SZBEL (2006) 228 CLR 152.
- Minister for Immigration and Border Protection v WZARH (2015) 256 CLR 326.

[REDACTED]

[REDACTED]

[REDACTED]

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Northern Beaches Council
Type of organisation	☒ Councillor ☐ Mayor ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☐ Yes ☒ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	See attached Submission
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	See attached Submission
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	See attached Submission
6	What is the greatest risk to effective implementation of the proposed conduct framework	See attached Submission

By submitting this form, you have read and agreed to the department's [privacy statement](#).

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Lake Macquarie City Council
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☒ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Council staff support the objectives of the framework to strengthen accountability, integrity and public confidence in local government. The proposed framework provides an opportunity to improve consistency and strengthen confidence across the sector. To achieve these benefits, staff recommend the framework be supported by clear implementation measures and operational arrangements that support misconduct prevention, enhance behavioral certainty, ensure timely and appropriate decision-making and operate in a financially sustainable manner for councils. Key implementation aspects for further consideration are as follows: 1. Early intervention, integrity support and the role of councils Council staff recommend an early intervention and integrity support framework is developed to help address conduct concerns before they escalate into formal complaints. It would support ethical decision-making and misconduct prevention and reduce pressure on complaint handling processes. The proposed reforms focus primarily on complaint handling after concerns have arisen. A conduct framework should also support efforts to prevent misconduct through learning and continuous improvement. Many councils, including Lake Macquarie, already invest in preventative governance measures (such as councillor training, integrity advice and behavioral support), in line with existing responsibilities including councillor professional development and risk management. These initiatives help identify and address issues early, strengthen ethical decision-making and reduce the need for escalations to formal complaint processes. Lake Macquarie's Internal Ombudsman function demonstrates the value of linking complaint handling with systemic improvement. Insights are used to identify emerging risks, inform education

		activities and strengthen governance practices. Access to complaint trends, emerging risks and lessons learned are essential to achieving prevention objectives. Under the centralised complaints model, councils may have reduced access to this intelligence unless appropriate information-sharing arrangements are established. The recommended early intervention and integrity support framework would clearly define the respective roles of OLG and councils and include: - standardised integrity education, including practical guidance, case studies and scenario-based learning illustrating acceptable and unacceptable conduct - confidential advisory services - early intervention mechanisms for lower-level conduct concerns, including facilitated discussions, mediation and behavioral coaching - information-sharing arrangements that enable councils to identify risks and support misconduct prevention - regularly publish emerging themes and lessons learned. Information-sharing arrangements would include protocols for notifying councils about matters, regular reporting on complaint trends and systemic issues, publication of de-identified decisions and lessons learned, and mechanisms for sharing insights that inform councillor development, governance improvement and risk management. Embedding these elements would help ensure the conduct framework addresses misconduct concerns while proactively supporting integrity outcomes. 2. Complaint triage criteria and thresholds Council staff recommend further guidance be provided about how complaints will be assessed, categorised and directed to relevant complaint pathways. Given the broad definitions of misconduct and principles-based Code, clear criteria for complaint assessment and triage will be critical to support confidence for councillors to undertake legitimate governance activities, including scrutiny, questioning, advocacy, debate and decision-making in the public interest. A recommended complaint assessment and triage framework would include: - behavioral thresholds and decision-making
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		criteria - practical guidance, examples and case studies to help distinguish misconduct from legitimate governance activity - clear explanations of complaint categorisation and referral pathways 3. Timeliness of OLG processes Council staff recommend that service standards for the complaint management process are established and published to promote accountability, support timely resolution and strengthen confidence in the effectiveness of the complaints system. Timeliness of processes under the centralised model will be critical to effectiveness of the framework. Unresolved complaints can create uncertainty for complainants and councillors, reduce opportunities for early resolution and may create flow-on effects for council decision-making and community trust. Council staff recommend OLG publish service standards for each stage of the centralised complaint management process, report regularly on performance against those standards and establish escalation mechanisms for matters exceeding target timeframes. 4. Funding, cost recovery and financial sustainability Councils need to understand and plan for the financial implications of the framework to maintain effective financial oversight and long-term sustainability. Council staff note OLG has indicated that councils will contribute to the costs of managing conduct matters, particularly the work of the Privileges Committee, and that the cost-recovery model remains under development. Staff recommend OLG consults further on the proposed funding and cost-recovery model before implementation. A funding model should take a whole-of-sector view of costs and align accountability, decision-making and financial responsibility wherever practical. It should recognise both OLG's direct regulatory and administrative costs as well as costs councils may incur in supporting practical operation (such as integrity support or training). Further clarity is needed in relation to the costs associated with operation of the Privileges
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		Committee, including how travel, accommodation and administrative support costs will be allocated equitably for councils outside the metropolitan areas. The model should clearly identify the activities being funded, the associated costs and the basis on which costs will be allocated, respective responsibilities of OLG, councils and other participants and expected implementation, transition and ongoing operating cost allocation across the sector. Key principles for a model should be to: - operate transparently, proportionately and equitably across the sector - avoid unintended cross-subsidisation between councils - recognise and encourage appropriate preventative investment by councils that promotes integrity outcomes
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	Our response to question 2 recommends the proposed complaints process be strengthened through clear triage criteria, published service standards, information-sharing arrangements and resourcing that supports timely decision-making. A key implementation risk is that the reforms significantly reduce councils' direct involvement in councillor conduct management without clearly defining their future role. While complaints are proposed to be managed centrally, councils continue to hold responsibilities for workplace safety, governance effectiveness, councillor development and organisational culture. Council staff recommend the framework clearly articulate the respective roles of OLG, the Privileges Committee and councils, particularly in relation to early intervention, active conduct matters, workplace impacts, information sharing and continuous improvement.

5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	Council staff recommend the following improvements be considered to promote effectiveness and confidence in the Privileges Committee and its operation. Committee membership - Peer representation: there is significant diversity in council size, geography, operating environment and community contexts, which will impact the perception of Privilege Committee members as Councillor ‘peers’. Staff recommend the committee membership model be defined to strengthen confidence that the Committee has an appropriate understanding of the varied circumstances in which councillors perform their roles and make decisions. - Competency-based appointment criteria – it will be important to ensure committee members have skills, experience or capabilities to assess conduct matters fairly, consistently and objectively. Staff recommend competency-based criteria be established for committee appointments and membership. - Appointment terms – appointment arrangements should balance continuity and knowledge with opportunities for renewal and new perspectives, supporting fair and consistent decision-making. Staff recommend terms of appointment be defined to promote ongoing effectiveness of the committee. Committee decision-making and performance - Staff recommend procedures and practices for the committee be further defined to support fairness and consistency in decision-making and promote accountability through transparent performance expectations. Key aspects will include confidentiality provisions, conflict of interest processes and training expectations, as well as service standards and quality assurance arrangements for the committee. - One area that appears underdeveloped in the proposed framework is the expectations and restrictions that apply to a councillor while they are the subject of an active conduct matter before the Privileges Committee. - Practices such as publication of de-identified decisions, reasons and emerging themes would also support organisational learning across the sector by helping councils and councillors better understand expected standards of conduct, common issues and lessons learned.
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6	What is the greatest risk to effective implementation of the proposed conduct framework	Our submission has highlighted key operational arrangements which will be critical for effective implementation of the proposed framework. Confidence in the model may be significantly undermined because of: - Uncertainty about behavioral expectations in practice - Insufficient focus on misconduct prevention and support for council responsibilities, lack of effective performance measures for the system - Insufficient resources and sector readiness through an appropriate funding model Council staff recommend: - staged implementation approach supported by published operational guidance before commencement, and - scheduled post-implementation review and evaluation after commencement of the new framework
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5 AUGUST 2026

Mr Brett Whitworth
Deputy Secretary
Office of Local Government
Email: olg@olg.nsw.gov.au

Dear Mr Whitworth,

Submission: Improving Councillor Accountability Policy Statement and draft Model Code of Conduct for Councillors

Wingecarribee Shire Council appreciates the opportunity to provide the following submission in response to the Office of Local Government's Policy Statement titled 'Improving Councillor Accountability' and draft Model Code of Conduct for Councillors.

Council supports the intent of the reforms, particularly the move toward a clearer, more centralised and proportionate framework for managing councillor conduct. However, the effectiveness of the proposed framework will depend on sufficient resourcing, clear legislative detail, practical procedures, and comprehensive sector guidance before commencement. Council has reviewed the Policy Statement and draft Model Code of Conduct for Councillors. At its meeting held on 15 July 2026, Council resolved to provide the following submission.

MN 2026/223

THAT Council endorse the draft submission to the Office of Local Government on the proposed Stage 2 reforms to the Councillor Conduct Framework and draft Model Code of Conduct for Councillors, as included in Attachment 1 to this report.

We're with you

Council's feedback will be made by responding to the points outlined in the Councillor Conduct Framework Reforms feedback form and on individual clauses identified for comment in respect of the draft model Code of Conduct for Councillors.

1. The proposed conduct framework will improve accountability and integrity in local government.

Council agrees that the proposed conduct framework has the potential to strengthen accountability and integrity in local government. In particular, Council supports the clearer distinction between robust political debate, unsatisfactory behaviour and serious misconduct. Council also supports the proposed centralised complaint pathway through Office Local Government (OLG) and the stronger escalation pathway for serious misconduct.

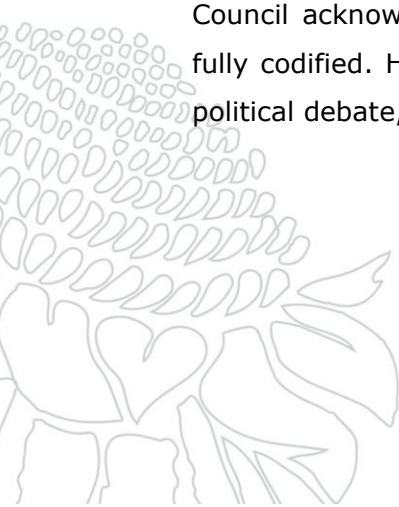
Council's support is subject to the framework being implemented with practical safeguards that ensure it is clear, fair and workable. This includes clear thresholds for triaging and escalating matters. It also requires transparent decision-making, procedural fairness, appropriate review rights and sufficient ongoing resourcing for both OLG and councils. Without these elements, there is a risk of inconsistent application, delayed outcomes and reduced confidence in the councillor conduct framework.

2. What aspects of the framework need further refinement or further explanation?

Definition of Unsatisfactory Behaviour

Council supports the objective of creating a clearer and more streamlined councillor conduct framework. However, the proposed definition of unsatisfactory behaviour requires further explanation to support consistent interpretation and application.

Council acknowledges that behavioural expectations for elected representatives cannot be fully codified. However, further guidance is needed to clarify the threshold between robust political debate, acceptable conduct, unsatisfactory behaviour and serious misconduct.



Council recommends that the OLG provide a more comprehensive definition supported by practical examples, scenarios and exclusions. This would reduce uncertainty and assist in ensuring that complaints are assessed consistently, proportionately and in accordance with the intended scope of the framework.

Review of Decisions

Council considers the proposed framework should provide further detail on the availability and operation of review mechanisms. The Policy Statement outlines complaint intake, triage arrangements, investigation pathways and sanctions. However, it provides limited detail on review rights for key decisions, including OLG triage decisions, Privileges Committee determinations and decisions made by the Departmental Chief Executive.

Council supports, in principle, the establishment of a peer-based mechanism for considering unsatisfactory behaviour. However, the proposed Privileges Committee may make findings with reputational, behavioural or disciplinary consequences for elected representatives. Further explanation is therefore needed on whether review rights will be available. If review rights are not proposed, OLG should explain how transparency, consistency and procedural fairness will be maintained. Without a clear review mechanism, decisions may be perceived as lacking sufficient oversight or accountability. If review rights are not proposed, the reasons for this should be clearly explained.

Cost recovery arrangements

Council notes that the proposed framework identifies an intention to introduce a cost recovery model to support the centralised management of councillor conduct matters. However, limited information is provided regarding how costs will be calculated, allocated, recovered and governed.

Further detail is required before councils can properly assess the financial impact, sustainability and equity of the proposed arrangements. This is particularly important given the proposed framework represents a significant shift from locally managed complaint



processes to a centralised model administered by the Office of Local Government. Any new cost recovery model must also be considered in the context of current financial sustainability challenges facing local government. Maintaining sound financial management and long-term fiscal resilience remains a core priority for councils.

Council considers that any cost recovery model should be transparent, proportionate, predictable and designed so that councils are not unfairly exposed to costs arising from complaints they do not manage or control.

Council also recommends that the framework expressly address cost consequences for misuse of the complaints process. Where a councillor is found, following appropriate assessment and procedural fairness, to have lodged complaints that are vexatious, frivolous, lacking in substance, politically motivated or otherwise an abuse of process, the framework should provide a clear mechanism for costs to be recovered from that councillor personally.

This may include, where authorised by legislation, recovery from the councillor's annual fee. Such a mechanism would need to be carefully governed, with clear thresholds, written reasons, review rights and appropriate safeguards. However, Council considers that the principle is sound. The cost of vexatious or frivolous complaint activity should not be borne by ratepayers, councils or the broader local government sector.

A clear cost-consequence mechanism would also support the policy intent of the reforms by discouraging misuse of the conduct framework, preserving OLG and council resources for genuine matters, and strengthening confidence that the complaints process is not used as a political or personal tool.

3. Whether the proposed complaints process, including OLG triage, will address delays and vexatious complaints.

Council agrees that the proposed complaints process, including OLG triage, has the potential to address current issues such as delays, duplication and vexatious complaints. A single-entry



point and early triage process should assist in filtering complaints that are outside scope, trivial, vexatious or politically motivated.

However, this outcome will depend on OLG having sufficient and sustained resources, clear statutory thresholds, published triage criteria and service standards for assessment and resolution. In Council's experience, delay in conduct matters is not merely an administrative issue. Prolonged delay can compound governance risk, increase complainant frustration, create reputational pressure, fuel public and political narrative, and reduce confidence in the effectiveness of the conduct framework.

If these elements are not in place, there is a risk that the proposed model will shift delays from councils to OLG rather than resolving them. For the proposed framework to be effective, timeliness must be treated as a core integrity safeguard, not simply an operational aspiration.

Council supports the proposed triage model in principle, provided it is supported by transparent criteria, timely decision-making, procedural fairness, written reasons and appropriate consequences for misuse of the complaints process.

4. What improvements would you suggest to the proposed complaints process?

Council recommends that the complaints process include published triage criteria and dismissal thresholds. It should also include defined service standards for each stage of assessment and investigation, and written reasons for triage, referral and dismissal decisions. These elements are necessary to support transparency, consistency and accountability in decision-making.

Council also recommends that OLG establish clear notification protocols. Councils should be promptly informed where complaints raise workplace health and safety, staff safety, operational, reputational or governance risks. This should include defined triggers for notification and minimum information requirements to enable councils to respond appropriately.



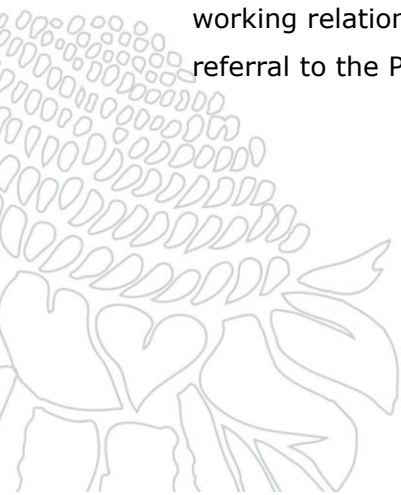
Council also recommends that psychosocial risks be expressly recognised within the complaints process. Councillor conduct matters may give rise to, or compound, psychosocial hazards for council staff, the General Manager, other councillors, complainants and witnesses. This risk may arise from the conduct the subject of the complaint, repeated or vexatious complaint activity, public commentary, intimidation, unreasonable demands, delays in resolution, or uncertainty about process and outcome.

The framework should require OLG, when triaging and managing complaints, to consider whether a matter raises actual or potential psychosocial risks and whether early notification to the relevant council is required. This is particularly important where the alleged conduct involves staff, the General Manager, workplace interactions, bullying, harassment, intimidation, public targeting, or repeated complaint behaviour. Councils retain work health and safety obligations and must have sufficient information to assess and manage risks to health and safety, including psychological health and safety, within their workplace.

Council supports a triage model that helps allocate resources efficiently and filters complaints that do not meet the legislative threshold. However, the framework should also recognise that elevated complaint volumes within individual councils may indicate broader governance, behavioural or organisational issues. This may be the case even where individual complaints are not substantiated or do not meet statutory thresholds.

The identification of these patterns presents an important opportunity for early intervention and may enable underlying issues to be addressed before they evolve into more significant governance challenges or impact overall council effectiveness.

Council recommends that the framework place greater emphasis on early intervention and support mechanisms, alongside formal conduct management processes. This may include access to optional independent mediation, coaching and behavioural support services for councillors and councils. These services could help resolve lower-level disputes, strengthen working relationships and improve governance outcomes before matters escalate or require referral to the Privileges Committee.



Council also encourages consideration of how complaint trend data may be used proactively to identify councils experiencing emerging governance pressures and trigger access to appropriate support and improvement initiatives.

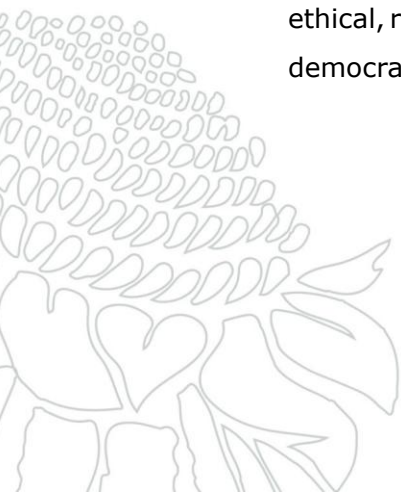
Additional key principles:

Council is supportive of the key principles identified in the proposed Councillor Conduct Framework and considers they provide a strong foundation for improving the effectiveness, consistency and integrity of councillor conduct management.

However, Council considers the principles would be strengthened by including additional guiding principles. These principles are already reflected throughout the Policy Statement, particularly in relation to accountability, fairness, and procedural safeguards. Including these concepts in the key principles section would make them foundational objectives of the framework. They should not rely solely on implementation mechanisms.

Council recommends inclusion of the following additional principles:

- Councillor accountability is strengthened: Ensure councillors are held accountable for conduct that falls below expected standards, through transparent, proportionate and effective oversight mechanisms. The framework should strengthen public confidence in local government by establishing clear pathways for complaint management, decision-making and sanctions that support the responsible exercise of elected office.
- Procedural fairness is embedded: Ensure complaints and investigations are managed through fair, transparent and consistent processes that uphold the principles of natural justice. Councillors should receive timely notification of allegations, a reasonable opportunity to respond, and decisions that are evidence-based and proportionate to the circumstances of each matter.
- High standards of councillor conduct are promoted: Establish clear expectations for ethical, respectful and professional conduct that supports confidence in local democracy. The framework should encourage behavioural improvement and early



intervention where appropriate, while ensuring conduct that undermines public trust is addressed effectively and consistently.

Council considers these additions would strengthen alignment between the stated principles and the broader reform intent, while supporting a conduct framework that promotes accountability, procedural integrity and community confidence in local government decision-making.

5. What changes would you recommend to the proposed privileges committee to enhance effectiveness

Council acknowledges the intent of the proposed Privileges Committee but considers further detail is required. Council recommends the following matters be addressed prior to implementation:

- Releasing draft Terms of Reference for consultation to provide detail regarding governance arrangements, appointment processes, decision-making powers, conflict management, procedural fairness requirements, reporting obligations and review mechanisms.
- Ensuring Committee membership reflects diversity across local government and includes balanced representation. Without deliberate design measures, there is a risk that membership may disproportionately reflect demographics that are currently overrepresented in local government leadership positions, particularly within regional areas. This may unintentionally limit diversity of perspectives and reduce confidence in peer-based decision-making.
- Further information should be provided on the rationale for the proposed Committee size, including how the number of members was determined, whether 20 members is sufficient to manage conflicts of interest, how panels will be allocated, and whether reserve or alternate members will be available where conflicts limit participation. This is particularly important given the interconnected nature of the local government sector. Professional and regional relationships may affect panel availability.



6. What is the greatest risk to effective implementation of the proposed conduct framework

Council considers the primary risk to effective implementation of the proposed conduct framework is the concentration of responsibility within OLG without clear assurance of sustained capability and resourcing.

The effectiveness of the framework will depend on OLG's capacity to manage complaints in a timely and consistent manner.

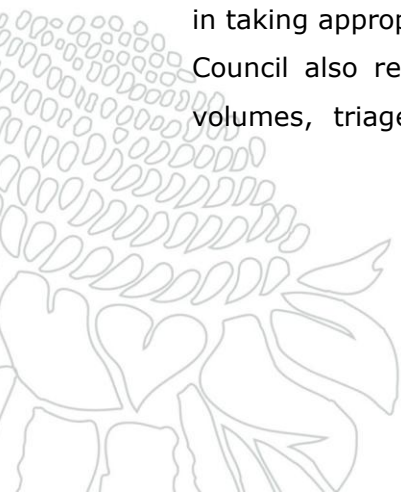
If OLG is not appropriately resourced, the framework may centralise responsibility without improving outcomes. This would risk ongoing delays, inconsistent decision-making, unresolved behavioural issues and reduced confidence among councils, councillors, complainants and the community.

Additional risks include:

- unclear behavioural thresholds;
- uncertainty regarding review rights and procedural fairness;
- uncertainty regarding cost recovery;
- limited council visibility of complaints affecting local workplace health and safety, staff safety, operational, reputational or governance risks; and
- transition of existing complaints into the new framework.

A further implementation risk is that psychosocial risks associated with councillor conduct matters may not be identified or managed early enough. The framework should recognise that delay, repeated complaint activity, public escalation, intimidation, bullying, harassment or conduct directed toward staff can create or compound risks to psychological health and safety. If councils are not notified of relevant matters in a timely way, they may be constrained in meeting their work health and safety obligations and in taking appropriate steps to support affected staff, councillors or other participants.

Council also recommends that OLG publish periodic de-identified reporting on complaint volumes, triage outcomes, timeframes, dismissal categories, investigation outcomes and



sanctions. This would support transparency, identify sector-wide trends and provide assurance that the framework is operating consistently and proportionately.

Submission Response in relation to Model Code of Conduct for Councillors

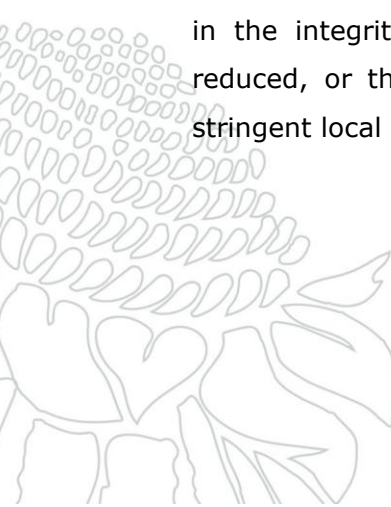
In addition to the feedback provided above on the proposed councillor conduct framework, Council also provides comments on specific provisions of the draft Model Code of Conduct for Councillors. Council considers that the draft Model Code must operate coherently with the broader complaints, triage, investigation and sanctions framework. The Code and supporting procedures should be clearly aligned. This will help councillors, councils, complainants and decision-makers understand how conduct obligations will apply in practice.

Binding Caucus Votes – Clause 2.9

Council considers that clause 2.9 should be reconsidered or further clarified. While political discussion and voluntary agreement between councillors is appropriately preserved by clause 2.8, it is unclear why binding caucus votes should be expressly excluded from the prohibition in relation to the election of the mayor or deputy mayor and appointments to committees or external bodies. These decisions have a direct bearing on council leadership, governance oversight and external representation. In Council's view, the Code should clearly distinguish between voluntary political alignment and arrangements that compel councillors to vote in a predetermined way under threat of disciplinary or other party consequences.

Gifts, benefits and hospitality - clause 4.4(c)

Council notes that clause 4.4(c) provides that councillors must not accept gifts, benefits or hospitality with a market value that exceeds \$300. Council does not support the proposed \$300 threshold applying as a default acceptance threshold for councillors. In Council's view, a \$300 threshold is too high for elected representatives and may undermine public confidence in the integrity of council decision-making. Council recommends that the threshold be reduced, or that the Model Code clearly preserve the ability for councils to apply more stringent local standards.



Interactions with staff and work health and safety - Part 5 and Clauses 2.2 and 2.4

Council supports Part 5 of the draft Model Code of Conduct for Councillors, which appropriately reinforces the distinction between the elected role of councillors and the operational role of the General Manager and council staff. In particular, Council supports the prohibitions on councillors directing or improperly influencing staff. Council also supports restrictions on councillors contacting staff, contractors or legal advisers outside authorised pathways. These provisions are closely connected to clause 2.4, which requires councillors to comply with work health and safety obligations, and clause 2.2, which prohibits improper or unlawful intimidation, verbal abuse, harassment and bullying.

Council considers that the final framework should expressly recognise the professional role of the General Manager and council staff. Staff must be able to provide impartial, evidence-based advice to councillors and Council in a safe and respectful environment. The framework should also acknowledge that councillors have individual and collective responsibilities to contribute to that environment. This includes complying with their obligations under the Work Health and Safety Act 2011. This would strengthen the framework by making clear that respectful conduct, appropriate role boundaries and staff safety are core integrity and governance obligations, not merely operational matters.

Use of council resources - clause 6.9

Council does not support the premise in clause 6.9 that intermingling council and private use of resources “cannot always be easily avoided”. Council also does not support the suggestion that private use may occur where it is incidental to civic use. Council considers this wording may unintentionally normalise private use of council resources. It may also create uncertainty for councillors, staff and those responsible for administering expenses, facilities and resources. Council’s preferred position is that council resources are public resources provided to councillors for the performance of their civic duties and should be used for official purposes only, unless a clearly defined and authorised exception applies.



Applicable procedures - clause 7.4

Council notes that clause 7.4 refers to allegations being made and dealt with in accordance with the “applicable procedures”. Council understands this is intended to refer to the procedures that will support the new Councillor Conduct Framework. Consistent with the issues raised elsewhere in this submission, those procedures should be provided before commencement. This will ensure councils and councillors understand how complaints will be made, triaged, assessed, referred and determined.

Should you require any additional information please contact [REDACTED], Manager Governance, Risk and Corporate Strategy on [REDACTED] during business hours Monday to Friday.

Yours Sincerely

[REDACTED]

[REDACTED]

[REDACTED]



Response ID:	385763
Your council or organisation:	Singleton Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	Council would like further detail on the costs to Council of the Privileges Committee that will be imposed on councils, and the framework for how this will be charged. Council has significant concerns about the additional financial burden that could be placed on Council and further refinement is needed to ensure this is investigated to minimise and/or result in a zero cost to Council. The anonymity of the complainant and witnesses should be maintained by default, and only disclosed upon consent by the individuals, not the other way around where the complainant and witnesses information is disclosed unless they request to remain anonymous.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Disagree
What improvements would you suggest to the proposed complaints process?	Removing Council's ability to conduct an initial assessment of the Code of Conduct complaint may result in longer processing times. If the OLG triage determines the complaint is not a high priority, this may result in delays in finalising minor complaints that could have been quickly resolved by the Council's in-house complaints assessment process. It may also result in dissatisfaction of complainants and reputational risk to Council for a process which sits outside Council's control. Ideally, the OLG and Privileges Committee should commit and be held accountable to meeting strict timeframes depending on the categorisation of the complaint and which should be communicated to both Council and the complainant. The anonymity of the complainant and witnesses should be maintained by default, and only disclosed upon consent by the individuals, not the other way around where the complainant and

	witnesses information is disclosed unless they request to remain anonymous.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council would like further information on the selection process to be followed in the appointment of members of the privileges committee and the ongoing management of conflicts of interest.
What is the greatest risk to effective implementation of the proposed conduct framework?	The unknown cost to Council of the Privileges Committee is an ongoing concern. Additionally, the lack of detail around the framework is a significant risk to the effective implementation of the proposed framework.

Response ID:	385823
Your council or organisation:	Coffs Harbour City Council
Type of organisation:	Community member
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	It is important that clear and consistent standards on the use of social media are adopted as this is a key forum for public trust and distrust.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	None - this is excellent.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	None- it sounds reasonable as proposed.
What is the greatest risk to effective implementation of the proposed conduct framework?	There is not a lot of specific information about social media and I think this will potentially result in a perception that the universal conduct expectations capture some of the common issues we see in the community. (I understand local councils can set more onerous requirements, but would like some baseline ones beyond what is currently there.) Otherwise, it is an excellent proposal and I commend the group involved for taking this forward. My Father suffered a cardiac arrest the evening of a vexatious code of conduct complaint. I hope these initiatives will save lives and I wish the various committees well in implementing this important work. I would endorse representation by community members wherever possible. I would also endorse consideration of a support person being present for these discussions whenever the complainant is asked to address the complaint. These are things that occur in most

	workplaces when performance is a concern. Hopefully this will lead to better, safer outcomes for all concerned. Thank you for your work on this.
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Response ID:	385891
Your council or organisation:	Upper Lachlan Shire Council
Type of organisation:	
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Council agree that the separate Model code of conduct for Councillors is required and expect this will improve accountability. The framework appears to be well defined and easy to understand.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Council agree for code of conduct complaints to be handled and triaged by OLG and expect delays may be minimized and reduction in vexatious complaints. No improvements suggested.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council understands that the Privileges Committee would only examine issues of misbehavior, and not conflicts of interest. Council are unsure if former Councillors and former Mayors have the specialised skill set required to conduct investigations of misbehaviour and how is this committee funded?
What is the greatest risk to effective implementation of the proposed conduct framework?	Timeliness of determining investigation outcomes is a risk. Also, the conduct framework relies upon a Councillor having integrity in their declarations of pecuniary interest and managing their own conflicts of interest.

Response ID:	386116
Your council or organisation:	Strathfield Council
Type of organisation:	
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Of primary concern is the lack of firm detail on the cost recovery model. Where Council presently uses internal resources to address Code of Conduct investigations (estimated as 75% of current complaints) the new model will represent an increased cost for the community. The limited detail within the Policy Statement only addresses the assignment of cost to Council, it does not indicate any potential for offsetting that cost through levy or rate increase if it is to be a shared service across the local government sector, or a user-pays principle of cost allocation. It is difficult to provide an informed opinion with the current lack of detail, and when such detail has been developed, a separate round of consultation should occur given the potential cost implications of the final model. It is expected that full transparency of cost factors would be provided to councils that should be published in council's annual report to ensure accountability for the expenditure of public money on Councilor conduct matters. The composition and process for establishing the Privileges Committee should take into consideration the potential for party-political alliances influencing the decision-making processes relating to referred councillor behaviour (raised in Councils original submission to the proposed reforms). The establishment of precedent applicable to Councillors matters across the sector, rather than within individual Councils is supported for fairness and equity.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the	There should be confirmation of what may occur for any Councillor who has a complaint lodged against them after the outcome of the triage is known. For example, it is expected that for matters that have

proposed complaints process?	been refereed to LEC for judicial determination, there would be some level of evidence supporting that decision, therefore will the Councillor be suspended or restricted in participation in processes whilst the outcome of the referral is determined. Would that similar premise be applied for matters for the Privileges Committee. At this stage there are no other potential improvements that are immediately obvious. It is recommended that an established formal review period and process be detailed in the policy document that would look to engage with Councils after six months and 18 months of operation to ensure that opportunities for improvement based upon practical experience would be available.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	As stated in the previous response for the overall framework, the composition and process for establishing the Privileges Committee should take into consideration the potential for party-political alliances influencing the decision-making processes relating to referred councillor behaviour. Transparency of the procedural guideline by which the Committee would operate is essential to acceptance by the wider community of the role they will take and the perception that they will provide an impartial and fair process for the consideration of all Councillor conduct matters.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk to effective implementation of the conduct framework will be the capacity of the three avenues (OLG, Privileges Committee and Land and Environment Court) to manage the triaged complaints, what impact that will have in the long term as referred matters bank up and the overall costs of managing the framework. It is considered important that a means to ensure that the costs associated with the proposed framework come with a considered means of cost recovery, so that the delivery of outcomes for the community from their rate contributions are not unduly impacted. If there is to be a proportionate cost model to fund the administrative infrastructure to support the framework, it is recommended that a specific levy be introduced (similar to the stormwater levee) that would achieve this and provide direct transparency and accountability of the costs for the information of the community.

Response ID:	386135
Your council or organisation:	Local Government Professionals Australia, NSW
Type of organisation:	Peak body/sector body
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	The proposed reforms are supported and present an opportunity to improve consistency, accountability and public confidence in councillor conduct processes. The proposed framework provides a clear direction for reform and introduces several significant changes to the management of councillor conduct. As the reforms progress, additional guidance regarding the practical operation of the framework would assist councils and stakeholders to better understand how the new arrangements will be implemented and applied consistently across the sector. Further explanation regarding governance arrangements, roles and responsibilities, complaint handling processes, decision-making pathways and implementation arrangements would support a more comprehensive understanding of the framework and assist councils in preparing for its implementation. The opportunity to provide further feedback as the reforms progress through implementation is welcomed.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	The proposed centralised complaints process has the potential to improve consistency, efficiency and confidence in the management of councillor conduct matters. As the reforms progress towards implementation, supporting operational guidance will assist councils and stakeholders in understanding how the new complaints process will operate in practice. Guidance on roles and responsibilities, the practical application of the triage process, and referral processes between the Office of Local Government, the proposed Privileges Committee and councils will support consistent implementation across the sector.

	Implementation should also be supported by appropriate education and communication to assist councillors and councils in understanding the new framework and their respective responsibilities.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The proposed peer-based model for considering allegations of unsatisfactory behaviour recognises that experienced elected representatives are well placed to consider matters involving the exercise of elected office. As the framework is implemented, supporting operational procedures and decision-making guidance will assist in promoting consistency in the assessment of complaints across the sector. This should include guidance on referral processes and the respective roles and responsibilities of the Office of Local Government and the Privileges Committee within the broader conduct framework. The operation of the Privileges Committee should be reviewed following implementation to ensure the new arrangements are operating as intended and to identify opportunities for continuous improvement.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk to effective implementation of the proposed conduct framework is inconsistent application of the new arrangements across the local government sector. Successful implementation will rely on clear supporting procedures, implementation guidance and education to ensure councillors, councils and other stakeholders have a consistent understanding of their respective roles and responsibilities under the new framework. This will assist in promoting consistent decision-making, procedural fairness and confidence in the operation of the new conduct framework. Appropriate resourcing and effective communication throughout the implementation phase will also be important to support timely implementation and enable councils to successfully transition to the new framework.

Response ID:	386139
Your council or organisation:	Mid-Western Regional Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	Additional guidance regarding expected assessment and determination timeframes would assist in managing expectations for complainants, Councillors and Council staff.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	The publication of de-identified complaints and case studies showing examples of complaints that are vexatious. This would provide guidance to Councillors and the community regarding the expected standards of conduct and how complaints are assessed. In addition, the ability to track the progress of complaints or regular, specified update time frames (e.g. updates at 14 days, 30 days) would reduce the administrative burden on Council staff who find themselves receiving repeated requests for updates from Councillors.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Council supports the concept of the proposed Privileges Committee. Having former Mayors and Councillors as panel members will ensure the understanding of local government operations, governance requirements, the Council decision making processes and realities of elected life will assist in ensuring decisions are informed. Regular training and updates on current issues and legislative changes would further enhance the effectiveness of the committee.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk to effective implementation is under resourcing. Ensuring that OLG is adequately resourced to manage the anticipated volume of complaints in a timely manner is critical to the success of the framework.

Response ID:	386173
Your council or organisation:	Nil
Type of organisation:	Other
Please specify:	
Are you responding on behalf of your organisation?	No
The proposed conduct framework will improve accountability and integrity in local government?	Strongly disagree
What aspects of the framework need further refinement or further explanation?	Based on my experience, the framework falls short of protecting the mental health and wellbeing of staff at Council's. Whilst it is an attempt to stop political point scoring, which is admirable, it doesn't provide clear instructions or repercussions for behaviour that affects the safety of the workforce. Section 5 should be strengthened to more clearly align with obligations under WHS Legislation. When tested this is also light on, with the exclusion of Councillors as officers under the Act. Whilst a Councillor does not "conduct a business or undertaking" they do "regularly take part in decision-making and your role helps shape, support, or influence the decisions that are made." This makes up the definition of an officer under the Act.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly disagree
What improvements would you suggest to the proposed complaints process?	If we use [REDACTED] as an example, the process was being abused for political point scoring, but had a huge impact on the finances of the organisation and the well-being of staff. It is recommended that the [REDACTED] scenarios are used as scenarios to test the processes being suggested. This may highlight areas for improvement, although I acknowledge [REDACTED] is an extreme case.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	It should not be a panel of their peers and the chairperson should not be selected by the Minister. This is too open to party line political influence. Why would the peers pass any judgement on a colleague, if 1. they are part of their own political party or not, and 2. If they would themselves then be subject to any precedence by that committee. To think that this would not happen is naive.
What is the greatest risk to effective implementation of	Nothing changes and politics continues to interfere with good community outcomes. Bad decisions about community outcomes

the proposed conduct framework?	continue to be made. Watch the last number of [REDACTED] meetings to see what it looks like at the extreme. Good people within the organisations continue to suffer. Despite PIDs etc staff are unwilling to report conduct of councillors, due to fear of job losses.
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From: [REDACTED]
To: [OLG Office of Local Government Mailbox](#)
Cc: [REDACTED]
Subject: OLG Councillor Code of Conduct Reforms - Submission
Date: Thursday, 6 August 2026 4:01:53 PM

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.

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,

Peter Thompson

General Manager

[[REDACTED]

d: [REDACTED] | e: [REDACTED]

[Wagga Wagga City Council](#) • 243 Baylis Street (PO Box 20) • Wagga Wagga NSW 2650

Wagga Wagga – a vibrant, growing and sustainable regional city

Wagga Wagga City Council acknowledges the traditional custodians of the land, the Wiradjuri people, and pays respect to Elders past, present and future and extends our respect to all First Nations Peoples in Wagga Wagga. We recognise and respect their cultural heritage, beliefs and continuing connection with the land and rivers. We also recognise the resilience, strength and pride of the Wiradjuri and First Nations communities.

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Response ID:	Submission withheld at the request of the submitter
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Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Tamworth Regional Council
Type of organisation	☐ Councillor ☐ Mayor ☒ ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☐ Neutral ☒ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	While I agree with the intent, removing provisions from the existing CoC such as no longer having to comply with Council Policies is not going to improve accountability and integrity. Appropriate behaviour does need to be clearly defined in order to identify inappropriate behaviour.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	I agree that removing the obligations from General Managers is a positive step however, concern exists over whether the Office of Local Government can cope with the amount of complaints that they will receive and be able to respond in a timely manner.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	I would recommend appointing independent members to the privileges committee as well as Councillors and Mayor to provide enhanced governance and to contribute practical knowledge from experienced CoC experts
6	What is the greatest risk to effective implementation of the proposed conduct framework	Lack of action and consequences to Councillors that display very poor behaviour towards Council staff and their fellow Councillors.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

6 August 2026

Mr Brett Whitworth
Deputy Secretary
Office of Local Government
Department of Planning, Housing and Infrastructure
By email: olg@olg.nsw.gov.au

Dear Mr Whitworth

Our submission on the proposed reforms to the Councillor Conduct Reform Framework

Thank you for the opportunity to provide feedback on the proposed Councillor Conduct Reform Framework, as outlined in the *Improving Councillor Accountability – Councillor Conduct Reform Policy Statement* and the draft *Model Code of Conduct for Councillors*.

Blacktown City Council supports the NSW Government's objective of improving confidence in local democracy, addressing the misuse of the existing complaints framework and ensuring that serious Councillor misconduct is dealt with effectively and consistently.

Council's submission in November 2024 broadly supported reform, particularly measures to reduce weaponised complaints, strengthen procedural fairness and introduce a peer-review mechanism for behavioural matters. Many elements of the current proposals reflect those objectives and are welcomed.

While Council supports the overall direction of the reforms, we respectfully submit that several aspects require refinement to better balance accountability, local government autonomy and procedural fairness.

General support for reform

Council supports:

- the creation of a clear distinction between "unsatisfactory behaviour" and "serious misconduct"
- the establishment of a central triage function to filter frivolous, vexatious and trivial complaints before significant resources are expended
- stronger procedural fairness protections, including notification of allegations and the opportunity to respond before adverse determinations are made
- a graduated sanctions framework that promotes behavioural correction before punitive intervention where appropriate



- transferring the determination of serious misconduct matters to the Land and Environment Court, thereby ensuring disciplinary decisions are subject to judicial consideration and evidentiary standards.

These reforms should improve consistency across the sector and ensure that regulatory effort is focused on genuine misconduct rather than political disputes.

Centralisation of complaints management

Council supports the proposed "single front door" approach under which complaints are lodged directly with the OLG and subjected to a formal triage process.

The current system frequently requires councils to spend considerable time and resources investigating allegations that are ultimately unsubstantiated. In some cases, matters are subsequently referred to the OLG and effectively recommence resulting in duplication, delay and increased costs.

Blacktown City Council's experience reflects the broader data cited by the OLG. Despite being one of the largest councils in New South Wales, Council has received only one Councillor conduct complaint over the past five years. This supports the conclusion that conduct complaints are disproportionately concentrated on a relatively small number of councils.

Council therefore supports the OLG taking primary responsibility for complaint assessment and triage.

Privileges Committee

Council strongly supports the establishment of a Privileges Committee comprising experienced Mayors and Councillors.

Council's previous submission advocated a model that more closely reflects parliamentary practice, whereby elected representatives are assessed by their peers when questions arise regarding the appropriate exercise of political privilege. The proposed Privileges Committee incorporates this principle.

Council agrees that determining whether political conduct exceeds acceptable democratic debate is often contextual and is best assessed by experienced elected representatives rather than external investigators.

However, Council recommends that:

- appointment criteria for Committee members be publicly available
- panels be balanced geographically and politically
- a transparent conflict-of-interest framework be mandated
- annual reporting on complaints referred to and determined by the Committee be published.

These measures would enhance confidence in the Committee's independence and consistency.

Preservation of political expression

Council strongly supports the policy objective of protecting robust political debate and acknowledging the implied freedom of political communication in the Commonwealth Constitution.

Councillors undertake inherently political roles and should be able to advocate vigorously for their communities without fear that legitimate disagreement will become the basis of a misconduct complaint. Council supports the removal of Code provisions that have historically been vulnerable to misuse or "weaponisation".

Notwithstanding this support, Council recommends that additional guidance be developed to assist Councillors, complainants and decision-makers in distinguishing between:

- robust political advocacy
- disagreement or criticism
- offensive conduct
- bullying, harassment and intimidation

Clear guidance will improve consistency and reduce uncertainty in the application of the new framework.

Definition of serious misconduct

Council generally supports the proposed definition of serious misconduct, particularly where it relates to:

- significant conflicts of interest
- corruption
- serious legislative breaches
- repeated misconduct
- threatening or intimidating conduct of a personal nature in particular.

However, Council submits that the definition should be sufficiently precise to ensure consistency in application and avoid regulatory uncertainty.

The concepts of "systemic behaviour", "abuse of broader legislative obligations" and "repeated unsatisfactory behaviour" would benefit from additional legislative or regulatory guidance. Without further clarification, these provisions may be open to varying interpretations and could undermine one of the central objectives of the reforms, namely greater certainty and consistency.

Investigation powers

Council acknowledges the need for appropriate investigative powers where allegations involve serious misconduct. However, the proposed powers to compel answers, seize materials and expand investigative authority should be accompanied by strong safeguards to protect individual rights and procedural fairness.

Whilst we cannot perceive how the process will work to compel answers, we are of the view that the questions asked should be available in the public domain so that the community is made aware of questions that are not answered to the satisfaction of the investigating body. Council recommends:

- clear statutory thresholds before coercive powers may be exercised
- independent review mechanisms where powers are challenged
- transparency regarding the circumstances in which such powers may be used
- publicly available regulatory guidelines governing investigations.

These measures will assist in maintaining confidence in the regulator while preserving natural justice principles.

Cost recovery model

Council notes the proposal for councils to contribute to the costs associated with managing conduct complaints and funding the Privileges Committee.

Council has concerns regarding the proposed cost recovery approach.

Where responsibility for complaint management is transferred away from councils and centralised within the OLG, councils should not be exposed to costs over which they have limited control or influence. This is particularly relevant for councils that experience little or no conduct-related activity.

Council recommends that:

- core regulatory functions remain fully funded by Government
- any cost recovery arrangements be transparent and evidence-based
- councils with low complaint volumes not disproportionately subsidise councils with significant complaint activity
- a detailed financial impact assessment be released prior to implementation.

Model Code of Conduct for Councillors

Council supports the creation of a standalone Model Code of Conduct for Councillors separate from the staff code.

The elected role of Councillors differs fundamentally from that of staff and warrants, a dedicated code reflecting the political and representative nature of their office.

Council particularly supports:

- increased emphasis on democratic representation and political communication
- simplification of the framework
- improved alignment with parliamentary standards
- clearer integration between the Model Code and the proposed conduct framework.

However, Council encourages the OLG to ensure that conflict-of-interest provisions remain practical, understandable and capable of consistent application across councils of varying size and complexity.

Conclusion

Blacktown City Council supports the overall direction of the proposed Councillor Conduct Reform Framework and recognises the significant effort undertaken by the OLG to develop a more effective, proportionate and contemporary model for regulating Councillor conduct.

Council particularly supports the introduction of centralised complaint triage, the Privileges Committee, improved procedural fairness safeguards and stronger responses to serious misconduct. These reforms have the potential to reduce vexatious complaints, strengthen public confidence and improve consistency across the sector.

Council nevertheless encourages the OLG to further consider:

- maintaining an appropriate balance between regulation and local government autonomy
- clarifying the definitions of misconduct
- strengthening safeguards around investigative powers
- ensuring any cost recovery arrangements are equitable and transparent
- providing additional guidance regarding acceptable political communication.

We appreciate the opportunity to contribute to the consultation process and would welcome ongoing engagement as the reforms progress.

Should you require any further information please contact our Director Corporate Services, [REDACTED], on [REDACTED] or [REDACTED].

Yours faithfully

[REDACTED]

[REDACTED]
Chief Executive Officer

Personal information	
Would like your name and personal contact details to remain confidential?	☒ Yes, please keep my details confidential ☐ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	City of Newcastle
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☒ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	City of Newcastle (CN) supports the introduction of the proposed framework, particularly the centralised lodgement of complaints directly with the Office of Local Government (OLG). CN considers this approach will promote greater consistency, efficiency and transparency in the management of councillor conduct matters. CN does not consider it appropriate for General Managers or Chief Executive Officers (CEO) to be responsible for managing councillor misconduct matters when mayors and councillors are, in turn, responsible for overseeing the performance of the CEO. The current framework is also time-consuming, costly and inconsistent in its application, while offering limited sanctions to address poor conduct. While CN broadly supports the proposed reforms, further

	refinement and clarification are required in several key areas. Triage Process CN considers that further detail is required regarding the proposed triage process, as it will be critical to the effectiveness, transparency and consistency of the framework. Clarification is sought on: • the criteria that will be applied to assess and categorise complaints; • the evidentiary threshold required for a complaint to proceed beyond triage; • the timeframes that will apply to the assessment and determination of complaints; • the review or appeal mechanisms available where a complaint is dismissed at triage; and • the governance and quality assurance arrangements that will be implemented to ensure consistency in triage decisions. CN also recommends the inclusion of practical examples or case studies demonstrating the types of matters that would: • be dismissed at triage; • be referred to the Privileges Committee as unsatisfactory behaviour; and • be escalated to OLG for investigation as serious misconduct. Providing this guidance would assist councils, councillors and the community to better understand the operation of the framework and promote confidence in the consistency and fairness of decision-making. Voluntary Undertakings CN considers that further detail is required regarding the proposed voluntary undertaking process and its practical implications for councils, including: • the circumstances in which a voluntary undertaking may be offered or accepted; • the respective roles and responsibilities of OLG, councils and councillors in negotiating, monitoring and enforcing voluntary undertakings; • the consequences of non-compliance and how these would interact with existing misconduct and performance management frameworks; and • any associated administrative, financial or reporting obligations that may be imposed on councils. Review and Appeal Mechanisms CN considers that further detail is required regarding the review and appeal pathways available under the proposed framework to ensure transparency, procedural fairness and
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	accountability, including: • whether a councillor may seek a review or appeal of a finding made by the Privileges Committee; • whether a complainant may request a review of a decision, including a decision not to proceed with a complaint; • whether OLG may review or overturn decisions of the Privileges Committee; • whether an internal review mechanism will be available; • whether decisions will be subject to external or judicial review; and • the applicable grounds, processes and timeframes for any review or appeal. Greater clarity regarding these pathways would strengthen confidence in the integrity and fairness of the proposed framework. Cost Recovery Model CN considers that further detail is required regarding the proposed cost recovery model, particularly given the increasing cost-shifting pressures already faced by local government. CN recommends that a financial impact assessment and modelling exercise be undertaken to ensure councils are no worse off under the proposed framework and to provide greater transparency regarding the financial implications for the sector, including: • the types of costs proposed to be recovered from councils; • whether the model will operate as a fixed levy, user-pays arrangement, or a combination of both; • how costs will be allocated and calculated, including whether factors such as Local Government Area population, complaint volumes or other risk-based metrics will be considered; • whether councils with lower complaint volumes or strong governance performance will receive any reduction in fees or contribution requirements; • how costs associated with vexatious, frivolous or unsubstantiated complaints will be managed; and • the mechanisms that will be implemented to ensure councils are not unfairly subsidising the conduct-related costs of other councils. Providing greater detail on the proposed funding model will assist councils in assessing the financial impact of the reforms and ensure the framework is equitable, transparent and sustainable for the local government sector. Management of vexatious complaints There is limited detail on how repeat complainants will be
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		managed. Further guidance is required on how vexatious, frivolous or repetitive complaints will be identified and managed to ensure resources remain focused on genuine matters. Transition arrangements There will likely be investigations underway when the framework commences. Clarification is required regarding transition arrangements, including the treatment of complaints that are under assessment or investigation at the time the new framework commences. CN recommends that the new framework be formally reviewed after two years of operation to assess complaint volumes, determination timeframes, consistency of outcomes, resource impacts and confidence in the framework, and to identify any unintended consequences. Continuation of Code of Conduct Complaints following resignation Currently, under the <i>Local Government Act 1993</i>, the primary sanction available to councils for breaches of the Code of Conduct is censure under section 440G. Once a councillor ceases to hold civic office, this sanction is no longer available. CN submits that active Code of Conduct complaints should continue to be investigated and determined regardless of whether a councillor remains in office or resigns without the need for the General Manager or Chief Executive Officer to refer the matter. Allowing matters to cease upon resignation creates a significant accountability gap, enabling allegations of misconduct to remain unresolved and potentially allowing individuals to avoid scrutiny through resignation. It also creates a risk that a former councillor may subsequently seek re-election without the allegations having been formally considered or determined through the established governance framework. In the absence of this change, it undermines the integrity and effectiveness of the Code of Conduct regime, weakens public confidence in local government accountability, and reduces confidence that inappropriate conduct will be addressed consistently and transparently.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree

4	What improvements would you suggest to the proposed complaints process?	Refer to part 2.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	• Clarify powers including around enforcement of outcomes. • Adequate resourcing to ensure timely assessment and determination of complaints. • Inclusion of a requirement for independent and diverse membership, including governance, legal and investigation expertise. • Improved documentation of appeal, review and procedural fairness mechanisms. • Formal review of the Privileges Committee after implementation to assess effectiveness and identify improvements.
6	What is the greatest risk to effective implementation of the proposed conduct framework	• Clarity and consistency of decision-making, particularly at the triage stage, will be critical. As triage will determine how complaints are categorised, prioritised and allocated, it is important that clear criteria, guidance and oversight processes are established to support consistent outcomes. • Adequate resourcing and clearly defined timeframes for assessing and determining complaints will be very important. Without strict timeframes, there is a risk that delays currently experienced under the existing framework will continue, potentially undermining confidence in the effectiveness of the proposed reforms. • Clarity around roles and accountability between OLG, the Privileges Committee and councils, particularly regarding implementation and enforcement of outcomes. Without strong enforcement, the framework will not be taken seriously. • Perceived lack of independence, particularly if the Privileges Committee is comprised only of current or former elected representatives with no expertise such as legal, governance or investigation. • Lack of clarity on review and appeals.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Bellingen Shire Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	See attached submission
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	See attached submission
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	See attached submission
6	What is the greatest risk to effective implementation of the proposed conduct framework	See attached submission

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Thursday, July 30, 2026

Office Of Local Government

Submission on Councillor Conduct Framework Reform and Draft Model Code of Conduct for Councillors

Bellingen Shire Council welcomes the opportunity to provide feedback on the proposed Councillor Conduct Framework reforms and the draft Model Code of Conduct for Councillors.

Council supports the broad intent of the reforms. The current councillor conduct framework is too often slow, costly and vulnerable to use for political purposes. A clearer framework that protects robust democratic debate, filters out trivial or vexatious complaints, and deals more decisively with serious misconduct is strongly supported.

Council also supports the proposed changes to disclosure of interests. The move to a full return after election, targeted updates when interests change, and an annual declaration appears more practical than the current annual return model. Council also supports the proposed split between publicly available disclosure information and confidential residential address information.

However, Council has concerns about several aspects of the reform package:

1. the proposed creation of two separate model codes of conduct;
2. the lack of detail on the proposed centralised cost recovery model;
3. the absence of clear public reporting requirements for substantiated findings and sanctions;
4. the need for the Privileges Committee model to properly recognise the different operating environments of metropolitan, regional, rural and remote councils; and
5. the need for clearer implementation detail before councils can properly assess the administrative, financial and governance impacts.

Council's detailed comments are set out below.

1. Overall support for reform

Council supports the objective of moving councillor conduct complaints away from a locally managed process and toward a more centralised, consistent and proportionate model.

The current system can place general managers, mayors and councils as institutions in a difficult position, particularly where complaints arise from political disagreement between councillors. The use of external conduct reviewers can also be costly, inconsistent and slow. In some cases, the process itself becomes the punishment, regardless of the final outcome.

Council therefore supports:

- a clear front door for councillor conduct complaints through OLG;
- early triage of complaints;
- stronger filtering of trivial, vexatious or politically motivated complaints;
- clearer separation between unsatisfactory behaviour and serious misconduct;
- stronger pathways for serious misconduct;
- protection of robust political debate and implied freedom of political communication;
- clear procedural fairness requirements; and
- more consistent sector-wide interpretation of councillor conduct obligations.

These changes should improve confidence in the integrity of the system, provided the final framework is practical, affordable, transparent and properly resourced.

2. Concern about two separate codes of conduct

Council has significant concern about the proposal to split the current Model Code of Conduct into two separate codes:

1. one Model Code of Conduct for Councillors; and
2. one Model Code of Conduct for Council Staff, Delegates and Committee Members.

Council understands the policy rationale. Councillors are elected representatives. Their role is political, public-facing and different from the role of staff. A code applying to councillors must recognise political debate, public comment, advocacy, community representation and the implied freedom of political communication.

That said, creating two separate codes risks adding complexity to a framework that is meant to be simplified.

Council's preference is for a single Model Code of Conduct, structured in separate parts, rather than two separate codes. For example:

Part A – provisions applying to all council officials;

Part B – additional provisions applying to councillors;

Part C – additional provisions applying to staff;

Part D – additional provisions applying to delegates and committee members;

Part E – disclosure of interests;

Part F – complaint handling and procedural provisions.

This approach would allow the different roles of councillors, staff, delegates and committee members to be properly recognised, while preserving one governance document, one training framework, one point of public explanation and one consistent set of core ethical principles.

The proposed two-code model creates several practical problems.

First, mixed council settings are common. Councillors, staff, delegates and community members may all be involved in briefings, advisory committees, working groups, reference groups and other council forums. Two separate codes will make it harder to explain which standards apply, particularly where the same conduct involves more than one category of council official.

Second, two codes may create confusion for complaints involving both councillors and other council officials. For example, a complaint may involve councillor conduct toward a staff member, or conduct within a committee involving councillors and non-councillor members. Two codes will require careful cross-referencing and may create unnecessary procedural disputes about which code applies.

Third, it will increase training and administrative burden. Councils will need to train councillors on one code, staff on another code, and committee members on a separate set of obligations. This is manageable, but it is less efficient than a single integrated framework.

Fourth, the proposed Model Code of Conduct for Council Staff, Delegates and Committee Members has not yet been released. This limits the sector's ability to properly assess the practical effect of the proposed split. Councils are being asked to comment on the councillor code without seeing the full companion framework that will operate beside it.

Council recommends that OLG reconsider the two-code model and instead adopt a single integrated Model Code of Conduct with separate role-specific parts.

If the Government proceeds with two separate codes, Council recommends that OLG provide:

- a plain English comparison table showing how the two codes interact;
- standard training materials for councillors, staff, delegates and committee members;
- clear guidance for complaints involving multiple categories of council officials;
- a single model complaints pathway map;
- template reports and adoption wording for councils; and
- clear transitional arrangements for existing complaints and current adopted codes.

3. Centralised complaint management

Council supports the proposal for councillor conduct complaints to be lodged directly with OLG through a centralised process.

This reform has merit. It should reduce pressure on General Managers and Mayors, improve consistency, and reduce the scope for local political dynamics to distort complaint handling. However, centralisation will only work if OLG has the capacity, systems and service standards to deal with complaints quickly and transparently. A centralised model that is under-resourced will simply move delay from councils to OLG.

Council recommends that the final framework include clear service standards, including:

- timeframes for initial triage;

- timeframes for notifying councillors of complaints that proceed beyond triage;
- timeframes for referral to the Privileges Committee or formal investigation;
- clear dismissal thresholds for trivial, vexatious, misconceived or politically motivated complaints;
- guidance on anonymous complaints;
- guidance on complaints made during election periods;
- public reporting of complaint volumes, categories, dismissal rates and average resolution times; and
- regular sector reporting on trends and lessons learned.

Council also supports strong safeguards against weaponised complaints. If the new framework is serious about reducing political misuse of the conduct system, it should include meaningful consequences for councillors who repeatedly make frivolous, vexatious or bad-faith complaints.

4. Public reporting of complaint outcomes

Council is concerned that the proposed framework does not clearly explain how substantiated findings, sanctions or other complaint outcomes will be reported to the affected council or made available to the community.

Under the current framework, where a Councillor is sanctioned, the matter is generally reported to Council and becomes publicly available through the Council business paper and minutes. This provides an important accountability mechanism. It ensures that the community can see when an elected representative has been found to have breached expected standards and what consequence has been imposed.

The proposed centralised model appears to remove much of the complaint handling process from councils. Council supports centralisation for triage, consistency and independence. However, centralisation should not reduce transparency. If findings and sanctions are dealt with solely by OLG, the Departmental Chief Executive or a Privileges Committee without clear public reporting obligations, the framework risks becoming less transparent than the current system.

This is particularly important where a sanction is imposed on an elected representative. Councillors hold public office. Where there is a substantiated finding of unsatisfactory behaviour or serious misconduct, the community has a legitimate interest in knowing:

- the name of the councillor;
- the nature of the substantiated conduct;
- the decision-maker;
- the sanction imposed;
- whether the matter was dealt with by the Privileges Committee, OLG, the Departmental Chief Executive or the Land and Environment Court;
- whether the councillor has complied with the sanction; and
- whether any review or appeal rights remain.

Council recognises that confidentiality is important during the assessment and investigation stages. Complaints that are dismissed at triage, found to be misconceived, or involve confidential staff, child safety, health, privacy, legal privilege or public interest disclosure issues should be handled carefully. However, confidentiality during the process should not mean secrecy once a complaint is substantiated and a sanction is imposed.

Council recommends that the final framework include clear public reporting requirements, including:

- a requirement for OLG, the Departmental Chief Executive or the Privileges Committee to notify the affected council of any substantiated finding and sanction involving one of its councillors;
- a requirement that substantiated findings and sanctions be reported to the next available ordinary meeting of the affected council, subject to any lawful confidentiality or privacy limitations;
- a requirement for OLG to maintain a publicly accessible register of substantiated councillor conduct findings and sanctions;
- clear rules on what information may be withheld to protect complainants, staff, witnesses, children, health information, public interest disclosures or legally privileged material;
- a distinction between complaints dismissed at triage, which should generally not be publicly reported by name, and substantiated findings, which should generally be public;
- public reporting of compliance with sanctions, including apologies, training orders, undertakings, suspension, loss of sitting fees or other disciplinary action; and
- annual sector-wide reporting by OLG on complaint volumes, complaint categories, triage outcomes, substantiated findings, sanctions, timeframes and costs.

Without clear public reporting, the proposed framework may improve process efficiency but weaken visible accountability.

5. Cost recovery model

Council has serious concerns about the lack of detail on the proposed cost recovery model.

The policy statement refers to a proportionate cost model and indicates that councils would contribute to the cost of managing conduct matters, particularly the work of the Privileges Committee, but that further work is still being done on cost distribution. This is not enough detail for councils to assess the financial impact.

Council's position is that councils that do not generate councillor conduct matters should not be required to subsidise councils that do. A broad sector levy would be unfair, particularly for councils with stable elected bodies, low complaint volumes and sound governance practices. Council accepts that a centralised model will have system-wide costs. However, the cost model should be transparent, proportionate and linked to use of the system.

Council recommends that:

- core OLG regulatory functions should be funded by the State Government;
- any council contribution should be limited to clearly defined complaint management services, not general regulatory overheads;
- councils with no councillor conduct matters in a reporting period should not pay investigation or Privileges Committee costs;
- costs should not be triggered by complaints dismissed at triage as trivial, vexatious, misconceived or outside jurisdiction;
- any cost recovery should include safeguards so complainants cannot weaponise the system to impose costs on a council;
- costs should be reported annually by council, complaint type and outcome;
- the model should recognise capacity differences between metropolitan, regional, rural and small councils; and
- OLG should release the proposed cost recovery model for separate consultation before implementation.

A centralised system may reduce reliance on external conduct reviewers, but that benefit will be lost if councils are exposed to a poorly defined levy or unpredictable cost recovery scheme.

6. Disclosure of interests

Council supports the proposed reforms to disclosure of interests.

The proposed system appears more practical than the current annual return model. Requiring a full return after election, targeted updates when interests change, and an annual declaration confirming the accuracy of the register should reduce unnecessary duplication while maintaining integrity.

Council also supports:

- a searchable public register;
- confidential treatment of residential address information;
- clearer treatment of political donations;
- clearer conflict of interest tests;
- recognition that personal views, political views, community involvement and ordinary social connection do not automatically create conflicts of interest; and
- better alignment with the practical reality that councillors are elected from within their local communities and will often have community connections.

Council recommends that OLG provide standardised digital templates for the register of interests. This should include fields, publication format, privacy settings, update logs and guidance on how historical disclosures are to be retained.

Without standard templates, each council will be forced to build its own process, which will create inconsistency and wasted effort.

7. Draft Model Code of Conduct for Councillors

Council supports the general direction of the draft Model Code of Conduct for Councillors.

In particular, Council supports provisions that make clear 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 linked to other conduct that breaches the code; and
- participation in political activities.

These provisions are important. Councillors must be able to debate, advocate, disagree and communicate with the community. Local democracy is weaker when councillors are afraid to express views because of potential code complaints.

Council also supports clearer provisions around councillor interaction with staff, access to information, use of council resources, and maintaining the integrity of the code.

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.

8. Privileges Committee and recognition of rural, regional and metropolitan councils

Council supports, in principle, the creation of a peer-based Privileges Committee to consider unsatisfactory behaviour.

There is logic in having experienced elected representatives assess behaviour that occurs in the context of political debate. Councillors understand the reality of political disagreement, public advocacy and the pressures of elected office.

However, the Privileges Committee model needs strong safeguards. It also needs to properly recognise the significant differences between metropolitan, regional, rural and remote local government.

A single Privileges Committee framework may be appropriate, but it should not operate as though all councils function in the same political, social or operational environment. They do not. Rural and regional councils operate in smaller and more interconnected communities. Councillors are more likely to personally know applicants, objectors, community advocates, volunteers, business owners, staff family members and local service providers. Councillors are also more visible in the community and are often approached informally in ways that would be less common in larger metropolitan councils.

This does not mean standards should be lower. It means context matters.

Conduct that occurs in a small rural or regional council should be assessed by people who understand the practical realities of those councils. Likewise, conduct arising in large metropolitan councils may require panel members with experience in larger, more politically complex council environments.

Council does not support separate standards for rural and metropolitan councils. However, Council does support a Privileges Committee structure that includes distinct rural/regional and metropolitan panel streams, or at minimum a requirement that each panel include members with direct experience in a comparable council environment.

Council recommends that:

- the Privileges Committee framework include a broad panel of eligible members drawn from metropolitan, regional, rural and remote councils;
- matters involving rural or regional councillors be heard by panels that include at least one, and preferably a majority of, members with rural or regional local government experience;
- matters involving metropolitan councils be heard by panels that include members with relevant metropolitan council experience;
- the framework recognise differences in council scale, community proximity, staff resourcing, councillor-community interaction, and informal access to councillors;
- panel selection criteria be published;
- conflict of interest rules be clear, particularly where panel members may know the councillor, complainant or council involved; and
- OLG report annually on the composition of Privileges Committee panels, including regional representation.

The Privileges Committee will only have credibility if councillors and communities believe that complaints are being assessed by people who understand the environment in which the conduct occurred. A purely centralised or metropolitan-heavy panel would be a weak design choice for a state as diverse as NSW.

9. Implementation and transition

Council supports a staged and orderly transition to the new framework.

However, councils will need practical support. The reforms will affect adopted codes, training programs, complaints processes, delegations, registers of interest, committee induction material and councillor induction material.

Council recommends that OLG provide:

- a clear commencement timetable;
- model council report wording for adoption of the new code or codes;
- template policies and procedures;
- updated councillor induction materials;
- training modules for councillors, staff, delegates and committee members;
- standard complaint referral guidance;

- model register of interests templates;
- guidance on existing complaints at commencement;
- guidance on public reporting of substantiated findings and sanctions; and
- clear communication material for the public.

The implementation task should not be underestimated. If the reform is rushed without proper tools, councils will carry the administrative burden and the sector will end up with inconsistent practice from day one.

10. Summary of recommendations

Council recommends that OLG:

1. Proceed with reform of the councillor conduct framework, with a focus on proportionality, consistency, procedural fairness, transparency and timely management of serious misconduct.
2. Reconsider the proposed two-code model and instead adopt a single integrated Model Code of Conduct with separate role-specific parts for councillors, staff, delegates and committee members.
3. If two separate codes are retained, release the draft Model Code of Conduct for Council Staff, Delegates and Committee Members before finalising the framework and provide clear guidance on how the two codes interact.
4. Ensure the centralised complaints process has clear statutory triage thresholds, service standards and public reporting requirements.
5. Include strong safeguards against frivolous, vexatious or politically motivated complaints.
6. Release the proposed cost recovery model for separate consultation before implementation.
7. Ensure councils with no councillor conduct matters are not required to subsidise complaint management costs generated by other councils.
8. Fund core OLG regulatory functions through the State Government rather than through council cost recovery.
9. Require substantiated councillor conduct findings and sanctions to be publicly reported, subject to appropriate privacy and confidentiality safeguards.
10. Require OLG, the Departmental Chief Executive or the Privileges Committee to notify the affected council of any substantiated finding or sanction involving one of its councillors.
11. Require substantiated findings and sanctions to be reported to an ordinary meeting of the affected council unless there is a lawful reason for confidentiality.
12. Establish a public OLG register of substantiated councillor conduct findings, sanctions and compliance outcomes.
13. Support the proposed disclosure of interest reforms, including targeted updates, annual declarations, searchable public registers and confidential residential address information.
14. Provide standardised digital templates for registers of interests and associated publication requirements.
15. Ensure the Privileges Committee model includes rural, regional and metropolitan representation.

16. Require Privileges Committee panels to include members with experience in comparable council environments to the council the subject of the complaint.
17. Provide clear implementation resources, including model reports, training materials, complaint pathway guidance, public reporting guidance and transitional arrangements.

Conclusion

Council supports the direction of the proposed reforms. The current councillor conduct framework needs to be simplified, strengthened and made less vulnerable to misuse.

The reform package will be stronger if it avoids unnecessary complexity through two separate codes, provides a transparent and fair cost model, includes clear public reporting of substantiated findings and sanctions, and ensures the Privileges Committee model reflects the different operating environments of metropolitan, regional, rural and remote councils.

Council would welcome the opportunity to provide further feedback as the legislation, regulations, cost model and companion staff, delegates and committee members code are developed.

Yours faithfully,
[REDACTED]

Code of Conduct Reform: Proposed submission to OLG

Policy Statement: Improving Councillor Accountability

1. The proposed conduct framework will improve accountability and integrity in local government.

Agree (selection range of: Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree)

2. What aspects of the framework need further refinement or further explanation?

Council supports OLG's review of the Model Code of Conduct and considers that the draft Framework represents a significant and welcome modernisation of the Code. Council supports measures that strengthen integrity, transparency, accountability, conflict-of-interest management, planning integrity, gifts and benefits requirements, councillor access to information and clearer behavioural expectations.

Council also considers that the Framework should place equal emphasis on prevention, education, continuous improvement and the development of respectful governance cultures. Strong governance is achieved not only by responding effectively to misconduct, but by creating organisational cultures that encourage ethical leadership, respectful behaviour, constructive democratic engagement and confidence in local government.

Further refinement and explanatory guidance would assist to ensure the Framework strengthens accountability while preserving the democratic role of elected councillors. Greater clarity is required regarding the distinction between unsatisfactory behaviour, misconduct and serious misconduct, including the evidentiary thresholds and escalation criteria that will apply to each category. The Framework should also make clear that legitimate political advocacy, robust policy debate, public criticism, scrutiny of decision-making and representation of constituent interests should not, of themselves, constitute conduct breaches.

Additional guidance is required regarding the operation of the proposed triage process, review and appeal rights, interaction with Public Interest Disclosures, treatment of anonymous complaints, transitional arrangements for matters already underway, and the Code and guidance materials that will apply to conduct occurring before any new framework commences. Council recommends practical guidance, case studies and best-practice materials to help councils build positive governance cultures through:

- Annual governance refresher training
- Respectful workplace and meeting conduct training
- Ethical decision-making workshops
- Conflict resolution and mediation options where appropriate
- Ongoing governance education throughout the council term rather than relying primarily on induction

- Support mechanisms for councillors, council staff, volunteers, contractors and members of the public who experience bullying, intimidation, harassment or repeated inappropriate behaviour while undertaking council-related activities.

Council also recommends stronger natural justice protections for councillors who are the subject of allegations, including access to particulars of the allegation, access to evidence relied upon, a reasonable opportunity to respond before determination, the right to representation during formal investigations and hearings, and access to independent review where serious sanctions may result.

Clearer guidance in these areas would support consistent decision-making, procedural fairness, democratic accountability, cultural improvement and confidence in the integrity of the reformed conduct system.

3. The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints.

Agree (selection range of: Strongly Agree | Agree | Neutral | Disagree | Strongly Disagree)

4. What improvements would you suggest to the proposed complaints process?

Council recommends the following improvements:

- Develop and publish clear triage criteria and decision-making elements within the Framework to support consistent assessment of complaints.
- Require an early public-interest assessment before a complaint proceeds beyond triage, having regard to the seriousness of the alleged conduct, impact on governance, community interest and available evidence.
- Establish service standards and target maximum timeframes for triage, investigation and determination, with regular status reporting where matters are delayed.
- Introduce a review mechanism for complaints dismissed at the triage stage and an independent appeal pathway for findings that may result in suspension, disqualification recommendations or other significant sanctions.
- Provide greater guidance regarding evidence requirements, anonymous complaints and complaint admissibility, including that anonymous complaints should generally only proceed where sufficient corroborating evidence exists and there is a demonstrated public interest.
- Subject repeated complaints arising from substantially the same facts to summary dismissal unless material new evidence is presented, and consider sanctions or other controls for knowingly vexatious or bad-faith complaints.
- Clarify that complaints made honestly and in good faith should not be discouraged merely because they are ultimately not substantiated, and that councillors should feel confident reporting potential misconduct without concern that unsuccessful complaints may themselves become the subject of criticism.
- Consider introducing an early intervention or informal resolution process for lower-level disputes where appropriate.
- Encourage councils to identify repeated lower-level inappropriate behaviour patterns and implement proportionate early interventions before conduct escalates, recognising that

individual incidents may not always justify major disciplinary action but can collectively undermine effective governance, respectful debate, councillor wellbeing and public confidence.

- Include behavioural improvement measures where concerns arise, such as mentoring, additional governance education and appropriate follow-up after complaints have been resolved.
- Ensure investigative and disciplinary responses are proportionate to the seriousness of the alleged conduct and its demonstrated impact on council governance.
- Clarify the interaction between the complaints process and Public Interest Disclosure arrangements.
- Clarify the overall process complaints are referred to the Local Environment Court including the treatment of witnesses, subpoenas on councillor and management of legal costs.
- Require conduct investigations to remain confidential until final determination, except where disclosure is required by law, and provide equivalent publication mechanisms where allegations are dismissed or not substantiated.
- Improve transparency through regular reporting on complaint volumes, triage outcomes, dismissal reasons, processing timeframes, review outcomes, repeat complainant statistics and annual framework performance reports.
- Implement secure case tracking arrangements to improve visibility for complainants and respondents.

5. What changes would you recommend to the proposed Privileges Committee to enhance effectiveness?

The effectiveness of the proposed Privileges Committee would be enhanced through stronger governance, independence, transparency and procedural fairness measures.

Consideration should be given to including at least one independent governance, legal or integrity expert on each panel to strengthen impartiality and public confidence in decision-making. Clear eligibility and appointment criteria should also be established, including mandatory training requirements and conflict-of-interest provisions.

In addition, consideration should be given to:

- Establishing a high threshold for complaints arising primarily from participation in council meetings, committee meetings or political debate, unless there is clear evidence of intimidation, threats, discrimination or other serious misconduct.
- Preventing panel members from hearing matters involving neighbouring or closely connected councils.
- Publishing de-identified decisions and reasons to promote transparency and consistent statewide interpretation.
- Establishing clear oversight and review mechanisms.
- Reporting publicly on committee performance and outcomes.
- Ensuring councillors subject to formal allegations have access to particulars, evidence, representation, a right to respond and appropriate review rights.

These measures would help strengthen the credibility, consistency and independence of the committee while protecting robust democratic debate and procedural fairness.

6. What is the greatest risk to effective implementation of the proposed conduct framework?

The greatest risk to effective implementation of the Framework is the perception that decision-making lacks independence, consistency or proportionality. The proposed Privileges Committee will rely heavily on peer assessment by councillors, while the complaints process relies significantly on triage decisions made by OLG. If criteria is unclear, outcomes appear inconsistent, reasoning is not transparent, or stakeholders perceive that decisions are influenced by political or personal relationships, confidence in the Framework may be undermined.

A further risk is that the Framework could be used, or perceived to be used, to suppress legitimate political disagreement, councillor advocacy, scrutiny of administrative decisions or criticism of government agencies and public officials. The Framework should therefore clearly distinguish between unacceptable conduct and the ordinary political functions of elected representatives.

A related implementation risk is that the reforms are treated primarily as a compliance and disciplinary framework, rather than as an opportunity to build stronger governance cultures. OLG should encourage councils to move from a narrow compliance approach to a prevention, education and cultural-improvement approach, where respectful, ethical and inclusive leadership is actively supported.

Strong leadership contributes significantly to a positive governance culture. Councils should be encouraged to provide ongoing governance training for Mayors and meeting chairs, including managing inappropriate behaviour during meetings, de-escalation techniques, maintaining respectful debate, encouraging participation from all councillors, and balancing freedom of political expression with orderly meeting management.

Council also recommends that good governance be treated as a process of continual improvement. Councils should be encouraged to periodically review their governance arrangements, including through governance self-assessments, reviews of behavioural expectations, meeting practices, councillor induction and other governance training programs.

A further practical risk is whether OLG is sufficiently resourced to manage a centralised complaints system. Without adequate staffing, resourcing, performance monitoring, published reasoning and meaningful review pathways, the reforms may not achieve their objectives of delivering a more timely, consistent, transparent and trusted complaints process.



CUMBERLAND
CITY COUNCIL

4 August 2026

Our Reference: 12757320
Contact: [REDACTED]
Telephone: (02) 8757 9150

Mr Brett Whitworth PSM
Deputy Secretary, Local Government
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

By email: olg@olg.nsw.gov.au

Dear Mr Whitworth

SUBMISSION – COUNCILLOR CONDUCT FRAMEWORK REFORMS

Cumberland City Council welcomes the opportunity to provide feedback on the proposed reforms to the Councillor Conduct Framework.

Council strongly supports the proposed reforms and considers them a substantial improvement on the existing Conduct Framework. In particular, Council supports the establishment of an independent complaints management system and the creation of an independent Privileges Committee to consider allegations of unsatisfactory councillor conduct.

Council has long considered the current Code of Conduct Framework to contain an inherent structural conflict of interest. Under the existing arrangements, General Managers are required to receive, administer and report on complaints concerning councillors despite ultimately being employed by the governing body whose members may be the subject of those complaints. This places General Managers in a difficult position and can create a perception that the process lacks sufficient independence.

The proposed reforms appropriately address this longstanding issue by removing councils and General Managers from the administration and determination of councillor conduct complaints, replacing the current arrangements with a more independent, transparent and accountable process. Council considers this to be one of the most significant and positive reforms contained within the proposal and believes it will increase confidence in the integrity of the Conduct Framework across the local government sector.

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ABN 22 798 563 329

Welcome *Belong* **Succeed**

Council also strongly supports the proposed centralisation of complaints management with the introduction of a triage process administered by the Office of Local Government. The proposed Framework should improve consistency, reduce duplication, provide more timely outcomes and assist in filtering out frivolous, vexatious and politically motivated complaints. This will allow greater focus on genuine matters of concern and support more effective management of councillor conduct issues across the sector.

The establishment of a Privileges Committee is also supported. Council believes that allegations relating to unsatisfactory behaviour are best placed being appropriately considered by an independent panel of experienced elected representatives who understand the unique responsibilities, expectations and realities of public office. To further support public confidence in the proposed arrangements, Council encourages the implementation of transparent appointment processes for appointments to the Privileges Committee.

Whilst Council strongly supports the reforms, it considers that the greatest risk to successful implementation is uncertainty regarding the proposed cost recovery and funding arrangements.

Local councils are responsible custodians of public funds and are accountable to their communities for ensuring that expenditure is reasonable, transparent and represents value for money and sound financial management. While Council accepts that the establishment and operation of the new Framework will involve costs, it is essential that councils are provided with clear information regarding the methodology for cost allocation, the categories of expenditure to be recovered and the governance arrangements that will apply to the administration of those funds.

Council therefore requests that the Office of Local Government develop and publish a comprehensive cost recovery framework prior to implementation. This framework should include clear allocation methodologies, transparent reporting of expenditure, appropriate governance and oversight mechanisms, and measures to ensure costs remain reasonable, proportionate and subject to regular review. Such transparency will enable councils to appropriately budget for the new arrangements and provide assurance to their communities that public funds are being managed responsibly.

In conclusion, Cumberland City Council strongly supports the proposed Councillor Conduct Framework reforms and commends proposal for a modernised and more independent model for managing councillor conduct matters. The reforms address a longstanding deficiency in the current Framework and represent a significant advancement in strengthening integrity, accountability and public confidence in local government governance.

Council looks forward to the continued development and implementation of the reforms and encourages the Office of Local Government to ensure the final Framework maintains strong governance arrangements, procedural fairness, transparency and accountability, particularly in relation to the costs borne by councils.

Should you wish to discuss this submission further, please feel free to contact Council's Director Governance & Risk, [REDACTED], on [REDACTED] or [REDACTED].

Yours faithfully

[REDACTED]

[REDACTED]
[REDACTED]

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Broken Hill City Council
Type of organisation	☐ Councillor ☒ Mayor ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☐ Neutral ☒ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	The framework needs to be strengthened to include a mechanism to deter weaponisation of trivial, frivolous or vexatious complaints being made for the purpose of discrediting a Councillor for political gain, especially in the leadup to Local Government Elections; and to also decrease the volume of complaints required to be handled by the Office of Local Government. The possible outcomes from the Privileges Committee to complaints of Councillor behavioural issues being “no further action”, “warning, reprimand or censure” or “referral back to the OLG Departmental Chief Executive” are not strong enough outcomes to deter the weaponisation of complaints. The draft Framework misses the intent of the Minister’s reforms to dismiss early any complaints that are trivial, frivolous or vexatious and made for the purpose of discrediting a Councillor; and to escalate the major breaches such as unlawful conduct, pecuniary interest complaints or planning conflicts of interest, etc for formal investigation. Unless it is regarding major breaches such as serious misconduct, pecuniary interests or planning related matters; there should be limited avenues for the general public to make complaints about Councillors. Democracy should ultimately prevail, with the public’s voice being had at election time and not just because they have disliked a way a Councillor behaves or speaks in public settings or on social media; unless of course, it is deemed to be serious misconduct.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☐ Neutral ☒ Disagree ☐ Strongly disagree

4	What improvements would you suggest to the proposed complaints process?	There needs to be clear and concise guidance, definitions and categorisation for trivial, frivolous and vexatious complaints, in order that these complaints can be assessed as to whether they meet the threshold for further investigation, and if not, can be dismissed in a timely manner by OLG to minimise the cost burdens on Councils for the processing of these complaints. For example, complaints that do not contain any substantiation should be classified as frivolous and dismissed early and not progress to the Privileges Committee, otherwise the Committee will be inundated with complaints leading to long delays in processing and at a substantial cost to Councils.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	That the Privileges Committee assessing complaints be made up of Mayors/Councillors from other “like” Councils, for example a Privileges Committee formed to assess complaints from Broken Hill City Council should be made up of Mayors/Councillors of other Western Division Councils, not metropolitan Councils.
6	What is the greatest risk to effective implementation of the proposed conduct framework	That the Code of Conduct Framework doesn’t include clarification for the mechanism of assessment for the early dismissal of trivial, vexatious complaints; or that the outcomes for complaints referred to the Privileges Committee doesn’t deter trivial or vexatious complaints; or the volume of complaints will not decrease especially in the lead-up to Local Government elections where complaints are weaponised to politically discredit Councillors; and that Councils will carry the financial burden of the lengthy assessment of applications.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

Response ID:	386208
Your council or organisation:	Bellingen Shire Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Bellingen Shire Council supports the broad intent of the reforms but considers that several aspects require further refinement. Council is concerned that separate codes for councillors and for staff, delegates and committee members may add complexity, particularly in mixed council settings. Council prefers one integrated Model Code with role-specific parts. If two codes are retained, OLG should release the companion code and clear interaction guidance before finalising the framework. Definitions of unsatisfactory behaviour and serious misconduct require objective thresholds and practical examples that protect robust political debate. Core OLG regulatory functions should remain State-funded, with no cross-subsidy or costs for complaints dismissed at triage, and the cost model should be separately consulted on. The framework should also include stronger pathways for serious misconduct, clear public reporting of substantiated findings and sanctions, lawful privacy protections, review and appeal rights, service standards, templates, training, transition guidance and updated induction materials. The cost model should also recognise differences in capacity between metropolitan, regional, rural and small councils, limit council contributions to clearly defined complaint management services rather than general regulatory overheads, and report costs annually by council, complaint type and outcome, with safeguards to prevent complainants using the system to impose costs on a council.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Council supports councillor conduct complaints being lodged directly with OLG. This should reduce pressure on General Managers and Mayors, improve consistency and limit local political influence, provided OLG has adequate resources and published service

	standards. The final process should include timeframes for acknowledgment, triage, notification, referral and investigation; clear dismissal thresholds; guidance on anonymous, election-period and repeated complaints; written reasons; review and appeal rights; and reporting on complaint categories, dismissal rates, resolution times and lessons learned. Safeguards against bad-faith complaints should require a separate finding of improper purpose and procedural fairness. Reporting should also capture overall complaint volumes and be published regularly as part of sector-wide reporting on trends, supporting a clear, well-resourced 'front door' for complaints and early triage that filters out trivial, vexatious or politically motivated matters before they proceed further, consistent with a proportionate framework that protects robust political debate while dealing decisively with genuine misconduct.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The greatest risk is that the centralised framework will commence before OLG has sufficient resources, systems, settled procedures and practical materials to administer it consistently and within reasonable timeframes. The implementation task should not be underestimated. If the reform is rushed without proper tools, councils will carry the administrative burden and the sector will end up with inconsistent practice from day one. Unclear definitions, unresolved cost recovery arrangements, incomplete public reporting requirements and uncertainty about the interaction between the two codes may also produce inconsistent implementation. Before commencement, OLG should provide final legislation and regulations, clear definitions and decision-making thresholds, the cost recovery model, published service standards, model council reports, template policies and procedures, complaint referral guidance, review and appeal procedures, the companion code, model registers of interests, training and updated induction materials, guidance on existing complaints and transitional arrangements, public reporting guidance and clear public communication materials. A staged transition is necessary to avoid inconsistent practice and unnecessary administrative burden. OLG should also publish a clear commencement timetable so councils, councillors and staff have adequate lead time to update adopted codes, complaint processes, delegations, registers of interest and induction material before the new framework takes effect, reducing the risk of gaps or inconsistent practice occurring immediately after commencement across the sector.
What is the greatest risk to effective implementation of	The greatest risk is that the centralised framework will commence before OLG has sufficient resources, systems, settled procedures and practical materials to administer it consistently and within

the proposed conduct framework?	reasonable timeframes. The implementation task should not be underestimated. If the reform is rushed without proper tools, councils will carry the administrative burden and the sector will end up with inconsistent practice from day one. Unclear definitions, unresolved cost recovery arrangements, incomplete public reporting requirements and uncertainty about the interaction between the two codes may also produce inconsistent implementation. Before commencement, OLG should provide final legislation and regulations, clear definitions and decision-making thresholds, the cost recovery model, published service standards, model council reports, template policies and procedures, complaint referral guidance, review and appeal procedures, the companion code, model registers of interests, training and updated induction materials, guidance on existing complaints and transitional arrangements, public reporting guidance and clear public communication materials. A staged transition is necessary to avoid inconsistent practice and unnecessary administrative burden. OLG should also publish a clear commencement timetable so councils, councillors and staff have adequate lead time to update adopted codes, complaint processes, delegations, registers of interest and induction material before the new framework takes effect, reducing the risk of gaps or inconsistent practice occurring immediately after commencement across the sector.
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Response ID:	386228
Your council or organisation:	Glen Innes Severn Council
Type of organisation:	[REDACTED]
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Neutral
What aspects of the framework need further refinement or further explanation?	Glen Innes Severn Council considers that several aspects of the proposed framework require further refinement and clarification, including: Service standards and timeframes for complaint assessment, triage and investigation. How consistent decision-making will be achieved across different Privileges Committee panels and OLG investigators. The governance arrangements, composition, oversight and conflict management requirements of the Privileges Committee. How diversity of experience, background and perspective will be considered in the composition of Privileges Committee panels. The role of councils and General Managers in the early management of low-level behavioural matters. The operation of the proposed conflict of interest framework, particularly in relation to external memberships, affiliations and leadership roles. The assessment and management of actual, potential and perceived conflicts of interest. The practical application of political donation provisions and councillor access to information requirements. The thresholds and consequences associated with vexatious or improper complaints. Council considers that these matters require further clarity to ensure the framework operates consistently, transparently and in a way that maintains public confidence.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Disagree
What improvements would you suggest to the	Council supports the centralisation of complaints through OLG but considers the process should be strengthened by:

proposed complaints process?	Establishing published performance standards for complaint assessment, triage and investigation. Providing adequate resourcing to ensure complaints are dealt with in a timely manner. Introducing regular status reporting to affected councils. Establishing transparent escalation mechanisms where prescribed timeframes are exceeded. Retaining an appropriate role for councils and General Managers in resolving low-level behavioural matters before escalation to a formal complaint process. Clearly distinguishing between low-level behavioural matters and genuine conduct issues to ensure complaints are managed proportionately and resources are focused on more serious matters. A centralised framework will only achieve its objectives if it is adequately resourced, timely and transparent.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	The greatest risk is that responsibilities are centralised without the resources, safeguards and operational guidance necessary to deliver timely, consistent and transparent outcomes. Without adequate resourcing, clear service standards, consistent decision-making processes and transparent governance arrangements, there is a risk that complaint handling delays will continue, public confidence in the framework will be diminished, and councils will lose practical pathways for resolving lower-level behavioural issues before they escalate into formal conduct matters. There is also a risk that reduced transparency within the conflict of interest framework may create uncertainty for councillors, councils and the community, particularly in relation to external affiliations and perceived conflicts of interest. The success of the framework will depend not only on its design, but on its ability to deliver timely, consistent and transparent outcomes in practice while maintaining public confidence in local government decision-making.
What is the greatest risk to effective implementation of the proposed conduct framework?	The greatest risk is that responsibilities are centralised without the resources, safeguards and operational guidance necessary to deliver timely, consistent and transparent outcomes. Without adequate resourcing, clear service standards, consistent decision-making processes and transparent governance arrangements, there is a risk that complaint handling delays will continue, public confidence in the framework will be diminished, and councils will lose practical pathways for resolving lower-level behavioural issues before they escalate into formal conduct matters. There is also a risk that reduced transparency within the conflict of interest framework may create uncertainty for councillors, councils and the community, particularly in relation to external affiliations and perceived conflicts of interest.

	The success of the framework will depend not only on its design, but on its ability to deliver timely, consistent and transparent outcomes in practice while maintaining public confidence in local government decision-making.
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Response ID:	386239
Your council or organisation:	City of Coffs Harbour Council - COFFS HARBOUR, NSW
Type of organisation:	Other
Please specify:	Submission by consensus of the councillors and senior management of the City of Coffs Harbour
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	1. Definition of unsatisfactory behaviour remains subjective and relies heavily on peer judgement. 2. Requires clear guidance and evidentiary threshold for disinformation. 3. Clarification on what constitutes a pattern of behaviour. 4. Clarify criteria for escalation from Privileges Committee to OLG. 5. Requires details on the cost recovery model.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	1. Publication of the triage guidelines and decision-making criteria. 2. Introduce service standards for complaint assessment and resolution. 3. Provide regular reporting on complaint outcomes. 4. Permit informal resolution mechanisms where appropriate. Develop guidance material for complainants. 5. Allow councils to receive de-identified trend information to support governance improvement. 6. Establish clear review mechanisms for dismissed complaints
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	1. The greatest risk to successful implementation is a lack of clear guidance, consistent decision-making and adequate resourcing. 2. Without these elements, the reforms may fail to achieve their objectives of reducing vexatious complaints, improving accountability and increasing public confidence in local government conduct processes.

What is the greatest risk to effective implementation of the proposed conduct framework?	1. The greatest risk to successful implementation is a lack of clear guidance, consistent decision-making and adequate resourcing. 2. Without these elements, the reforms may fail to achieve their objectives of reducing vexatious complaints, improving accountability and increasing public confidence in local government conduct processes.
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Response ID:	386258
Your council or organisation:	Mid-Coast Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Councils are required to contribute to the costs associated with the Privileges Committee which seems fair however the specific details of how this will work are not provided in the brief. The consultation draft does not specifically state how a matter referred to the Land and Environment Court will be funded/managed. Will Councils be expected to fund those instances and will they have some say in the proceeding if they are funding it.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	Further details on distribution of costs noting that the consultation draft does state these issues are still being worked through. What procedures will be put in place to ensure consistency in decision making of the Privileges Committee.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Risk 1: This is significant change to the operation of the Code for Councillors. There will need to be time to provide training and consultation with Councillors. Additionally, while these changes relate to Councillors, there will be a need to provide training for a reasonably large number of staff regarding the changes. Risk 2: It will be difficult to prepare annual budgets given much of the framework is now not controlled by Council but may be funded by Council.
What is the greatest risk to effective implementation of the proposed conduct framework?	Risk 1: This is significant change to the operation of the Code for Councillors. There will need to be time to provide training and consultation with Councillors. Additionally, while these changes relate to Councillors, there will be a need to provide training for a reasonably large number of staff regarding the changes. Risk 2: It will be difficult to prepare annual budgets given much of the framework is now not controlled by Council but may be funded by Council.

Response ID:	386295
Your council or organisation:	Cessnock City Council
Type of organisation:	General Manager/council executive
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Further information is required regarding the cost recovery approach to managing complaints under this new framework. For example, the Paper outlines that “Councils would contribute to the cost of managing conduct matters, particularly the work of the Privileges Committee”. There is concern that councils with relatively few conduct matters could be contributing to the costs generated by councils with higher number of complaints. Further information is required on hearing procedures, representation rights, council involvement in decision-making processes.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	While the ability of members of the public to submit complaints independently to a central body provides one measure of assurance, this also removes the local accountability. Will there be any liaison with Councils as part of the complaints process? Whilst acknowledging and supporting the role of the OLG as an independent reviewer of these complaints, councils are often more aware of context and past behaviour of their Councillors. Where Councils become aware of a Councillor “unsatisfactory behaviour”, should this still be reported using the online form? Section 7 refers to “proposed sanctions and appeals” but provides no information about an appeals process. If a Councillor appeals the Privileges Committee’s decision regarding unsatisfactory behaviour, is there an avenue for appeal of this decision? Improvements could be made to clarify the overlap between the proposed sanctions.
What changes would you recommend to the	The financial sustainability of the model will have a direct impact on councils yet be outside their control.

proposed privileges committee to enhance effectiveness?	
What is the greatest risk to effective implementation of the proposed conduct framework?	The financial sustainability of the model will have a direct impact on councils yet be outside their control.

Response ID:	386325
Your council or organisation:	Moree Plains Shire Council
Type of organisation:	Mayor
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	There must be a clear triage process for complaints based on the risk associated with the reported behaviour continuing. A proper WHS risk assessment for physical and psychosocial impact. There needs to be clear service standards or a customer service charter stating response times. These matters can go on forever with huge damage done. There needs to be real commitment to improvement in timelines and outcomes. From experience, a censure has no impact on councillor behaviour. There needs to be more effective consequences, delivered expediently, especially in cases of high risk to councillors and staff.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Neutral
What improvements would you suggest to the proposed complaints process?	We broadly support the proposed complaints process, particularly independent OLG triage and investigation. However, we suggest the following improvements: Triage complaints by urgency and risk, not only seriousness. Allegations involving threats, aggression, intimidation, WHS risks or an unsafe workplace should receive an expedited response. Introduce published service standards for acknowledgement, triage, investigation and determination, including shorter timeframes for urgent matters. Provide interim risk-management powers while serious matters are investigated, including proportionate restrictions on attendance, contact or participation where necessary to protect councillors and staff. Publish clear triage criteria explaining what is dismissed, referred to the Privileges Committee, investigated by OLG or escalated further.

	Ensure the Privileges Committee cannot delay serious matters. Threatening, aggressive or potentially WHS-breaching conduct should proceed directly to OLG investigation. Provide a clear review and complaints mechanism for OLG's own administration, including unreasonable delay, inappropriate triage or procedural failure. Make accountability individual. Performance Improvement Orders and other corrective measures concerning an individual councillor should attach to that councillor rather than unnecessarily damaging the reputation of the whole council. Improve evidence preservation, including requiring confidential council sessions to be recorded and securely retained, but not published, so serious allegations arising in closed council can be properly investigated. Centralising complaints with OLG is welcome, but centralisation alone will not solve the current problems. The new system needs to be independent, timely, risk-based and capable of protecting people while investigations are underway.
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	OLG resourcing the various roles appropriately, committing to timely service standards, and exercising sound judgment in determining how matters are proceeded with.
What is the greatest risk to effective implementation of the proposed conduct framework?	OLG resourcing the various roles appropriately, committing to timely service standards, and exercising sound judgment in determining how matters are proceeded with.

Response ID:	386344
Your council or organisation:	Riverina Eastern Regional Organisation of Councils (REROC)
Type of organisation:	Joint Organisation/Regional Organisations of Councils
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Strongly agree
What aspects of the framework need further refinement or further explanation?	REROC supports the intent of the proposed framework and emphasis on accountability, transparency and conduct standards. Several aspects would benefit from further refinement and guidance to support consistent interpretation and application across Local Government. Clarity is required regarding definitions and application of pecuniary interests, non-pecuniary interests, conflicts of interest, bullying, harassment, unsatisfactory behaviour and serious misconduct. Distinction between unsatisfactory behaviour and serious misconduct is welcomed, some terms remain subjective, allowing alternative differing interpretation. Terms like "outside the norms and expectations of a councillor", "abuse of privilege" and "disinformation" require additional guidance, examples and case-studies. The framework should provide clearer guidance regarding councillor conduct beyond formal meetings. Behaviour occurring in-person or online, including social media, e-communications and councillor interactions, council staff and community members, can significantly affect governance, workplace culture, wellbeing and public confidence. The framework should provide confidence that substantiated misconduct, particularly causing psychological, emotional or physical harm to councillors, council staff or others, will attract meaningful, proportionate consequences. Effective deterrents are essential to addressing bullying, harassment, intimidation, threatening behaviour and repeated unreasonable conduct. Further explanation is required regarding the distinction between legitimate information sharing and briefing activities and inappropriate pre-determination of matters. It's particularly important for remote, rural and regional councils dealing with complex, highly technical issues. Guidance should recognise the role that workshops, briefing sessions and committee structures play in supporting informed, transparent and accountable decision-making.

	Comprehensive guidance materials, practical-examples, case-studies and implementation support is critical to ensuring consistent application of the framework and confidence in its operation.
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Strongly agree
What improvements would you suggest to the proposed complaints process?	REROC supports establishing a complaints process that is transparent, timely, proportionate and capable of maintaining public confidence in local government. To strengthen framework effectiveness, several improvements should be considered. 1. Greater clarity is required regarding assessment and classification of complaints. Guidance, examples and case studies should be developed to assist complainants, councillors, councils and investigators to consistently distinguish between unsatisfactory behaviour and serious misconduct, reducing the risk of subjective interpretation and inconsistent outcomes. 2. The process should provide greater certainty around assessment timeframes, investigation milestones and communication requirements. Timely resolution of complaints is critical to maintaining confidence in the system and minimising impacts on councillors, council staff and council operations. The proposed framework provides greater clarity regarding unacceptable conduct; consideration should be given to strengthening penalties for proven misconduct, particularly where behaviour causes harm to councillors, council staff, public, or the broader LG sector. REROC supports stronger provisions to address bullying, harassment, intimidation and behaviours that result in psychological, emotional or physical harm. Where misconduct is substantiated, meaningful and proportionate sanctions that act as genuine deterrents and reinforce expected standards of behaviour should be provided. Process should provide clear guidance regarding conduct occurring outside formal council meetings, including occurrences in-person or online, e-communications and social-media. Expectations and accountabilities should be applied consistently regardless of where the conduct occurs. Framework should distinguish legitimate information gathering, councillor-briefings, workshops and committee processes from inappropriate pre-determination of matters and be supported by guidance, training and implementation resources to promote consistency, fairness and confidence across the sector.

What changes would you recommend to the proposed privileges committee to enhance effectiveness?	REROc considers the greatest risk to effective implementation of the proposed framework is the potential for inconsistent interpretation and application across local government sector. While the framework provides greater clarity around standards of conduct and distinctions between unsatisfactory behaviour and serious misconduct, several key concepts remain open to subjective interpretation. Terms such as "outside the norms and expectations of a councillor", "abuse of privilege" and "disinformation" may be interpreted differently by councils, investigators and decision-makers, creating the risk of inconsistent outcomes for similar conduct. This risk is amplified by the diversity of local government across NSW. Metropolitan, regional, rural and remote councils operate in different environments, with varying resources, governance arrangements and community expectations. Without clear guidance and consistent decision-making processes, there is a risk that the framework will be applied unevenly, undermining confidence in both the complaints process and the outcomes achieved. REROc is concerned that uncertainty regarding conduct occurring outside formal council meetings, including behaviour occurring in person or online through social media and electronic communications, may create confusion regarding councillor obligations and accountabilities. Serious risk is where substantiated misconduct may not attract sufficiently meaningful consequences. Where behaviour causes psychological, emotional or physical harm to councillors, council staff, members of the public or the broader local government sector, sanctions must be proportionate, visible and act as a genuine deterrent. To mitigate these risks, REROc strongly recommends comprehensive guidance materials, practical examples, case-studies, training programs and consistent assessment processes to support fair, transparent and accountable implementation across the sector.
What is the greatest risk to effective implementation of the proposed conduct framework?	REROc considers the greatest risk to effective implementation of the proposed framework is the potential for inconsistent interpretation and application across local government sector. While the framework provides greater clarity around standards of conduct and distinctions between unsatisfactory behaviour and serious misconduct, several key concepts remain open to subjective interpretation. Terms such as "outside the norms and expectations of a councillor", "abuse of privilege" and "disinformation" may be interpreted differently by councils, investigators and decision-makers, creating the risk of inconsistent outcomes for similar conduct.

	This risk is amplified by the diversity of local government across NSW. Metropolitan, regional, rural and remote councils operate in different environments, with varying resources, governance arrangements and community expectations. Without clear guidance and consistent decision-making processes, there is a risk that the framework will be applied unevenly, undermining confidence in both the complaints process and the outcomes achieved. REROC is concerned that uncertainty regarding conduct occurring outside formal council meetings, including behaviour occurring in person or online through social media and electronic communications, may create confusion regarding councillor obligations and accountabilities. Serious risk is where substantiated misconduct may not attract sufficiently meaningful consequences. Where behaviour causes psychological, emotional or physical harm to councillors, council staff, members of the public or the broader local government sector, sanctions must be proportionate, visible and act as a genuine deterrent. To mitigate these risks, REROC strongly recommends comprehensive guidance materials, practical examples, case-studies, training programs and consistent assessment processes to support fair, transparent and accountable implementation across the sector.
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Our reference: MKB:ATR

24 July 2026

Brett Whitworth
Deputy Secretary, Local Government
Office of Local Government
Locked Bag 3015, NOWRA NSW 2541
olg@olg.nsw.gov.au

Dear Mr Whitworth

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 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.

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, online publications, public meetings or other forums.

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, online 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, SafeWork NSW, ICAC, the NSW Ombudsman and NSW Police where conduct issues involve overlapping jurisdictions.

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.

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.

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-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.

In conclusion, Temora Shire Council supports the objectives of the proposed reforms and acknowledges the significant work undertaken by the Office of Local Government in developing the current package. The proposed framework represents a positive step toward a more effective, transparent and enforceable councillor conduct regime.

Council looks forward to continuing engagement with the Office of Local Government as the reforms progress and would welcome further opportunities to contribute to the development of the final framework and associated implementation arrangements.

Yours sincerely

[REDACTED]

MK Boxall
GENERAL MANAGER

Wollongong City Council

Submission to the Office of Local Government

Councillor Conduct Reforms and Draft Model Code of Conduct for Councillors

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.

Summary of key recommendations

Issue	Council position	Suggested OLG action
Status and enforceability of the code	Support an enforceable Councillor code rather than a purely aspirational model.	Retain clear enforceable obligations and avoid removing substantive behavioural controls unless they are replicated in legislation or procedures.
Sexual Harassment not referenced in Draft Code of Conduct	Code doesn't specifically mention sexual harassment despite the significant community, legal, WHS and governance focus on that issue in recent years.	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.

Child protection and safeguarding	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.	Expressly recognise child protection, safeguarding and reportable conduct obligations in the Code or supporting guidance.
Conflict of interest framework	Support clearer conflict tests but seek additional guidance on “very close relationship”, “directly and materially affected” and political donation conflicts.	Issue practical guidance, case studies and declaration templates before commencement.
Complaint triage and improper purpose complaints	Support stronger controls against trivial, frivolous, vexatious and politically motivated complaints.	Design a robust early assessment process with written reasons, review paths and cost consequences only where appropriate and procedurally fair.
Privileges Committee or equivalent body	Support removal of general managers from Councillor complaint handling, subject to independence and appropriate expertise.	Do not constitute the committee solely with current mayors or Councillors; include legal, governance, community and local government expertise.
Privileges Committee or equivalent body	Support all members be appropriately qualified to a defined minimum standard	Council recommends that all persons involved in preliminary assessment, investigation, decision-making or review under the new framework meet minimum training and competency requirements.
Sanctions and penalty framework	Support warnings and censures for less serious matters and independent tribunal involvement for serious penalties.	Provide a graduated sanctions matrix and ensure financial penalties or loss of allowances are not imposed without independent review and procedural fairness.
Staff interactions and WHS	Support retaining provisions governing staff interactions, intimidation, bullying, harassment and WHS obligations.	Provide guidance on the interaction between Councillor conduct obligations and council WHS duties, Councillor access, staff contact policies and psychosocial risk controls.

Gifts and benefits	Support clear limits and prohibition on gifts from property developers.	Resolve the relationship between the \$300 acceptance limit and \$500 disclosure thresholds in the returns.
Gifts and benefits	Concerned by inconsistency between acceptance limit for Council staff and Councillors	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.
Gifts and benefits	Council suggests a prohibition on gifts, benefits and hospitality from current suppliers to Council	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.
Procedural rules	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.	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.
Procedural rules	The draft code does not reference the issue of whether anonymous complaints will be accepted nor, how they will be managed	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.
Cost Recovery	Councils should not bear disproportionate costs arising from frivolous, vexatious or unsubstantiated complaints, nor should legitimate complainants be discouraged from reporting genuine misconduct through financial disincentives.	Council recommends further consultation with the sector before any cost recovery framework is finalised.
Implementation	Support staged implementation and further consultation.	Provide draft procedures, guidance, template forms and transitional arrangements for sector comment before commencement.

2. Background and approach

In November 2024, Council provided a detailed submission to OLG's discussion paper, *Councillor conduct and meeting practices - A new framework*. Council's submission recognised that the Councillor conduct framework, complaint handling mechanisms and meeting procedures are appropriate matters for review and refinement but submitted that the sector generally operates well and that concerns should not be addressed through unnecessarily broad reforms that impose disproportionate burdens on councils already operating transparently and effectively.

Council's previous submission also emphasised that many of the 2024 proposals lacked the definitions, limitations, procedural detail and draft wording required for councils to provide fully informed feedback. Council therefore requested that detailed draft legislative provisions, code provisions, committee membership arrangements, procedural rules and breach criteria be circulated for further sector comment before commencement.

The June 2026 draft Model Code now provides considerably more detail than the 2024 discussion paper. This submission therefore uses Council's 2024 position as a guide, while focusing on whether the draft Code and associated framework adequately address the practical, legal, governance and integrity issues previously raised by Council.

3. General position on reform

3.1 Support for targeted reform, not unnecessary over-correction

Council continues to submit that any reforms should be proportionate to identified problems. The existence of trivial, vexatious or politically motivated complaints should be addressed through effective triage, clear thresholds and timely preliminary assessment, rather than by weakening the standards expected of elected representatives or creating overly broad and uncertain powers.

Council supports the policy intent of reducing weaponisation of the complaints process and ensuring serious conflict of interest or misconduct matters are dealt with independently and promptly. However, this

will only be achieved if OLG and any new decision-making body are properly resourced, operate under clear procedural rules and can dismiss matters at an early stage where they are trivial, misconceived, outside jurisdiction or made for an improper purpose.

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.

4. Application of the draft Code

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 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.

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.

5. General conduct obligations

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

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.

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 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.

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.

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.

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.

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.

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.

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 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.

6.4 Political donations

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.

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.

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.

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.

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.

7.2 Property developers

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, 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.

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.

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.

9. Access to information and resources

9.1 Information access

Council supports the principle in the Code of Conduct that Councillors should receive information necessary to effectively perform their official functions, and that information provided to one Councillor about a matter before a council or committee should be available to all Councillors, subject to conflict-of-interest limitations.

Council recommends that OLG provide additional guidance on the interaction between clauses requiring information to be provided to Councillors, local government information access obligations, confidential information, privacy, public interest privilege, legal privilege, staff privacy and matters considered in closed session.

In addition Council recommends that the OLG also provide additional guidance clearly outlining the intersections and points of difference in the rules, provisions (and restrictions) on providing information to Councillors as specified in the draft Code of Conduct and the requirements relating to information surrounding council reports being provided to Councillors as specified in the Local Government (General) Regulation 2021.

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.

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.

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.

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, 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.

11. Complaints, triage, decision-making body and penalties

11.1 Removal of General Manager from Councillor complaint handling

Council supports removing general managers from receiving, assessing and managing code of conduct complaints about Councillors. Council previously submitted that the current arrangements place general managers in a difficult position, particularly where complaints are made by one Councillor against another, and may damage the working relationship between the general manager and the elected council.

Council supports conflict of interest matters being managed directly by OLG and behavioural matters being considered by an independent body, provided the framework has clear jurisdictional rules, early dismissal powers, resourcing and procedural fairness.

11.2 Privileges Committee or equivalent body

Council remains concerned about a decision-making body comprising only current mayors, Councillors or former mayors. While sector experience is valuable, the risk of perceived political influence is significant. Council recommends a more balanced body comprising legal expertise, governance expertise, former elected members, local government sector experience and community representation.

Council acknowledges that peer assessment may be appropriate for certain behavioural matters. However, Council considers that decision-makers should still be guided by published criteria, examples and procedural rules. Without clearly articulated thresholds, there is a risk of inconsistent outcomes between councils, regions and Privileges Committee panels.

Council recommends that any committee be chaired by a person with appropriate legal qualifications and experience, such as a current or former judicial officer or an Australian lawyer of at least seven years standing, supported by members with local government, governance and community expertise. Current Councillors and mayors should not form a majority of the body, and consideration should be given to whether current elected officials should be eligible at all.

Council also recommends that all persons involved in preliminary assessment, investigation, decision-making or review under the new framework meet minimum training and competency requirements. Decision-makers should have appropriate knowledge of administrative law, natural justice, evidence assessment, conflicts of interest, local government functions, Councillor and staff roles, work health and safety, psychosocial risk, privacy, public interest disclosures and complaint handling. Where matters involve harassment, sexual harassment, child safety, trauma, reprisal risk or significant workplace impacts, decision-makers should have access to relevant specialist expertise. This is necessary to ensure consistent, independent and legally defensible decisions across the sector.

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,

publication of reasons, confidentiality, review or appeal rights, cost consequences and referral pathways 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.

Triage and Preliminary Assessment of Complaints

Council strongly supports the establishment of a robust and timely triage process at the earliest stage of complaint assessment. While the proposed framework appropriately seeks to remove councils from investigating complaints about their own Councillors, there remains significant value in allowing straightforward matters to be identified and resolved quickly where no reasonable prospect of a breach finding exists. Under the current framework, General Managers are often able to promptly address misunderstandings, explain governance requirements or facilitate local resolution of minor interpersonal issues without the need for formal investigation. Council is concerned that, without an effective preliminary assessment process and the ability to divert suitable matters to alternative resolution mechanisms, relatively minor complaints could become subject to lengthy formal processes. This may create disproportionate impacts on Councillors, consume limited regulatory resources, unnecessarily strain sensitive political and working relationships, and undermine confidence in the effectiveness of the new framework. Council recommends that the procedures include strict assessment timeframes, clear diversion criteria and the ability to refer appropriate matters back to the Council in an expedited manner where clarification, mediation, education or local resolution as opposed to formal investigation is the most appropriate 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. This would reinforce that the solution to complaint misuse is effective early triage and proportionate responses, rather than simply shifting all matters into a centralised process.

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.

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.

11.4 Sanctions

Council supports warnings and censures for less serious matters. Council continues to submit that serious sanctions, including suspension, disqualification, significant fines or loss of Councillor allowances, should only be imposed by a judicial or quasi-judicial body or following a process with equivalent independence, procedural fairness and review rights.

Council recommends that OLG publish a sanctions matrix distinguishing administrative breaches, minor misconduct, repeated misconduct, serious conflict of interest, misuse of office, disclosure of confidential information, staff intimidation or harassment, improper complaints and corruption-related conduct. This would assist consistency and proportionality across the sector.

11.5 Cost Recovery

Council notes the proposal for a proportionate costs model and recommends further consultation with the sector before any cost recovery framework is finalised. Councils should not bear disproportionate costs arising from frivolous, vexatious or unsubstantiated complaints, nor should legitimate complainants be discouraged from reporting genuine misconduct through financial disincentives.

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;
- a transition timetable for existing complaints and disclosures; and
- resourcing commitments for OLG and any new decision-making body.

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.



4 August 2026

Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Via Email only: councillorconduct@olg.nsw.gov.au

Dear Sir/Madam

Feedback: Model Code of Conduct for Councillors & Councillor Conduct Reform Policy Statement

Council welcomes the opportunity to provide feedback on the Model Code of Conduct for Councillors – Draft, June 2026 (Draft Model Code) and the *Improving Councillor Accountability – Councillor Conduct Reform Policy Statement*, June 2026 (Policy Statement).

Council supports the objectives of establishing clearer conduct standards, protecting robust political debate, dismissing trivial or vexatious complaints at an early stage and ensuring that serious misconduct is addressed promptly and consistently. Council's support is subject to the final framework being adequately resourced, procedurally fair and designed so that councils are not exposed to costs over which they have little control.

Complaints processes

Council supports consolidating OLG's investigation and disciplinary powers into a single chapter of the Local Government Act, providing a clear and centralised framework for conduct, pecuniary interest, performance improvement and compliance matters. This approach addresses longstanding confusion caused by fragmented provisions. Council also seeks clarification on the following questions:

1. Would any complaints under a special complaints arrangement be included in the scheme?
2. Does Council receive notification when a complaint is received and finalised?
3. Would the triage of complaints received by OLG include consultation with councils to determine any past history in relation to a particular complaint, including whether the complainant was vexatious?

Representation 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?

Delegation to Mayors and General Managers and costs arrangements.

Council recommends that OLG be authorised, after initial triage, to refer suitable low-level matters to an early resolution process involving the Mayor, General Manager, an independent mediator or another appropriately qualified person.

This pathway should only be used where the parties consent, no relevant conflict of interest exists and the matter does not involve serious misconduct, corruption, a significant conflict of interest, a public interest disclosure, a work health and safety risk or repeated unsatisfactory behaviour. Retaining a controlled early resolution pathway would allow minor interpersonal disputes and misunderstandings to be resolved quickly without undermining the proposed single point of entry through OLG.

Private conduct reviewers

Council believes the use of private conduct reviewers should still be enabled. They will still be a feature in regard to complaints against staff and there may be occasions where their utilisation might simplify and speed up the conclusion of a complaint. If not available, there are possibilities the Privileges Committee may be 'swamped'.

Procedural versus structural change

The proposals are almost entirely procedural and do little analysis of the cause of the increase in volume and severity of complaints. Council believes that social media is a major factor in this increase, and that the treatment of social media under OLG free speech guidelines as simply another mechanism of public consultation ignores that these are commercial platforms, not public (or local) infrastructure, and with design characteristics that foster and profit from division.

Trusting this assists, again thank you for the opportunity to respond.

[REDACTED]

[REDACTED]

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Local Government NSW
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☐ Yes ☐ No Attached submission authorised by Board of Local Government NSW

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree See attached submission
2	What aspects of the framework need further refinement or further explanation?	See attached submission
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree See attached submission
4	What improvements would you suggest to the proposed complaints process?	See attached submission
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	See attached submission
6	What is the greatest risk to effective implementation of the proposed conduct framework	See attached submission

By submitting this form, you have read and agreed to the department's [privacy statement](#).

SUBMISSION

**Councillor
Conduct Reform
Policy
Statement**

21 JULY 2026



Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State.

OVERVIEW OF THE LOCAL GOVERNMENT SECTOR



Employ nearly **50,000 people**



Manage more than **1,800 community & public centres**



Maintain more than **168,000km of roads & bridges**



Manage more than **\$220 billion of community assets**



Recycle **1.75 million tonnes of waste**



Spend more than **\$2.5 billion each year on caring for the environment**



Operate more than **380 libraries that attract tens of millions of visits each year**



Make kerbside waste collections for more than **3.1 million households**



Manage an estimated **4 million tonnes of waste each year**



Spend more than **\$2.4 billion on culture and recreation**

Local Government NSW acknowledges and pays respect to the Traditional Owners of the lands on which we work, and the lands we travel through. We also acknowledge our Elders – past, present and emerging.

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Opening

Local Government NSW (“LGNSW”) welcomes the opportunity to review and provide feedback to the Office of Local Government (“OLG”) on the *Improving Councillor Accountability - Councillor Conduct Reform Policy Statement* (“**Policy Statement**”) dated June 2026.

This 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 (“**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 in response to the *Councillor Conduct and Meeting Practices: Discussion Paper* (“**2024 Submission**”). The **2024 Submission** was endorsed by the LGNSW Board on 6 December 2024.

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 (“**Model Code of Conduct for Councillors**”) and one for council officials (“**Model Code of Conduct for Council Staff, Delegated and Committee Members**”). The reasons listed in this email for such a separation include the desire to minimise the risk of the Model Code being misused or weaponised by councillors to initiate politically motivated complaint investigations.

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. Attached to this Circular was the Policy Statement and draft Model Code of Conduct for Councillors ("**draft Model Code**"). LGNSW will provide separate a separate submission on the draft Model Code.

On 9 July 2026, LGNSW called for submissions from member Councils for feedback on the Policy Statement and draft Model Code.

LGNSW, as per the **2024 Submission**, supports reforming the current Conduct Framework to deter misconduct and secure public trust in local government. LGNSW supports Stage 1 of the proposed reforms, which includes the transfer of jurisdiction for councillor misconduct matters from the NSW Civil and Administrative Tribunal (NCAT) to the Land and Environment Court (LEC) through the *Local Government and Other Legislation Amendment (Councillor Conduct) Bill 2025* ("**Councillor Conduct Bill**") currently before NSW Parliament.

LGNSW also supports some elements of Stage 2 of the proposed reforms, however, LGNSW continues to raise questions with respect to the proposed Privileges Committee.

LGNSW would also like to reserve comment on other aspects of the proposed reforms until further details are provided, including design details of the cost recovery model and proposed shared financial responsibility for councillor behaviour management.

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 resolutions are relevant to some issues raised in the **Policy Statement**;

2023 Annual Conference (Item 23)

"That Local Government NSW formally requests the NSW Government to undertake comprehensive reform of the existing Code of Conduct complaint system with specific regard to:

- 1. Code of Conduct complaints about councillors to be lodged directly with an independent tribunal to centralise the code of conduct complaint system, increasing efficiency, transparency and fairness.*
- 2. An independent tribunal be created to assume full responsibility for the entire process of triaging complaints and managing or undertaking preliminary assessment and full investigation, to resolve complaints.*
- 3. That the Commissioner be required to maintain a central register of councillor conduct complaints and their management, and that a copy of all investigation reports are published for transparency, on the Commissioner's website."*

In relation to this Resolution, the Minister for Local Government provided a 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.

2024 Annual Conference (Item 9)

"That Local Government NSW write to the Minister for Local Government to:

"...

- 2. Request that the NSW Government consult with the local government sector on the guidelines for the selection and appointment of privileges committee members;*
- 3. Advocate that Privileges Committee members be required to come from the sector (local government experience) and have a limited term... "*

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 need for a new approach

(Part 3 and 4 of the **Policy Statement**)

Responding to growing concerns

LGNSW generally supports the principles detailed on pages 5 and 6 of the Policy Statement which have outlined the intent of the proposed changes. In particular, LGNSW supports the introduction of a simplified and clearer definition of councillor misconduct within the *Local Government Act 1993*(NSW)("LGA").

Furthermore, in alignment with the **2024 Submission**, LGNSW supports changes allowing OLG, as the regulator, to impose meaningful sanctions for obvious and serious breaches of the Model Code and the redirecting of complaints about councillor conduct directly to OLG. However, LGNSW requests further details of the proposed central management system and triaging process be developed in consultation with LGNSW and the Local Government Sector in general.

Simplified definition of poor behaviour

LGNSW notes the proposed updated definitions of '*unsatisfactory behaviour*' and '*serious misconduct*' on page 7 of the **Policy Statement**. However, LGNSW requests

clarity on whether the Minister intends to introduce these definitions by way of amending the *Local Government Act 1993* (LGA), or whether these definitions are to be included in the relevant Model Code of Conduct for Councillors, noting these definitions do not currently appear in the draft Model Code.

LGNSW also seeks clarification on what “*further work*” the OLG intends to undertake to streamline the referral of matters from the Independent Commission Against Corruption (ICAC) and the NSW Ombudsman, noting these regulators do not operate under the exclusive jurisdiction of the OLG.

Privileges Committee

A panel of peers

In the **2024 Submission** LGNSW expressed concerns regarding the proposal for a Privileges Committee to be comprised of currently serving Mayors and Councillors. Whilst LGNSW agrees that privileges committee members should come from the Local Government Sector, LGNSW share the view of our members that there is potential for Committee decisions to involve (or be perceived as involving) politically motivated outcomes.

As such, LGNSW seeks clarity on how appropriate checks and balances will be conducted to minimize political biases in this regard. LGNSW reserves making further comment until additional information is available on the selection process.

An alternative option which was referenced in the **2024 Submission** is to adopt the system used by the Queensland Office of the Independent Assessor (“**Office**”). That is; *“The Office undertakes an initial assessment of all complaints about councillor conduct. It investigates misconduct complaints about mayors and councillors and, where appropriate, prepares applications for hearing by the independent Councillor Conduct Tribunal which determines the outcome. The Independent Assessor reports directly to the Minister for Local Government. The amended Local Government Act 2009 states that*

the Independent Assessor is not subject to direction by another person in regard to exercising its powers".

Advisor support

The **Policy Statement** provides that *"all decisions will be based on relevant evidence. Support will be provided by an independent legal adviser, who will guide on legislative requirements and procedural fairness, but will not participate in panel decision-making"* (para 5.1.1).

LGNSW reserves comment on this proposal until further information is provided as to how this legal adviser will be appointed and the breadth of their capacity to advise and/or direct the Privileges Committee.

Scope of matters for a Privileges Committee Panel

Paragraph 5.1.2 of the **Policy Statement** proposes that the Panel of Members of the Privileges Committee considering each Code of Conduct complaints will receive a summary of the allegation and a response from the councillor involved before *"considering the evidence."*

LGNSW reserves comment until further detail is provided as to who the OLG suggests will prepare such summaries and collect the relevant evidence which will be provided to the Panel. Details as to how this individual or body is to be selected would also be required before LGNSW can take a formal position on this proposal.

As stated in the **2024 Submission**, LGNSW requests

"...the OLG and NSW Government consult further with the local government sector on the guidelines for the operation of the Committee and the selection and appointment of privileges committee members. LGNSW would welcome the opportunity to further discuss:

- *the appointment process,*
- *what is the threshold for complaint to be referred to the privileges committee,*
- *will there be a right of appeal,*

- *whether committee members will be paid,*
- *whether committee members will receive training,*
- *whether committee members will be appointed for a fixed term,*
- *whether committee members will be required to undertake investigations, including interview witnesses and writing an investigation report,*
- *how will conflicts of interest be dealt with, and*
- *will legal representation be permitted."*

New and expanded powers of the OLG

Investigation powers

LGNSW potentially welcomes the proposed changes to enhance the OLG's powers to investigate conduct complaints and complaints involving pecuniary interests, performance improvement, and compliance issues. We acknowledge that these amendments are proposed to be introduced by the *Councillor Conduct Bill* currently before Parliament.

LGNSW reserves further comment on the proposed powers to compel, enter and seize until information on how these powers will be adopted is made available for consultation. It is also unclear at this time how the OLG proposes to exercise these powers, noting the Policy Statement makes reference to "*limited circumstances*," proportionality and necessity (para 6.5) but does not make specific reference to any guidelines, appeal procedures, oversight mechanisms and whether appropriately issued warrants or orders would be required to authorise compulsion of witnesses, entry to property or the seizure of items/goods or information.

Proposed sanctions and appeals

LGNSW generally supports the framework of graduated sanctions outlined on page 12 of the Policy Statement. However, further information is required on the procedures which will govern matters dealt with by the Privileges Committee, specifically the right of appeal, before further comments are made.

Penalties for obstruction and non-compliance

LGNSW welcomes the proposed penalty to address non-compliance with investigators' directions to reinforce cooperation and emphasise the importance of ethical behaviour. However, further comment is reserved until detail is provided including:

- what is the proposed penalty amount and how is this to be determined,
- who issues a non-compliance penalty,
- who enforces a non-compliance penalty, and
- what are councils expected to do or not do if a councillor fails to adhere to a non-compliance penalty.

Conclusion

Thank you for the opportunity to make this submission. LGNSW would welcome the opportunity for ongoing dialogue on issues raised during the review.

For further information in relation to this submission, please contact [REDACTED], [REDACTED].

5 August 2026

ECM ref: 2097847

Mr Brett Whitworth PSM
Deputy Secretary
Office of Local Government
Department of Housing, Planning and Infrastructure

Email: olg@olg.nsw.gov.au

Dear Mr Whitworth,

RE: City of Parramatta Council Submission – Policy Statement: Improving Councillor Accountability

Thank you for the opportunity to provide feedback on the proposed *Improving Councillor Accountability Framework*.

Please find enclosed City of Parramatta Council's submission on the broader councillor accountability reforms. Council supports the objective of strengthening public confidence in local government through a more consistent, transparent and effective complaints and conduct management framework.

Council is broadly supportive of reforms aimed at improving complaint triage, reducing vexatious complaints and strengthening accountability mechanisms. The submission also identifies a number of governance, operational and implementation matters where Council considers further guidance and consultation would be beneficial to support successful implementation across the sector.

The enclosed submission reflects the position adopted by City of Parramatta Council at its meeting held on Monday, 27 July 2026.

Should you require any further information regarding Council's submissions, please contact [REDACTED], at [REDACTED] or on [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | cityofparramatta.nsw.gov.au

City of Parramatta Council Submission – Councillor Conduct Framework Reform

City of Parramatta Council welcomes the opportunity to provide feedback on the Office of Local Government's proposed *Improving Councillor Accountability* framework.

Council supports the objective of improving confidence in the councillor conduct system.

Council supports reforms that seek to centralise complaint handling, improve triage, reduce vexatious complaints and ensure more consistent outcomes across the sector. Council also acknowledges that a number of issues raised in earlier consultation, including Council's previous submission in 2024, appear to have been considered in the development of the proposed framework.

Council is also seeking further guidance regarding how councils may appropriately engage with councillors during the development of complex strategic, governance, infrastructure, planning and policy matters. While Council supports reforms that strengthen transparency and accountability, it remains important that councils retain the ability to undertake legitimate consultation with elected members during the formulation of proposals before they are formally reported to Council for determination. Council considers this to be a significant governance issue requiring additional guidance and consultation as part of the reform process.

However, Council considers that the broader accountability framework raises governance risks that require further clarification before implementation. These risks relate to the operation of the centralised complaints model, the proposed Privileges Committee, expanded investigation powers, procedural fairness, appeal rights, performance monitoring, cost impacts and the practical implications of changes to councillor briefing arrangements.

Council's comments are directed towards ensuring that the new framework is transparent, accountable, procedurally fair and capable of maintaining community confidence.

Centralised Complaints Framework

Council supports the proposal to centralise councillor complaint handling through OLG. A single entry point has the potential to improve consistency, reduce duplication and provide a clearer pathway for complainants, councillors and councils.

Council also supports stronger triage mechanisms to ensure that trivial, vexatious, repetitive or politically motivated complaints do not unnecessarily consume council and public resources.

Contact us:

council@cityofparramatta.nsw.gov.au | 02 9806 5050
@cityofparramatta | PO Box 32, Parramatta, NSW 2124
ABN 49 907 174 773 | [cityofparramatta.nsw.gov.au](https://www.cityofparramatta.nsw.gov.au)

However, Council considers that further operational detail is required. It is currently unclear how complaints will be assessed, who will undertake investigations, what standards will apply to evidence gathering, and how consistency will be achieved across matters.

The governance risk is that, without clear procedures and transparent thresholds, the centralised model may simply shift uncertainty from councils to OLG. For the framework to succeed, councils and councillors must understand how complaints will be received, assessed, dismissed, investigated, referred or escalated.

Further consideration should be given to the separation of regulatory functions within the framework. Under the proposed model, OLG will undertake complaint triage, investigations and certain enforcement functions. Clear governance arrangements should be established to ensure transparency, maintain confidence in decision-making and avoid any perception that complaint assessment, investigation and decision-making functions are insufficiently separated.

Council recommends that OLG publish detailed complaint handling guidelines, including:

- complaint acceptance criteria;
- triage thresholds;
- dismissal criteria;
- referral pathways;
- investigation standards;
- expected timeframes;
- communication protocols; and
- rights of response for councillors the subject of complaints.

Clear procedures will be essential to ensuring confidence in the centralised model.

Councillor Consultation During the Development of Complex Matters

Council notes that the broader councillor conduct and accountability reform program intersects with related reviews of meeting practices and governance arrangements. Council supports transparency and accountability in decision-making, however considers further consultation and guidance may be beneficial regarding appropriate engagement between councils and councillors during the development of complex strategic, infrastructure, planning and policy matters to ensure reforms do not inadvertently discourage legitimate consultation processes that support informed decision-making.

Vexatious and Politically Motivated Complaints

Council strongly supports reform directed at reducing the misuse of conduct complaints for political purposes. The existing framework can impose significant time, cost and reputational impacts even where complaints are ultimately dismissed or unsubstantiated.

Council considers that clear early dismissal powers are essential. Complaints that are trivial, misconceived, repetitive, lacking substance or made for an improper purpose should be capable of being resolved quickly and transparently.

However, Council considers that additional detail is required regarding how vexatious or improper complaints will be identified and what consequences, if any, will apply to complainants who repeatedly misuse the system.

The governance risk is that, unless dismissal thresholds are clear and consistently applied, the new framework may continue to be used as a political tool. This would undermine confidence in the reforms and continue to impose unnecessary burdens on councillors, councils and OLG.

Council recommends that OLG publish guidance on vexatious and improper complaints, including examples of conduct that may result in early dismissal or other action.

Privileges Committee Framework

Council supports, in principle, the concept of behavioural matters being considered by experienced elected representatives through a Privileges Committee model. Peer assessment may assist in ensuring that councillor conduct is considered in the context of the realities of elected office, public debate and political disagreement.

However, Council considers that the proposed Privileges Committee model raises significant governance questions. These include the selection and appointment of members, independence, consistency of decision-making, transparency of proceedings, publication of outcomes, management of conflicts, procedural fairness and review rights.

Council also considers further detail is required regarding the composition and operation of the Privileges Committee to ensure confidence in its independence and credibility. In particular, Council considers additional guidance should be provided regarding appointment criteria, representation across different council types and geographic areas, management of actual and perceived conflicts of interest, tenure arrangements for committee members and the measures that will be implemented to support consistent decision-making across different panels.

The governance risk is that a peer-based model, if not supported by strong safeguards, may be perceived as political, inconsistent or insufficiently independent. This risk is particularly acute where matters involve political disagreement, public criticism, inter-councillor conflict or contentious council decisions.

Council recommends that OLG publish detailed governance arrangements for the Privileges Committee, including:

- membership criteria;
- appointment processes;
- training requirements;
- conflict of interest management;
- procedural rules;
- evidentiary thresholds;
- decision-making principles;
- sanctions guidance;

- publication requirements; and
- review or appeal mechanisms.

Council also recommends that anonymised decisions, guidance notes or annual reports be published to support transparency and consistency across the sector.

Procedural Fairness and Review Rights

Council considers that procedural fairness must be a central feature of any councillor conduct framework. Councillors who are the subject of complaints must be afforded a fair opportunity to understand the allegations, respond to evidence, obtain relevant information and seek review of decisions where appropriate.

The current proposal would benefit from further clarity regarding appeal rights and review mechanisms. It is not clear what rights will exist in relation to decisions made by OLG, referrals to the Privileges Committee, findings of misconduct or sanctions imposed.

Council notes that the proposed concept of "unsatisfactory behaviour" necessarily relies on the judgement of councillor peers and may involve assessments of context and political communication. Further guidance, examples and decision-making principles may therefore be beneficial to support consistency and clarity regarding the distinction between robust political debate and conduct that warrants intervention.

The governance risk is that councillors may be subject to findings or reputational consequences without a clearly defined pathway for review or appeal. This may undermine confidence in the framework and increase the likelihood of legal challenge.

Council recommends that the final framework clearly identify:

- when councillors will be notified of complaints;
- what information must be provided to them;
- response timeframes;
- rights to respond to evidence;
- access to relevant material;
- review rights;
- appeal pathways; and
- circumstances in which decisions may be reconsidered.

Investigation Powers and Oversight

Council notes that the proposed framework contemplates expanded investigation powers, including powers to compel information and enhanced entry and seizure powers.

Council acknowledges that effective investigation powers may be necessary to support a credible accountability framework. However, significant coercive powers must be balanced by equally strong oversight and accountability mechanisms.

The governance risk is that expanded powers, if not subject to appropriate safeguards, may be perceived as disproportionate or insufficiently accountable. This is particularly important where powers may affect councillors, council staff, councils or third parties.

Council recommends that OLG clarify:

- who may exercise the powers;
- the thresholds for exercising the powers;
- approval processes;
- record-keeping requirements;
- reporting obligations;
- procedural fairness safeguards;
- protections for privileged or confidential information;
- complaint or review mechanisms; and
- whether independent oversight will apply.

Council considers that the framework should include clear accountability arrangements to ensure that investigative powers are exercised lawfully, proportionately and consistently.

Sanctions Framework

Council supports the principle that sanctions should be proportionate to the seriousness of the conduct and should be directed towards maintaining public confidence, promoting accountability and encouraging behavioural improvement where appropriate. Council also supports a graduated approach to enforcement that provides flexibility to respond to differing levels of conduct concerns.

Council acknowledges that the proposed framework includes a broad range of sanctions and corrective measures, including warnings, reprimands, censures, training orders, formal apologies, voluntary undertakings, performance improvement measures and referral to the Land and Environment Court for more serious matters. The availability of a range of proportionate responses has the potential to promote consistency and enable matters to be resolved at an appropriate level.

However, Council considers further guidance will be required regarding the circumstances in which particular sanctions may be applied and the factors that will be taken into account when determining the appropriate outcome. In the absence of clearly articulated sanctioning principles, there is a risk that similar conduct may attract materially different outcomes, potentially undermining confidence in the consistency and fairness of the framework.

Council also considers that education and behavioural improvement measures should form an important part of the proposed framework. Where appropriate, training, and voluntary undertakings may provide a more effective means of addressing conduct concerns than punitive measures alone, particularly where contraventions arise through misunderstanding, poor judgement or a lack of familiarity with governance obligations.

Accordingly, Council recommends that OLG publish sanctioning principles and supporting guidance outlining:

- the objectives of available sanctions;
- the factors to be considered when determining an appropriate outcome;
- circumstances in which corrective or educational measures may be preferred;
- how previous findings or repeated conduct will be taken into account;
- the relationship between sanctions imposed by the Privileges Committee, OLG and the Land and Environment Court; and
- examples or case studies to promote consistency in decision-making across the sector.

Council considers that transparent and consistent sanctioning principles will be critical to ensuring the framework is perceived as fair, proportionate and capable of achieving its stated objective of improving councillor accountability while supporting effective local democratic governance.

Transparency and Public Reporting

Council supports transparency in the operation of the conduct framework. Public confidence depends not only on fair decision-making, but also on the ability to understand how the framework is operating.

At present, it is unclear whether Privileges Committee decisions, OLG complaint outcomes, reasons for decisions, statistics or performance reporting will be made publicly available.

The governance risk is that a centralised framework may operate without sufficient visibility. This may make it difficult for councils, councillors and the public to assess whether the reforms are improving consistency, reducing vexatious complaints or resolving matters in a timely way.

Council recommends that OLG establish a public reporting framework that includes:

- number of complaints received;
- number of complaints dismissed at triage;
- number of matters investigated;
- number of matters referred to the Privileges Committee;
- complaint resolution timeframes;
- outcomes and sanctions;
- costs of administration;
- performance against service standards; and
- periodic review findings.

Where appropriate, published decisions or summaries should protect confidentiality while still providing useful guidance to the sector.

Performance Monitoring and Framework Evaluation

Council considers that the success of the reform framework should be measured against clear performance indicators.

The proposed reforms are significant and will alter the way councillor conduct issues are managed across NSW. It is therefore important that the framework include mechanisms to assess whether it is achieving its intended objectives.

Council recommends that OLG develop and report against key performance indicators, including:

- reduction in vexatious or improper complaints;
- complaint resolution timeframes;
- consistency of outcomes;
- cost impacts;
- stakeholder satisfaction;
- number of matters escalated to investigation;
- number of matters resulting in sanctions; and
- impact on councils' administrative burden.

Council also recommends that a formal post-implementation review be undertaken after the framework has operated for a sufficient period to identify any unintended consequences or further reforms required.

Costs and Resourcing Impacts

Council notes that the proposed framework may have cost and resourcing implications for councils. While centralised complaint handling may reduce some local administrative burden, the framework may also introduce new costs associated with OLG processes, Privileges Committee proceedings, investigations, training, reporting and implementation.

The governance risk is that councils may be required to fund or support new processes without sufficient clarity regarding cost allocation, budgeting impacts or resource requirements.

Council recommends that OLG provide detailed information regarding:

- expected costs to councils;
- cost recovery arrangements;
- funding principles;
- administrative responsibilities;
- transitional costs;
- training costs; and
- any disproportionate impacts on smaller or regional councils.

Council further recommends that detailed financial modelling and sector-wide consultation be undertaken before any cost recovery arrangements are implemented. Councils should be provided with a clear understanding of expected costs, funding principles and any differential impacts on councils of varying scale and capacity.

Interaction Between the Accountability Framework and the Model Code

Council considers that further clarification is required regarding the interaction between the draft Model Code, the proposed accountability framework, the Code of Meeting Practice and existing legislative obligations.

The governance risk is that overlapping instruments may create uncertainty regarding which process applies to particular conduct. For example, disruptive meeting conduct, undeclared conflicts, misuse of information, failure to comply with disclosure obligations and behavioural complaints may potentially engage multiple processes.

Council recommends that OLG provide a clear framework explaining how the various instruments will interact, including which matters will be managed through the Model Code, the Code of Meeting Practice, OLG triage, investigation, the Privileges Committee or other enforcement pathways.

This will assist councils, councillors and complainants to understand the correct process and reduce duplication or procedural confusion.

Implementation and Transitional Arrangements

Council considers that the proposed reforms represent a major change to the councillor conduct system. Successful implementation will require comprehensive support for councils and councillors.

Council recommends that OLG provide:

- implementation guidance;
- model procedures;
- councillor training;
- staff training;
- transitional arrangements;
- communication materials;
- template forms;
- frequently asked questions;
- scenario-based guidance; and
- ongoing sector support.

Council also recommends that sufficient time be provided between finalisation and commencement to allow councils to update policies, procedures, systems, training materials and councillor induction resources.

Conclusion

City of Parramatta Council supports the objectives of the *Improving Councillor Accountability* framework and acknowledges OLG's efforts to address longstanding concerns with the existing councillor conduct complaints system.

Council particularly supports the centralisation of complaint handling, improved triage, and reforms directed at reducing vexatious and politically motivated complaints.

However, Council considers that the framework must be supported by strong governance safeguards to ensure transparency, independence, consistency, procedural fairness and accountability. Further detail is required regarding the operation of the Privileges Committee, investigation processes, expanded powers, appeal rights, public reporting, performance monitoring, cost impacts and implementation arrangements.

Council's overarching recommendation is that the reforms proceed only with clear operational guidance, transparent decision-making frameworks, appropriate oversight mechanisms and meaningful implementation support for councils and councillors.

Council also considers that further consideration should be given to the role of councillors in the development of complex strategic and policy matters. Clear guidance regarding legitimate consultation and engagement processes will assist councils to maintain transparency while ensuring elected members can continue to contribute their knowledge, experience and understanding of community expectations throughout project and policy development processes.

Council looks forward to continuing to engage constructively with OLG as the reforms are refined and implemented.

29 July 2026

The Office of Local Government
Locked Bag 3015
NOWRA NSW 2541
Via email: olg@olg.nsw.gov.au

Dear Sir/Madam

**Submission Policy Statement:
Improving Councillor Accountability
Draft Model Code of Conduct for Councillors**

Thank you for providing the opportunity to contribute feedback to the proposed councillor conduct reforms, stage 2 documents:

1. Policy Statement: Improving Councillor Accountability: and
2. Draft Model Code of Conduct for Councillors.

Generally, Council supports the OLG's continuing efforts to reform the councillor conduct management framework. Notwithstanding the fact that this Council has proudly maintained high standards of conduct resulting in no code of conduct complaints against councillors for a decade, we acknowledge this may not be the case for other councils across the State and may not remain the case in our LGA indefinitely. Accordingly, we support development of the framework in encompassing a more consistent and streamlined approach to conduct management to encourage transparency and objectivity, which will promote better public confidence in how these matters are handled.

Our feedback contribution addresses the two draft documents separately for ease of reference.

Policy Statement: Improving Councillor Accountability

Council supports the key principles to the councillor conduct management framework to ensure the protection of robust political debate whilst not allowing that democratic right to be abused. Clearer definitions of misconduct and a centralised process for managing complaints will improve community confidence in impartiality and remove burden from the General Manager and Mayor to investigate such complaints. Generally, the Policy Statement supports the key principles underlying the framework reforms, however we would respectfully submit the following commentary:

Privileges Committee

Council considers that further consideration and clarification is required as to the establishment and make-up of the proposed Privileges Committee including:

- Whether a more impartial method of appointment for the Privileges Committee members is warranted – leaving the appointment of members solely to the Minister for Local Government may not support the objective of fairness the reforms seek to address. It is suggested a more impartial appointment method be made via each council voting on one representative from their own council to be a member of the committee. This would allow for equitable representation across all councils. Councils themselves are best placed to nominate an appropriate member based on their own experience of the proposed member during their term
- Whether a more impartial method of appointing a member to a panel to be convened to consider a matter is warranted – again, leaving the appointment solely to a Ministerially appointed Chairperson may not support the objective of fairness. It is suggested that panel selection be made via a random selection process and not personally appointed, with any member currently serving on the same council as the councillor being investigated deemed ineligible for that matter
- Whether the members of the Committee will be current and/or previous elected councillors (and mayors) – for example, how is the *“wealth of experience and a deep understanding of the challenges and responsibilities of elected office”* to be measured? Further clarification or benchmarking surrounding this would support the integrity of selection, for instance, would a member have to have served in an elected position for a certain number of years to be considered *experienced*?

Financial burden

Given that currently this Council has not had to incur any costs in relation to external investigations of conduct matters for some time, it is important that the possible financial burden on councils be clarified to better explain the proportionate costs model including:

- An estimation of these costs
- Whether only the councils with a conduct complaint will incur costs; and
- Will there be a cap on the amount so this can be reasonably planned into budgets?

It is noted that this cost model is still under design, however, this Council considers it essential that the costs model be provided to councils prior to implementation for consideration and further feedback.

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?

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?

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.

Yours sincerely

[REDACTED]

[REDACTED]
[REDACTED]

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	City of Sydney
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	1. Definition of unsatisfactory behaviour. It is not clear what the nexus is with the Code of Conduct for this definition. What are the “norms and expectations”? 2. Privileges Committee appointments and operations. How will the Minister/OLG ensure that the composition of the Committee is not politicised? What is the application and appointment process? What qualifications are required for appointment? How will the panel members for a matter be decided and how will OLG ensure this is not politicised? Will the CEO/General Manager be told if a complaint is lodged about a Councillor? Will outcomes from the Committee be referred back to the CEO/General Manager to be implemented (e.g. reprimand or censure from the Council, or does the Committee issue the reprimand and/or censure a Councillor? 3. OLG investigation powers. There is a lot of overlap with the role and powers of ICAC and this creates confusion. If there is an allegation of corruption Council is obliged make a s.11 notification to ICAC and now will also send the complaint to OLG. The overlap creates confusion and undermines confidentiality of ICAC referrals.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	The proposed triage process could be effective at addressing delays and vexatious complaints, particularly for those councils where this is a problem, however the actual improvements delivered will depend on how the changes are implemented, resourced and undertaken by the OLG and this is yet to known. The guidelines on how the triage process will work and how long the process will take (it should be time limited) should be made public. One of the disadvantages of the change is for those councils that are functioning well, there is no longer a role for the

		CEO/General Manager to informally resolve minor or trivial complaints quickly and with very minimal, if any, cost. There will be delays and uncertainty for those the subject of such complaints while the matter is subject to OLG triage processes and a risk of politicisation depending on the way the Privileges Committee operates in practice. There needs to be the ability and resources for the OLG to promptly dismiss minor or trivial matters.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	It is difficult to comment with the limited detail provided to date. Much greater detail on this proposal should be published for public consultation. 1. Public reports should be made available of the nature and outcome of all matters considered by the Privileges Committee. Meetings of the Privileges Committee should be public and livestreamed and recordings of those meetings published. 2. Similar to those proposed in section 7.4, there need to be penalties for obstruction and non-compliance with the Privileges Committee process, not just an investigation.
6	What is the greatest risk to effective implementation of the proposed conduct framework	1. Politicisation and operational issues with the Privileges Committee, including consistency of decisions and reasoning. 2. Cost recovery model is not based on user pays and instead a more generalised allocation formula or sharing arrangement that penalises councils that do not have a history of code of conduct complaints or a requirement for these services. 3. The resourcing and capacity of the OLG to undertake the triage process in a timely manner.

By submitting this form, you have read and agreed to the department's [privacy statement](#).



7th August 2026

Mr Brett Whitworth PSM
Deputy Secretary
Office of Local Government
Locked Bag 3015
Nowra NSW 2541

Email: olg@olg.nsw.gov.au

Good Afternoon

Please see attached submission on the NSW Councillor Conduct Framework and Disclosure of Interests Reforms on behalf of the Australian Local Government Women's Association (NSW Branch).

Australian Local Government Women's Association (ALGWA)

Submission on the NSW Councillor Conduct Framework and Disclosure of Interests Reforms

Introduction

The Australian Local Government Women's Association (ALGWA) welcomes the opportunity to provide feedback on the NSW Government's proposed reforms to the councillor conduct framework and disclosure of interests.

For more than seventy-five years, ALGWA has been the peak organisation representing and advocating for women in local government. The Association is committed to increasing women's participation in local government, supporting women elected representatives, and promoting respectful, inclusive and effective local governance across New South Wales and Australia.

ALGWA broadly supports the proposed reforms and recognizes them as an important step towards creating a more transparent, independent and efficient conduct framework.

Support for the Proposed Conduct Reforms

The current councillor conduct framework has too often been characterized by:

- lengthy delays in complaint resolution;
- duplication of assessment processes;
- inconsistent outcomes;
- the misuse of complaints as a political tool; and
- a lack of public confidence in the complaints process.

These shortcomings undermine confidence in local government and disproportionately affect women councillors, who continue to experience higher levels of bullying, intimidation, harassment and vexatious complaints than their male counterparts.

ALGWA supports the establishment of a central Office of Local Government (OLG) “front door” for all complaints, supported by:

- a robust triage process to identify matters requiring investigation;
- independent assessment;
- peer review mechanisms for lower-level conduct matters;
- stronger court-based sanctions for serious misconduct; and
- processes that effectively filter out trivial, vexatious or politically motivated complaints.

A centralized and independent system has the potential to restore public confidence by ensuring complaints are assessed fairly, consistently, and transparently, and free from political influence.

Protecting Councillors from Misuse of the Conduct Framework

ALGWA strongly welcomes reforms that reduce opportunities for the conduct framework to be weaponized against councillors.

Women councillors frequently report that complaints are strategically used to intimidate, silence or discourage their participation in public life. A more independent assessment process will assist in reducing these behaviors while ensuring legitimate complaints continue to be investigated appropriately.

The reforms should encourage greater participation by women in local government by fostering a safer, more respectful environment in which councillors can undertake their public duties free from bullying, harassment and politically motivated complaints.

Implementation Considerations

While supporting the reforms in principle, ALGWA believes several implementation matters require further consideration to ensure the reforms achieve their intended objectives.

Adequate Resourcing

The effectiveness of the new framework will depend upon the Office of Local Government being adequately resourced to manage the anticipated increase in complaints resulting from the centralised system.

ALGWA requests that the NSW Government ensure sufficient funding and staffing is provided to ensure timely assessment, investigation and resolution of complaints.

Without appropriate resources, the objectives of improving efficiency and public confidence may not be realised.

Service Standards and Key Performance Indicators

ALGWA recommends that clear service standards and measurable Key Performance Indicators (KPIs) be established and publicly reported.

These should include measurable targets for:

- acknowledgement of complaints;
- triage timeframes;
- commencement of investigations;
- resolution of complaints;
- communication with complainants and respondents; and
- publication of performance data.

Transparent reporting against these KPIs will provide accountability, ensure complaints are managed in a timely manner and build confidence in the new framework.

Role of Local Councils

ALGWA seeks greater clarity regarding the continuing role of councils following the centralisation of complaint management.

Councils will require clear guidance regarding:

- responsibilities for providing information;
- maintaining records;
- supporting investigations; and
- implementing outcomes arising from the conduct process.

Clear operational guidance will promote consistency across the local government sector.

Cost Recovery Model

ALGWA notes the proposal for councils to contribute towards administering the new conduct framework through a cost recovery model.

Any funding model must be equitable and should not unfairly disadvantage councils with relatively low complaint volumes or strong governance records.

ALGWA recommends the NSW Government provide greater detail regarding:

- the methodology for allocating costs across councils;
- which elements of the framework will be subject to cost recovery;
- how complaint volumes, council size and complexity will be considered; and
- safeguards that will ensure the model remains transparent, proportionate and fair.

Monitoring and Evaluation

ALGWA encourages the NSW Government to monitor implementation of the new framework through a gender lens.

Evaluation should consider whether the reforms:

- reduce the incidence of vexatious complaints;
- improve the experiences of women councillors;
- reduce bullying, intimidation and harassment;
- increase confidence in complaint handling; and
- contribute to safer and more respectful participation in local government.

Collecting and publishing de-identified complaint data, including gender-disaggregated information where appropriate, will assist in evaluating whether the reforms are achieving these objectives.

Disclosure of Interests Reforms

ALGWA welcomes the proposed reforms to the disclosure of interests framework.

Simplifying the declaration process while maintaining robust transparency and accountability requirements will assist councillors in meeting their statutory obligations and strengthen public confidence in local government decision-making.

Conclusion

Overall, ALGWA supports the intent of the proposed reforms and believes they have the potential to create a more independent, efficient and equitable councillor conduct system.

To ensure the reforms deliver on their objectives, ALGWA recommends that the NSW Government:

1. Adequately resource the Office of Local Government to manage the increased volume of complaints.
2. Establish publicly reported service standards and measurable KPIs for complaint triage, investigation and resolution.
3. Clarify the ongoing responsibilities of local councils under the new framework.

4. Develop a transparent, equitable and proportionate cost recovery model.
5. Monitor the effectiveness of the reforms through a gender lens and publish de-identified performance data.

ALGWA looks forward to continuing to work collaboratively with the NSW Government and the Office of Local Government to ensure the reforms strengthen integrity, support respectful conduct, encourage greater participation by women in local government, and reinforce public confidence in local democracy.

Yours sincerely

[REDACTED]

[REDACTED]

President ALGWA NSW Branch

Email: algwansw@gmail.com

PO Box 4 Quakers Hill NSW 2763



Submission to the NSW Office of Local Government's Code of Conduct Reforms

August 2026



7 August 2026

Office of Local Government
Department of Planning, Housing and Infrastructure
Locked Bag 3015
Nowra NSW 2541

By email: olg@olg.nsw.gov.au

To whom it may concern,

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 Supported in the Reform Direction

Member councils' earlier feedback to OLG sought a number of specific improvements. We are pleased to note the Policy Statement addresses each of the following:

The Central NSW JO speaks for over 180,000 people covering an area of more than 53,000sq kms comprising of Bathurst, Blayney, Cabonne, Cowra, Forbes, Lachlan, Lithgow, Oberon, Orange, Parkes, and Weddin.

Consolidation of standards and processes

Councils previously suggested that conduct-related standards and processes be located in a single place. The Policy Statement confirms this is intended to be achieved by consolidating OLG's investigation powers and disciplinary provisions "into a single chapter within the LG Act", providing "a clear, centralised source of investigation authority for all complaint types, including conduct, pecuniary interest, performance improvement, and compliance matters" (*Section 6*). CNSWJO supports this consolidation in principle, as fragmented provisions have been a longstanding source of confusion for councillors and administrators alike.

Statutory definitions distinguishing unsatisfactory behaviour from serious misconduct

Councils' concerns regarding unclear definitions are addressed in Section 4.1 of the Policy Statement, which proposes a two-tier definitional structure: "Unsatisfactory Behaviour" (conduct outside normal expectations, or beyond the implied freedom of political communication, such as harassment or bullying) and "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).

CNSWJO supports the intent of this distinction but notes that "unsatisfactory behaviour" remains intentionally broad ("it can't be codified", per *Section 4.1*) and reliant on the judgment of a peer panel. We ask OLG to ensure sufficient guidance material accompanies commencement so that both councillors and complainants have a workable, consistent understanding of the threshold in practice.

Educative and non-punitive responses

The suggestion that councillor education be given greater emphasis is reflected in several proposed sanctions that are corrective rather than punitive in nature, including training orders (*Section 7.3*), formal apologies, voluntary undertakings and performance improvement orders (*Sections 6.3, 6.4, 7.3*), and Privileges Committee outcomes of warning, reprimand or censure, which the Policy Statement describes as "not intended to be punitive" (*Section 7.2*). CNSWJO supports this graduated, educative approach for lower-level matters, consistent with the risk-based compliance model set out in Section 6.5.

Matters of Concern

Member councils have raised the following concerns, which we ask OLG to give further consideration.

Removal of independent conduct reviewers as a standard mechanism

The Policy Statement confirms that the current model — under which a council Mayor or General Manager may refer matters to a Conduct Coordinator and/or an external conduct reviewer (*Section 4*) — is to be replaced by a centralised OLG triage and investigation process, with Section 8.2 explicitly framing this as a way to reduce "reliance on external investigators". It is also important to recognise that local residents are often the author of many Code of Conduct complaints. The shifting of the complaints handling away from the local council, may lead to reluctance of residents submitting complaints in the first instance.

While CNSWJO recognises the stated aim of reducing duplication and inconsistency between reviewers, member councils are concerned that:

- removing independent, locally engaged reviewers as a standard option may reduce councils' ability to resolve low-level matters quickly and locally, adding to delays for complainants and respondents alike; and
- the proposed centralisation concentrates significant discretion in OLG at both the triage stage and the Departmental Chief Executive (DCE) sanctions stage, without an equivalent independent check at the point closest to where most matters currently arise.

We ask OLG to clarify whether any residual role for locally engaged reviewers is contemplated (for example, for preliminary fact-finding before matters are referred), or whether the intention is for this function to be removed entirely.

No apparent delegation to Mayors or General Managers to resolve conduct matters

Consistent with the point above, the Policy Statement is clear that complaints will have “a clear front door” directly to OLG (*Section 3.1*), with departmental officers exercising delegations from the DCE (*Section 4.3*) — not from, or to, councils. CNSWJO notes this represents a significant shift away from local resolution and asks OLG to confirm whether any level of delegation to Mayors or General Managers is intended to be retained for genuinely minor or preliminary matters, or whether all conduct complaints, regardless of severity, will now be triaged solely at OLG’s discretion.

Cost-shifting to councils

The Policy Statement states that a “proportionate costs model” is proposed, under which “councils would contribute to the cost of managing conduct matters, particularly the work of the Privileges Committee, but not the core regulatory functions of OLG” (*Section 8.2*), and concludes that “the proposal assumes that councils will be responsible for funding the costs associated with managing conduct complaints, reinforcing accountability in line with governance standards” (*Section 9*). CNSWJO notes the Policy Statement itself acknowledges that a small number of councils currently bear a disproportionate share of complaint volumes and associated costs (*Section 2*). Member councils are concerned that:

- shifting cost responsibility to councils, without clarity on the distribution methodology, may simply relocate the existing disproportionate burden rather than resolve it;
- the design and build of the cost recovery model is described as “ongoing” (*Section 8.2*), meaning councils are being asked to support a reform with a material, unresolved financial implication; and
- the anticipated efficiencies from centralisation (*Section 8*, “reducing administrative overheads and investigation time and reporting costs for councils”) should be clearly demonstrated and, where possible, quantified before a cost recovery model is finalised.

CNSWJO requests that councils be consulted directly on the design of the cost distribution model before it is settled, and that any model include a mechanism to prevent disproportionate cost impacts on councils that receive a high volume of complaints for reasons outside their control.

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.

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,
- 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.

Repeated Conduct and Patterns of Behaviour

The Policy Statement refers to repeated serious unsatisfactory behaviour and patterns indicating systemic issues as matters that may constitute serious misconduct. What remains unclear is how those patterns will be identified and assessed.

In practice, concerns often do not arise from a single complaint. Issues may emerge over time through multiple complaints, previous investigations, previous findings, training interventions, mediation, apologies, warnings or other actions.

The framework would benefit from clearer guidance on whether OLG and the Privileges Committee will consider:

- previous complaints,
- previous findings,
- previous training or counselling,
- previous alternative resolution strategies,
- previous undertakings, and
- whether similar conduct continued after intervention.

Without this, there is a risk that complaints are assessed in isolation and broader patterns of behaviour are not properly recognised.

The reference to behaviour outside "normal expectations" requires further clarification. CNSWJO is concerned that this concept may unintentionally create a moving standard, whereby conduct becomes acceptable simply because it has become familiar, persistent or expected. Behaviour should not be normalised through repetition. The benchmark should remain objective and reflect the standard expected of elected officials across local government, rather than being influenced by the conduct history of an individual councillor.

Psychosocial Safety and Workplace Harm

The Policy Statement recognises work health and safety breaches involving threats or intimidation as potential serious misconduct.

However, councils increasingly manage psychosocial hazards that may arise through repeated behaviour that does not necessarily fit traditional definitions of threats or intimidation. Examples may include:

- repeated public criticism of staff,
- aggressive communications,
- targeting of staff through social media,
- continual direct contact with employees,
- conduct that causes ongoing distress or anxiety, and
- repeated behaviour that creates a difficult or unsafe workplace environment.

Councils have significant obligations under work health and safety legislation, including obligations relating to psychosocial hazards.

The proposed framework would benefit from clearer guidance regarding conduct that creates psychosocial risks for employees, volunteers and other council officials, particularly where the conduct is repeated over time.

Councils are concerned that unresolved conduct issues and persistent misuse of social media may discourage capable community members from nominating for elected office and may reduce participation by people from diverse backgrounds. Any reformed framework should support an environment in which community leaders can participate in local government without being exposed to repeated personal attacks or behaviour that creates psychosocial harm.

Transparency, Complaint Engagement and OLG Processes

The success of the proposed reforms will depend heavily on confidence in the process once a matter leaves Council and enters the OLG system.

CNSWJO is concerned that the proposed reforms place substantially greater responsibility on OLG and the Privileges Committee without clearly demonstrating that sufficient resources will be available to manage increased complaint volumes and investigations. Councils require confidence that matters will be dealt with in a timely manner and that appropriate service standards will apply.

The current framework is supported by the publicly available Procedures for the Administration of the Model Code of Conduct, which clearly explain how complaints are lodged, assessed and investigated. However, once a matter is referred to OLG, it is unclear what the process is after referral occurs.

In particular, it is unclear:

- how referrals are assessed,

- how matters are prioritised,
- how repeated conduct and previous complaints are considered,
- what role the relevant council has in providing information,
- what procedural fairness requirements apply,
- what review pathways are available, and
- what timeframes or service standards apply.

One area that appears to require further consideration is the experience of complainants. The reforms appropriately focus on fairness for councillors who are the subject of complaints. However, there appears to be less information available regarding how complainants will engage with the process once a complaint has been lodged. Many complainants already find the current system difficult to navigate. This is particularly the case for community members, volunteers and staff who are unfamiliar with local government legislation and complaint procedures.

Experience within councils suggests complainants are often less concerned about the ultimate outcome than they are about understanding what is happening, whether their concerns are being considered and whether the process is progressing.

Once a complaint is lodged, complainants can be uncertain:

- whether the complaint has been accepted,
- whether further information is required,
- whether they can provide additional information,
- whether an investigation has commenced,
- whether progress has been made,
- what timeframe applies, and
- when a decision is likely to occur.

A complaint process must not only be fair to the respondent. It must also be transparent and accessible to complainants and the broader community.

If the reforms proceed with a centralised system, consideration should be given to:

- a publicly available process document explaining what occurs once a matter is referred to OLG,
- acknowledgement and status updates for complainants,
- communication of decisions and reasons,
- clear review pathways,
- indicative service standards and timeframes, and
- guidance about how complainants can participate in the process and provide additional information.

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 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?

Additional Matter for OLG's Consideration: The Role of Social Media

CNSWJO wishes to raise concern regarding the underlying drivers of the current strain on the conduct framework. The Policy Statement is candid that the existing system is struggling and that complaints are “commonly used as tools in political disputes” (*Executive Summary*), but the reforms as presented are substantially procedural — addressing how complaints are triaged, investigated and sanctioned, rather than examining why the volume, severity and complexity of conduct matters may have increased.

In our members' experience, the growth of social media as a forum for political conduct has been a material contributor to this escalation. We note that OLG's existing guidance on free speech in local government has, in the past, treated social media as broadly equivalent to traditional media as a forum for public debate. Member councils consider this treatment does not adequately account for the fact that social media platforms are privately owned, algorithmically driven and not public infrastructure — features which materially affect how conduct disputes originate, escalate and are evidenced, in ways that differ from traditional media and in-chamber debate.

CNSWJO recommends that, as OLG finalises the associated free speech guidelines referenced in the Policy Statement (*Executive Summary*), specific consideration be given to the distinct characteristics of social media as a forum, and that this analysis inform both the Model Code and the practical guidance provided to Privileges Committee panels and OLG investigators.

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.

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.

If you require further information or clarification on comments in this submission, please do not hesitate to contact the CNSWJO's Executive Officer, [REDACTED], on [REDACTED].

Yours sincerely,

[REDACTED]

[REDACTED]

[REDACTED]

Central NSW Joint Organisation (CNSWJO)

Mayor of Cabonne



Comments on the Proposed Councillor Conduct Framework Reforms

3 August 2026

OBERON COUNCIL

Oberon Council believes the overall direction of the reforms is a positive. A centralised complaint process managed by OLG should provide a more consistent and independent approach than the current system where councils are involved in administering complaints concerning their own councillors. The proposal to focus resources on serious misconduct and reduce the impact of minor, trivial or vexatious complaints also makes sense.

Our concerns are less about the principle of the reforms and more about how they will operate in practice.

1. 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:

1. Cyber security
2. Privacy and information protection
3. Records management
4. Information governance
5. Child safety and youth protection
6. Workplace health and safety
7. Acceptable use of council systems
8. Confidentiality obligations
9. Social media use and
10. 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:

1. Organisational risk
2. Cyber security
3. Privacy compliance
4. Records management
5. Information governance
6. Workplace health and safety

7. Protection of council assets and
8. 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:

1. Refuses a cyber security requirement
2. Disregards a records management obligation
3. Fails to comply with information governance controls
4. Breaches a privacy requirement
5. Refuses to follow a child safety process
6. Disregards a workplace safety requirement or
7. 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:

1. Compliance with council policies that expressly apply to councillors
2. The relationship between governance policies and the Code of Conduct
3. The authority of a General Manager to implement reasonable organisational controls
4. The management of organisational risks created through councillor non-compliance and
5. 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.

2. Repeated Conduct and Patterns of Behaviour

The Policy Statement refers to repeated serious unsatisfactory behaviour and patterns indicating systemic issues as matters that may constitute serious misconduct.

What remains unclear is how those patterns will be identified and assessed.

In practice, concerns often do not arise from a single complaint. Issues may emerge over time through multiple complaints, previous investigations, previous findings, training interventions, mediation, apologies, warnings or other actions.

The framework would benefit from clearer guidance on whether OLG and the Privileges Committee will consider:

1. Previous complaints
2. Previous findings
3. Previous training or counselling
4. Previous alternative resolution strategies
5. Previous undertakings and
6. Whether similar conduct continued after intervention

Without this, there is a risk that complaints are assessed in isolation and broader patterns of behaviour are not properly recognised.

The reference to behaviour outside “normal expectations” also requires clarification. Conduct should not become acceptable simply because it has become familiar or repetitive. The benchmark should remain objective and reflect the standard expected of elected officials across local government.

3. Psychosocial Safety and Workplace Harm

The Policy Statement recognises work health and safety breaches involving threats or intimidation as potential serious misconduct.

However, councils increasingly manage psychosocial hazards that may arise through repeated behaviour that does not necessarily fit traditional definitions of threats or intimidation.

Examples may include:

1. Repeated public criticism of staff
2. Aggressive communications
3. Targeting of staff through social media
4. Continual direct contact with employees
5. Conduct that causes ongoing distress or anxiety and
6. Repeated behaviour that creates a difficult or unsafe workplace environment

Councils have significant obligations under work health and safety legislation, including obligations relating to psychosocial hazards.

The proposed framework would benefit from clearer guidance regarding conduct that creates psychosocial risks for employees, volunteers and other council officials, particularly where the conduct is repeated over time.

4. Transparency, Complaint Engagement and OLG Processes

The success of the proposed reforms will depend heavily on confidence in the process once a matter leaves Council and enters the OLG system.

The current framework is supported by the publicly available Procedures for the Administration of the Model Code of Conduct, which clearly explain how complaints are lodged, assessed and investigated.

However, once a matter is referred to OLG, Council has been unable to identify an equivalent publicly available process document explaining what occurs after referral.

In particular it is unclear:

1. How referrals are assessed
2. How matters are prioritised
3. How repeated conduct and previous complaints are considered
4. What role the relevant council has in providing information
5. What procedural fairness requirements apply
6. What review pathways are available and
7. What timeframes or service standards apply

Council is not suggesting OLG does not have internal processes. Rather, we have been unable to identify a publicly available process document that provides transparency about what occurs once a matter leaves the council process.

One area that appears to require further consideration is the experience of complainants. The reforms appropriately focus on fairness for councillors who are the subject of complaints. However, there appears to be less information available regarding how complainants will engage with the process once a complaint has been lodged. Many complainants already find the current system difficult to navigate. This is particularly the case for community members, volunteers and staff who are unfamiliar with local government legislation and complaint procedures.

It has been our experience that complainants are often less concerned about the ultimate outcome than they are about understanding what is happening, whether their concerns are being considered and whether the process is progressing.

Once a complaint is lodged, complainants can be uncertain:

1. Whether the complaint has been accepted
2. Whether further information is required
3. Whether they can provide additional information
4. Whether an investigation has commenced
5. Whether progress has been made
6. What timeframe applies and
7. When a decision is likely to occur

A complaint process must not only be fair to the respondent. It must also be transparent and accessible to complainants and the broader community.

If the reforms proceed with a centralised system, consideration should be given to:

1. A publicly available process document explaining what occurs once a matter is referred to OLG
2. Acknowledgement and status updates for complainants
3. Communication of decisions and reasons
4. Clear review pathways
5. Indicative service standards and timeframes and
6. Guidance about how complainants can participate in the process and provide additional information

Thank you for your consideration of the points raised through the submission.

Yours sincerely

[REDACTED]
[REDACTED]

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Sutherland Shire Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Whilst we consider that the proposed conduct framework will in theory deliver an improvement in the management of councillor conduct, there are a number of areas that would benefit from further refinement and explanation. Privileges Committee Noting that the Policy Statement states that the appointment process for the Privileges Committee will be managed through the Minister, there are questions on how objectivity will be maintained and how the perception of political bias will be managed. There needs to be clear and transparent direction given as to how councillors may apply for a position on the Privileges Committee, including the subsequent steps involved in the application process and the criteria for how members will be selected. Further, there is an inherent risk of bias and lack of impartiality (perceived and/or actual) by having the proposed Privileges Committee composed solely of current councillors and mayors. As such, should the Privileges Committee be established, prior to doing so, the OLG should provide more information on its operating framework, including how the risk of bias (whether actual or perceived) will be managed to provide assurance as to the independence of the Committee. The processes and procedures that will govern the proposed Privileges Committee also need to be clearly outlined and made available for councils and councillors to consider. These include the expected resolution timeframes for matters sent to the Privileges Committee, how conflicts of interest of the panel members will be managed and how panels will make consistent decisions. Finally, clarification should be provided on whether sitting on the Privileges Committee is a paid or voluntary position. Cost model At this stage, the costs recovery model is uncertain beyond the notion that all councils will contribute to the cost of managing conduct matters (as per the Policy

		Statement). Noting that the design and build of the cost model is ongoing, we propose the following considerations for the model: • Be a proportionate, sliding scale model based on the volume of matters that come out of individual councils • Require payment for surcharges for vexatious complaints to be the responsibility of the individual councillor and not the council • Consider possible avenues for penalties against community members who continually lodge trivial and / or vexatious complaints against councillors (e.g. denial of access to complaint channels) Investigative powers The proposed strengthening of investigative powers raises concerns of potential misuse and weaponising. There must be strict regulations in place on the use of powers during investigations to ensure they are only enacted when circumstances absolutely require it. In addition, we consider that the strengthening of seizure powers for the OLG is unnecessary. There are other agencies and bodies that more appropriately hold these powers that can be used where required to manage serious conduct investigative needs. Community awareness and education The proposed framework is a significant shift in how councillor conduct will be managed not just for councillors and councils, but for community members. The Policy Statement touches on how implementation resources will be developed to support councillors and councils with the transition to the new framework, but it is also important that there are appropriate resources and education materials targeted at wider communities to ensure they understand the new framework. Community awareness and education campaigns should also be led by the OLG (rather than individual councils) to ensure consistent messaging. Reporting and performance The Policy Statement does not provide any information on reporting to councils. We suggest that the framework include reporting mechanisms: • From the OLG to individual councils, providing data on complaints that have been triaged and dismissed at the outset by the OLG • To all councils, releasing comparative figures across councils to highlight where misconduct is prevalent • On the performance of the Privileges Committee and OLG, on how complaints are managed within a certain period similar to the current reporting requirements for councils under the Procedures for
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		the Administration of the Codes of Conduct Additionally, we suggest that the OLG consider engaging the Audit Office to complete a performance review of the new framework, 12 months post implementation, to test the effectiveness and provide assurance to councils, councillors and the community that the framework is operating as expected with improved processes. LEC Jurisdiction With the shift of responsibility for disciplinary outcomes from NCAT to the LEC, some assurance on how the LEC will manage these matters would be beneficial as there are concerns on whether the LEC has the appropriate background and skillset to manage councillor conduct matters.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	In general, we believe that the proposed complaints process will be effective in managing councillor conduct, however there are a number of improvements that we suggest for consideration. Whilst we agree with the distinguishment between the concepts of 'Unsatisfactory behaviour' and 'Serious misconduct' as outlined in the Policy Statement, it would be beneficial to include clearer definitions of the different threshold levels, incorporating examples and explanations of when / why a matter will be managed through a particular pathway. This will support the framework by clearly defining these concepts for councillors to ensure they understand the expected behaviours. Overall, we are supportive of the proposed complaints process however reiterate that it is important that thorough procedures are developed and provided to councils for their feedback prior to implementation to ensure the process is truly fit for purpose and supports effective councillor conduct management.

5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	In addition to our previous comments in this submission on the Privileges Committee, we suggest that the composition be considered to include the independent, legal adviser as a voting member of the panel. This position will already be in place and we believe that their inclusion as a voting member, rather than as an advisory role only, would strengthen the objectivity of the Committee.
6	What is the greatest risk to effective implementation of the proposed conduct framework	Resourcing and Roll out of Framework Success of the proposed framework heavily relies on a suitable resourcing commitment by the OLG. Based on prior experience, complaints that have been referred to the OLG have often been subject to quite lengthy resolution timeframes regardless of the level of severity or the final outcome. At this stage, it is unclear how the OLG are going to ensure suitable resourcing and it is essential that councils are provided with reassurance that there will be appropriate resourcing provided. As the intent of the framework is to simplify and streamline complaints processes, it is vital that there is assurance that complaints will be dealt with promptly. Where matters are referred to the Privileges Committee, clear timeframes need to be provided on how quickly a panel can be convened and the timeframes they are required to deal with a matter. Additionally, we would like to reiterate the importance of the OLG releasing clear and detailed supporting guidelines for councillors and councils and their communities, as well as targeted training and practical resources to ensure consistent and effective implementation and operation. Privileges Committee As previously commented on in our submission, we consider that there is an inherent risk in the bias (perceived or actual) of the Privileges Committee and wish to reiterate that it is vital that the governance framework of the Committee include mechanisms to address this bias to ensure councillors who are required to face the Privileges Committee can be assured that they are being judged by a group of objective peers. Additionally, proceedings of the Privileges Committee should be subject to publication requirements. Understanding that certain details should remain confidential, at a minimum the Committee should be required to report (publicly and/or to councils) on its proceedings including panel members, conflicts of interest, high level overview of the matter under consideration and the final decision made.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

Mr Brett Whitworth
Deputy Secretary Local Government
Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

By email: olg@olg.nsw.gov.au

Our Ref: AD26/0085

Dear Mr Whitworth

Councillor misconduct framework reform

Thank you for the opportunity to provide feedback on the *Policy Statement: Improving Councillor Accountability* (the Policy Statement) and the *Model Code of Conduct for Councillors*. The Commission's submission is attached. The Commission's response to the Policy Statement has also been uploaded via the Office of Local Government's website.

Should you or your staff wish to discuss the issues raised in the Commission's submission, please contact [REDACTED], Executive Director Corruption Prevention on [REDACTED] or [REDACTED].

Yours sincerely
[REDACTED]

The Hon
Chief Commissioner

24 July 2026

OFFICIAL

Councillor Conduct Reform Policy Statement

Question 1: What aspects of the framework need further refinement or further explanation?

The Executive Summary of the Policy Statement provides that allegations of unsatisfactory behaviour will be considered by a new Privileges Committee, which will determine whether a councillor has “abused their privileges to speak freely.” Elsewhere, the Policy Statement further describes unsatisfactory behaviour as conduct that falls outside the norms and expectations of a sitting councillor. Matters involving serious misconduct will be dealt with by OLG.

There may be a potential jurisdictional gap in circumstances where conduct falls short of the threshold for serious misconduct and is not considered unsatisfactory behaviour. This possibility is supported by the examples of misconduct provided in the Policy Statement, which rely on terms such as “significant”, “serious” and “systemic”. Alternatively, the Policy Statement recognises on page 13 that OLG will have the statutory power to issue formal warnings for significant conduct where the breach is minor. While this statement is somewhat contradictory, it suggests a role for OLG in dealing with conduct that may fall below the threshold of serious misconduct.

Further clarification is required regarding the threshold for matters to be considered under the councillor misconduct framework. The Commission does not support any reduction in the scope of enforceable obligations governing councillors’ conduct in public office.

Additionally, it remains uncertain what criteria will be used to distinguish unsatisfactory behaviour from serious misconduct. It is noted that the OLG will publish regulatory guidelines. The Commission supports publishing the criteria that will be used.

Question 2: What improvements would you suggest to the proposed complaints process?

The reference to serious corrupt conduct “within the meaning of the *Independent Commission Against Corruption Act 1988*” (the ICAC Act) on page 7 of the Policy Statement is problematic. Sections 7 through 9 of the ICAC Act define corrupt conduct, while s 74BA provides that the Commission can only make findings of corrupt conduct if the conduct is serious corrupt conduct. The ICAC Act, however, does not provide a statutory definition for serious corrupt conduct. The Commission can only determine what is serious at the corrupt conduct findings stage of an investigation.

The Commission wrote to the NSW Government in letters dated 20 October 2025 and 12 November 2025 regarding the meaning of the serious corrupt conduct and understands that references to this term have been removed from the current draft of

the Local Government and other Legislation Amendment (Councillor Conduct) Bill 2025 (the Bill).

The Commission has also previously advised the NSW Government in a letter dated 15 October 2025 that it does not consider it appropriate that it have power to initiate proceedings against councillors or to apply for orders to suspend councillors from office. Such provisions do not fit comfortably with the Commission's role and functions under the ICAC Act. The Commission understands that these provisions have now been removed from the Bill and supports this revision.

Question 3: What changes would you recommend to the proposed privileges committee to enhance effectiveness?

The Commission advised OLG in a submission dated 8 November 2024 that there is a potential for criticism if the Privileges Committee members are perceived as being influenced by political affiliations. The submission noted that findings of the Legislative Council's 2002 Privileges Committee inquiry into Edward Obeid Sr's pecuniary interest returns demonstrate the inherent shortcomings associated with relying on parliamentary peers to investigate the behaviour of Members.

The Commission recommends that the OLG:

- considers expanding the Privileges Committee membership beyond elected officials to include people with demonstrated experience in areas such as governance and workplace investigations
- ensures that all Privileges Committee members are well-grounded in the principles of administrative decision making
- carefully screens all proposed Privileges Committee members to identify any potential sources of conflict of interest
- trains all Privileges Committee in the requirements of their new role, including the need to disclose conflicts of interest.

Question 4: What is the greatest risk to effective implementation of the proposed conduct framework?

The Commission wishes to ensure that s 11 of the ICAC Act, which imposes an obligation on agency heads to report reasonably suspected corrupt conduct to the Commission, is not diluted. Section 11 should continue to apply to individual councils and the OLG. In addition, if the Privileges Committee forms a reasonable suspicion of corrupt conduct, administrative arrangements should be in place for such matters to be referred to the Commission, via the OLG.

As outlined in the Commission's submission on the draft *Model Code of Conduct for Councillors*, several of the proposed provisions have the effect of raising the threshold for what constitutes misconduct. This is of particular concern in relation to

the provisions governing conflicts of interest. The unduly narrow definition of a conflict of interest has the potential to undermine the integrity of council decision making by minimising the range of conduct that may be captured. Additionally, the draft definition:

- is inconsistent with the proposed definition for council staff. While the Commission appreciates that councillors perform a legitimate political role that differs from that of staff, this should not justify any reduction in the integrity standards of public officials
- reduces the opportunity for early intervention as relationships such as friendships develop
- undermines the effectiveness of conflict of interest management by allowing situations that present integrity risks to go unmanaged.

The Model Code of Conduct: ICAC comments

Proposed Clause	Comment
Part 1	Application of this code
1.1(c)	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	Conflicts of interest
3.1(b)	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. 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.
3.1(b)(ii)	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”.
3.2	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).

Proposed Clause	Comment
	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.
3.3	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."
3.3(c) 3.3(h) 3.3(i)	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, <i>Investigation into the conduct of Ian Macdonald, John Maitland and others</i>, 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.
3.16(e) 3.16(f)	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.

Proposed Clause	Comment
	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.
3.29	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 4	Personal benefits
4.2(f)(i)	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.
4.4	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). 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.

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¹ See for example, *Investigation into the conduct of the local Member for Drummoyne* (Operation Witney report), July 2022, recommendation 1.

**Office of Local Government
Locked Bag 3015
NOWRA NSW 2541**

30 July 2026

Dear Sir/Madam,

AlburyCity's Submission – Councillor Conduct and Meeting Practices: A New Framework

AlburyCity supports the overall direction of the proposed reforms, particularly the introduction of a separate councillor Code of Conduct and a centralised, triaged complaints framework.

To be effective, the final framework should deliver:

- Timely and proportionate resolution of complaints
- Reduced administrative burden on councils
- Increased community confidence and transparency
- Procedural fairness and consistency

This submission outlines key areas where further refinement and clarity is required to ensure the framework is practical, fair and sustainable.

Separate Code of Conduct

AlburyCity supports the proposal to introduce a separate Code of Conduct for councillors, distinct from the existing code applicable to council staff.

The roles of councillors and staff are fundamentally different. Councillors are elected representatives responsible for strategic decision-making, advocacy and governance, operating in a public and politically sensitive environment. This includes interactions with fellow councillors, council staff and members of the community. Staff, on the other hand, are responsible for operational delivery and administration within an organisational framework.

A single, shared code does not always adequately reflect these differing roles and the nature of councillor interactions, particularly in relation to public debate, representation and community engagement.

A councillor-specific Code of Conduct provides an opportunity to:

- Clearly define behavioural expectations aligned to the role of elected members, including how councillors interact with each other, staff and the community;
- Improve understanding of acceptable conduct within the context of public representation and decision-making; and
- Reduce ambiguity that arises when applying a staff-focused framework to councillor conduct matters.

This approach is supported as it strengthens clarity, accountability, application and understanding across the sector.

Complaints Management Framework

AlburyCity supports a centralised and triaged complaints framework, improving consistency, independence and efficiency.

The triage process is particularly supported, enabling minor or vexatious complaints to be managed appropriately.

However, while centralisation is supported, it will be important that the framework retains sufficient understanding of local government operating environments and delivers timely, responsive outcomes. Clear service standards will be critical to avoid delays or bottlenecks.

Clarity of Conduct and Behaviour

AlburyCity strongly supports the introduction of clearer definitions and thresholds for conduct, including distinctions between unsatisfactory conduct, misconduct and serious misconduct.

Clear and concise behavioural standards will:

- Improve understanding for councillors and the community;
- Provide guidance on expected behaviour and acceptable interactions; and

- Assist in reducing trivial, vexatious or politically motivated complaints.

This increased clarity is considered a key improvement in supporting a more effective and proportionate framework.

Panel and Decision-Making Framework

The proposal for a central panel to assess behavioural matters is supported in principle, particularly in promoting consistency and independence in decision-making across the sector.

A centralised approach to determining conduct matters may also reduce variability in outcomes and improve confidence in the system.

However, further consideration is required regarding:

- The composition and independence of the panel;
- Ensuring members have appropriate skills, experience and impartiality; and
- Establishing a transparent process for appointment and review of panel members.

AlburyCity's previous feedback highlighted that a panel comprised solely of current or former councillors may present perceived or actual conflicts, and consideration should be given to including independent, suitably qualified members.

To strengthen confidence in the framework, it is recommended that the panel include a balanced mix of skills and experience, including independent members with governance, legal or regulatory expertise.

A transparent and merit-based appointment process will also be important to ensure independence and avoid perceived conflicts of interest.

Accessibility and Reporting

The introduction of a streamlined complaints process, including a clear entry point such as a webform, is supported.

This approach:

- Improves accessibility for the community;
- Provides a consistent and transparent reporting mechanism; and
- Ensures complaints are directed appropriately through a structured triage process.

Costs and Implementation

While the proposed framework delivers several benefits, there remains a key concern regarding the cost of implementation and ongoing operation.

Further clarity is required regarding:

- How the panel and investigation processes will be funded;
- Whether costs will be borne by councils, individual councillors or centrally; and
- The potential financial impact of the framework, particularly in managing frequent or minor complaints.

Costs should not be disproportionately borne by councils, particularly in relation to minor or vexatious complaints. Consideration should be given to a funding model that includes a state-supported baseline, with costs scaled according to the severity and complexity of matters.

While the proposed model may reduce duplication and improve efficiency over time, there is a risk that costs may increase or shift if the framework is not carefully structured.

It will be important that the final model ensures costs are:

- Transparent and proportionate;
- Appropriate to the seriousness of the matter; and
- Not unduly burdensome on councils.

Overall Position

AlburyCity:

- Supports a separate councillor Code of Conduct
- Supports a centralised complaints framework
- Supports clearer behavioural standards
- Supports improved accessibility and reporting

- Seeks further clarity on costs, implementation and panel composition

Political Conduct and Use of Complaints

The framework should recognise the potential for complaints to be used in a politically motivated manner. Strong triage processes and clear thresholds will be important to ensure that trivial or vexatious complaints are identified early and managed appropriately.

Implementation and Transition

Successful implementation will require:

- Clear guidance and supporting materials
- Training for councillors and staff
- A structured transition period to allow councils to adapt to the new framework

Consideration should be given to staged implementation to minimise disruption

The proposed reforms represent a positive step toward a more consistent and effective councillor conduct framework.

A successful model will:

- Deliver timely outcomes
- Reduce administrative burden
- Ensure procedural fairness
- Strengthen community confidence and transparency

AlburyCity supports the intent of the reforms and looks forward to further detail to ensure the framework is practical, fair and sustainable in its application.

We thank you for the opportunity to provide feedback. Should you wish to discuss any aspect of our submission, or provide feedback on our submission, please contact [REDACTED] on [REDACTED] or [REDACTED] or [REDACTED] on [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]



RESPONSE

Improving Councillor Accountability

Submission by:
Country Mayors Association of NSW

[REDACTED]

Ph: [REDACTED]



RESPONSE

Improving Councillor Accountability Councillor Conduct Reform and Policy Statement

Introduction

The Country Mayors Association of NSW (CMA) represents 89 councils located in remote, rural and regional NSW as well as five associate members. The CMA's goal is to promote and advocate for our Member Councils and the communities they represent across a broad range of matters as well as for Local Government as a sector.

In operation for over 45 years, the CMA looks to create genuine, respectful and productive relationships with State Government to empower, engage, promote and deliver positive outcomes for regional NSW.

The CMA supports the key principles for the new Councillor Conduct Framework:

- Robust political debate is protected;
- Misconduct is clearly defined; and
- Complaints have a clear front door.

Our Members support the overhaul of the current system which many believe has become expensive, cumbersome and proven increasingly difficult and costly to administer, particularly for smaller rural councils. In addition, it is open to weaponisation in political disputes and due to the time it takes to resolve a conduct matter, disputes can fester over not just months but years.

Our Members support the proposed move toward a single point of entry for complaints through the Office of Local Government (**OLG**), improved triage arrangements which should provide greater recognition that patterns of poor behaviour. The current system often places considerable administrative burdens on councils, General Managers and staff, frequently without delivering meaningful outcomes in a timely manner.

Our Members support clearer definitions of unsatisfactory behaviour and serious misconduct and welcomes additional clarity regarding pecuniary and non-pecuniary conflicts of interest. We strongly support the redirection of complaints about councillors conduct from councils directly to the OLG and the introduction of an early triage process to filter and prioritise complaints based on

seriousness and credibility. We believe the centralisation of responsibility for managing all councillor conduct complaints together with a triage process and clear statutory definitions of councillor misconduct should successfully address many of the concerns raised by our Members about the current framework.

The CMA supports a new Framework that aims to deliver a timely, proportionate, transparent and fair system while reducing complexity and protecting councillors from vexatious and trivial allegations.

Simplified Definition of Poor Behaviour

The CMA strongly supports definitions that clearly distinguish between unsatisfactory behaviour and serious misconduct. We note that the definition of Unsatisfactory Behaviour has elements of subjectivity, while Serious Misconduct does not. We suggest that consideration be given to defining Unsatisfactory Behaviour *as any conduct that is not Serious Misconduct*.

If this definition was adopted then at the point of triage the decision-maker would only consider whether the conduct met the definition of Serious Misconduct, and if not, it would automatically be deemed to be Unsatisfactory Behaviour. We believe this approach would result in faster triaging of matters, particularly matters involved Serious Misconduct.

Triage and Management of Complaints

The CMA strongly supports the proposal for a single-entry point for complaints and the introduction of a new triage process. There is no question that the ability to track complaints that will result from the new process will enhance the management of vexatious, frivolous or trivial complaints.

We believe that the single-entry point should also speed up the management of complaints, however we do believe that the process should include a maximum number of days to triage a complaint. If the complaint is not triaged within say 15 Business Days, then it is deemed to be Unsatisfactory Behaviour and automatically referred to the Privileges Committee.

We note the proposal to surcharge those that make vexatious, frivolous or trivial complaints, we wish to ensure that it is the councillor who is personally responsible for paying the surcharge and not the council. The surcharge will only discourage these types of complaints if the councillors are personally financially responsible for the payment of the surcharge.

Privileges Committee

It is our understanding of the Framework that Unsatisfactory Behaviour will be referred to a committee of the councillor's peers, to be known as the Privileges Committee. There is some concern about the amount of time that serving on the Committee could take as well as the costs involved. The costs are not just the costs associated with the councillors attending but also the costs associated with the proposed Advisory Support, such as an independent legal advisor.

We note the proposal to recoup costs of the new Framework on a costs' recovery basis. Before the CMA can provide support for introduction of a Privileges Committee, we need to better understand how the costs of the Committee would be met and how councillors who are selected by the Minister to be part of the Committee will be reimbursed for their time. Given the weight of the work involved, we do not support councillors participating in the Committee on a voluntary basis

It is unclear how many members will comprise the Privileges Committee, or how many members will be required to consider an individual conduct matter. The CMA suggests that there be at least 15 people appointed to the Privileges Committee and that 3 members are allocated to consider each conduct matter. This approach would allow multiple matters to be considered at the same time and should reduce the time between referral and resolution.

We support the scope of matters to be dealt with by the Privileges Committee and the penalties that it is able to impose for Unsatisfactory Behaviour.

Again, we recommend that there be time limits set for the Privileges Committee to meet to consider a matter, we suggest within 30 Business Days of the matter being triaged. If the Committee has not met to deal with the matter within the set timeframe then it should automatically escalate to the Department Chief Executive (**DCE**) for assessment and determination of any penalties. There must be safeguards in place to ensure that there is no slippage in relation to dealing with complaints.

Investigation Powers

The CMA supports the consolidation of investigative powers including disciplinary provisions into a single chapter within the local Government Act. We agree that providing a clear and centralised source for investigative authority in relation to complaints will improve the compliance process.

We support shift in responsibility for disciplinary outcomes to the Land and Environment Court (**LEC**) and recognise that this will require a more robust investigative framework while providing better legal and evidentiary outcomes. However, we are concerned about the costs that might be associated with using the LEC, particularly in a protracted, defended matter. It is not clear whether the burden of these costs will be met by the OLG or whether they will fall under the proposed Proportionate Costs Model. As the referral to the LEC will be made by the DCE we believe that the costs associated with the litigation should be borne by the OLG and where appropriate the councillor.

We support the OLG having the power to compel individuals, including third parties to provide answers during an investigation providing there are protections against self-incrimination in place.

The CMA supports the proposal for a new mechanism which would allow councillors and councils to enter into voluntary undertakings in relation to Unsatisfactory Behaviour. We believe this approach could result in an early resolution for Unsatisfactory Behaviour and reduce the cost burden and time taken to finalise a matter.

However, it is important that where a voluntary undertaking is breached that there are clear penalties awaiting the person who makes the breach and for clarity these should be included in the undertaking. If there are no penalties for a breach, then there is no motivation to uphold the undertaking. Failure to comply with a voluntary undertaking should result in the immediate imposition of the penalties not a revisit to the complaints Framework. It should be a matter for the DCE to impose the penalties for failure to comply.

Proposed Sanctions

The CMA agrees that sanctions must be proportionate to the nature and severity of the conduct. We agree that the sanctions' framework should be clear, have enforceable consequences for misconduct and be proportionate to the seriousness of the behaviour. It must also have consistency and clarity as to how the sanctions are interpreted and applied and act as a deterrent to future undesirable conduct.

It is important that where councillors continue with the same Unsatisfactory Behaviour that the judgement of the conduct does not continually return to the Privileges Committee. We suggest that where a councillor is referred to the Privileges Committee for the same misconduct three times that there is automatic escalation to the DCE. There is concern that councillors could repeat the same poor behaviour simply because of the limited penalties that can be imposed by the Privileges Committee. There should be consequences for repeat bad behaviours.

We note that the DCE's sanctions include suspension. We recommend that the suspension be set in terms of general council meetings (including all committee meetings and any other meetings to which the councillor would normally be expected to attend, in their capacity as a councillor) rather than days. We note, that a 28 day suspension, could result in the councillor not missing out on a single council meeting, depending on when the suspension starts and the number of days in a month.

This approach would ensure that a suspended councillor is forced to miss actual meetings not just days. We believe a suspension that sets a number of general council meetings sends a clearer message to the councillor, and where appropriate the councillor's supporters, that they are no longer part of the decision-making body.

The CMA supports the proposed judicial penalties, again where the penalty is disqualification or suspension we believe it should not be expressed in temporal terms but in terms of general council meetings. The CMA also supports the LEC's proposed power to suspend a councillor from office until the determination of proceedings, if the court considers it to be in the public interest.

Implementation

The CMA supports the two stage approach proposed for the implementation of the reforms.

We agree that the updated procedures should apply to transitional matters to support faster resolution, reduce duplication and prevent a long tail of legacy investigations. In relation to legacy

investigations the CMA encourages the OLG to direct more resourcing at investigations currently in the system with a view to finalising these matters within 6 months of the introduction of the new Framework.

We believe that allowing legacy matters to meander down the current regime to eventual resolution will only lead to confusion, additional cost and muddy the waters for the new regime. There is no reason why parties to current investigations that have only recently begun cannot be advised that they are being moved to the new Framework, if the move will resolve the matter more quickly.

Proportionate Costs Model

We note the new Framework is proposing the adoption of a Proportionate Costs Model. It is unclear whether the costs will be met by all councils, or just by the council who is party to the alleged poor conduct.

If the costs associated with the new Framework are to be shared across all councils, then this could be an issue. For those councils with a history of code of conduct complaints, the new model is likely to leave them in front, however for councils without that history it will be an additional cost impost on them – perhaps for a service they will never use.

We note that the paper states that further work on the design and build of the cost recovery model is ongoing. The CMA would welcome the opportunity to participate in developing those models as well as the cost distribution modelling.

Conclusion

The CMA supports the intent of the proposed reform to ensure that councillors can engage freely and fairly in robust political debate without undue procedural burden or fear of reprisal.

Councils are not just places where there is robust civic debate, it is also a workplace for thousands of people across NSW. It is imperative therefore that a Framework is in place that calls to account poor behaviour and demands improvement.

The CMA looks forward to working with the OLG to develop the new Councillor Conduct Framework.

Personal information	
Would like your name and personal contact details to remain confidential?	☐ Yes, please keep my details confidential ☒ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Forbes Shire Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Role of Councils under the Centralised Model With complaints being centralised within OLG and removed from councils' direct management, clarity is required regarding: 1. How councils will be notified of complaints involving their councillors 2. Level of input Council will have in relation to complaints involving their councillors 3. Whether councils will have access to regular reporting on complaint volumes, trends and outcomes. Complaints Triage and Transparency The framework proposes triage and early dismissal of trivial complaints. Clarity is required regarding: 1. Decision-making criteria for triage thresholds 2. Mechanisms to ensure consistency and transparency 3. Whether complainants and councils can seek review of triage decisions Definition of Behaviour Standards The intent to simplify definitions of unsatisfactory behaviour is supported. Further guidance is required to: 1. Ensure clear thresholds between "unsatisfactory conduct" and "serious misconduct" 2. Reduce ambiguity that could result in disputes about classification 3. Align the draft Model Code of Conduct with practical, example-based guidance for councillors Training, Guidance and Implementation Support There is a significant lack of detail on proposed training, guidance and implementation support. The following is sought: 1. Availability of standardised training for councillors 2. Practical, scenario-based training for councillors

		3. Ongoing education and advisory support (beyond implementation) 4. Timely development and release of procedures, guides, flowcharts and resources to assist councillors understand complaint pathways, responsibilities and procedural requirements. 5. Access to early advisory services and guidance to assist with resolving misunderstandings before matters escalate into formal complaints.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	Structured Communication Protocols 1. Councils are notified of all complaints concerning their councillors (noting confidentiality requirements) 2. Councils to receive progress updates and final outcomes 3. Ability for councils to response to allegations which relate to council processes or decisions 4. Framework is to recognise existing governance mechanisms (Questions with Notice and Council meeting processes), as transparent mechanisms that support informed decision-making and accountability. Reporting and Transparency 1. OLG should provide quarterly reports to councils, outlining: a. Number and type of complaints b. Outcomes and timeframes c. Trends and systemic issues d. Sector-wide, de-identified reporting to promote transparency and learning Timeframes for Complaint Resolution 1. There are currently no clear benchmarks outlined in relation to “timeliness”. Recommend that: a. Statutory or policy-based timeframes be established for each stage of the process b. Escalation pathways are provided for

		delayed matters. Managing Vexatious Complaints 1. Managing vexatious complaints is a key objective and strongly supported. Further measures could include: a. Consideration of deterrents (e.g. repeat complaint controls or cost recovery in extreme cases) b. Clear definitions of “vexations” or “frivolous” complaints c. Safeguards to ensure Councillors are able to legitimately scrutinise, question, seek clarification and advocate on behalf of communities without concern that such activities may be characterised as misconduct.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	Composition and Expertise 1. The proposal for a committee of councillors is supported, but further detail is required on: 2. Selection criteria and appointment process 3. Tenure of panel members 4. Inclusion of independent or probity advisors Independence and Perception of Bias 1. As a peer-based model, there is a risk of perceived or actual bias. Consideration should be given to: a. Independent chairs or observers b. Conflict of interest management processes c. Rotating membership Scope and Decision-Making Authority 1. Further clarity is required on: a. The types of matters the committee can determine b. Thresholds for escalation to OLG or the Land and Environment Court c. Whether decisions are binding or advisory. d. Consideration should be given to strengthening the committee’s functions by providing it with more effective enforcement and disciplinary powers where appropriate. Without this, the effectiveness of the committee could be significantly limited.

		Consistency Across the State 1. Standardised templates, procedures and decision frameworks should be developed
6	What is the greatest risk to effective implementation of the proposed conduct framework	Insufficient Implementation Planning and Resourcing 1. The most significant risk is implementation without adequate support, particularly delays in providing councils with simple and clear process guides, flowcharts and other training resources and education materials. Capacity and Workload Pressures on OLG Centralisation may create: 1. Bottlenecks/delays if resourcing is inadequate 2. Risks of inconsistent decision-making under high volumes Cultural and Behaviour Change The success of the framework depends on: 1. Councillors understanding and accepting new processes 2. Avoiding continued “weaponisation” of complaints despite structural changes 3. Suitable enforcement and disciplinary powers being available to the committee, OLG and other bodies where appropriate <u>ADDITIONAL CONSIDERATIONS</u> Integration with the Draft Model Code of Conduct 1. Ensure alignment between code obligations and enforcement mechanisms 2. Provide practical examples and case studies to support interpretation Data Sharing and Governance Insights Councils should retain access to aggregated data to inform Governance improvements, training needs and risk management frameworks Alignment with Broader Governance Frameworks Ensure integration with: 1. Audit, Risk and Improvement Committee functions

		2. Public Interest Disclosure frameworks 3. Councillor induction and ongoing professional training Cost Recovery Model and Financial Implications The Policy Statement notes that further work is to be undertaken to develop a cost recovery and cost distribution model to support the centralised complaints framework. Council considers it critical that: 1. Any cost recovery model is equitable and proportionate, taking into account the number, complexity, and type of complaints associated with each council, rather than applying a uniform or broadly distributed cost across the sector. 2. The model recognises that councils with lower complaint volumes should not be disproportionately burdened by the conduct of other councils. 3. Consideration is given to incentivising good governance practices, ensuring councils that invest in councillor training and early intervention are not financially disadvantaged. In addition, the timing of the development and release of the cost model is a key concern. Councils operate within strict financial planning cycles and require: 1. Early visibility of anticipated costs to enable appropriate budget planning and reporting 2. Clear guidance on how costs will be calculated, allocated, and reviewed over time 3. Transparency regarding whether costs will be fixed, variable, or subject to ongoing adjustment Without timely and detailed information, there is a risk that councils will be unable to adequately plan for the financial impacts of the new framework, which may create budget pressures and affect service delivery.
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By submitting this form, you have read and agreed to the department's [privacy statement](#).

Response ID:	Submission withheld at request of submitter
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Response ID:	This submission has been withheld from publication due to references to an ongoing investigation and may be published at a later date.
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Personal information

Would like your name and personal contact details to remain confidential?	☒ Yes, please keep my details confidential ☐ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Shoalhaven City Council
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☐ Council staff ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify)
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☐ Yes ☒ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Further information on the following would assist to provide a more considered response to the proposed framework • Whether GM/CEOs will receive notification of complaints received by OLG? If so how will this occur? • What information will council staff be expected to provide to OLG at triage/committee/investigation stages? • How will complaints that also include safety (including psychosocial safety) be managed to allow for CEO/GM to act quickly to ensure safety of Councillors in the workplace - as required by Safework NSW? • What information will be provided to GM/CEOs when issues arise that are dismissed at triage, but still of concern at a local level? What role will GM/CEO have to provide guidance/support to councillors in this situation? • How will complaints that involve both a councillor and a staff member be managed? What role will the GM/CEO have in these situations? • How will OLG deal with vexatious/unreasonable complainants - will OLG seek information from councils about complainant's previous unreasonable behaviour when making decisions at triage? • How will complaints against a CEO/GM be managed. It is presumed a CEO will fall under the staff Code of Conduct and that Mayors will continue to decide on complaints, but this is not outlined. We note that Mayors will require support. • What procedures will apply to management of

		serious breaches of the code of conduct by staff - noting that the current procedures will likely not be fit for purpose? • How PIDs lodged with the Council about Councillor Conduct will funnel into the OLG complaint management system? How will this be consistent with PID legislation - noting agency requirements regarding - how PIDs will be investigated (s55), agency liability (s62) and response to allegations of detrimental action s34 • What expectations are envisaged for Councils - ie will Councils still need a complaints coordinator to assist/report to OLG? Will council require a panel of conduct reviewers? • What guidance will be provided to Councillors/Council • What support will be provided to Council to support Councillors who have challenges meeting their obligations • What is the process for triage? What will be the “statutory criteria” to ensure complaints are assessed consistently with defined thresholds for dismissal? • What timeframes will be set for triage? • what information will be provided to complainants when complaints are dismissed at triage? • what appeals mechanisms for complainants and councillors will be provided at triage stage? • What processes will the Privileges Committee use to assess cases? • What is the appeals mechanism for complainants and councillor for cases determined by the Privileges Committee • What timeframes are expected for decisions by the committee?
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3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☐ Agree ☒ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	It is difficult to suggest improvements as there are questions (above) regarding how the process will work however, the following comments are provided: • The process does not clearly outline how requests for review of decisions may impact on triage and Privileges Committee workload, noting that complainants may take all opportunities for review • The process requires further detail on the residual expectation on council to assist with the process • The process requires further detail on the cost to councils and how this will be determined. • The process requires further details on the definitions of <i>Unsatisfactory Behaviour</i> and <i>Serious Misconduct</i> • It is apparent from Orders this Council has received from Safe work NSW that the safety, particularly the psycho-safety of Councillors in the workplace is required to be a high priority for CEOs. How can the process be improved to allow for early intervention in such cases? • Complaint Management Standard AS10002:2022 seeks to treat complaints as stakeholder feedback and usually seeks resolution, explanation, remedy and organisational learning. The OLG Model appears disciplinary, and it is not clear how, or if, the OLG Model will meet this standard.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	• Clear explanation of what process is followed, what information will be provided to complainants about decisions and what review mechanisms are available • A mechanism to deal with any backlog should the volume of complaints be high and the committee be unable to complete reviews

		within expected timeframes • Clear information on how Councillors may nominate for the committee, selection criteria, how long they may serve and how any conflicts of interest will be managed. If there is a mechanism envisaged for Councillors to appeal if they are not selected? • It is unclear how complaints about the conduct of the Privileges Committee will be managed
6	What is the greatest risk to effective implementation of the proposed conduct framework	• It is not clear how the Privileges Committee will ensure that it is, and is perceived to be, free of political bias • Our preference is for a suitably qualified professional with training in procedural fairness and natural justice to act as chair of the committee and for clear avenues of appeal to be included.

By submitting this form, you have read and agreed to the department's [privacy statement](#).

Office of Local Government
Locked Bag 3015
NOWRA NSW 2541

Attention: Governance Team

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 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.
- Clarification is sought as to whether a Councillor has a right to appeal a determination by the OLG, the proposed Privileges Committee or the Land and Environment Court, and if so, the process by which such an appeal may be made.
- Notwithstanding the reassurances provided in the Councillor Conduct Reform Policy Statement, Council strongly recommends that members of the Privileges Committee members be appointed through a merit-based selection process from a pool of former Mayors and Councillors with demonstrated skills in conflict resolution, governance and complaints handling. Consideration should also be given to ensuring balanced representation from a range of political backgrounds to promote independence, maintain public confidence and minimise the risk of politicization.
- The proposed reforms place a lot of emphasis on the OLG managing complaints going forward. Whilst Council welcomes this approach, it will be critical for the OLG to be sufficiently resourced to manage complaints in a timely, efficient and cost-effective manner. Regular communication with all parties throughout the complaints process will be critical to ensuring transparency and maintaining confidence in the new framework.
- Some commentary is provided regarding a cost recovery approach to the new framework, however Council seeks clarification around the cost structure associated with the formation of a Privileges Committee and its ongoing assessment of complaints and matters that might be referred to the Land and Environment Court. Greater clarity is sought regarding the allocation of costs, including who will be responsible for meeting those costs, under what circumstances they will arise, and when they will be payable.

- The proposed reforms introduce significant changes to the councillor conduct framework that will require ongoing education and training. Council considers it essential that implementation of the reforms is supported by comprehensive guidance materials, practical resources and targeted training opportunities for Councillors and senior staff to ensure a clear understanding of the new requirements, processes and the manner in which they will be administered by the OLG.

If you have any questions in relation to this submission, please feel free to contact [REDACTED],
Director – Corporate Services & Strategy on [REDACTED].

Yours Sincerely

[REDACTED]
[REDACTED]



Office of the Mayor

Submission on Draft Code of Conduct

OBERON COUNCIL

4 August 2026

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”*).

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.

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 of 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.

Lodgement of Complaints

Complaints are lodged directly with Office of Local Government. This may mean that community members are more reticent to lodge genuine complaints. It is unclear how the Privileges Committee is to be funded by councils. Councils are unable to control complaints being lodged by Community or Councillors yet are expected to pay a contribution to the investigations if the complaints are vexatious or frivolous or for political purposes. Oberon has been subject to numerous Complaints relating to a Councillor. If this continues the council will haemorrhage funds in relation to complaints relating to this Councillor due to no fault of 8 other Councillors or the community. Is the contribution only for complaints made by Councillors? It is unclear.

Council is concerned with the timeframe for investigation both by the Privileges Committee and OLG. Oberon Council notes a referral to OLG in relation to a Complaints investigation was made on 22 April 2026 following a Council Meeting. Despite requests no timeframe was provided by OLG in relation to this referral and it was indicated to Council they would need to undertake their own thorough investigation into the matter. On 30 July 2026 a response was received from OLG which indicated OLG had not undertaken their own thorough investigation but referred to the Council commissioned independent investigation. OLG made the determination that despite Council's referral it would take no further action, even though Council's investigator stated Council was at liberty to refer the matter to OLG for further action.

Therefore, experience would indicate that OLG does not have the resources to undertake such investigation either by itself or through the Privileges Committee and in the clearest indications of serious misconduct that affects a local community, OLG still fails to impose meaningful sanctions such as removal from office of a Councillor for any period of time.

Repeated serious unsatisfactory behaviour, patterns indicating systemic issues

It is unclear to what extent if any the Privileges Committee or OLG will investigate these issues. The relevant Council is not part of the investigation this evidence may never be disclosed to the investigating body unless requested. The Privileges Committee or OLG has no obligation to refer/notify a matter to the relevant Council or to involve that Council at all.

As indicated above what constitutes "repeated serious unsatisfactory behaviour, patterns indicating systemic issues" is unclear and how and where this evidence is to be derived is not set out.

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.

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.

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.

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.
- 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.

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.

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.

Yours sincerely
[REDACTED]

[REDACTED]

From: [REDACTED]
To: [OLG Office of Local Government Mailbox](#)
Subject: Private submission
Date: Saturday, 8 August 2026 7:10:16 AM

Suggested modifications to pending:local government code of conduct . **A published composition and appointment standard for the Privileges Committee** — including diversity of gender, cultural background and geography, with the selection criteria public, and appointment involving consultation beyond elected office holders. If the standard can't be codified, the panel applying it has to be defensible.

2. Published triage criteria, released in draft for comment before the regulation is finalised, written reasons to the complainant for every triage dismissal, and an independent review path for a complainant who says their complaint was miscategorised.

3. The vexatiousness surcharge confined to cases with affirmative evidence of improper purpose — not applied to complaints merely assessed as thin.

4. Annual public reporting on complaint volumes, triage outcomes, Privileges Committee outcomes, and the rate at which OLG declines to proceed after a Committee referral, with reasons categorised.

[REDACTED]
Sent from my iPhone

**Office of Local Government Circular 26 08 Consultation on
Councillor Conduct Reforms**
Submission of Centium Pty Ltd
August 2026

Centium

Centium specialises in assisting government organisations manage risk by providing Risk and Assurance, Probity and Governance, Cyber and Information, and Investigation services.

Centium holds a Master licence required by the *Security Industry Act 1997* (NSW) to provide ‘security operatives’, specifically, persons holding a Class 2 Private Investigator licence.

We maintain a diverse investigation practice that covers the full range of complaint and conduct matters that typically arise in public sector contexts and require external investigation expertise and support.

Centium is a pre-qualified supplier under the NSW Government Performance and Management Services Scheme. We are a member of panels providing code of conduct preliminary assessment and investigation services to more than 90 NSW councils.

Centium has completed more than 250 preliminary assessments and/or investigations for NSW councils.

Opportunity to comment

Centium welcomes the opportunity to comment on Improving Councillor Accountability, Councillor Reform Policy Statement, June 2026 (**Policy Statement**) and the (draft) Model Code of Conduct for Councillors, June 2026 (**Draft Model Code**).

We made a submission to the OLG responding to the Councillor Conduct and Meeting Practices: A New Framework documents and proposal published by the Office of Local Government (OLG) in September 2024 (**Our September 2024 Submission**).

Given our experience undertaking code of conduct preliminary assessment and investigations, we offer the following comments or suggestions in the hope that these will assist the OLG’s implementation of the proposals.

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.

Suggestion

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.

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.

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.

Suggestion

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.

‘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.

‘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.

‘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.

‘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.

Suggestion

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
- 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.

‘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?

Suggestion

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.**

Policy Statement

In our September 2024 Submission, we queried how such conduct as (for example) sexual harassment, serious bullying, unlawful discrimination would be considered under the bifurcated ‘unsatisfactory behaviour’ and Privileges Committee and ‘Serious misconduct’ and possible proceedings in the NSW Land and Environment Court (**NSWLEC**).

The Policy Statement does not resolve our question. If the OLG would investigate, for example, alleged sexual harassment, the documents produced to give effect to the proposed changes should make clear conduct that might occupy a lacuna between ‘unsatisfactory behaviour’ and conduct of a kind that would be reviewable by the NSWLEC following investigation.

There are statutory regimes that apply to bullying, unlawful discrimination, and sexual harassment. The Policy Statement does not address the intersection between the proposed conduct process and the jurisdiction and remedies that apply in the NSW context. This, in our view, should be addressed in documents developed to support the proposed changes.

Suggestion

We suggest that the OLG consider:

- Making clear in the document that supports the implementation of the changes how conduct such as **sexual harassment, unlawful discrimination and serious bullying** would be investigated within the definitions and processes set out in the Draft Policy Statement
- Refer to the **jurisdictional and remedial regimes** that apply to sexual harassment, unlawful discrimination, and bullying and how these will intersect with the new conduct regime.

Other comments

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.

Suggestion

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.

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.

Suggestion

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.

Get in touch

We hope that our submission contains constructive comments on the Draft Policy Statement and Draft Model Code. Our contact in relation to our submission is:

[REDACTED] Dip Health Sc BN(Dist) MN MHSM
LLB(Hons) Grad Dep Leg Prac

Director Organisational Integrity

☎ [REDACTED]

✉ [REDACTED]



centium 

centium.com.au

Personal information	
Would like your name and personal contact details to remain confidential?	☒ Yes, please keep my details confidential ☐ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Tweed Shire Council
Type of organisation	☐ Councillor ☐ Mayor ☒ General Manager / council executive <i>*Reviewed by [REDACTED]</i> ☒ Council staff <i>*Prepared by [REDACTED]</i> ☐ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify)
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Some aspects of the framework would benefit from further clarification and supporting guidance. Further clarification is sought regarding the Mayor's role under clause 6.1 in ensuring councillors receive all information necessary to effectively perform their functions. It is unclear how this responsibility is intended to operate in practice given that the Mayor does not have authority to direct council staff and that some councillors may refuse to engage with or take direction from the Mayor. Further guidance on the Mayor's responsibility in this regard would assist. Clause 6.3 could also be improved by expressly allowing (encouraging) the General Manager to proactively provide information to all councillors where it is considered relevant or beneficial to the performance of their functions. Restricting distribution to situations where another councillor requests the information may inadvertently prevent councillors from receiving information they would have sought had they been aware it existed. In practice visibility barriers can exist and the council as a whole may not have visibility to the conduct and behaviour of a limited few councillors who seek to disrupt and undermine the Council. Given the increasing use of Artificial Intelligence tools, consideration should also be given to including guidance on the use of council information within AI platforms, particularly confidential and personal information. It is apparent that in recent months some councillors are utilising AI to ask questions back on council reports or other advice provided by staff which can divert resources from core duties. Whilst the use of AI to assist councillors in analysing information and performing their functions may provide benefits, clear guidance is needed regarding its appropriate use. In some cases, questions generated with the assistance of AI may duplicate information already contained within council reports or advice previously provided by staff, resulting in unnecessary administrative effort. Consideration could also be given to whether councillors should disclose when any questions posed or any work is prepared with the assistance of AI. Finally, additional practical guidance would be beneficial regarding councillor interactions with contractors,

		consultants and other externally engaged service providers. The proposed Code restricts councillors from directing or instructing these parties; however, it provides limited guidance on situations where external parties seek to influence councillors, lobby for particular outcomes, or use councillors as a pathway to address operational issues. Further guidance would help maintain clear separation between governance and administration responsibilities and promote consistency in how such interactions are managed. The concept of voluntary undertakings appears promising; however, further detail would assist stakeholders in understanding how the mechanism would operate in practice.
3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	The proposed framework should include clear mechanisms to address the deliberate spread of misinformation and unfounded allegations, particularly where such conduct is directed at councillors, council staff or the integrity of council decision-making processes. Staff are often unable to publicly respond to criticism or defend their professional reputation, creating an imbalance that may impact the provision of frank and fearless advice. Council recommends further guidance on the circumstances in which repeated conduct will be considered systemic misconduct. Clear criteria and examples would support consistency, procedural fairness and transparency in the application of severe sanctions. The effectiveness of the new framework would also be enhanced through ongoing guidance, training and education for councillors regarding what constitutes misconduct and what falls within the bounds of legitimate political debate. Finally, successful implementation of the proposed framework will be assisted by ensuring the Office of Local Government has access to sufficient resources and support to manage its expanded responsibilities. This will help maintain confidence in the new system and support the timely assessment and resolution of complaints.

5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	The proposed Privileges Committee model is supported, provided appropriate safeguards are maintained to minimise actual or perceived political bias. To support public confidence in the committee's decisions, consideration should be given to establishing clear eligibility and independence requirements for committee members, transparent decision-making processes, and the publication of outcomes where appropriate. This is particularly important with political alignment and party influences becoming increasingly evident at the local government level, these safeguards will be important in maintaining public confidence in decisions made by peer review bodies. Council seeks further clarification on how a Privileges Committee Panel will obtain and assess evidence. While the paper states that panels will consider evidence and operate under principles of natural justice, it is unclear how a panel will determine whether it has enough information to make a finding where evidence is incomplete, contested, or held by councils or third parties. The paper indicates that the panel will receive a summary of the complaint and a response from the councillor; however, in Council's experience, the full facts of a matter are not always evident from the initial complaint and response. Important context may only come to light after further inquiries are undertaken. Council therefore seeks clarification on the respective roles of the Privileges Committee and the Office of Local Government in gathering and assessing evidence, including whether OLG's proposed investigation powers would be available where additional information is required to ensure a fair and informed decision. Council also suggests that consideration be given to appointing an independent chairperson with significant local government experience, such as a former General Manager or senior local government officer. Such a role could provide an independent perspective on the operational, governance and administrative impacts of councillor conduct, including impacts on council staff, organisational culture and the effective functioning of local government. This perspective could assist the committee in assessing the seriousness of misconduct and determining an appropriate and proportionate response.
6	What is the greatest risk to effective implementation of the proposed conduct framework	The greatest risk to effective implementation of the proposed conduct framework is ineffective change management during the transition to the new model. Comprehensive training, practical guidance, clear communication and appropriate implementation support will be critical to achieving consistent application across the sector. Successful implementation will also depend on the Office of Local Government having sufficient capacity to manage increased complaint volumes and its expanded responsibilities under the proposed centralised model. In addition, careful consideration should be given to the financial impact of the reforms on councils, particularly at a time when many local governments are operating within a challenging financial environment. Council strongly

		supports a well-planned implementation program that includes comprehensive training, practical guidance materials, templates, online resources (released before the changes come into effect) with sufficient lead time before commencement to prepare. Council also considers it important that any penalties and sanctions under the new framework are proportionate to the seriousness, intent and impact of the conduct, as flagged in the policy statement. While proportionality is important, sanctions must also be meaningful and capable of deterring future misconduct. If consequences are perceived as little more than a slap on the wrist, there is a risk that behaviour will not change and community confidence in the framework will be diminished. To further support implementation and improve understanding of expected standards of behaviour, consideration could also be given to developing mandatory code of conduct training for candidates seeking election to local government. Providing candidates with an understanding of their obligations before entering office may reduce the likelihood of unintentional breaches and assist in setting clear expectations regarding appropriate conduct from the outset. This may also help prevent situations where a councillor's early experience in office is negatively affected by a lack of understanding of the standards required under the Code.
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By submitting this form, you have read and agreed to the department's [privacy statement](#).

7 August 2026

Office of Local Government
Locked Bag 3015
Nowra NSW 2541

Submitted via email: olg@olg.nsw.gov.au

Re: Submission – Councillor Conduct Framework Reforms

Dear Office of Local Government

Thank you for the opportunity to make a submission on the *Councillor Conduct Framework Reform*. This submission has been prepared with the input and support of our member councils but should be considered draft until it is formally endorsed by the NSROC Board.

The Northern Sydney Regional Organisation of Councils (NSROC) members are the eight councils in the northern Sydney area: Hornsby, Hunter's Hill, Ku-ring-gai, Lane Cove, Mosman, North Sydney, Ryde, and Willoughby. NSROC brings these councils together to work on projects and common goals to create solutions that benefit not just individual communities, but the entire region. NSROC member councils service an area of 639km² with a population of 662,281 as of 2026 which extends from the Hawkesbury River in the north to Sydney Harbour in the south, west to Meadowbank on the Parramatta River.

NSROC member councils support the aims of the reforms to set clearer standards and strengthen accountability. To be effective, the reform will require adequate resourcing, clear statutory thresholds, procedural fairness safeguards and transparent reporting.

Removing councils (including General Managers) from the direct handling and assessment of councillor conduct complaints is supported. This will significantly reduce the real or perceived conflict of interest and relieve administrative pressure on council staff. The proposed centralisation of complaints through OLG should result in a more independent and consistent process.

Funding Model

Appropriate resourcing will be critical to the effective implementation of the reform. OLG must be resourced to triage complaints quickly otherwise the process may centralise delay rather than resolve it.

The paper proposes cost recovery, with councils contributing to complaint management costs, particularly Privileges Committee costs, while OLG's core regulatory functions would not be recovered from councils. The model should be transparent, predictable, and equitable, and should avoid imposing disproportionate costs on councils with low complaint volumes. Further, the funding model should not shift costs from OLG to local councils. Further consultation on the funding model is warranted prior to finalisation.

Service Standards

The framework should include expected timeframes for complaint acknowledgement, preliminary assessment, triage, referral, investigation, draft findings, final decision, and closure. The current Model Procedures include specific procedural timeframes in several areas, including referral to a conduct reviewer within 21 days and preliminary assessment within 28 days. Comparable service expectations and performance reporting should be included in the new framework.

NSROC member councils would welcome the opportunity to continue to work with OLG to refine the reforms. For any further information, please contact [REDACTED], NSROC Executive Director on [REDACTED] or [REDACTED].

Yours sincerely

[REDACTED]

[REDACTED]

Northern Sydney Regional Organisation of Councils

Personal information	
Would like your name and personal contact details to remain confidential?	☒ Yes, please keep my details confidential ☐ I consent to my details being shared
Name	[REDACTED]
Your council or organisation	Northern Rivers Joint Organisation
Type of organisation	☐ Councillor ☐ Mayor ☐ General Manager / council executive ☐ Council staff ☒ Joint Organisation / Regional Organisations of Councils ☐ Peak body / sector body ☐ Union ☐ Integrity / legal / complaints practitioner ☐ Community member ☐ Academic / researcher ☐ Other (please specify) Click or tap here to enter text.
Email address	[REDACTED]
Are you responding on behalf of your organisation?	☒ Yes ☐ No

Feedback		
1	The proposed conduct framework will improve accountability and integrity in local government	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
2	What aspects of the framework need further refinement or further explanation?	Further refinement is required in relation to how the proposed framework will operate in practice, particularly the distinction between unsatisfactory behaviour, serious misconduct and legislative breaches. Clear guidance, practical examples and published thresholds would assist councillors, councils and community members to understand which pathway applies and what evidence is required. NRJO also recommends further explanation of the OLG's proposed risk-based approach to investigation and enforcement, including when stronger investigative powers would be used and how procedural fairness will be protected. Further clarification is also sought regarding the Mayor's role (clause 6.1) in ensuring councillors receive all information necessary to effectively perform their functions, noting that the Mayor does not have authority to direct council staff. The framework should also clarify whether the General Manager may proactively provide information to all councillors where it is relevant or beneficial to the performance of their functions, rather than only distributing information after a councillor has requested it (clause 6.3). Given the increasing use of Artificial Intelligence tools, guidance should also be included on the use of council information within AI platforms, particularly confidential and personal information. Additional practical guidance would also assist councillors in managing interactions with contractors, consultants and other externally engaged service providers, including where external parties seek to influence councillors, lobby for particular outcomes, or use councillors as a pathway to address operational issues. Finally, the concept of voluntary undertakings appears promising, but further detail is required so stakeholders understand how the mechanism would operate in practice.

3	The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	☐ Strongly agree ☒ Agree ☐ Neutral ☐ Disagree ☐ Strongly disagree
4	What improvements would you suggest to the proposed complaints process?	NRJO supports the proposed centralised intake and triage of councillor conduct complaints through the OLG, as this has the potential to improve impartiality, consistency and community confidence. The process would be strengthened by providing councils with clear referral guidance, standard communication material for councillors, staff and members of the public, and accessible complaint lodgement options for people who are not comfortable using online forms. NRJO also recommends early dismissal criteria for frivolous, vexatious or politically motivated complaints be clearly explained to reduce the risk of complaint processes being weaponised, noting that this may be addressed in the LGA, with benefit also in reflecting the principle in the draft Code. The framework should also include clear mechanisms to address the deliberate spread of misinformation and unfounded allegations, particularly where such conduct is directed at councillors, council staff or the integrity of council decision-making processes. Staff are often unable to publicly respond to criticism or defend their professional reputation, creating an imbalance that may impact the provision of frank and fearless advice. NRJO recommends further guidance on the circumstances in which repeated conduct will be considered systemic misconduct, including clear criteria and examples to support consistency, procedural fairness and transparency in the application of serious sanctions. The effectiveness of the framework would also be enhanced through ongoing guidance, training and education for councillors regarding what constitutes misconduct and what falls within legitimate political debate. Successful implementation will also require the OLG to have sufficient resources and support to manage its expanded responsibilities and support timely assessment and resolution of complaints.
5	What changes would you recommend to the proposed privileges committee to enhance effectiveness	The proposed Privileges Committee model is supported, provided appropriate safeguards are maintained to minimise actual or perceived political bias. The committee could be improved by strengthening transparency and independence in its appointment process, including clarification about whether committee members will be current or former councillors and mayors, the criteria for appointment, conflict management requirements, tenure, regional representation and training. Perhaps consideration should be given to including multiple-term Mayors only, as they have experience in administering

		Code of Conduct complaints and understand the procedure, as well as the fine line between what is acceptable behaviour and what is not. Consideration should also be given to a more independent or merit-based appointment process, rather than a process solely determined by the Minister, to support confidence in the committee's impartiality. Council also recommends appointing an independent chairperson with significant local government experience, such as a former General Manager or senior officer, to provide practical insight into the operational, governance and staffing impacts of councillor conduct and assist the committee to determine proportionate responses. To support public confidence in the committee's decisions, NRJO also recommends clear eligibility and independence requirements for committee members, transparent decision-making processes, and publication of outcomes where appropriate. This is particularly important given political alignment and party influences are becoming increasingly evident at the local government level. Further clarification is also sought on how a Privileges Committee Panel will obtain and assess evidence, including how it will determine whether sufficient information is available to make a finding where evidence is incomplete, contested, or held by councils or third parties. The respective roles of the Privileges Committee and the OLG in gathering and assessing evidence should be clarified, including whether OLG's proposed investigation powers would be available where additional information is required to ensure a fair and informed decision.
6	What is the greatest risk to effective implementation of the proposed conduct framework	The greatest risks to effective implementation are uncertainty, ineffective change management, resourcing impacts, timing and financial pressure on councils. The reforms should not commence before the necessary legislative amendments, operational guidance, complaint pathways, training and communication materials are in place. Sanctions should be proportionate to the seriousness, intent and impact of the conduct, but also meaningful enough to deter future misconduct and maintain community confidence. Consideration should also be given to mandatory code of conduct training for local government election candidates, to ensure obligations and expected standards are understood before entering office and reduce the risk of unintentional breaches. Successful implementation will also depend on the OLG having sufficient capacity to manage increased complaint volumes and its expanded responsibilities under the proposed centralised model. NRJO also seeks clarification on the proposed cost recovery model, including what costs councils may be required to contribute to, whether costs will only apply to councils involved in a complaint, whether costs will be capped, and what activities will be treated as the OLG's core regulatory functions.



information
and privacy
commission
new south wales

Enquiries: ipcinfo@ipc.nsw.gov.au
Telephone: 1800 472 679
Our reference: IPC26/A000176

14 August 2026

Council Governance Team
Office of Local Government
Department of Planning, Housing and Infrastructure
Locked Bag 3015
Nowra NSW 2541

By email: olg@olg.nsw.gov.au

To the Office of Local Government

**COUNCILLOR CONDUCT FRAMEWORK REFORM: PROPOSED NEW MODEL
CODE OF CONDUCT FOR COUNCILLORS**

Thank you for the opportunity to make a submission to the Office of Local Government on the Policy Statement: Improving Councillor Accountability and draft Model Code of Conduct for Councillors.

Attached is the submission from the NSW Information Commissioner. The Information Commissioner is content for this submission to be published in full on your website.

Please do not hesitate to contact the IPC if you require any further information. Alternatively, your officers can contact [REDACTED], [REDACTED] or via [REDACTED]

Yours sincerely

[REDACTED]

Emeritus Professor Rosalind Croucher
CEO, Information and Privacy Commission NSW
Information Commissioner

SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT

Submission by the NSW Information Commissioner

14 August 2026

Emeritus Professor Rosalind Croucher AM FAAL FRSN

CEO, Information and Privacy Commission NSW
Information Commissioner

The Commissioner's signature has not been included in this submission to facilitate public access to the submission, manage security risks and promote availability in accordance with the *Redacting signatures on public facing documents Practice Guide* published on the IPC website.

The NSW Information Commissioner welcomes the opportunity to provide a submission to the Office of Local Government.

About the IPC

The Information and Privacy Commission NSW (IPC) oversees the operation of privacy and information access laws in New South Wales.

The Information Commissioner has responsibility for overseeing the information access rights enshrined in the *Government Information (Public Access) Act 2009* (GIPA Act) and exercises functions under the *Government Information (Information Commissioner) Act 2009* (GIIC Act).

The Privacy Commissioner has responsibility for overseeing and advising NSW public sector agencies on compliance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act).

For further information about the IPC visit www.ipc.nsw.gov.au.

SUBMISSION

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.
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.

Policy statement: Improving Councillor Accountability

3. The Information Commissioner notes the proposal to create a new entity to be known as the Privileges Committee, which is proposed to be involved in assessing complaints of unsatisfactory behaviour by councillors.
4. From the Policy Statement's description of the Privileges Committee, it is not clear whether it is contemplated that the Committee will be constituted as an entity that falls within the definition of 'agency' in the GIPA Act. It is the Information Commissioner's view that care should be taken to ensure that the Privileges Committee is constituted as an 'agency' under the GIPA Act. The Privileges Committee's proposed central function of receiving and assessing information pertaining to complaints alleging unsatisfactory behaviour of councillors is core governmental work. It is appropriate and in line with the objectives of the GIPA Act for such information to be caught under the GIPA Act and if the proposal to constitute the Privileges Committee does proceed, the Committee's status as an 'agency' under the GIPA Act should be clear.

Draft Model Code of Conduct for Councillors

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.
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.

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.

13. The Information Commissioner requests to be included in any further consultation as further refinements are made to the Policy Statement and the draft Code.



information
and privacy
commission
new south wales

Enquiries: ipcinfo@ipc.nsw.gov.au
Telephone: 1800 472 679
Our reference: IPC26/A000176

10 August 2026

Council Governance Team
Office of Local Government
Department of Planning, Housing and Infrastructure
Locked Bag 3015
Nowra NSW 2541

By email: olg@olg.nsw.gov.au

To the Office of Local Government

COUNCILLOR CONDUCT FRAMEWORK REFORM: PROPOSED NEW MODEL CODE OF CONDUCT FOR COUNCILLORS

Thank you for the opportunity to make a submission to the Office of Local Government on the Policy Statement: Improving Councillor Accountability and draft Model Code of Conduct for Councillors.

Attached is the NSW Privacy Commissioner's submission. I am content for this submission to be published in full on your website.

Please do not hesitate to contact the Information and Privacy Commission (IPC) if you require any further information. Alternatively, your officers can contact [REDACTED], Senior Policy Officer, on [REDACTED] or via [REDACTED].

Yours sincerely

[REDACTED]

Sonia Minutillo
Privacy Commissioner

SUBMISSION TO THE OFFICE OF LOCAL GOVERNMENT ON

Page 1 of 4

COUNCILLOR CONDUCT FRAMEWORK REFORM: PROPOSED NEW MODEL CODE OF CONDUCT FOR COUNCILLORS

Submission by the NSW Privacy Commissioner

10 August 2026

Sonia Minutillo

Privacy Commissioner

The Commissioner's signature has not been included in this submission to facilitate public access to the submission, manage security risks and promote availability in accordance with the *Redacting signatures on public facing documents Practice Guide* published on the IPC website.

-
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).

About the IPC

2. The Information and Privacy Commission NSW (IPC) oversees the operation of privacy and information access laws in New South Wales.
3. The Privacy Commissioner has responsibility for overseeing and advising NSW public sector agencies on compliance with the *Privacy and Personal Information Protection Act 1998* (PPIP Act) and the *Health Records and Information Privacy Act 2002* (HRIP Act). The PPIP and HRIP Acts establish the Information Protection Principles and Health Privacy Principles, which govern the collection, use and disclosure of personal and health information NSW public sector agencies. Further information about the IPC is available at www.ipc.nsw.gov.au.

General Comments

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.

Policy statement: Improving Councillor Accountability

6. The PPIP Act defines personal information to mean information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.¹ Allegations of councillor misconduct will likely involve personal information. Under the PPIP Act 'public sector agencies' are responsible for complying with the PPIP Act's requirements with respect to the personal information that they collect, use, disclose and hold in connection with that framework.
7. The Policy Statement proposes a change to the existing complaints handling framework relating to allegations of councillor misconduct. Under the proposed new framework, the management of all councillor conduct complaints will be centralised with OLG while complaints involving unsatisfactory behaviour will be referred to a Privileges Committee.
8. Like councils, the OLG is subject to the requirements of the PPIP Act with respect to the personal information that it collects and holds, including in reference to the proposed new complaints-handling function. Careful consideration will need to be given to ensuring compliance with the requirements of the PPIP Act if this proposal is progressed, particularly with respect to:
 - Ensuring a Complainant's awareness and understanding of how OLG will use, store and potentially disclose their personal information throughout the complaints handling process.
 - The potential privacy implications arising from any transition period, during which complainants may continue to lodge complaints of councillor misconduct with councils, rather than OLG.
 - The lawful authorising mechanism for any referral between OLG and the proposed Privileges Committee in circumstances in which the Privileges Committee is not a public sector agency and sharing information relating to a complaint with the Privileges Committee may amount to a disclosure of personal information.
 - Given the sensitive and confidential nature of a complaints-handling function, OLG should ensure that it has policies and procedures in place to ensure that use and disclosure of personal information in connection with assessment and investigation of any complaints is limited to that which is reasonably necessary for that purpose.
 - Appropriate technical and administrative controls should be in place to safeguard the information and limit its access as is necessary.
9. Consideration will also need to be given to appropriate privacy safeguards that the Privileges Committee will have in place in circumstances where it appears that the proposed Privileges Committee will not fall under the PPIP Act's definition of 'public

¹ Section 4 PPIP Act 1998

sector agency'². This may include requiring that the Privileges Committee comply with the PPIP and HRIP Act.

10. The Privacy Commissioner recommends that a Privacy Impact Assessment be conducted to ensure that the privacy implications of the proposed new complaints handling framework and all the potential flows of personal information that could occur as part of the new proposal in connection with making and investigating complaints are accounted for and addressed. A guide to Privacy Impact Assessments is available on the IPC's [website](#).

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.

Conclusion

12. The Privacy Commissioner welcomes the opportunity to make this submission, which highlights key privacy considerations arising from the proposed new framework. As the Police Statement and draft code are refined, the Privacy Commissioner would welcome further consultation on the privacy issues raised.

² Section 3 PPIP Act 1998

Response ID:	388135
Your council or organisation:	Burwood Council
Type of organisation:	Council staff
Please specify:	
Are you responding on behalf of your organisation?	Yes
The proposed conduct framework will improve accountability and integrity in local government?	Agree
What aspects of the framework need further refinement or further explanation?	Burwood has not had a complaint about councillor behaviour for many years, so we have limited direct experience of the current process's shortcomings. On the information available, a single, centrally triaged entry point appears well suited to addressing delay and vexatious use of the current system. Our main reservation is not with the design of the process itself but with how it will be funded (see response to the implementation risk question below).
The proposed complaints process (including OLG triage) will be effective in addressing current issues such as delays and vexatious complaints?	Agree
What improvements would you suggest to the proposed complaints process?	Burwood has not had a complaint about councillor behaviour for many years, so we have limited direct experience of the current process's shortcomings. On the information available, a single, centrally triaged entry point appears well suited to addressing delay and vexatious use of the current system. Our main reservation is not with the design of the process itself but with how it will be funded (see response to the implementation risk question below).
What changes would you recommend to the proposed privileges committee to enhance effectiveness?	Privileges Committee independence and bias management is unaddressed. Panels are drawn from a pool of "experienced mayors and councillors," but there is no information about excluding panel members from the same council as the subject councillor, managing political-party overlap, or a recusal process. There is no stated appeal or review pathway for Committee outcomes. The LEC pathway has judicial process built in, but there's nothing in the document about a councillor's ability to challenge a warning, reprimand or censure from a Privileges Committee panel, or a complainant's ability to challenge a "no further action" outcome at triage.
What is the greatest risk to effective implementation of	The greatest risk is the cost recovery model, which has not yet been designed. Councils will be asked to contribute to the cost of

the proposed conduct framework?	managing conduct matters, particularly the Privileges Committee function. OLG's own consultation data shows that complaint volume is concentrated in a small number of councils. A flat per-capita or fixed-fee allocation would mean councils with a strong compliance record, and no history of complaints, subsidise the cost of managing conduct issues at councils with a different profile. We ask that the cost model be released for separate consultation before it is finalised, and that it reflect actual usage or complaint history rather than a flat allocation, so that councils like Burwood are not penalised for maintaining good governance practice.
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To: Deputy Secretary, Office of Local Government

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 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.

Triage and management of complaints

The proposed centralised triage process is an improvement on the current system, but further details are required as the methodology remains opaque at this stage. It is hoped that processing complaints by the OLG rather than by individual councils will lead to greater consistency of decision making and discarding of vexatious and very minor complaints that General Managers feel must proceed to investigation to avoid external pressure, or allegations of favouritism or political bias. The status quo whereby General Managers have been responsible for determining further actions is not optimal given the employer/employee relationship between a GM and Councillors.

Clear expectations for timeframes are required both for the system to be useful in managing problematic behaviours, and to reduce stress on Councillors. Currently, initial assessments that do not progress to investigations can drag on for months.

Full investigations take far longer. We are also concerned that the current system allows complaints to act as gag orders on Councillors who are prevented from addressing public allegations due to the confidentiality requirements of the Code.

We welcome the lifting of confidentiality after findings have been released. This is consistent with natural justice principles and should reduce the use of complaints to gag Councillors.

Privileges Committee

Using a system of Councillors peers might be capable of striking the right balance of recognising the political context in which Councillors exist, while avoiding the pitfalls of the current system of using a Councillors immediate elected colleagues.

We note there is no clear explanation of who will conduct the investigations. Currently a significant shortcoming of the system is Conduct Reviewers who have had little or no understanding of the demands or responsibilities of Local Government, or those who do not understand or support the position of Councillors as elected representatives from whom free speech is expected.

We welcome the inclusion of former Councillors as well as Mayors as eligible members of the Privileges Committee. However, there needs to be further detail as to how members will be selected, trained and monitored to ensure that they remain unbiased, politically neutral and accountable in their decision making.

Third party proceedings in the LEC

We take this opportunity to raise our concern about the proposed changes to allow third parties to bring proceedings in the NSW Land and Environment Court against Councillors personally. The criteria that the proceedings must be in the public interest are expected to be able to be met easily as the Court has a history of identifying and welcoming public interest action. The twin considerations of supporting the upholding of the law and being brought for a public benefit such as having Councillors comply with the Code of Conduct is predicted to be met easily. Therefore, the consequences that arise are:

- Councillors will be discouraged from standing for election once they become aware they can be subject to court action personally.
- Unscrupulous actors may use the threat of initiating proceedings to exert influence
- Even applications which are not granted leave by the Court to proceed will of necessity require a preliminary hearing to determine that issue. That will require legal representation, affidavits and submissions and a hearing.

It is recommended that court action against an individual councillor be reserved for the Secretary of Department of Planning Housing and Industry (or their delegate) to ensure such action is taken in the public interest only.

Costings

Councils must be provided with more complete information regarding costings. Currently, triage is carried out using existing Council resources. Details regarding cost recovery under the new model remain opaque. The threat of a surcharge for vexatious complaints seems to only be aimed at Councillors. If this is correct, it infers that only Councillors make vexatious complaints about Councillors. In our experience, this is not the case: developers, disgruntled community members, General Managers and other members of staff, and political operatives all make vexatious complaints. Any surcharge should also apply to them.

Some observations on the June 2026 Policy Statement

1. A clearer, objective definition of "unsatisfactory behaviour" is needed. The definition offered remains subjective and open to interpretation. We note that the term unsatisfactory behaviour is a goal of the new system as described in the June 2026 Policy Statement and yet it is not mentioned in the June 2026 Code.
2. We welcome the definition of serious misconduct.
3. While the 2026 Policy Statement talks about enhanced investigation powers, there are no details provided as to what this would look like. The Greens caution against treating Councillors like criminals. In our view the investigation and disciplinary powers of the Code of Conduct framework must not have a chilling effect on public debate. In our view it is misguided to treat a Councillor who may have used inappropriate language the same as an industry which has conducted systematic pollution of the environment. Yet that seems to be the proposal in 6.1 of the 2026 Policy Statement.
4. Equal emphasis should be placed on providing Councillors and General Manager with skills as is placed on investigating bad behaviour. In our observation the poor chairing of meetings results in exasperation and poor conduct by councillors, Similarly the misinterpretation of the Act and Code by General Managers, apparently in the mistaken view that Councillors are not entitled to ask questions or to share their opinions publicly, result in a disproportionate number of Conduct complaints. The Free Speech in Local Government guideline has helped significantly in this area, however the complaints system would benefit from more training and a better

understanding by General Managers of the role of Councillors as the governing body.

5. The Greens object to judicial penalties of up to 454 penalty units, or approximately \$49,000. While it might be argued that some behaviour deserves such a penalty, this may have the unintended consequence of chilling democracy by limiting local government candidates to those to whom a potential \$49,000 penalty is not a deterrent.

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.
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.
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.
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.
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.

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.
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.
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.

Thank you for this opportunity to make a submission.

Regards

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Clr Arthur Bain

Convenor Greens NSW Local Government Standing Committee