

# Councillor Induction And Professional Development Guidelines

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2018

## **COUNCILLOR INDUCTION AND PROFESSIONAL DEVELOPMENT GUIDELINES**

2018

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# About these guidelines

The *Councillor Induction and Professional Development Guidelines* (the Guidelines) have been issued under section 23A of the *Local Government Act 1993* (the Act) to assist general managers and council staff to develop, deliver, evaluate and report on the induction and professional development programs they are required to provide mayors and councillors under the *Local Government (General) Regulation 2005* (the Regulation). Councils are required to consider the Guidelines when

undertaking these activities. These Guidelines also apply to county councils, and where relevant, joint organisations.

The Guidelines have also been developed to ensure mayors and councillors are aware of the knowledge, skills and personal attributes expected of them in their civic roles under the Act, and of the support their council should be providing to ensure they are able to effectively fulfil their roles.

These Guidelines are divided into five parts:

<b>Part A</b>	explains the statutory requirements for <b>induction and professional development programs</b> for mayors and councillors in NSW.
<b>Part B</b>	guides councils on how to develop and deliver <b>information sessions</b> to potential candidates considering nominating for election.
<b>Part C</b>	guides councils on how to develop and deliver <b>induction programs</b> for newly elected and returning mayors and councillors.
<b>Part D</b>	guides councils on how to develop and deliver <b>ongoing professional development programs</b> that ensure mayors and councillors continue to develop their capabilities throughout their terms in office.
<b>Part E</b>	outlines how councils are to <b>report</b> on the induction and professional development activities offered to mayors and councillors and their participation in those activities.

It is acknowledged that many NSW councils already provide induction and ongoing professional development programs for mayors and councillors. It is also recognised that the needs and circumstances of councils vary as do the capabilities of individual mayors and councillors, as well as their development needs. The aim of the Regulation and the Guidelines is to ensure that all mayors and councillors across the state have access to such programs, and that the programs delivered by councils meet a consistent minimum standard. The Guidelines have also been designed to be used flexibly by councils and to accommodate, and in some cases build upon, existing programs.

These Guidelines include:

- details of the capabilities (ie the knowledge, skills and attributes) that mayors and councillors are required to have or to acquire in order to fulfil their roles effectively
- a framework for the development of pre-election information sessions for candidates, and induction and ongoing professional development programs for elected members
- information about the developmental stages of each program and what to consider at each stage, and
- checklists of the content that is required in candidate information sessions and induction programs for elected members.

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# Introduction



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## Background

Mayors and councillors come from a diverse range of backgrounds and bring different knowledge, skills, perspectives and insights to their roles. This is one of the strengths of a democratic and representative system of local government.

However, few new mayors or councillors have extensive knowledge of the system of local government, how a council works, or the full scope of their roles and responsibilities when they assume office for the first time. Some are unaware of the need for mayors and councillors to work as a team, despite their political differences, to make decisions that are in the best interests of the community. There may be others who, if they had been fully aware prior to their election of the nature of the role of a mayor or councillor and of the time commitment involved, may not have nominated to stand.

The role exercised by mayors and councillors is a very demanding one and the community rightly has high expectations of the performance of the mayor and councillors. As the governing body of the council, mayors and councillors must work together as a cohesive team to meet the needs of the community. The multi-faceted nature of the roles also requires mayors and councillors to have a wide variety of skills, experience and knowledge, along with the time, passion and commitment to achieve results for the community.

From their first council meeting, mayors and councillors will be required to work together to make important decisions on behalf of their communities, and to take responsibility for those decisions. These decisions will impact on local communities, the services and infrastructure delivered by the council, and the local natural and built environments. They will often involve significant use of public money. Proper induction into their roles, and the building of the governing body as a unified

and collaborative team, are vital if mayors and councillors are to be effective from the start of their terms in office.

Some mayors and councillors may need to develop knowledge and skills in a broad range of areas that are unfamiliar to them in order to undertake their roles successfully. These may include, for example, understanding council meeting procedures or land use planning requirements or interpreting financial statements.

Even experienced mayors and councillors say they can find it challenging to keep abreast of changes to the legislative and policy context for local government as well as changes to their councils' policies and procedures.

Ongoing professional development and training, as well as early relationship building between councillors, is essential if the community is to be well served by their elected representatives on council.

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## Statutory requirements

The Act prescribes the roles and responsibilities of mayors and councillors both collectively as the governing body of the council, and as individual members of the governing body. It also places a responsibility on each mayor and councillor to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To assist mayors and councillors to meet this obligation, the Regulation requires general managers to deliver induction and ongoing professional development programs that will help mayors and councillors to acquire and maintain the skills necessary to perform their roles. Mayors and councillors have a reciprocal obligation to participate in these programs. Part A of these Guidelines further explains what is required of councils, mayors and councillors under the Regulation.

Each council is required to publicly report on participation in the council's induction and professional development program. Part E of these Guidelines outlines these reporting requirements.

## Induction and professional development – an overview

### Pre-election candidate information sessions

Whilst not a mandatory requirement, it is recommended that general managers begin induction and professional development activities by holding at least one candidate information session for people considering nominating for election prior to the election.

These sessions are to be designed to ensure potential candidates are fully aware and informed of what will be expected of them if they are elected. Part B of these Guidelines provides more information about how each council could develop and deliver candidate information sessions.

### Induction programs

An induction program is a process used within many businesses, government agencies and non-government bodies to welcome new people to an organisation and to prepare them for their new roles.

An induction program ensures the organisation provides a person commencing a new role with all the information they need to do their job in the first few months. It also enables the person to become a useful, integrated member of the organisation, rather than being 'thrown in at the deep end' without understanding how to perform their role, or how it fits in with the rest of the organisation.

In the local government context, a good councillor induction program can build early positive relationships and teamwork between councillors, increase productivity and provide essential knowledge from the moment a mayor or councillor is elected. This can ensure newly elected mayors and councillors become more productive in a shorter period of time.

Councillor induction programs are mandatory in NSW under the Regulation. Part C of these Guidelines outlines how each council should develop its councillor induction program.

### Professional development programs

A professional development program is any program which involves a deliberate and ongoing process of improving and increasing the professional knowledge, competence, skill and effectiveness of people in the workplace through professional development activities specific to their needs.

In local government, an effective professional development program can ensure mayors and councillors fill any skills or knowledge gaps they have that may otherwise prevent them from making the best possible contributions to their communities.

Ongoing professional development programs for mayors and councillors are mandatory in NSW under the Regulation. Part D of these Guidelines outlines how each council should develop its councillor professional development program.





# Part A:

## Statutory and Policy Context



## Statutory requirements

Under section 232(1)(g) of the Act, all mayors and councillors have a responsibility to make all reasonable efforts to acquire and maintain the skills necessary to perform their roles.

To support this, the general manager is required under the Regulation to ensure the delivery of:

- an **induction program** for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election, and
- an **ongoing professional development program** for the mayor and each councillor over the term of the council to assist them to acquire and maintain the skills necessary to perform their roles. The content of the ongoing professional development program is to be determined in consultation with the mayor and each councillor. It must be needs-based and reflect the specific skills, knowledge and personal attributes required by the mayor, each individual councillor and the governing body as a whole, to perform their roles effectively.

These requirements also apply to councillors and mayors elected during the term of a council to fill a casual vacancy.

Under the Regulation, mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or professional development program. Councils are also required to report on the participation of the mayor and councillors in these programs.

## Principles, roles and responsibilities under the Act

Councils are required to apply the five sets of guiding principles prescribed under the Act in exercising their functions. These principles (outlined in **Appendix A**) seek to ensure that each council carries out its functions in a way that facilitates the creation of a strong, healthy and prosperous local community. Mayors and councillors must understand these principles and be able to apply them when exercising their functions.

The Act also prescribes the roles and responsibilities of mayors and councillors, both collectively as the governing body of the council, and individually as members of the governing body (these are outlined in **Appendix B**). Mayors and councillors must have a strong understanding of their prescribed roles and responsibilities under the Act in order to be able to fulfil them.

Councils must design their induction and professional development programs to ensure that mayors and councillors have the capabilities (ie the knowledge, skills and attributes) needed to apply the guiding principles and to effectively undertake their prescribed roles and responsibilities.

## Reporting requirements

Mayors and councillors are ultimately accountable to the community that elects them for the performance of their duties.

To facilitate this accountability, councils are required under the Regulation to report each year in their annual reports on the participation of the mayor and each councillor in the induction and professional development program during that year.

The information to be reported includes:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

These reporting requirements do not apply to joint organisations.

## Council policy

Each council needs to enshrine its commitment to uphold these statutory requirements and to the induction and ongoing professional development of mayors and councillors in all relevant council policies. This will ensure that councillor induction and professional development is embedded in council's values and operations, and that an effective induction and ongoing professional development program is implemented.

Each council should also ensure that its ongoing professional development program is accommodated by and reflected in its councillor expenses and facilities policy.<sup>1</sup> The expenses and facilities policy should make clear and adequate provision for relevant training and professional development activities as legitimate expenses.

Councils may also wish to consider other mechanisms to reinforce their commitment to ongoing professional development for the mayor and councillors, and develop a structured approach for realising this commitment in practice.

This may be done through developing and adopting a resolution or a charter as a statement of commitment to support ongoing professional development for the mayor and councillors.

Alternatively, councils may wish to develop and adopt a councillor induction and professional development policy. A model policy is provided in **Appendix C**.

## Budget

Each council should allocate an annual budget to support induction and professional development activities to be undertaken in that year. Progress against expenditure of the budget allocation should be reported on a quarterly basis as part of the budgetary cycle.

Councils will need to determine the size of the budget allocation, which may change annually, depending on training needs. It is to be expected that costs will be higher in the first year of council's term due to the need to deliver an induction program. The delivery program financial estimates and the Long Term Financial Plan will reflect the varying training and development budget requirements over the term of the council.

<sup>1</sup> A councillor expenses and facilities policy must be prepared by each council in accordance with section 252 of the Act and the Office of Local Government's *Guidelines for the payment of expenses and the provision of facilities to mayors and councillors in NSW*.



## **Part B:**

# **Pre-Election Information Session for Potential Candidates**



## Benefits of a pre-election candidate information session

It is vital that people who are considering nominating for election to a council have a solid understanding of the role before they nominate. This includes an understanding of what will be expected of them should they be elected, and the legislative boundaries they must work within.

Being fully informed will ensure that candidates who nominate have seriously considered whether they have the knowledge, skills and personal attributes required to fulfil the responsibilities of civic office (noting that the specific knowledge required can be developed if these skills and personal attributes are present). Being fully informed will also assist them to judge whether they will be able to effectively meet the demands of representing their community on council.

Whilst not a mandatory requirement, it is recommended that the general manager ensure at least one candidate information session is held prior to nomination day for people considering nominating for election to council.

The benefits of a pre-election information session/s include:

- candidates being fully informed about the:
  - roles and responsibilities of a mayor and/or councillor
  - legislation and council policies they are expected to comply with
  - time commitment required, and
  - skills, knowledge and personal attributes needed
- candidates being given the opportunity to learn from experienced mayors and councillors
- candidates being given the opportunity to ask council any questions about the role
- candidates being aware of the financial and other support available to them to fulfil the role of a mayor and/or councillor

- candidates understanding that their behaviour as a mayor and/or councillor will be governed by council's code of conduct and that there are penalties for breaches
- council being able to provide potential candidates ahead of time the key dates of any known events that they will be required to participate in during council's term if they are elected so they can make tentative arrangements to attend (for example, council meetings, induction)
- the community benefiting from each candidate seeking election based on a platform that reflects what they can and cannot do or achieve as councillor, and
- reduced tension and conflict due to newly elected mayors and councillors having a better understanding of their roles and what can be achieved by a unified governing body.

## Delivering a pre-election candidate information session

### Accessibility

The communities served by councils are diverse, and this should be reflected in the people elected to councils. Candidate information sessions therefore need to be highly accessible to ensure as many candidates as possible that wish to attend are physically able to. This includes the venue selected, transportation options available nearby, the time the session is held and the way information is presented and delivered, particularly for people who are visually or hearing impaired.

To ensure candidates that may not be able to attend due to mobility issues or their regional geographic location are not excluded, councils should publish as much information from the candidate information sessions as possible online. Councils, particularly those in regional areas, are encouraged to webcast candidate information sessions.

## Timing

Councils can choose when to hold their candidate information session/s, but at least one session should be held before the deadline for nomination to allow potential candidates to be fully informed before they nominate for election. The session/s could be held at council premises, or another appropriate public venue/s, at a convenient time that will enable as many potential candidates as possible to attend. For councils divided into wards, councils could consider the benefit of holding sessions in different wards.

During the information session, councils are encouraged to recommend to candidates that they attend a council meeting/s or a council committee meeting/s to gain further insight into council decision making and meeting practice. The timing of candidate information sessions should allow for candidates to attend a meeting if they wish, and therefore would be best held before a council meeting.

Councils will need to ensure that the details of the candidate information session/s are well advertised in the local community (for example, the council's website, local radio, social media, newspapers, and/or any other effective means) so that any potential candidates are aware the information session/s is being held.

## Content

A checklist of the content to be included in a candidate information session/s is provided in **Appendix D**. Recommended content covers the:

- role of council
- roles and responsibilities of the governing body, mayor, councillors, general manager and other staff
- legal and ethical responsibilities of the mayor and councillors
- time commitment required of a mayor and councillor
- support available to assist the mayor and councillors in their roles, and
- knowledge, skills and personal attributes required to successfully fulfil the roles of mayor and councillor.

## Delivery

The candidate information session/s is best delivered by the person who is most able to engage attendees and deliver the content in a way that will achieve the outcomes sought. This person could be the general manager, another staff member or an external provider. If the information session/s is not presented by the general manager it is recommended that the general manager still be present to answer any questions.

Mayors or councillors from previous council terms may also be invited to provide an overview of their experience in council, and any significant issues they think potential candidates should consider before deciding whether to nominate. This could take the form of an informal talk, a panel discussion or a councillor question and answer session. Whilst they are welcome to attend, it is not appropriate to invite currently elected members to present at candidate information sessions as current members may choose to re-nominate for election. Current members, however, are able to attend as an audience member if they wish.



Consideration should be given to which delivery method, or combination of delivery methods, would best suit the information being conveyed and should recognise that attendees are likely to have a variety of learning styles.

## Resource sharing

There are parts of each council's candidate information session/s that will be common to all councils, for example, the roles and responsibilities of mayors and councillors and the election process.

To achieve greater efficiency, councils are encouraged to share candidate information session resources or jointly hold parts of their session/s with other councils. Joint and regional organisations are also encouraged to develop and/or deliver regional candidate information sessions on behalf of their member councils that candidates can attend. These common sessions could be supplemented by member councils with individual sessions at each council or online content that provides local information specific to that council.

Printed and face-to-face training resources, such as the candidate information pack and other visual aids used in sessions, could also be shared between councils, or developed by joint or regional organisations on behalf of their member councils.

The NSW Electoral Commission provides a range of information and educational resources about the election process and the legal obligations of candidates when nominating and campaigning that council may wish to use. More information can be found at [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) and [www.votensw.info](http://www.votensw.info).

## Candidate information pack

Councils are encouraged to prepare a candidate information pack for attendees that provides key information for continued consideration after the information session/s. This can take the form of printed material presented in a folder that potential candidates can take away and read, or a dedicated

section on council's website that provides all the necessary information. The pack can also include any relevant information or resources made available by external bodies. The NSW Electoral Commission, for example, provides a range of educational resources that guide candidates through the election process.

## 3. Evaluation

It is recommended that the information session/s be evaluated by council to determine how effective it was in helping potential candidates understand what is involved in being a councillor or mayor, and to enable them to assess their suitability for these roles. Councils could do this by seeking the views of attendees at the end of a session.

For greater insight, councils may also consider surveying the councillors elected approximately six months after the election to assess whether they feel the session gave them an accurate view of their roles and responsibilities, or whether they would have benefitted from any other information being given at the sessions.

The outcomes achieved from the information session/s could include, at a minimum, potential candidates fully understanding:

- the roles and responsibilities of a councillor and mayor, including the knowledge, skills and personal attributes needed to perform these roles effectively
- the legislation, code of conduct and other council policies they will need to comply with
- the time commitment that will be required from them, and
- the financial and other support available to them to fulfil the role of a mayor and/or councillor.

The evaluation could assess whether these outcomes were achieved.

# Part C:

## Induction Program for Mayors and Councillors



## Benefits of a councillor induction program

Holding an induction program for councillors (including a supplementary component for mayors) each council term is a mandatory requirement under the Regulation. The mayor and all councillors are expected to participate in all induction activities.

The induction program will enable the mayor and councillors to quickly become familiar with how the council works, the rules under which it operates and the complexities of the roles. It is a vital way to ensure new and returning mayors and councillors get the information they need to be effective leaders from the very beginning of the council's term.

It is important that the councillor induction program is not simply used to present dry facts. It is also a vital opportunity to talk with councillors and the mayor about the accepted values and behaviours of the council that they have become a part of.

The induction program is also an invaluable opportunity to sow the seeds for a governing body that functions as a strong, collaborative team. It provides the chance for the mayor and each councillor to understand what motivated their new colleagues to become councillors, and to bond as a team with a common focus on making a difference for the community. It can also be used as an opportunity to have early conversations about how they would like to operate as a team to work towards common goals and to identify success factors for council and the community. It can also establish clear roles and responsibilities and build trust and positive working relationships.

The induction program will benefit mayors and councillors by:

- providing them with access to essential information in a structured and consistent way that will assist them to function well in their role and to make informed and effective decisions from the start of their term in office

- enabling more active and rapid participation in the business of the council
- enabling them to meet, build rapport, share knowledge and experiences, and form positive working relationships with each other
- identifying common goals and a shared vision as a governing body
- introducing councillors to staff to help break down any 'us and them' divide and create one team working for the community whilst still recognising the legislated separation between the two groups
- providing an opportunity for appropriate role models and mentoring relationships to be established between experienced mayors and councillors and new councillors
- helping them to understand key legislation
- helping them to understand their prescribed roles and responsibilities
- briefing them on the 'big picture', and providing them with a clear understanding of council's health and performance
- enabling them to understand and agree on the key issues and tasks for the new council, and to build a vision for the governing body's term
- enabling them to understand key council information, policies and procedures
- enabling them to understand the council and the local government area
- enabling them to feel empowered with key information about the integrated planning and reporting processes and their opportunities for influence, and
- increasing their self-confidence in their ability to perform their roles.

An induction program should also be delivered for any councillors or a mayor elected during the term of a council to fill a casual vacancy.

## Returning councillors

Because local government is complex and subject to change, the mayor and all councillors, both new and experienced, are expected to participate in the councillor induction program at the commencement of each council term.

Whilst returning councillors may already know much of the information provided in the induction program, their attendance at these sessions will demonstrate to new councillors that their roles and responsibilities are important. Returning councillors can also contribute valuable information and lessons learnt from previous council terms, and help build a positive and collaborative culture for the new governing body.

Important aspects of the induction program include building trust and positive relationships between the members of the new governing body, establishing working bonds, and the mayor and councillors determining how they can work together as a team. The mayor and all councillors need to be part of this process.

For returning mayors, council can assess the prior knowledge and experience of the returning mayor and provide refresher training as needed as part of the supplementary mayoral component of the induction program. This includes mayors elected midway through the council term who are also expected to undergo mayoral induction.

## County councils

County councils are required to deliver an induction program for their member councillors. This includes new members who are appointed to fill a casual vacancy.

Induction programs for county councils are to be delivered as an external supplementary component of the induction program each member participated in at their home council.

This supplementary external component is to be delivered by the county council and focus on providing the councillor the information

they need to know about the county council in order to fulfil their role. This could include, for example:

- early functions required of members such as the election of the chairperson
- the functions and directions of the county council
- the county council's business activity strategic plan
- financial information
- applicable regulatory requirements (e.g. for water supply or sewerage infrastructure)
- staffing, and
- local issues.

County councils should also include team building activities in their induction programs (as described below) to set a positive and unifying foundation for the operation of the county council.

## Joint organisations

Joint organisations are not required to deliver an induction program for the voting representatives who are elected to their board.

However, joint organisations may choose to deliver an induction program to all board members (including voting representatives and non-voting representatives) to ensure they understand their responsibilities and the role and functions of their joint organisation. Where joint organisations undertake operational functions or deliver services on behalf of member councils, it is strongly recommended that joint organisation board members receive a briefing on these and relevant financial information as part of any induction offered.

Joint organisations may also include team building activities (as described below) to set a positive and unifying foundation for the operation of the joint organisation.

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## Delivering a councillor induction program

### Accessibility

Councillor induction programs need to be highly accessible to ensure that all councillors are able to attend, particularly those with mobility issues or other impairments which may cause attendance to be difficult. Councils should therefore select options which maximise the accessibility of induction sessions. This includes the venue selected, transportation options available nearby, the time the session is held and the way information is presented and delivered, particularly for the sight or hearing impaired.

Councils are also encouraged to publish as much induction material as possible online to enable councillors to access induction materials and other relevant council information when needed.

### Planning

Councils should aim to have their induction programs finalised in time to provide potential candidates the proposed induction timetable at the candidate information session/s. Candidates can then make tentative arrangements to enable them to attend the induction program straight after the election if they are elected.

It is important that councillors feel welcome when they start their terms. This will send a supportive message that builds on the positive culture being encouraged for the governing body. Council should also ensure that the resources each councillor and the mayor needs are set up and ready when they start. This includes any IT equipment, office facilities or other necessary resources that will ensure they are productive from their first day in office.

### Timing

The Regulation allows a maximum of six months for the delivery of the induction program to provide councils the flexibility to develop an approach that best meets the needs of its mayor and councillors.

The first induction training session should take place, where practical, as soon as possible after the results of the election are declared and prior to the first council meeting. It should aim to provide councillors and the mayor with the information they need to function effectively in their roles, including in meetings, until the rest of the induction program is delivered. At a minimum, this should include training in council's code of conduct, code of meeting practice, preparation for taking the oath of office and electing the mayor (if applicable). The rest of the induction program must be delivered within six months of the polls being declared.

The delivery of the components of the induction program should be timed to reflect the information the councillors and the mayor need in the first week, the first month and the first six months of council. In addition, the relevant components of the induction program should be delivered before the review of the council's community strategic plan, and before the adoption of its delivery program.

Some councils prefer to deliver the full induction program as soon as possible to provide councillors with all of the information and induction training they need from the start of their term in office. However, this approach runs the risk of councillors feeling overloaded with information.

Other councils prefer to deliver the induction program approximately six weeks after the election so that new councillors have the opportunity to gain some practical experience first. However, this approach runs the risk of councillors not being effective or lacking confidence during the weeks preceding the induction training.

Alternatively, some councils choose to use a mixture of these approaches by staging the induction program over a number of weeks. Ultimately, the optimum timing for delivery of an induction program will vary depending on local circumstances.

## Content

A checklist of recommended content for induction programs for councillors and a supplementary program for mayors is provided at **Appendix E**.

There should be two core components of council's induction program:

- a knowledge-based component that ensures new mayors and councillors have the information they need to undertake their roles (this includes a supplementary component for the mayor), and
- a team-building component designed to bring councillors together to form a collaborative, positive and united governing body.

## Knowledge component

In the first few weeks in particular, new mayors and councillors will need to know:

- their roles, responsibilities and legislative obligations
- what the council does and how the council operates, including an overview of integrated planning and reporting and land use planning
- their financial management responsibilities
- the key issues and tasks for the new council
- the legislation, rules, principles and political context under which councils operate
- the council's organisational structure and the roles and responsibilities of staff
- key council policies and procedures they must comply with
- the role of council meetings and how to participate effectively in them

- the support available to the mayor and councillors, and where they can go to get more information or assistance
- how to speak to the media appropriately and effectively, and
- information on the process for electing the mayor (where applicable).

Mayors will also need to know:

- the roles and responsibilities of the mayor as leader of the council, including ceremonial functions
- how to chair council meetings
- the role and functions of regional and other external bodies (including joint and regional organisations of councils) council is a member of
- how to oversee the general manager, including understanding recruitment processes and leading performance reviews
- how to lead council's integrated planning and reporting, and
- how to manage code of conduct complaints about the general manager.

## Team building component

Team building activities should be held, where necessary, depending on the relationships that exist between councillors and how they are likely to function as a team. The activities should aim to ensure mayors and councillors, as a governing body, understand the need to:

- build relationships with each other based on trust and mutual respect
- contribute to a positive and ethical culture within the governing body
- encourage and facilitate collaboration with each other
- work towards consensus as members of the governing body for the benefit of the community
- manage alternative views within the governing body without damaging relationships
- champion and communicate the council's vision and strategic plans as a cohesive team

- respect the diversity of skills and experiences on the governing body, and
- communicate and uphold the decisions of council in a respectful way, even if their own positions are not adopted.

Activities should also help the mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within council and when representing council in the community and elsewhere.

## Structure and delivery

Each component of the induction program should be presented by the person who is best able to deliver the content and achieve the outcomes sought. This could be the general manager, another staff member or an external provider. Previous or current mayors or councillors may also be invited to provide an overview of their experiences on council, as might an experienced former or current mayor or councillor from outside the council.

The induction program should be conducted in a way that avoids the mayor and councillors being overloaded with information, particularly if this is at the expense of team building. This may be achieved by limiting the length of sessions, having a number of short sessions rather than one longer session and/or through the use of a range of delivery modes and materials.

Some councils structure their councillor induction programs intensively over two or more days – possibly a weekend – while others choose to hold shorter, evening sessions over several weeks. Others choose a combination of these two approaches.

Consideration should be given to which delivery method, or combination of methods, would best suit the information being conveyed and the different learning styles of councillors. Options could include:

- intensive blocks over two or more days (including weekends)
- evening or dinner sessions over several weeks
- a mix of regional and local level induction sessions
- informal briefings from the general manager and other senior staff
- guest speakers and presenters from other councils, state government agencies or other local government groups
- a guided tour of the council's administration building/s, depot, council facilities and local government area
- in-house workshops by council staff and/or professional training providers
- seminars and conferences
- panel discussions
- a mock council meeting or meetings
- training booklets and discussion papers distributed to councillors to work through at their own pace, and/or
- online information and training resources.

Where possible, presentations should be supported by written materials, including an induction manual or handbook that councillors can retain and refer to. Councils are also encouraged to publish these materials online for easy access by councillors.



## Resource sharing

There are parts of each council's induction program that will be common to all councils, for example, councillor roles and responsibilities, statutory frameworks, the code of conduct, the code of meeting practice and media training.

To achieve greater efficiency, councils are encouraged to share common induction resources with other councils or jointly hold parts of their induction program with other councils. Joint and regional organisations are also encouraged to develop and/or deliver the common elements of their member councils induction programs on their behalf. These common sessions can be supplemented by member councils with individual sessions that provide local information and team building activities specifically for the elected members of that council.

Printed and face-to-face training induction resources could also be shared between councils, or developed by joint or regional organisations on behalf of their member councils.

The Office of Local Government also offers 'Hit the Ground Running' workshops, held shortly after each council election, which councils may wish to include in their induction program.

## Induction manual

Councils should develop an induction manual or handbook to support councillors in the first weeks following the commencement of the council's term of office. This resource may also include relevant background reference material for the longer term, and printed or online resources specifically developed for new councillors. It could also include a copy of the Councillor Handbook which has been developed by the Office of Local Government for councillors. The induction manual may be provided prior to, at or after induction training.

How the information is presented in the induction manual will affect how useful it is. For example, some councils have found that a manual is most likely to be used if the information is presented in a folder. Some councils may consider also providing the information as an online resource. An online resource may be easier for councils to keep updated and can make topic searching easier for users. It will also provide councillors easier access to council information when needed.

**Appendix F** provides a checklist of the content that could be included in an induction manual or online resource. Recommended content includes:

- basic information about the council
- profiles (demographic, economic etc.) of the local government area
- information about council meetings
- key planning and policy documents and information
- key legislation
- information about support for councillors, and
- useful resources from other state government agencies and independent bodies and/or details about where they may be accessed.

It is suggested that online resources include hyperlinks to electronic versions of any plans, policies or other documents referred to in the councillor induction manual.

## Casual vacancies

Under the Regulation, an induction program must also be delivered by a council for any newly elected mayor or councillor who is elected to fill a casual vacancy that arises during the council term.



## Evaluation

Councils should evaluate the induction program to determine what elements worked well and whether there were any deficiencies that need to be addressed.

The methodology for the evaluation should be determined when the induction program is being developed to ensure that relevant data is collected. At a minimum, the evaluation should assess whether the induction program resulted in councillors and the mayor:

- understanding the need to build trusting and positive relationships with a common purpose as a team of councillors
- understanding the need to build a cohesive and positive culture for the governing body
- understanding the need to build a positive working relationship with the general manager and other staff
- understanding their roles and the roles of internal and external stakeholders, and feeling confident in their ability to perform their roles
- understanding key council information and how council works
- being aware of all relevant legislation and council policies and procedures, and being committed to complying with them
- understanding the key issues and tasks for the new council
- being able to make informed and effective decisions from the start of their term in office
- being able to effectively participate in council meetings and apply meeting rules correctly from the start of their term in office
- being able to fulfil their integrated planning and reporting responsibilities, including financial management responsibilities
- knowing how to speak to the media appropriately, and
- feeling confident in understanding and using financial information to manage the council's finances.

In the case of the mayor, being able to:

- act as a stabilising influence and show leadership in times of crisis
- build a positive working relationship with the general manager
- oversee the general manager, including leading recruitment processes and performance reviews
- chair council meetings
- undertake their ceremonial functions
- lead the council's integrated planning and reporting, and
- manage code of conduct complaints about the general manager.

# **Part D:**

## **Professional Development Program for Mayors and Councillors**



## Benefits of a professional development program for mayors and councillors

Ongoing professional development for mayors and councillors is mandatory in NSW. It is an investment which will enhance the effectiveness of a council's performance in achieving its goals.

The benefits of an ongoing professional development program for councillors and mayors include:

- mayors and councillors representing their communities to the best of their ability
- mayors and councillors feeling confident and supported in their roles
- the governing body making decisions based on a full understanding of all the key issues and consequences
- improved performance of council overall
- greater understanding of, and compliance with, legal responsibilities
- better management of the council's finances and resources, and
- mayors and councillors developing skills and knowledge that they can take into their personal and professional lives.

## Developing an ongoing professional development plan

As part of council's professional development program, an ongoing professional development plan must be developed for the mayor and each councillor. The program will span the council's term, with individual activities implemented over time according to priority. The mayor and each councillor is expected to complete all the activities included in their professional development plan.

### Assessment

As a first step to developing individual plans, an assessment is required of the knowledge, skills and personal attributes the mayor and each councillor bring to their roles and a comparison made against those that they need to effectively serve their community. Councils may also have additional knowledge, skills or attributes that they need elected members to possess, reflecting the specific services or particular environmental, social or economic challenges facing their community.

Any deficit in knowledge, skills or attributes identified through the assessment process should form the basis of the professional development plans developed for the mayor and each councillor. This process should be undertaken for both new and experienced mayors and councillors.

### Activities

The professional development plan developed for the mayor and each councillor must outline how their individual development needs are going to be met within the council term. Professional development activities should be prioritised according to need and approved by the general manager where council funds are required.

Professional development activities should, wherever possible, follow the 70/20/10 learning principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and developing through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The 70/20/10 learning principle enables councils and elected members to take into account the varied learning styles the mayor and individual councillors have, as well as the time they have available for professional development, when selecting professional development activities. It also minimises the financial costs of delivering an ongoing professional development program by prioritising learning through on-the-job experiences and networking.

## Resource sharing

There may be professional development activities that are common to all councillors or mayors. Councils are encouraged to share educational resources with other councils and/or jointly hold professional development activities with other councils. Joint and regional organisations are also encouraged to develop and/or deliver regional professional development activities on behalf of their member councils.

## Timing

The timing of professional development activities for the mayor and councillors should be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing should reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles.

For example, councils should ensure that the mayor and councillors have acquired the knowledge and skills necessary to effectively contribute to the review of the community strategic plan and the development of the delivery program before these activities are undertaken.

## County councils and joint organisations

County councils should offer professional development activities that are relevant to their specific functions and operations and that may be necessary to support decision making in relation to those functions and operations.

While joint organisations are not required to deliver a professional development program, they should consider offering professional development activities relevant to any functions or services provided by the joint organisation on behalf of member councils to support any decision making required by the board in relation to those activities.

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## Local Government Capability Framework and ‘PD in a Box’

Local Government NSW has developed a Local Government Capability Framework. This describes the knowledge, skills and personal attributes needed by mayors and councillors to represent their communities on council and to deliver community outcomes. These are listed in **Appendix G**.

The Framework is supported by ‘PD in a Box’, a free and confidential online portal that mayors and councillors can use to assess the knowledge and skills they bring to their role and self-identify gaps that require professional development. Mayors and councillors will receive an ongoing professional development plan through the portal, based on their input, which will suggest specific activities that they can participate in to build the skills and knowledge they need.

Councils are able to use this as a tool to support the development of ongoing professional development programs for their mayors and councillors.

The Local Government Capability Framework and PD in a Box can be found at [www.lgnsw.org.au](http://www.lgnsw.org.au).

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## Evaluation

Councils are to evaluate their ongoing professional development program to assist the council to determine the program’s effectiveness and to identify areas of possible improvement.

The outcomes of the professional development program should, at a minimum, include councillors and mayors demonstrating the core skills and knowledge areas listed in council’s needs analysis.

The evaluation should assess whether these outcomes were achieved.

# Part E:

## Public Reporting



Holding elected office in a council is a role that carries with it significant responsibilities. All holders of elected offices in councils owe it to the communities that entrust them with this responsibility to ensure that they hold and maintain the skills necessary to exercise their functions effectively on behalf of the community.

Mayors and councillors are ultimately accountable to the community that elects them for the performance of their functions. For this reason, councils are required to publicly report each year in their annual report on the participation of the mayor and each councillor in the council's induction and professional development programs during that year.

The information published in the annual report is to include:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.

These reporting requirements do not apply to joint organisations.

# Appendix A:

## Guiding Principles for Councils under the Act





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## General principles (section 8A(1))

Councils should:

- provide strong and effective representation, leadership, planning and decision-making
- carry out functions in a way that provides the best possible value for residents and ratepayers
- plan strategically, using the integrated planning and reporting framework, for the provision of effective and efficient services and regulation to meet the diverse needs of the local community
- apply the integrated planning and reporting framework in carrying out their functions so as to achieve desired outcomes and continuous improvements
- work cooperatively with other councils and the state government to achieve desired outcomes for the local community
- manage lands and other assets so that current and future local community needs can be met in an affordable way
- work with others to secure appropriate services for local community needs
- act fairly, ethically and without bias in the interests of the local community, and
- be responsible employers and provide a consultative and supportive working environment for staff.

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## Decision-making principles (section 8A(2))

Councils should:

- recognise diverse local community needs and interests
- consider social justice principles
- consider the long-term and cumulative effects of actions on future generations, and
- consider the principles of ecologically sustainable development

Council decision-making should be transparent and decision-makers are to be accountable for decisions and omissions.

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## Community participation principle (section 8A(3))

Councils should actively engage with their local communities, through the use of the integrated planning and reporting framework and other measures.

## Principles of sound financial management (section 8B)

Council spending should be responsible and sustainable, aligning general revenue and expenses.

Councils should:

- invest in responsible and sustainable infrastructure for the benefit of the local community
- have effective financial and asset management, including sound policies and processes for:
  - performance management and reporting
  - asset maintenance and enhancement
  - funding decisions, and
  - risk management practices
- have regard to achieving intergenerational equity, including by ensuring that policy decisions are made after considering their financial effects on future generations, and by ensuring that the current generation funds the cost of its services.

## Integrated planning and reporting principles (section 8C)

Councils should:

- identify and prioritise key local community needs and aspirations and consider regional priorities
- identify strategic goals to meet those needs and aspirations
- develop activities, and prioritise actions, to work towards the strategic goals
- ensure that the strategic goals, and the activities developed to work towards them, may be achieved within council resources
- regularly review and evaluate progress towards achieving strategic goals
- maintain an integrated approach to planning, delivering, monitoring and reporting on strategic goals
- collaborate with others to maximise the achievement of strategic goals
- manage risks to the local community or area or to the council effectively and proactively, and
- make appropriate evidence-based adaptations to meet changing needs and circumstances.



## **Appendix B:**

# **Roles and Responsibilities under the Act**



## Governing body of a council (section 223)

The mayor and councillors collectively comprise the governing body of a council. The role of the governing body is to:

- direct and control the affairs of the council in consultation with the general manager
- provide effective civic leadership to the local community
- ensure as far as possible the financial sustainability of the council
- ensure as far as possible that the council acts in accordance with the principles prescribed under the Act and the council's plans, programs, strategies and policies
- develop and endorse the community strategic plan, delivery program and other strategic plans, programs, strategies and policies of the council
- determine and adopt a rating and revenue policy and operational plans that support the optimal allocation of the council's resources to implement the council's strategic plans and for the benefit of the local area
- keep the performance of the council under review, including service delivery
- make decisions necessary for the proper exercise of the council's regulatory functions
- determine the process for the appointment of the general manager and for monitoring their performance
- determine the senior staff positions within the organisation structure of the council
- consult regularly with community organisations and other key stakeholders and keep them informed of the council's decisions and activities, and
- ensure that the council acts honestly, efficiently and appropriately.

The governing body is to consult with the general manager in directing and controlling the affairs of the council.

## Individual councillors (section 232)

Councillors are individually and collectively accountable to the local community for the performance of the council. Each councillor has a responsibility to:

- be an active and contributing member of the governing body
- make considered and well informed decisions as a member of the governing body
- participate in the development of the council's integrated planning and reporting framework
- represent the collective interests of residents, ratepayers and the local community
- facilitate communication between the local community and the governing body
- uphold and represent accurately the policies and decisions of the governing body, and
- make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor.

## The mayor (section 226)

The mayor is often considered the voice of the council and the leader of the community. While the mayor has the same roles and responsibilities as councillors, the mayor is essentially the “first among equals” and is expected to exercise a leadership role within a council. This leadership role is reflected in the mayor’s extra responsibilities.

The role of the mayor is to:

- be the leader of the council and a leader in the local community
- advance community cohesion and promote civic awareness
- be the principal member and spokesperson of the governing body, including representing the views of the council in regard to its local priorities
- exercise, in cases of necessity, the policy-making functions of the governing body of the council between meetings of the council
- preside at meetings of the council and ensure that meetings of the council are conducted efficiently, effectively and in accordance with the Act
- ensure the timely development and adoption of the council’s strategic plans, programs and policies
- promote the effective and consistent implementation of the council’s strategic plans, programs and policies
- promote partnerships between the council and key stakeholders
- advise, consult with and provide strategic direction to the general manager in relation to the implementation of the council’s strategic plans and policies
- in conjunction with the general manager, ensure adequate opportunities and mechanisms for engagement between the council and the local community
- carry out the civic and ceremonial functions of the mayoral office
- represent the council on regional organisations and at inter-governmental forums at the regional, state and commonwealth levels
- in consultation with the councillors, lead performance appraisals of the general manager, and
- exercise any other functions of the council that the council determines.



# Appendix C:

## Model Councillor

### Induction and Professional

### Development Policy





## Purpose

The purpose of this policy is to demonstrate X Council's<sup>2</sup> commitment to ensuring that the mayor and councillors have access to induction and ongoing professional development which will assist them to develop and maintain the skills and knowledge required to effectively perform their civic role and responsibilities under the *Local Government Act 1993* ('the Act').

## Scope

This policy applies to all councillors of X Council, including the mayor.

## Policy

### Statement of commitment

X Council is committed to developing an induction and ongoing professional development program for the mayor and councillors to ensure they can fulfil their statutory roles and responsibilities. As part of this program, the mayor and each councillor will have a professional development plan that identifies specific gaps in their capabilities (ie their knowledge, skills and attributes) and identify professional development activities to build these capabilities.

### Induction program

X Council will develop an induction program for new and returning councillors as well as a supplementary program for the mayor to ensure they are provided all the information they need to effectively fulfil their roles in the first few months of Council's term and feel confident in their ability to do so. The induction program will cover<sup>3</sup>:

- an orientation to council facilities and the local government area
- an overview of the key issues and tasks for the new council including council's community strategic plan, delivery program, operational plan, resourcing strategy and community engagement plan
- the legislation, rules, principles and political context under which councils operate
- the roles and responsibilities of councillors and the mayor
- Council's organisational structure, workforce management strategy and the roles and responsibilities of the general manager and council staff
- what Council does and how it operates, including an overview of integrated planning and reporting, land-use planning, natural resource management, financial management and asset management by Council
- key Council policies and procedures councillors must comply with including the code of conduct
- the role of Council meetings and how to participate effectively in them
- the support available to the mayor and councillors and where they can go to get more information or assistance, and
- information on the process for taking the oath of office and electing the mayor at the first council meeting (where applicable).

<sup>2</sup> Insert name of your council.

<sup>3</sup> Each council is to list the topics it has included in its induction program. See Part C of these Guidelines for further information.

In the case of the mayor, the program will also cover:

- how to be an effective leader of the governing body and the council
- the role of the Chair and how to chair council meetings
- the mayor's role in integrated planning and reporting
- the mayor's role and responsibilities under the code of conduct
- the mayor's role and responsibilities in relation to the general manager's employment
- the mayor's role at regional and other representative bodies, and
- the mayor's civic and ceremonial role.

The mayor and councillors must have a working knowledge and understanding of these areas by the end of the induction program.

The induction program will also include team building activities to help the governing body establish itself as a cohesive and collaborative team focused on a common purpose with shared values and goals. Activities will aim to ensure mayors and councillors:

- identify how they would like to work together as a team and identify a common vision for the governing body
- build relationships with each other based on trust and mutual respect that facilitate collaboration
- contribute to a positive and ethical culture within the governing body
- work towards consensus as members of the governing body for the benefit of the community
- develop respectful negotiation skills and manage alternative views within the governing body without damaging relationships
- understand what supports or undermines the effective functioning of the governing body

- respect the diversity of skills and experiences on the governing body, and
- communicate and uphold the decisions of Council in a respectful way, even if their own position was not adopted.

Activities should also help the mayor, as the leader of the governing body, to:

- act as a stabilising influence and show leadership, and
- promote a culture of integrity and accountability within Council and when representing Council in the community and elsewhere.

The mayor and councillors, including those re-elected to office, must attend all induction sessions.

X Council will evaluate the induction program at the end of each council term to determine whether it has achieved these outcomes, and to identify and address areas for improvement.

## Ongoing professional development program

An individual ongoing professional development plan will be developed for the mayor and each councillor to address any gaps in the capabilities (ie the knowledge, skills and attributes) needed to effectively fulfil their role.

Each professional development plan will span the council's term, and identify professional development activities that the mayor or councillor will participate in. Professional development activities will be prioritised according to need and approved by the general manager where council funds are required in accordance with council's councillor and expenses and facilities policy. The Mayor and councillors are expected to complete all the activities included in their professional development plan.

Professional development activities will, wherever possible, follow the 70/20/10 principle. The 70/20/10 principle requires that:

- 70% of learning activities are provided via learning and developing from experience – for example, on-the-job training, self-directed learning, developmental roles, problem solving, exposure and practice
- 20% of learning activities are provided via learning and training through others – for example, personal or professional networks, coaching, mentoring, feedback, memberships and professional associations, and
- 10% of learning activities are provided via learning and developing through structured programs – for example, training courses, external or in-house workshops, seminars, webinars and other e-learning and briefing sessions conducted by the council, external training providers or industry bodies.

The timing of professional development activities for the mayor and councillors will be designed in such a way so as to not overload councillors with learning activities in the early part of council's term. The timing will reflect what knowledge and skills councillors and the mayor need at various points in council's term to undertake their roles.

The mayor and councillors will be provided with as much notice as possible for upcoming induction and professional development activities.

## Responsibilities

The mayor and each councillor are responsible for making themselves available to attend any development activities identified in the professional development plan. The mayor and all councillors must make all reasonable endeavours to attend and participate in the induction sessions and professional development activities arranged for them during the term of the council.

[Identify the role or responsible staff member] is responsible for planning, scheduling and facilitating induction and professional development activities for the mayor and councillors in consultation with the general manager.

The general manager has overall responsibility for X Council's induction and professional development program.

## Budget

An annual budget allocation will be provided to support the induction and professional development activities undertaken by the mayor and councillors. Expenditure will be monitored and reported quarterly.

## Approval of training and/or expenses

Professional development activities that require council funds are to be approved by the general manager in accordance with X Council's Councillor Expenses and Facilities Policy.

## Evaluation

Council will evaluate the professional development program at the end of each council term to assess whether it was effective in assisting the mayor and councillors to develop the capabilities required to fulfil their civic roles.

## Reporting

The general manager of X Council will publically report each year in Council's annual report:

- the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
- the name of the mayor and each councillor who participated in any ongoing professional development program during the year
- the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
- the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.



# Appendix D:

## Candidate Information Session

### Content Checklist



Topic Area	Suggested Content
<b>Role of council</b>	<ul style="list-style-type: none"> <li>• The role and responsibilities of local government</li> <li>• The guiding principles under the Act that govern council's functions</li> <li>• The purpose of council and committee meetings</li> </ul>
<b>Roles and responsibilities of councillors and staff under the Act</b>	<ul style="list-style-type: none"> <li>• The roles and responsibilities of the governing body and individual councillors under the Act, including in relation to integrated planning and reporting</li> <li>• The roles and responsibilities of the mayor as leader of the governing body, including oversight of the general manager</li> <li>• The strategic nature of the roles of elected members compared to the operational roles of the general manager and council staff</li> <li>• The regional and other bodies the council is a member of and the roles of those bodies</li> </ul>
<b>Legal and ethical responsibilities</b>	<ul style="list-style-type: none"> <li>• Requirement to take an oath of office</li> <li>• Requirement to meet the ethical standards prescribed under the Act and councils code of conduct, including managing pecuniary and non-pecuniary interests</li> <li>• Outline of the legal responsibilities of councillors under the Act and their personal responsibilities under other legislation, for example in relation to: <ul style="list-style-type: none"> <li>- work health and safety</li> <li>- anti-discrimination</li> <li>- privacy</li> <li>- public access to information</li> <li>- record keeping and records management</li> </ul> </li> <li>• Outline of any council policies that councillors will be expected to comply with, for example: <ul style="list-style-type: none"> <li>- councillor and staff interaction policy</li> <li>- code of meeting practice</li> <li>- code of conduct</li> <li>- councillor expenses and facilities policy</li> <li>- conflicts of interest policy</li> <li>- gifts and benefits policy</li> <li>- councillor induction and professional development policy</li> </ul> </li> </ul>
<b>Skills and knowledge</b>	<ul style="list-style-type: none"> <li>• Outline of the knowledge, skills and personal attributes needed to perform the roles of a councillor or mayor</li> <li>• Outline of the additional knowledge, skills and personal attributes required by the mayor</li> </ul>

Topic Area	Suggested Content
<b>Time commitment</b>	<ul style="list-style-type: none"> <li>• Participation in council's councillor induction program</li> <li>• Participation in the mayor's supplementary induction program</li> <li>• Expected attendance at council meetings, including meeting days, times, frequency and possible duration</li> <li>• Preparation required for council meetings, for example:               <ul style="list-style-type: none"> <li>- attending pre-meeting briefings</li> <li>- reading business papers</li> <li>- ensuring councillors have a full understanding of issues requiring decisions</li> </ul> </li> <li>• Potential participation in other meetings, for example extraordinary council meetings, regional bodies, external bodies</li> <li>• Potential attendance at community events, ceremonies and other functions</li> <li>• Responding to media requests and inquiries</li> <li>• Potential participation in formal community consultation processes</li> <li>• Answering letters, emails and phone calls from residents and ratepayers as well as participating in regular informal conversations</li> <li>• Participation in any other activities that are likely to arise and require the mayor or councillors' time</li> </ul>
<b>Support available to assist councillors in the role</b>	<ul style="list-style-type: none"> <li>• The annual fees paid to councillors and the mayor</li> <li>• Council's expenses and facilities policy</li> <li>• Council's induction and professional development program for councillors and the mayor</li> <li>• The responsibility of the general manager and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions</li> </ul>
<b>Ways to gain further understanding</b>	<ul style="list-style-type: none"> <li>• Attendance at a council meeting/s or council committee meeting/s to observe council decision making and meeting practice</li> <li>• NSW Electoral Commission website and other educational materials</li> </ul>





# Appendix E:

## Induction Program

### Content Checklist



Topic area	Suggested content
<b>Establishment of a well-functioning governing body</b>	<ul style="list-style-type: none"> <li>• Team building activities to help councillors and the mayor: <ul style="list-style-type: none"> <li>- identify how they would like to work together as a team</li> <li>- understand why each councillor is in office and help identify a common purpose and bond between councillors</li> <li>- identify a common vision for the governing body</li> <li>- identify what a successful term in office will look like for council and the community and what is needed from individual councillors and the mayor to achieve this</li> <li>- identify accepted values and behaviours</li> <li>- build relationships with each other based on trust and mutual respect</li> <li>- contribute to a positive and ethical culture within the governing body</li> <li>- value and develop teamwork and collaboration skills</li> <li>- work towards consensus as members of the governing body for the benefit of the community</li> <li>- manage alternative views within the governing body without damaging relationships</li> <li>- develop respectful negotiation and conflict resolution skills</li> <li>- champion and communicate the council's vision and strategic plans as a cohesive team</li> <li>- respect the diversity of skills and experience of the other members of the governing body</li> <li>- communicate and uphold the decisions of council in a respectful way, even if their own position was not adopted</li> <li>- understand what supports or undermines the effective functioning of the governing body</li> <li>- identify appropriate council meeting practice and behaviours</li> <li>- understand their opportunities for influence</li> </ul> </li> </ul>
<b>Orientation to council facilities and local government area</b>	<ul style="list-style-type: none"> <li>• Guided tour of the council facilities available to councillors, for example, chambers, offices, utilities</li> <li>• Guided tour of the local government area including council facilities, significant sites and projects</li> <li>• Introduction to council staff to help build a positive team culture between the governing body and administration (whilst respecting the legislated separation between the two)</li> </ul>

Topic area	Suggested content
<b>Overview of the key issues and tasks for the new council</b>	<ul style="list-style-type: none"> <li>• The demographic profile of the local government area</li> <li>• Council's current social and economic health and performance</li> <li>• The key social, environmental and economic concerns facing the community</li> <li>• The key issues and tasks the new council will need to address</li> <li>• Any issues faced by previous councils or useful historical information that may impact or assist the new council</li> <li>• The current community strategic plan and the process that led to its development, including its role in informing the new council's activities</li> <li>• Council's current delivery program, operational plan, resourcing strategy and community engagement strategy</li> <li>• Regional and other bodies council is a member of and the roles of those bodies</li> <li>• Overview of council's assets</li> </ul>
<b>Legal and political context of local government</b>	<ul style="list-style-type: none"> <li>• The relationship of state and commonwealth governments to local government</li> <li>• The statutory framework that applies to local government</li> <li>• Each of the guiding principles under the Act that govern council's functions</li> <li>• The key accountabilities of the council to the community, the NSW Government and oversight agencies</li> <li>• The roles and responsibilities of oversight agencies such as the: <ul style="list-style-type: none"> <li>- Office of Local Government</li> <li>- Department of Planning and Environment</li> <li>- Environment Protection Authority</li> <li>- NSW Audit Office</li> <li>- Independent Commission Against Corruption, and</li> <li>- NSW Ombudsman</li> </ul> </li> <li>• The role and responsibilities of the Minister for Local Government</li> </ul>

Topic area	Suggested content
<b>Roles and responsibilities of councillors and staff</b>	<ul style="list-style-type: none"> <li>• The process for electing the mayor (if applicable)</li> <li>• The roles and responsibilities of the governing body and individual councillors under the Act including: <ul style="list-style-type: none"> <li>- the strategic nature of their role compared to the operational roles and responsibilities of the general manager and council staff and the limits on councillors role or direction in operational matters</li> <li>- the different roles of the governing body and the general manager in determining council's organisational structure</li> <li>- councillors obligations under council's code of conduct and the <i>Work Health and Safety Act 2011</i> in their dealings and behaviour towards the general manager and staff</li> </ul> </li> <li>• The role and responsibilities of the mayor under the Act including: <ul style="list-style-type: none"> <li>- the mayor's civic and ceremonial role and the functions they exercise under this</li> <li>- the mayor's responsibility for exercising day-to-day oversight, monitoring ongoing performance and leading annual performance reviews of the general manager</li> </ul> </li> <li>• The roles and responsibilities of the general manager and council staff under the Act including: <ul style="list-style-type: none"> <li>- the responsibility of the general manager and staff to provide timely information and advice to the mayor and councillors and the administrative and professional support necessary to discharge their functions</li> <li>- council's protocol or policy on councillor and staff interaction and how councillors can request assistance or information from staff or forward constituent requests to staff</li> </ul> </li> <li>• The regional and other bodies the council is a member of and the roles of those bodies</li> <li>• How to speak to the media appropriately and effectively</li> <li>• Financial and other delegations</li> <li>• Integrated planning and reporting responsibilities</li> </ul>

Topic area	Suggested content
<b>Overview of the key functional areas of council operations and staffing</b>	<ul style="list-style-type: none"> <li>• Council's organisational structure</li> <li>• The role and responsibilities of each business unit or functional area within council, for example:               <ul style="list-style-type: none"> <li>- planning and other regulatory functions</li> <li>- assets and infrastructure</li> <li>- financial management</li> <li>- community services</li> <li>- governance</li> <li>- internal audit</li> <li>- teams responsible for implementing key council policies, strategies or programs</li> </ul> </li> <li>• Council's workforce management strategy</li> <li>• An overview of the requirements of the <i>Guidelines for the Appointment and Oversight of General Managers</i> released by the Office of Local Government</li> <li>• An overview of the general manager's contract of employment, performance agreement and key performance indicators</li> </ul>

Topic area	Suggested content
<b>Legal and ethical responsibilities and risk management</b>	<ul style="list-style-type: none"> <li>• Preparation for taking the oath or affirmation of office</li> <li>• All legislation that councillors are expected to comply with, for example in relation to: <ul style="list-style-type: none"> <li>- local government</li> <li>- work health and safety</li> <li>- anti-discrimination</li> <li>- privacy</li> <li>- public access to information</li> <li>- record keeping and records management</li> <li>- tendering and procurement</li> </ul> </li> <li>• All council policies and protocols that councillors will be expected to comply with, for example: <ul style="list-style-type: none"> <li>- councillor and staff interaction policy</li> <li>- code of meeting practice</li> <li>- code of conduct</li> <li>- conflicts of interest policy</li> <li>- councillor expenses and facilities policy</li> <li>- gifts and benefits policy</li> <li>- councillor induction and professional development policy</li> <li>- risk management and internal audit policy</li> <li>- media policy</li> </ul> </li> <li>• In relation to council's code of conduct: <ul style="list-style-type: none"> <li>- how to identify, disclose and manage pecuniary and non-pecuniary interests</li> <li>- the process for making and managing code of conduct complaints under the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i></li> <li>- the consequences of a breach of council's code of conduct</li> <li>- the definition of "corrupt conduct" under the <i>Independent Commission Against Corruption Act 1988</i> and the potential consequences of engaging in corrupt conduct</li> </ul> </li> <li>• Participation in the councillor induction and professional development program</li> <li>• How the council manages risk, including: <ul style="list-style-type: none"> <li>- council's risk management framework</li> <li>- the role of the Audit, Risk and Improvement Committee</li> <li>- council's internal audit function</li> <li>- external audit</li> </ul> </li> </ul>

Topic area	Suggested content
<b>Decision-making</b>	<ul style="list-style-type: none"> <li>• The purpose of council meetings</li> <li>• Prescribed meeting rules and council's code of meeting practice</li> <li>• The role of the chair</li> <li>• How to use closed meetings appropriately</li> <li>• What an orderly, effective and efficient council meeting looks like and how it is conducted</li> <li>• How councillors should prepare for a council meeting, including pre-meeting briefings</li> <li>• The role of business papers and meeting minutes and how to understand and interpret them</li> <li>• The role of committees, the committee structure adopted by the council and the functions of each of council's committees</li> </ul>
<b>Strategic planning</b>	<ul style="list-style-type: none"> <li>• The statutory requirements for integrated planning and reporting, including its conceptual basis, guiding principles and reporting requirements</li> <li>• How integrated planning and reporting is conducted by council including: <ul style="list-style-type: none"> <li>– council's integrated planning and reporting frameworks, timelines and processes</li> <li>– the mayor's and councillors' roles</li> <li>– community consultation and participation</li> <li>– change management processes</li> <li>– reporting mechanisms</li> </ul> </li> </ul>
<b>Land use planning</b>	<ul style="list-style-type: none"> <li>• Overview of the land use planning system, including: <ul style="list-style-type: none"> <li>– relevant legislation</li> <li>– the role of council in land use and development approvals</li> <li>– the development assessment and approval process under the <i>Environmental Planning and Assessment Act 1979</i></li> <li>– the role of independent panels, including Joint Regional Hearing Panels and Independent Hearing and Assessment Panels, in relation to development approvals</li> <li>– the delegations made with respect to development assessments and approvals</li> <li>– the role of environmental planning instruments and how to interpret them</li> <li>– the environmental planning instruments that apply to council's area and the development control plans adopted by council</li> <li>– delegations</li> <li>– the role of oversight agencies, for example, the Department of Planning and Environment and the Greater Sydney Commission</li> <li>– the role of the Minister for Planning</li> </ul> </li> </ul>



Topic area	Suggested content
<b>Natural resource management</b>	<ul style="list-style-type: none"> <li>• Council's public land management responsibilities and the statutory requirements that apply to public land management</li> <li>• Council's natural resource management responsibilities and the regulatory frameworks under which it exercises its functions</li> </ul>
<b>Water management (for councils that are water utilities)</b>	<ul style="list-style-type: none"> <li>• Council's water management responsibilities and the regulatory frameworks under which it exercises its functions</li> <li>• Drinking water quality and public health responsibilities</li> <li>• Integrated Water Cycle Management – including water security and asset planning</li> <li>• Water utility operation and performance monitoring</li> </ul>
<b>Financial processes and financial management</b>	<ul style="list-style-type: none"> <li>• The responsibility of councillors for the financial management and sustainability of the council under the Act</li> <li>• Council's long-term financial plan and other components of council's resourcing strategy, including revenue sources</li> <li>• How to interpret and understand the financial information contained in financial reports prepared by council</li> </ul>
<b>Asset management</b>	<ul style="list-style-type: none"> <li>• Asset management planning requirements</li> <li>• Council's asset management strategy</li> </ul>
<b>Customer services and complaints handling</b>	<ul style="list-style-type: none"> <li>• Council's complaints handling process and how councillors should handle constituents' concerns</li> </ul>
<b>Support available to assist councillors in their role</b>	<ul style="list-style-type: none"> <li>• The annual fees paid to councillors and the mayor</li> <li>• Council's expenses and facilities policy</li> <li>• Ongoing professional development for the mayor and councillors</li> <li>• The responsibility of the general manager and staff to provide timely information and advice and the administrative and professional support necessary for councillors to effectively discharge their functions</li> </ul>
<b>Supplementary topics for mayor</b>	<ul style="list-style-type: none"> <li>• How to be an effective leader of the governing body and the council</li> <li>• The role of the chair and how to chair council meetings</li> <li>• The mayor's role and responsibilities under the code of conduct</li> <li>• The mayor's role in integrated planning and reporting</li> <li>• The mayor's role and responsibilities in relation to the general manager's employment: <ul style="list-style-type: none"> <li>– the requirements of the mayor under the <i>Guidelines for the Appointment and Oversight of General Managers</i> released by the Office of Local Government</li> <li>– how to conduct day-to-day oversight of the general manager including in relation to credit card use and other expenses, and</li> <li>– how to lead recruitment and performance reviews of the general manager</li> </ul> </li> <li>• The mayors role on the regional and other bodies they attend on behalf of the council and council's position on the key issues under consideration by these bodies</li> <li>• The mayor's civic and ceremonial role and the community functions the mayor will be expected to attend</li> </ul>

# Appendix F:

## Councillor Induction Manual

### Content Checklist



Topic area	Suggested content
<b>Governing body</b>	<ul style="list-style-type: none"> <li>• Summary of the shared purpose, goals, vision and success markers identified by the governing body during the induction process</li> <li>• Summary of the values and behaviours identified by the governing body during the induction process that will characterise the council term</li> </ul>
<b>Basic information about the council</b>	<ul style="list-style-type: none"> <li>• Organisational chart and outline of key function and service areas, including those of senior staff</li> <li>• Information and/or chart showing the relationships between councillors and council staff and decision-making processes</li> <li>• List of council facilities and map of the local government area</li> <li>• How to use council's IT system/s</li> <li>• How to raise work, health and safety issues</li> <li>• List of regional bodies and committees council is a member of</li> </ul>
<b>Profile of the local government area</b>	<ul style="list-style-type: none"> <li>• Information about council wards</li> <li>• Population statistics</li> <li>• Useful information about the local government area</li> <li>• Useful information about key issues or tasks for the new council</li> </ul>
<b>Information about council meetings</b>	<ul style="list-style-type: none"> <li>• Council's code of meeting practice</li> <li>• Agenda and minutes of recent meetings</li> <li>• Meeting times and venues</li> <li>• Deadlines related to meetings, business papers and minutes</li> <li>• List of council committees and their composition</li> </ul>
<b>Key planning and policy documents and information</b>	<ul style="list-style-type: none"> <li>• Integrated planning and reporting documents, for example, the current community strategic plan, delivery program, operational plan, community engagement strategy and resourcing strategy, workforce management strategy etc.</li> <li>• List of financial and other delegations</li> <li>• Most recent annual report</li> <li>• End-of-term report of last council term</li> <li>• Council policy documents, including council's: <ul style="list-style-type: none"> <li>- policy register/list of policies</li> <li>- code of conduct</li> <li>- councillor expenses and facilities policy</li> <li>- information access policy</li> <li>- councillor and staff interaction policy and protocol</li> <li>- gifts and benefits policy</li> <li>- media policy</li> <li>- conflicts of interest policy</li> <li>- council's risk management framework and relevant internal audit, external audit and risk management related documents</li> </ul> </li> <li>• Any other relevant plans, policies and procedures</li> </ul>

Topic area	Suggested content
<b>Key legislation</b>	<ul style="list-style-type: none"> <li>• Copy of key legislation or relevant excerpts from legislation</li> <li>• Information about the key legislation and regulation under which council exercises its functions, for example:               <ul style="list-style-type: none"> <li>• <i>Local Government Act 1993</i></li> <li>• <i>Local Government (General) Regulation 2005</i></li> <li>• <i>Environmental Planning and Assessment Act 1979</i></li> <li>• <i>Protection of the Environment Operations Act 1997</i></li> <li>• <i>Work Health and Safety Act 2011</i></li> <li>• <i>State Records Act 1998</i></li> </ul> </li> <li>• How to access up-to-date versions of the legislation online (<a href="http://www.legislation.nsw.gov.au">www.legislation.nsw.gov.au</a>)</li> </ul>
<b>Information about support for councillors</b>	<ul style="list-style-type: none"> <li>• How to make a request or claim under council's expenses and facilities policy</li> <li>• Information about the induction and professional development program</li> <li>• Contact details of council officer/s that councillors may contact for information</li> </ul>

Topic area	Suggested content
Other useful resources and/or details about where they may be accessed	<ul style="list-style-type: none"> <li>• Induction program presentations and materials</li> <li>• Contact details for key organisations such as the Office of Local Government and Local Government NSW</li> <li>• The <i>Councillor Handbook</i> released by the Office of Local Government</li> <li>• Bluett's Local Government Handbook NSW</li> <li>• A copy of useful publications and guidance material produced by NSW Government agencies and other bodies (where relevant) in relation to:             <ul style="list-style-type: none"> <li>- capital expenditure, tendering and procurement (Office of Local Government, Department of Finance, Services and Innovation)</li> <li>- the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> (Office of Local Government)</li> <li>- the <i>Guidelines for the Appointment and Oversight of General Managers</i> (Office of Local Government)</li> <li>- the <i>Internal Audit Guidelines</i> (Office of Local Government)</li> <li>- land-use planning and development approvals processes (Department of Planning and Environment)</li> <li>- public interest disclosures (NSW Ombudsman)</li> <li>- access to information and privacy (Information and Privacy Commission)</li> <li>- fraud and corruption (Independent Commission Against Corruption, NSW Audit Office)</li> <li>- external audit (NSW Audit Office)</li> <li>- annual reviews and performance audits of local government (NSW Audit Office)</li> <li>- anti-discrimination (Anti-Discrimination Board of NSW)</li> <li>- council rating determinations (Independent Pricing and Regulatory Tribunal)</li> <li>- councillor and mayoral remuneration (Local Government Remuneration Tribunal)</li> </ul> </li> </ul>

# Appendix G:

## Local Government Capability Framework



## Personal attributes

	Clr	Mayor
<b>Manage self</b>		
Talks to the mayor/councillor, general manager and other councillors about own role and responsibilities, and seeks feedback	✓	✓
Pursues responsibilities with energy, drive and commitment	✓	✓
Manages own time effectively, balancing demands in line with council priorities	✓	✓
Shows awareness of own strengths and areas for growth	✓	✓
Looks for and takes opportunities to develop knowledge and skills as a councillor	✓	✓
Honestly examines personal motivation and capability as mayor		✓
Reflects on and integrates feedback, showing a capacity and willingness to modify own behaviours		✓
<b>Display resilience and adaptability</b>		
Is flexible and willing to change their mind in light of new information	✓	✓
Stays calm and objective in challenging situations	✓	✓
Advocates constructively for an idea or position, even in the face of strong, contrary views	✓	✓
Listens when challenged and seeks to understand criticisms before responding	✓	✓
Stays positive and perseveres in the face of resistance or setbacks	✓	✓
Accepts public feedback and responds in a thoughtful and considered way	✓	✓
Reads situations quickly and shows leadership in times of crisis		✓
Acts as a stabilising influence in challenging and emotionally charged situations		✓
<b>Act with integrity</b>		
Is open, honest and consistent in words and behaviour	✓	✓
Tells the truth and admits to own mistakes	✓	✓
Maintains confidentiality	✓	✓
Takes steps to clarify ethical issues and seeks advice when unsure what to do	✓	✓
Follows the code of conduct, legislation and policies applicable to councillors/mayors	✓	✓
Speaks out against illegal and inappropriate behaviour and perceived conflicts of interest	✓	✓
Helps councillors understand their obligations to comply with the codes of conduct, legislation and policies		✓
Identifies and discusses ethical issues with councillors		✓
Promotes a culture of integrity within council and in dealings external to council		✓

	Clr	Mayor
<b>Demonstrate accountability</b>		
Prepares appropriately for council meetings	✓	✓
Acts in the public interest and observes the highest standards of personal conduct at all times	✓	✓
Takes responsibility for fulfilling the role of councillor/mayor to the best of their ability	✓	✓
Is transparent in actions and decision making, declaring potential conflicts	✓	✓
Models the highest standards of accountability, providing transparency to enable public scrutiny		✓
Provides advice on strategies taken by council to be accountable, transparent and efficient		✓

## Relationships

	Clr	Mayor
<b>Communicate and engage</b>		
Clearly communicates ideas and arguments	✓	✓
Adjusts tone, pace and message for different audiences	✓	✓
Listens when others are speaking and asks appropriate, respectful questions	✓	✓
Shows sensitivity to cultural, religious and other individual differences when interacting with others	✓	✓
Uses communication channels that are suitable for the diversity in the community	✓	✓
Creates opportunities for people to engage with council and contribute to public disclosure and debate	✓	✓
<b>Community and customer focus</b>		
Keeps up to date on current issues affecting the community	✓	✓
Shows pride in and talks positively about the community and region	✓	✓
Commits time and energy to serving the community	✓	✓
Works towards social, environmental and economic sustainability in the community/region	✓	✓
Collects and uses broad community feedback to identify opportunities for improvement	✓	✓
Builds effective relationships with a range of people who reflect the diversity in the community	✓	✓



	Clr	Mayor
<b>Work collaboratively</b>		
Shares information with other councillors about community issues, stakeholders and activities	✓	✓
Is respectful of council staff and receptive to their advice	✓	✓
Shows respect for the diversity of skills and experience on the governing body	✓	✓
Initiates collaborative forums on issues facing the community	✓	✓
Works together with stakeholder networks for the benefit of the community and region	✓	✓
Encourages councillors to work collaboratively		✓
Builds a productive working relationship with the general manager based on clear expectations, trust and respect		✓
Supports positive relations between the general manager and the governing body		✓
Builds partnerships between council and external stakeholders that are of strategic value to council		✓
Facilitates and supports strategic collaboration with other councils to benefit the broader region		✓
<b>Influence and negotiate</b>		
Uses understanding of political processes and networks to develop a negotiation strategy	✓	✓
Listens to contrary points of view and endeavours to find common ground	✓	✓
Influence others with a fair and considered approach and sound arguments	✓	✓
Avoids starting from an entrenched position and is willing to give and take	✓	✓
Wins concessions without damaging relationships	✓	✓
Establishes and maintains relationships outside council in order to find common ground and further council's position		✓
Anticipates points of contention and plans negotiations accordingly		✓
Steers discussion and debate towards achieving an acceptable outcome		✓

## Results

	Clr	Mayor
<b>Plan and prioritise</b>		
Identifies and pursues critical priorities and sets aside less critical activities	✓	✓
Contributes to setting clear performance goals that include quality measures	✓	✓
Considers council performance reports and rollover of projects when making new plans	✓	✓
Considers the impact of changes, e.g. government policy/economic conditions and budgets, on strategic plans	✓	✓
Incorporates sound risk management principles into strategic planning	✓	✓
Works with the general manager to translate strategic direction into a delivery program and operational plan		✓
Monitors progress against the delivery program and operational plan		✓
Considers council's current and potential future role within the community and region when planning		✓
<b>Think and solve problems</b>		
Gathers and investigates information from a variety of sources	✓	✓
Asks questions to get to the heart of the issue and define the problem clearly	✓	✓
Considers the broader context and long-term impacts of policy options	✓	✓
Works with others to assess options and identify appropriate solutions	✓	✓
<b>Create and innovate</b>		
Thinks about issues and opportunities from different viewpoints	✓	✓
Looks for non-obvious solutions	✓	✓
Encourages independent thinking and new ideas from others	✓	✓
Explores innovative solutions with long-standing community-wide impact	✓	✓
<b>Deliver results</b>		
Monitors and provides advice on the delivery of customer/community focused services	✓	✓
Instigates and champions initiatives to deliver community outcomes	✓	✓
Identifies and addresses potential risks to the achievement of council goals	✓	✓
Engages with senior staff about strategies to improve council performance		✓

## Resources

	Clr	Mayor
<b>Finance</b>		
Uses basic financial terminology appropriately	✓	✓
Makes informed contributions to debate about the allocation of financial resources	✓	✓
Demonstrates respect for public funds and the obligation to manage council resources responsibly	✓	✓
Is aware of financial risks and strategies to manage and minimise these	✓	✓
Is able to discuss implications of council's long term financial plan, audited financial statements and budget reviews	✓	✓
Identifies and supports opportunities to generate revenue and attract investment	✓	✓
Promotes the role of sound financial management and its impact on council effectiveness		✓
<b>Assets and tools</b>		
Engages in strategic planning to ensure the organisation's assets support delivery of the strategic plan	✓	✓
Makes informed contributions to debate about the allocation of assets to community priorities	✓	✓
Supports asset risk minimisation strategies, plans and outcomes for council	✓	✓
Promotes the role of councils as custodians of community assets	✓	✓
Ensures asset management decisions consider long term financial sustainability	✓	✓
Promotes the role of sound asset management and its impact on long term financial sustainability		✓
<b>Technology and information</b>		
Uses a range of technologies to communicate and engage with the community	✓	✓
Supports the introduction of new technologies to improve the efficiency and effectiveness of the council	✓	✓
<b>Procurement and contracts</b>		
Exercises commercial acumen in reviewing and approving council contracts and tenders	✓	✓
Makes decisions on council tenders according to value for money, probity and community benefit	✓	✓

## Civic leadership

	Clr	Mayor
<b>Represent communities</b>		
Makes themselves available to discuss issues and council activities with members of the community	✓	✓
Seeks to understand the range of views on complex issues in the community	✓	✓
Raises issues that are important to constituents with council	✓	✓
Treats all people in the community impartially and champions their right to be heard	✓	✓
Uses a variety of approaches to gather views from a range of individuals and organisations		✓
Advocates for local interests in dealings with external stakeholders, including other sectors and governments		✓
<b>Inspire direction and purpose</b>		
Demonstrates passion, enthusiasm and personal dedication to council's vision for the community	✓	✓
Champions the community strategic plan and communicates the way forward	✓	✓
Encourages community involvement in council planning processes	✓	✓
Communicates the context and parameters surrounding council strategies and plans	✓	✓
Communicates the purpose and plans using a variety of channels to reach many audiences		✓
Regularly communicates progress against the community strategic plan		✓
<b>Govern responsibly</b>		
Contributes constructively to debate in council	✓	✓
Works towards consensus as a member of the governing body	✓	✓
Contributes to a positive and ethical culture within the governing body	✓	✓
Participates responsibly in exercising council's employer functions in relation to the general manager	✓	✓
Acts in a way that preserves the health and safety of people in the council workplace	✓	✓
Leads constructive council meetings with a view to reaching consensus		✓
Cultivates a positive and ethical culture within the governing body		✓
Works with the general manager to ensure legal and regulatory frameworks are applied consistently by council		✓
Sets clear performance standards for the general manager and monitors progress		✓
Regularly discusses performance with the general manager and addresses performance issues early		✓

	Clr	Mayor
<b>Make quality decisions</b>		
Makes considered decisions on merit in the public interest	✓	✓
Considers information about the context and regulatory environment before making decisions	✓	✓
Considers financial and budget implications, including value for money, in making decisions	✓	✓
Explains council decision-making process to constituents	✓	✓
Communicates the decisions of council in a respectful way, even if own position was not adopted	✓	✓
Assists the community to understand council decisions in context, considering priorities and constraints	✓	✓
Ensures council works through issues, considering all relevant information, before making decisions		✓
Ensures council considers financial and budget implications in making decisions		✓



<b>Circular Details</b>	Circular No 18-46 / 18 December 2018 / A621298
<b>Previous Circular</b>	<i>18-25 Status of the new Councillor Induction and Professional Development Guidelines</i>
<b>Who should read this</b>	Mayors / Councillors / General Managers / Council governance staff
<b>Contact</b>	Council Governance Team/ 02 4428 4100/ <a href="mailto:olg@">olg@</a> [REDACTED]
<b>Action required</b>	Council to implement

## New Councillor Induction and Professional Development Requirements

### What's new or changing

- Amendments made to the *Local Government Act 1993* (the Act) by the *Local Government Amendment (Governance and Planning) Act 2016* in August 2016 saw the inclusion in the prescribed role of councillors under section 232 a responsibility "to make all reasonable efforts to acquire and maintain the skills necessary to perform the role of a councillor".
- In support of this, regulations have been made for induction and other professional development for mayors and councillors. The new requirements under the *Local Government (General) Regulation 2005* are outlined in the attachment to this circular. These requirements do not apply to joint organisations.
- The Office of Local Government (OLG) has prepared guidelines to assist councils to develop and deliver induction and ongoing professional development activities for their mayor and councillors in compliance with the proposed regulations. The Guidelines have been issued under section 23A of the Act.

### What this will mean for your council

- Councils' induction and professional development programs are to consist of three elements:
  - *Pre-election candidate sessions* – these are to ensure prospective candidates are aware of what will be expected of them if elected (these are not mandatory but are encouraged)
  - *Induction program* – this aims to equip mayors and councillors with the information they need to perform their role effectively over the first few months and has a particular focus on building positive, collaborative relationships between councillors and with staff
  - *Professional development program* – this is to be developed in consultation with all councillors and delivered over the term of the council to build the skills, knowledge and personal attributes necessary to be an effective mayor or councillor.
- Councils will be required to report information in their annual reports on the induction and ongoing professional development activities offered to the mayor and each councillor. The reporting requirements are set out in the attachment to this circular.

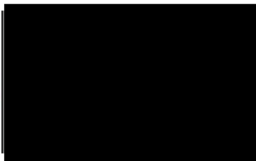


**Key points**

- Councils will need to take immediate steps to develop and deliver a professional development program for the mayor and each councillor.
- Councils will need to deliver an induction program for any councillor elected at a by-election before the next ordinary elections.
- Councils will be required to prepare and deliver an induction program for the mayor and all councillors following the next ordinary elections.
- From next year, councils will be required to report on councillor induction and professional development in their annual reports.

**Where to go for further information**

- The Councillor Induction and Professional Development Guidelines are available on OLG's website at [www.olg.nsw.gov.au](http://www.olg.nsw.gov.au).
- For further information, contact OLG's Council Governance Team on (02) 4428 4100.



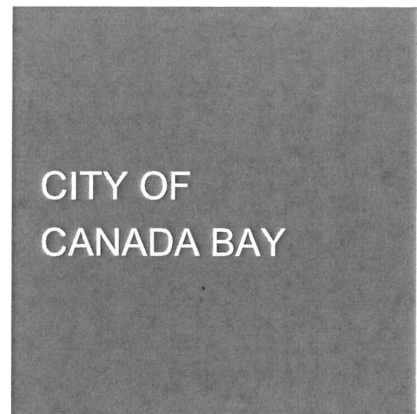
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**Attachment****The new councillor induction and professional development requirements under the *Local Government (General) Regulation 2005***

- The general manager is to ensure an induction program is delivered for newly elected and returning councillors and a specialised supplementary induction program for the mayor within six months of their election.
- The general manager is to ensure an ongoing professional development program is delivered for the mayor and each councillor over the term of the council for the purposes of assisting them to acquire and maintain the skills necessary to perform their role.
- The content of the ongoing professional development program to be delivered to the mayor and councillors is to be determined in consultation with the mayor and each councillor and is to have regard to the specific skills required by the mayor, each individual councillor and the governing body as a whole to perform their roles.
- Mayors and councillors must make all reasonable efforts to participate in the activities offered to them as part of an induction or ongoing professional development program.
- Councils are to publish the following information in their annual reports:
  - the name of the mayor and each individual councillor that completed council's induction program (where an induction program has been delivered during the relevant year)
  - the name of the mayor and each councillor who participated in any ongoing professional development program during the year
  - the number of training and other activities provided to the mayor and councillors during the year as part of a professional development program, and
  - the total cost of induction and professional development activities and any other training provided to the mayor and councillors during the relevant year.
- The above requirements do not apply to joint organisations.



## CODE OF CONDUCT

Date of adoption: 20/10/2020

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## 1. Introduction

This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

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.

Section 440 of the LGA requires every council (including county councils) and joint organisation to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council's or joint organisation's adopted code of conduct may also include provisions that supplement the Model Code of Conduct and that extend its application to persons that are not "council officials" for the purposes of the Model Code of Conduct (eg volunteers, contractors and members of wholly advisory committees).

A council's or joint organisation's adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council's or joint organisation's adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.

Councillors, administrators, members of staff of councils, delegates of councils, (including members of council committees that are delegates of a council) and any other person a council's adopted code of conduct applies to, must comply with the applicable provisions of their council's code of conduct. It is the personal responsibility of council officials to comply with the standards in the code and to regularly review their personal circumstances and conduct with this in mind.

Failure by a councillor to comply with the standards of conduct prescribed under this code constitutes misconduct for the purposes of the LGA. The LGA provides for a range of penalties that may be imposed on councillors for misconduct, including suspension or disqualification from civic office. A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with a council's code of conduct may give rise to disciplinary action.

**Note:** References in the Model Code of Conduct to councils are also to be taken as references to county councils and joint organisations.

**Note:** In adopting the Model Code of Conduct, joint organisations should adapt it to substitute the terms "board" for "council", "chairperson" for "mayor", "voting representative" for "councillor" and "executive officer" for "general manager".

**Note:** In adopting the Model Code of Conduct, county councils should adapt it to substitute the term "chairperson" for "mayor" and "member" for "councillor".

Code of Conduct

## 2. Definitions

In this code the following terms have the following meanings:

administrator	an administrator of a council appointed under the LGA other than an administrator appointed under section 66
committee	see the definition of "council committee"
complaint	a code of conduct complaint made for the purposes of clauses 4.1 and 4.2 of the Procedures.
conduct	includes acts and omissions
council	includes county councils and joint organisations
council committee	a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to and the council's audit, risk and improvement committee
council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee, and a person other than a councillor who is a member of the council's audit, risk and improvement committee
council official	includes councillors, members of staff of a council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers
councillor	any person elected or appointed to civic office, including the mayor and includes members and chairpersons of county councils and voting representatives of the boards of joint organisations and chairpersons of joint organisations
delegate of council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated
designated person	a person referred to in clause 4.8
election campaign	includes council, state and federal election campaigns
environmental planning instrument	has the same meaning as it has in the <i>Environmental Planning and Assessment Act 1979</i>
general manager	includes the executive officer of a joint organisation
joint organisation	a joint organisation established under section 400O of the LGA
LGA	<i>Local Government Act 1993</i>
local planning panel	a local planning panel constituted under the <i>Environmental Planning and Assessment Act 1979</i>

## Code of Conduct

mayor	includes the chairperson of a county council or a joint organisation
members of staff of a council	includes members of staff of county councils and joint organisations
the Office	Office of Local Government
personal information	information or an opinion (including information or an opinion forming part of a database and whether or not recorded in a material form) about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion
the Procedures	the <i>Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW</i> prescribed under the Regulation
the Regulation	the <i>Local Government (General) Regulation 2005</i>
voting representative	a voting representative of the board of a joint organisation
wholly advisory committee	a council committee that the council has not delegated any functions to

### 3. General Conduct Obligations

#### General Conduct

- 3.1 You must not conduct yourself in a manner that:
- a. is likely to bring the council or other council officials into disrepute
  - b. is contrary to statutory requirements or the council's administrative requirements or policies
  - c. is improper or unethical
  - d. is an abuse of power
  - e. causes, comprises or involves intimidation or verbal abuse
  - f. involves the misuse of your position to obtain a private benefit
  - g. constitutes harassment or bullying behaviour under this code, or is unlawfully discriminatory.
- 3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (*section 439*).

#### Fairness and equity

- 3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.
- 3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.
- 3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

#### Harassment and discrimination

- 3.6 You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the grounds of age, disability, race (including colour, national or ethnic origin or immigrant status), sex, pregnancy, marital or relationship status, family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.
- 3.7 For the purposes of this code, "harassment" is any form of behaviour towards a person that:
- a) is not wanted by the person
  - b) offends, humiliates or intimidates the person, and
  - c) creates a hostile environment.

#### Bullying

- 3.8 You must not engage in bullying behaviour towards others.
- 3.9 For the purposes of this code, "bullying behaviour" is any behaviour in which:
- a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and
  - b) the behaviour creates a risk to health and safety.
- 3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
- a) aggressive, threatening or intimidating conduct
  - b) belittling or humiliating comments
  - c) spreading malicious rumours
  - d) teasing, practical jokes or 'initiation ceremonies'
  - e) exclusion from work-related events
  - f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level
  - g) displaying offensive material
  - h) pressure to behave in an inappropriate manner.



## Code of Conduct

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

- a) performance management processes
- b) disciplinary action for misconduct
- c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
- d) directing a worker to perform duties in keeping with their job
- e) maintaining reasonable workplace goals and standards
- f) legitimately exercising a regulatory function
- g) legitimately implementing a council policy or administrative processes.

## Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the *Work Health and Safety Act 2011* (WHS Act). You must comply with your duties under the WHS Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

- a) take reasonable care for your own health and safety
- b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
- c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WHS Act and any policies or procedures adopted by the council to ensure workplace health and safety
- d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that has been notified to council staff
- e) report accidents, incidents, near misses, to the general manager or such other staff member nominated by the general manager, and take part in any incident investigations
- f) so far as is reasonably practicable, consult, co-operate and coordinate with all others who have a duty under the WHS Act in relation to the same matter.

## Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

## Binding caucus votes

3.15 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.16 For the purposes of clause 3.15, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.17 Clause 3.15 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.18 Clause 3.15 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

## Obligations in relation to meetings

3.19 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council unless a motion dissenting from the ruling is passed.

## Code of Conduct

- 3.20 You must not engage in bullying behaviour (as defined under this Part) towards the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions).
- 3.21 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council (such as, but not limited to, workshops and briefing sessions), or that would otherwise be inconsistent with the orderly conduct of meetings.
- 3.22 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:
- a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or
  - b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or
  - c) deliberately seek to impede the consideration of business at a meeting.

## 4. Pecuniary Interests

What is a pecuniary interest?

- 4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.
- 4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.
- 4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:
  - a) your interest, or
  - b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or
  - c) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.
- 4.4 For the purposes of clause 4.3:
  - a) Your "relative" is any of the following:
    - (i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - (ii) your spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
    - (iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).
  - a) "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.
- 4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):
  - b) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or
  - c) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or
  - d) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

- 4.6 You do not have to disclose the following interests for the purposes of this Part:
  - a) your interest as an elector
  - b) your interest as a ratepayer or person liable to pay a charge
  - c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code
  - d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
  - e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)
  - f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee
  - g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company
  - h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

## Code of Conduct

- i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:
    - (iv) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation
    - (v) security for damage to footpaths or roads
    - (vi) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract
  - j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)
  - k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,
  - l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor
  - m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person
  - n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member
  - o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.
- 4.7 For the purposes of clause 4.6, "relative" has the same meaning as in clause 4.4, but includes your spouse or de facto partner.

## What disclosures must be made by a designated person?

## 4.8 Designated persons include:

- a) the general manager
- b) other senior staff of the council for the purposes of section 332 of the LGA
- c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person's duty as a member of staff or delegate and the person's private interest
- d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council's functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member's duty as a member of the committee and the member's private interest.

## 4.9 A designated person:

- a) must prepare and submit written returns of interests in accordance with clauses 4.21, and
- b) must disclose pecuniary interests in accordance with clause 4.10.

## 4.10 A designated person must disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing as soon as practicable after becoming aware of the interest.

## 4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person's salary as a member of staff, or to their other conditions of employment

## 4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

## Code of Conduct

- 4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

## What disclosures must be made by council staff other than designated persons?

- 4.14 A member of staff of council, other than a designated person, must disclose in writing to their manager or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable after becoming aware of the interest.
- 4.15 The staff member's manager or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.

## What disclosures must be made by council advisers?

- 4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.
- 4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.

## What disclosures must be made by a council committee member?

- 4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29.
- 4.19 For the purposes of clause 4.18, a "council committee member" includes a member of staff of council who is a member of the committee.

## What disclosures must be made by a councillor?

- 4.20 A councillor:
- a) must prepare and submit written returns of interests in accordance with clause 4.21, and
  - b) must disclose pecuniary interests in accordance with clause 4.28 and comply with clause 4.29 where it is applicable.

## Disclosure of interests in written returns

- 4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor's or designated person's interests as specified in schedule 1 to this code within 3 months after:
- a) becoming a councillor or designated person, and
  - b) 30 June of each year, and
  - c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).
- 4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:
- a) they made and lodged a return under that clause in the preceding 3 months, or
  - b) they have ceased to be a councillor or designated person in the preceding 3 months.
- 4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.
- 4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
- 4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.
- 4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at the next council meeting after the return is lodged.

## Code of Conduct

4.27 Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

## Disclosure of pecuniary interests at meetings

- 4.28 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.
- 4.29 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:
- a) at any time during which the matter is being considered or discussed by the council or committee, or
  - b) at any time during which the council or committee is voting on any question in relation to the matter.
- 4.30 In the case of a meeting of a board of a joint organisation, a voting representative is taken to be present at the meeting for the purposes of clauses 4.28 and 4.29 where they participate in the meeting by telephone or other electronic means.
- 4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.
- 4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor's or council committee member's spouse, de facto partner or relative, is:
- a) a member of, or in the employment of, a specified company or other body, or
  - b) a partner of, or in the employment of, a specified person.
- 4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
- 4.34 A person does not breach clauses 4.28 or 4.29 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which they had a pecuniary interest.
- 4.35 Despite clause 4.29, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.
- 4.36 Clause 4.29 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:
- d) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and
  - e) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and
  - f) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.
- 4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:
- a) be in the form set out in schedule 3 of this code and contain the information required by that form, and
  - b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and the information contained in the special disclosure is to be recorded in the minutes of the meeting.
- 4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter with which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

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- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 4.39 A councillor or a council committee member with a pecuniary interest in a matter who is permitted to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter under clause 4.38, must still disclose the interest they have in the matter in accordance with clause 4.28.

## 5. Non-Pecuniary Conflicts of Interest

What is a non-pecuniary conflict of interest?

- 5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social, religious or other cultural groups and associations, and may include an interest of a financial nature.
- 5.2 A non-pecuniary conflict of interest exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your official functions in relation to a matter.
- 5.3 The personal or political views of a council official do not constitute a private interest for the purposes of clause 5.2.
- 5.4 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in accordance with this code.
- 5.5 When considering whether or not you have a non-pecuniary conflict of interest in a matter you are dealing with, it is always important to think about how others would view your situation.

Managing non-pecuniary conflicts of interest

- 5.6 Where you have a non-pecuniary conflict of interest in a matter for the purposes of clause 5.2, you must disclose the relevant private interest you have in relation to the matter fully and in writing as soon as practicable after becoming aware of the non-pecuniary conflict of interest and on each occasion on which the non-pecuniary conflict of interest arises in relation to the matter. In the case of members of council staff other than the general manager, such a disclosure is to be made to the staff member's manager. In the case of the general manager, such a disclosure is to be made to the mayor.
- 5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes on each occasion on which the non-pecuniary conflict of interest arises. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.
- 5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.
- 5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:
  - a) a relationship between a council official and another person who is affected by a decision or a matter under consideration that is particularly close, such as a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official's extended family that the council official has a close personal relationship with, or another person living in the same household
  - b) other relationships with persons who are affected by a decision or a matter under consideration that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship.
  - c) an affiliation between the council official and an organisation (such as a sporting body, club, religious, cultural or charitable organisation, corporation or association) that is affected by a decision or a matter under consideration that is particularly strong. The strength of a council official's affiliation with an organisation is to be determined by the extent to which they actively participate in the management, administration or other activities of the organisation.
  - d) membership, as the council's representative, of the board or management committee of an organisation that is affected by a decision or a matter under consideration, in circumstances where the interests of the council and the organisation are potentially in conflict in relation to the particular matter
  - e) a financial interest (other than an interest of a type referred to in clause 4.6) that is not a pecuniary interest for the purposes of clause 4.1
  - f) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
- 5.10 Significant non-pecuniary conflicts of interest must be managed in one of two ways:



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- a) by not participating in consideration of, or decision making in relation to, the matter in which you have the significant non-pecuniary conflict of interest and the matter being allocated to another person for consideration or determination, or
  - b) if the significant non-pecuniary conflict of interest arises in relation to a matter under consideration at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29.
- 5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain in writing why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.
- 5.12 If you are a member of staff of council other than the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of your manager. In the case of the general manager, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with and at the direction of the mayor.
- 5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.
- 5.14 Council committee members are not required to declare and manage a non-pecuniary conflict of interest in accordance with the requirements of this Part where it arises from an interest they have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if they have been appointed to represent the organisation or group on the council committee.

## Political donations

- 5.15 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.
- 5.16 Where you are a councillor and have received or knowingly benefitted from a reportable political donation:
- a) made by a major political donor in the previous four years, and
  - b) the major political donor has a matter before council,
- you must declare a non-pecuniary conflict of interest in the matter, disclose the nature of the interest, and manage the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.28 and 4.29. A disclosure made under this clause must be recorded in the minutes of the meeting.
- 5.17 For the purposes of this Part:
- a) a "reportable political donation" has the same meaning as it has in section 6 of the *Electoral Funding Act 2018*
  - b) "major political donor" has the same meaning as it has in the *Electoral Funding Act 2018*.
- 5.18 Councillors should note that political donations that are not a "reportable political donation", or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.
- 5.19 Despite clause 5.16, a councillor who has received or knowingly benefitted from a reportable political donation of the kind referred to in that clause, may participate in a decision to delegate consideration of the matter in question to another body or person.

## Loss of quorum as a result of compliance with this Part

- 5.20 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:
- a) the matter is a proposal relating to:
    - (i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or
    - (ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

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- b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person's principal place of residence, and
  - c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.
- 5.21 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who is precluded under this Part from participating in the consideration of a matter to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:
- a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or
  - b) that it is in the interests of the electors for the area to do so.
- 5.22 Where the Minister exempts a councillor or committee member from complying with a requirement under this Part under clause 5.21, the councillor or committee member must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

## Other business or employment

- 5.23 The general manager must not engage, for remuneration, in private employment, contract work or other business outside the service of the council without the approval of the council.
- 5.24 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council or that might conflict with the staff member's council duties unless they have notified the general manager in writing of the employment, work or business and the general manager has given their written approval for the staff member to engage in the employment, work or business.
- 5.25 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment, contract work or other business outside the service of the council that relates to the business of the council, or that might conflict with the staff member's council duties.
- 5.26 A member of staff must not engage, for remuneration, in private employment, contract work or other business outside the service of the council if prohibited from doing so.
- 5.27 Members of staff must ensure that any outside employment, work or business they engage in will not:
- a) conflict with their official duties
  - b) involve using confidential information or council resources obtained through their work with the council including where private use is permitted
  - c) require them to work while on council duty
  - d) discredit or disadvantage the council
  - e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

## Personal dealings with council

- 5.28 You may have reason to deal with your council in your personal capacity (for example, as a ratepayer, recipient of a council service or applicant for a development consent granted by council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.
- 5.29 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.

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## 6. Personal Benefit

- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a) items with a value of \$10 or less
  - b) a political donation for the purposes of the Electoral Funding Act 2018
  - c) a gift provided to the council as part of a cultural exchange or sister-city relationship that is not converted for the personal use or enjoyment of any individual council official or someone personally associated with them
  - d) a benefit or facility provided by the council to an employee or councillor
  - e) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or
  - f) free or subsidised meals, beverages or refreshments provided to council officials in conjunction with the performance of their official duties such as, but not limited to:
    - (i) the discussion of official business
    - (ii) work-related events such as council-sponsored or community events, training, education sessions or workshops
    - (iii) conferences
    - (iv) council functions or events
    - (v) social functions organised by groups, such as council committees and community organisations.

### Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

### How are offers of gifts and benefits to be dealt with?

- 6.5 You must not:
- a) seek or accept a bribe or other improper inducement
  - b) seek gifts or benefits of any kind
  - c) accept any gift or benefit that may create a sense of obligation on your part, or may be perceived to be intended or likely to influence you in carrying out your public duty
  - d) subject to clause 6.7, accept any gift or benefit of more than token value as defined by clause 6.9
  - e) accept an offer of cash or a cash-like gift as defined by clause 6.13, regardless of the amount
  - f) participate in competitions for prizes where eligibility is based on the council being in or entering into a customer-supplier relationship with the competition organiser
  - g) personally benefit from reward points programs when purchasing on behalf of the council.
- 6.6 Where you receive a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to your manager or the general manager in writing. The recipient, manager, or general manager must ensure that, at a minimum, the following details are recorded in the council's gift register:
- a) the nature of the gift or benefit
  - b) the estimated monetary value of the gift or benefit
  - c) the name of the person who provided the gift or benefit, and
  - d) the date on which the gift or benefit was received.
- 6.7 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the council, unless the nature of the gift or benefit makes this impractical.

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## Gifts and benefits of token value

- 6.8 Councillors may accept gifts and benefits of token value. Gifts and benefits of token value are one or more gifts or benefits received from a person or organisation over a 12-month period that, when aggregated, do not exceed a value of \$100. They include, but are not limited to:
- a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$100
  - b) gifts of alcohol that do not exceed a value of \$100
  - c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like
  - d) prizes or awards that do not exceed \$100 in value.
- 6.9 Gifts or benefits that exceed \$100 in value are gifts or benefits of more than token value for the purposes of clause 6.5(d) and, subject to clause 6.7, must not be accepted.
- 6.10 Gifts and benefits of more than token value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting codes) with a ticket value that exceeds \$100, corporate hospitality at a corporate facility at major sporting events, free or discounted products or services for personal use provided on terms that are not available to the general public or a broad class of persons, the use of holiday homes, artworks, free or discounted travel.
- 6.11 Where a Councillor has accepted a gift or benefit of token value from a person or organisation, you must not accept a further gift or benefit from the same person or organisation or another person associated with that person or organisation within a single 12-month period where the value of the gift, added to the value of earlier gifts received from the same person or organisation, or a person associated with that person or organisation, during the same 12-month period would exceed \$100 in value.
- 6.12 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.
- 6.13 Staff are not permitted to accept any gift or benefit regardless of the value.

## “Cash-like gifts”

- 6.14 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

## Improper and undue influence

- 6.15 You must not use your position to influence other council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.
- 6.16 You must not take advantage (or seek to take advantage) of your status or position with council, or of functions you perform for council, in order to obtain a private benefit for yourself or for any other person or body.

## 7. Relationships Between Council Officials

### Obligations of councillors and administrators

- 7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy, and to keep the performance of the council under review.
- 7.2 Councillors or administrators must not:
- direct council staff other than by giving appropriate direction to the general manager by way of council or committee resolution, or by the mayor or administrator exercising their functions under section 226 of the LGA
  - in any public or private forum, direct or influence, or attempt to direct or influence, any other member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate
  - contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager
  - contact or issue instructions to any of the council's contractors, including the council's legal advisers, unless by the mayor or administrator exercising their functions under section 226 of the LGA.
- 7.3 Despite clause 7.2, councillors may contact the council's external auditor or the chair of the council's audit risk and improvement committee to provide information reasonably necessary for the external auditor or the audit, risk and improvement committee to effectively perform their functions.

### Obligations of staff

- 7.4 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.
- 7.5 Members of staff of council must:
- give their attention to the business of the council while on duty
  - ensure that their work is carried out ethically, efficiently, economically and effectively
  - carry out reasonable and lawful directions given by any person having authority to give such directions
  - give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them
  - ensure that any participation in political activities outside the service of the council does not interfere with the performance of their official duties.

### Inappropriate interactions

- 7.6 You must not engage in any of the following inappropriate interactions:
- councillors and administrators approaching staff and staff organisations to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - council staff approaching councillors and administrators to discuss individual or operational staff matters (other than matters relating to broader workforce policy), grievances, workplace investigations and disciplinary matters
  - subject to clause 8.6, council staff refusing to give information that is available to other councillors to a particular councillor
  - councillors and administrators who have lodged an application with the council, discussing the matter with council staff in staff-only areas of the council
  - councillors and administrators approaching members of local planning panels or discussing any application that is either before the panel or that will come before the panel at some future time, except during a panel meeting where the application forms part of the agenda and the councillor or administrator has a right to be heard by the panel at the meeting

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- f) councillors and administrators being overbearing or threatening to council staff
- g) council staff being overbearing or threatening to councillors or administrators
- h) councillors and administrators making personal attacks on council staff or engaging in conduct towards staff that would be contrary to the general conduct provisions in Part 3 of this code in public forums including social media
- i) councillors and administrators directing or pressuring council staff in the performance of their work, or recommendations they should make
- j) council staff providing ad hoc advice to councillors and administrators without recording or documenting the interaction as they would if the advice was provided to a member of the community
- k) council staff meeting with applicants or objectors alone AND outside office hours to discuss planning applications or proposals
- l) councillors attending on-site inspection meetings with lawyers and/or consultants engaged by the council associated with current or proposed legal proceedings unless permitted to do so by the council's general manager or, in the case of the mayor or administrator, unless they are exercising their functions under section 226 of the LGA.

## 8. Access to Information and Council Resources

### Councillor and administrator access to information

- 8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the *Government Information (Public Access) Act 2009* (the GIPA Act).
- 8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.
- 8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.
- 8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.
- 8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.
- 8.6 Despite clause 8.4, councillors and administrators who are precluded from participating in the consideration of a matter under this code because they have a conflict of interest in the matter, are not entitled to request access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

### Councillors and administrators to properly examine and consider information

- 8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

### Refusal of access to information

- 8.8 Where the general manager or public officer determine to refuse access to information requested by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the information requested is necessary for the councillor or administrator to perform their official functions (see clause 8.2) and whether they have disclosed a conflict of interest in the matter the information relates to that would preclude their participation in consideration of the matter (see clause 8.6). The general manager or public officer must state the reasons for the decision if access is refused.

### Use of certain council information

- 8.9 In regard to information obtained in your capacity as a council official, you must:
  - a) subject to clause 8.14, only access council information needed for council business
  - b) not use that council information for private purposes
  - c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with council
  - d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

### Use and security of confidential information

- 8.10 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 8.11 In addition to your general obligations relating to the use of council information, you must:

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- a) only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
- b) protect confidential information
- c) only release confidential information if you have authority to do so
- d) only use confidential information for the purpose for which it is intended to be used
- e) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- f) not use confidential information with the intention to cause harm or detriment to the council or any other person or body
- g) not disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, workshops or briefing sessions).

## Personal Information

8.12 When dealing with personal information you must comply with:

- a) *the Privacy and Personal Information Protection Act 1998*
- b) *the Health Records and Information Privacy Act 2002*
- c) the Information Protection Principles and Health Privacy Principles
- d) the council's privacy management plan
- e) the Privacy Code of Practice for Local Government

## Use of council resources

- 8.13 You must use council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes, except when supplied as part of a contract of employment (but not for private business purposes), unless this use is lawfully authorised and proper payment is made where appropriate.
- 8.14 Union delegates and consultative committee members may have reasonable access to council resources and information for the purposes of carrying out their industrial responsibilities, including but not limited to:
- a) the representation of members with respect to disciplinary matters
  - b) the representation of employees with respect to grievances and disputes
  - c) functions associated with the role of the local consultative committee.
- 8.15 You must be scrupulous in your use of council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 8.16 You must avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 8.17 You must not use council resources (including council staff), property or facilities for the purpose of assisting your election campaign or the election campaigns of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 8.18 You must not use the council letterhead, council crests, council email or social media or other information that could give the appearance it is official council material:
- a) for the purpose of assisting your election campaign or the election campaign of others, or
  - b) for other non-official purposes.
- 8.19 You must not covert any property of the council to your own use unless properly authorised.

## Internet access

- 8.20 You must not use council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the council's reputation.

## Council record keeping

- 8.21 You must comply with the requirements of the State Records Act 1998 and the council's records management policy.



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- 8.22 All information created, sent and received in your official capacity is a council record and must be managed in accordance with the requirements of the State Records Act 1998 and the council's approved records management policies and practices.
- 8.23 All information stored in either soft or hard copy on council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the council and will be treated as council records, regardless of whether the original intention was to create the information for personal purposes.
- 8.24 You must not destroy, alter, or dispose of council information or records, unless authorised to do so. If you need to alter or dispose of council information or records, you must do so in consultation with the council's records manager and comply with the requirements of the State Records Act 1998.

## Councillor access to council buildings

- 8.25 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor's office (subject to availability), councillors' rooms, and public areas of council's buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.
- 8.26 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or their delegate) or as provided for in the procedures governing the interaction of councillors and council staff.
- 8.27 Councillors and administrators must ensure that when they are within a staff only area they refrain from conduct that could be perceived to improperly influence council staff decisions.

## 9. Maintaining the Integrity of This Code

### Complaints made for an improper purpose

- 9.1 You must not make or threaten to make a complaint or cause a complaint to be made alleging a breach of this code for an improper purpose.
- 9.2 For the purposes of clause 9.1, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to bully, intimidate or harass another council official
  - b) to damage another council official's reputation
  - c) to obtain a political advantage
  - d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
  - e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions
  - f) to avoid disciplinary action under the Procedures
  - g) to take reprisal action against a person for making a complaint alleging a breach of this code
  - h) to take reprisal action against a person for exercising a function prescribed under the Procedures
  - i) to prevent or disrupt the effective administration of this code under the Procedures.

### Detrimental action

- 9.3 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made alleging a breach of this code.
- 9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under the Procedures.
- 9.5 For the purposes of clauses 9.3 and 9.4, a detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
  - b) intimidation or harassment
  - c) discrimination, disadvantage or adverse treatment in relation to employment
  - d) dismissal from, or prejudice in, employment
  - e) disciplinary proceedings.

### Compliance with requirements under the Procedures

- 9.6 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under the Procedures.
- 9.7 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.
- 9.8 You must comply with a practice ruling made by the Office under the Procedures.

### Disclosure of information about the consideration of a matter under the Procedures

- 9.9 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.
- 9.10 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.
- 9.11 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.
- 9.12 You must not disclose information about a complaint you have made alleging a breach of this code or any other matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.
- 9.13 Nothing under this Part prevents a person from making a public interest disclosure to an appropriate public authority or investigative authority under the *Public Interest Disclosures Act 1994*.

Code of Conduct

Complaints alleging a breach of this Part

9.14 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. This clause does not prevent the Office from referring an alleged breach of this Part back to the council for consideration in accordance with the Procedures.

9.15 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager in accordance with the Procedures.

## Code of Conduct

## Schedule 1: Disclosures of Interests and Other Matters in Written Returns Submitted Under Clause 4.2.1

### Part 1: Preliminary

#### Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

*address* means:

- a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
- b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
- c) in relation to any real property, the street address of the property.

*de facto partner* has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

*disposition of property* means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

- a) the allotment of shares in a company
- b) the creation of a trust in respect of property
- c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
- d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
- e) the exercise by a person of a general power of appointment over property in favour of another person
- f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person's own property and to increase the value of the property of another person.

*gift* means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money's worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

*interest* means:

- a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
- b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth) in securities issued or made available by the corporation.

*listed company* means a company that is listed within the meaning of section 9 of the *Corporations Act 2001* of the Commonwealth.

*occupation* includes trade, profession and vocation.

*professional or business association* means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

*property* includes money.

*return date* means:

- a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person
- b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made
- c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

*relative* includes any of the following:

- a) a person's spouse or de facto partner
- b) a person's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- c) a person's spouse's or de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child
- d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

*travel* includes accommodation incidental to a journey.

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Matters relating to the interests that must be included in returns

2. *Interests etc. outside New South Wales:* A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.
3. *References to interests in real property:* A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.
4. *Gifts, loans etc. from related corporations:* For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the *Corporations Act 2001* of the Commonwealth are all given, made or supplied by a single corporation.

## Part 2: Pecuniary interests to be disclosed in returns

Real property

5. A person making a return under clause 4.21 of this code must disclose:
  - a) the street address of each parcel of real property in which they had an interest on the return date, and
  - b) the street address of each parcel of real property in which they had an interest in the period since 30 June of the previous financial year, and
  - c) the nature of the interest.
6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:
  - a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
  - b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to their duties as the holder of a position required to make a return.
7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.
8. For the purposes of clause 5 of this schedule, "interest" includes an option to purchase.

Gifts

9. A person making a return under clause 4.21 of this code must disclose:
  - a) a description of each gift received in the period since 30 June of the previous financial year, and
  - b) the name and address of the donor of each of the gifts.
10. A gift need not be included in a return if:
  - a) it did not exceed \$500, unless it was among gifts totalling more than \$500 made by the same person during a period of 12 months or less, or
  - b) it was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or
  - c) the donor was a relative of the donee, or
  - d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.
11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

Contributions to travel

12. A person making a return under clause 4.21 of this code must disclose:
  - a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
  - b) the dates on which the travel was undertaken, and
  - c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.
13. A financial or other contribution to any travel need not be disclosed under this clause if it:
  - a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
  - b) was made by a relative of the traveller, or
  - c) was made in the ordinary course of an occupation of the traveller that is not related to their functions as the holder of a position requiring the making of a return, or
  - d) did not exceed \$250, unless it was among gifts totalling more than \$250 made by the same person during a 12-month period or less, or
  - e) was a political donation disclosed, or required to be disclosed, under Part 3 of the *Electoral Funding Act 2018*, or

## Code of Conduct

- f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New South Wales, or to enable the traveller to represent the party within Australia, or
  - g) subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.
14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

Interests and positions in corporations

15. A person making a return under clause 4.21 of this code must disclose:
- a) the name and address of each corporation in which they had an interest or held a position (whether remunerated or not) on the return date, and
  - b) the name and address of each corporation in which they had an interest or held a position in the period since 30 June of the previous financial year, and
  - c) the nature of the interest, or the position held, in each of the corporations, and
  - d) a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.
16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:
- a) formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and
  - b) required to apply its profits or other income in promoting its objects, and
  - c) prohibited from paying any dividend to its members.
17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.
18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

Interests as a property developer or a close associate of a property developer

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that, or an individual who, is a property developer, on the return date.
20. For the purposes of clause 19 of this schedule:
- close associate*, in relation to a corporation or an individual, has the same meaning as it has in section 53 of the *Electoral Funding Act 2018*.
- property developer* has the same meaning as it has in Division 7 of Part 3 of the *Electoral Funding Act 2018*.

Positions in trade unions and professional or business associations

21. A person making a return under clause 4.21 of the code must disclose:
- a) the name of each trade union, and of each professional or business association, in which they held any position (whether remunerated or not) on the return date, and
  - b) the name of each trade union, and of each professional or business association, in which they have held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and
  - c) a description of the position held in each of the unions and associations.
22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

Dispositions of real property

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which they wholly or partly retained the use and benefit of the property or the right to re-acquire the property.
24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.
25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

## Code of Conduct

Sources of income

26. A person making a return under clause 4.21 of this code must disclose:
- each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and
  - each source of income received by the person in the period since 30 June of the previous financial year.
27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
- in relation to income from an occupation of the person:
    - a description of the occupation, and
    - if the person is employed or the holder of an office, the name and address of their employer, or a description of the office, and
    - if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or
  - in relation to income from a trust, the name and address of the settlor and the trustee, or
  - in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.
28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed \$500, or is not reasonably expected to exceed \$500, as the case may be.
29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.
30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:
- on the return date, and
  - at any time in the period since 30 June of the previous financial year.
32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.
33. A liability to pay a debt need not be disclosed by a person in a return if:
- the amount to be paid did not exceed \$500 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:
    - the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and
    - the amounts to be paid exceeded, in the aggregate, \$500, or
  - the person was liable to pay the debt to a relative, or
  - in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or
  - in the case of a debt arising from the supply of goods or services:
    - the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or
    - the goods or services were supplied in the ordinary course of any occupation of the person that is not related to their duties as the holder of a position required to make a return, or
  - subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.

## Schedule 2: Form of Written Return of Interests Submitted Under Clause 4.21

### 'Disclosures by councillors and designated persons' return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).
2. If this is the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.
3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year or the date on which you became a councillor or designated person, (whichever is the later date), to the return date which is the date you became aware of the new interest to be disclosed in your updated return.
4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.
5. This form must be completed using block letters or typed.
6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.
7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word "NIL" is to be placed in an appropriate space under that heading.

### Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

Information contained in returns made and lodged under clause 4.21 is to be made publicly available in accordance with the requirements of the *Government Information (Public Access) Act 2009*, the *Government Information (Public Access) Regulation 2009* and any guidelines issued by the Information Commissioner.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.

Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

as at [return date]

in respect of the period from [date] to [date]

[councillor's or designated person's signature]

[date]



## Code of Conduct

## A. Real Property

Street address of each parcel of real property in which I had an interest at the return date/at any time since 30 June	Nature of interest

## B. Sources of income

1 Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from an occupation at any time since 30 June

Description of occupation	Name and address of employer or description of office held (if applicable)	Name under which partnership conducted (if applicable)

2 Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June

Sources of income I received from a trust since 30 June

Name and address of settlor	Name and address of trustee

3 Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June

Sources of other income I received at any time since 30 June

*[Include description sufficient to identify the person from whom, or the circumstances in which, that income was received]*

## C. Gifts

Description of each gift I received at any time since 30 June	Name and address of donor

## D. Contributions to travel

Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June	Dates on which travel was undertaken	Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken

## E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)

F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

## G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position

## H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

## I. Dispositions of property

1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time

2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

## J. Discretionary disclosures

## Schedule 3: Form of Special Disclosure of Pecuniary Interest Submitted Under Clause 4.37

1. This form must be completed using block letters or typed.
2. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the *Model Code of Conduct for Local Councils in NSW* (the Model Code of Conduct).

The special disclosure must relate only to a pecuniary interest that a councillor has in the councillor's principal place of residence, or an interest another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) has in that person's principal place of residence.

Clause 4.3 of the Model Code of Conduct states that you will have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You will also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

"Relative" is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse's or your de facto partner's parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting at which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.

## Code of Conduct

Special disclosure of pecuniary interests by *[full name of councillor]*in the matter of *[insert name of environmental planning instrument]*which is to be considered at a meeting of the *[name of council or council committee (as the case requires)]*

to be held on the            day of            20   .

Pecuniary interest	
Address of the affected principal place of residence of the councillor or an associated person, company or body (the identified land)	
Relationship of identified land to the councillor <i>[Tick or cross one box.]</i>	<input type="checkbox"/> The councillor has an interest in the land (e.g. is the owner or has another interest arising out of a mortgage, lease, trust, option or contract, or otherwise). <input type="checkbox"/> An associated person of the councillor has an interest in the land. <input type="checkbox"/> An associated company or body of the councillor has an interest in the land.
Matter giving rise to pecuniary interest <sup>1</sup>	
Nature of the land that is subject to a change in zone/planning control by the proposed LEP (the subject land) <sup>2</sup> <i>[Tick or cross one box]</i>	<input type="checkbox"/> The identified land. <input type="checkbox"/> Land that adjoins or is adjacent to or is in proximity to the identified land.
Current zone/planning control <i>[Insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]</i>	
Proposed change of zone/planning control <i>[Insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]</i>	
Effect of proposed change of zone/planning control on councillor or associated person <i>[Insert one of the following: "Appreciable financial gain" or "Appreciable financial loss"]</i>	

*[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]*

Councillor's signature

Date

*[This form is to be retained by the council's general manager and included in full in the minutes of the meeting]*

<sup>1</sup> Clause 4.1 of the Model Code of Conduct provides that a pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct.

<sup>2</sup> A pecuniary interest may arise by way of a change of permissible use of land adjoining, adjacent to or in proximity to land in which a councillor or a person, company or body referred to in clause 4.3 of the Model Code of Conduct has a proprietary interest.