

Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

The Minister for Local Government, the Hon. Shelley Hancock, has requested the Office of Local Government to commission and independent review of the framework for dealing with councillor misconduct in NSW.

In serving their local communities, council officials, including councillors are expected to uphold the highest standards of behaviour. Councillors are expected to:

- conduct themselves in a manner that will not bring the council into disrepute
- act lawfully, honestly and exercise due care
- treat others with respect and not harass or discriminate against them, or support others who do so
- consider issues consistently, promptly and fairly
- ensure development decisions are properly made and deal fairly with all parties involved
- disclose and appropriately manage conflicts of interests including, in the case of councillors, from reportable political donations
- use and secure information appropriately and not disclose confidential information
- use council resources ethically, effectively and efficiently.

The Model Code of Conduct sets the minimum standards of conduct for council officials. It is prescribed by regulation to assist council officials to:

- understand and comply with the standards of conduct that are expected of them
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439)
- act in a way that enhances public confidence in local government.

The community needs to have confidence in the processes for dealing with misconduct

The Minister for Local Government has initiated this review to ensure the community and councils have confidence in the misconduct framework, specifically, the process for making complaints, the investigation process, the timeliness of disciplinary action, and the efficacy of the disciplinary action and penalties available.

Terms of reference

1. Review the effectiveness of the framework for dealing with councillor misconduct with particular reference to:
 - a. The standards of conduct set out in the Model Code of Conduct and the way these are applied;
 - b. the process for making complaints under the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW;
 - c. The tools and process for conducting an investigation into alleged misconduct

Independent review of the effectiveness of the framework for dealing with councillor misconduct in NSW

- d. the efficacy of the disciplinary actions and penalties available to councils, the departmental chief executive and the NSW Civil and Administrative Tribunal as a deterrent to councillor misconduct;
 - e. the timeliness of disciplinary action in response to councillor misconduct.
2. Make recommendations about policy, legislative and operational changes to improve the system for dealing with councillor misconduct.

Methodology

- Receive public submissions
- Review similar processes in other jurisdictions
- Consult with key NSW government agencies
- Liaison with stakeholder groups and councils.

Secretariat

Secretariat support is provided by the Office of Local Government

Contact

Email: olg@olg.nsw.gov.au

Phone: (02) 4428 4100

Web: www.olg.nsw.gov.au