

Circular Details	Circular No 17-30 / 23 October 2017 / A565071
Previous Circular	16-42 <i>Review of the Model Code of Conduct and Procedures for the Administration of the Model Code of Conduct</i> – 3 November 2016
Who should read this	Councillors / General Managers / Complaints Coordinators / Conduct Reviewers
Contact	Council Governance Team – (02) 4428 4100
Action required	Response to OLG

Consultation on drafts of the new Model Code of Conduct for Local Councils in NSW and associated Procedures

What's new or changing

- The Office of Local Government (OLG) is consulting with councils and other stakeholders on changes to the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct) and the *Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW* (the Procedures).
- The Phase 1 amendments made to the *Local Government Act 1993* (the Act) last year will see the pecuniary interest provisions of the Act and the *Local Government (General) Regulation 2005* incorporated into the Model Code of Conduct.
- Once commenced, these reforms will consolidate the prescription of all ethical standards for council officials into a single statutory instrument. They will also mean that breaches of pecuniary interest obligations by councillors are treated as misconduct under the Act and will be subject to the “three strikes” misconduct rules.
- As part of the process of implementing the Phase 1 amendments, OLG has undertaken a review of the Model Code of Conduct and the Procedures. In doing so, OLG has sought the views of councils and other stakeholders on the ethical standards prescribed under the Model Code of Conduct, the operation of the Procedures and the current regime for disclosure of interests under section 449 of the Act.
- Having considered submissions, OLG has prepared consultation drafts of the new Model Code of Conduct and Procedures. OLG is seeking the views of councils and other stakeholders on the consultation drafts prior to finalising the new Model Code of Conduct and Procedures.
- The proposed amendments to the Model Code of Conduct and Procedures are highlighted in **bold type** in the consultation drafts. These amendments are designed to update, clarify and enhance prescribed ethical standards, to address issues identified in the four years the current versions of the Model Code of Conduct and Procedures have been in force and to improve their operation.
- The new Model Code of Conduct and Procedures will also contain new provisions that are designed to improve ethical standards, more effectively deter non-compliance and lead to improved transparency and accountability.

- Once finalised, councils will be given a 6-month transitional period in which to adopt the new Model Code of Conduct and Procedures and to update their systems to align with the new requirements.

What this will mean for your council

- OLG is inviting submissions from councils and other stakeholders on the consultation drafts of the new Model Code of Conduct and Procedures.
- Submissions may be made by email to olg@olg.nsw.gov.au.
- Submissions should be labelled “*Code of Conduct Consultation*” and marked to the attention of OLG’s Council Governance Team.
- Council complaints coordinators should bring this circular to the attention of their council’s conduct reviewers so that they may make submissions.
- Submissions should be made before **Monday 4 December 2017**.

Key points

- The consultation drafts are available on OLG’s website at www.olg.nsw.gov.au.
- The proposed amendments have been highlighted in **bold font**.

Where to go for further information

- For further information, contact OLG’s Council Governance Team on (02) 4428 4100.



Tim Hurst
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