



GENERAL MANAGER'S REPORT

3rd February 2009

GM6	CODE OF CONDUCT	FILE: 367	AVB (NRN)	{ Folio No. * }
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SUMMARY:

To recommend additional provisions to be included in the Code of Conduct.

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DESCRIPTION:

Council in July 2008, adopted the Model Code of Conduct released by the Department of Local Government and resolved that a Report be submitted to the new Council outlining additional provisions to be incorporated into the Code and outlining procedures for the appointment of a Conduct Review Committee.

Council's previous Code of Conduct complied with the then Model Code of Conduct but comprised of a series of Council policies. I have reviewed those policies and have incorporated a number of provisions into the Model Code of Conduct adopted by Council in 2008. The Draft Code of Conduct is outlined in ([Appendix C – Page K56, Part 2 – Page K66, Part 3 – Page K76, Part 4 – Page K86](#)). The additional provisions are in bold for easy identification.

Some time ago, Council amended its Code of Meeting Practice deleting the requirement for Councillors who have a non pecuniary interest to not take part in the consideration or discussion of the matter, to leave the meeting room and to not vote on any questions relating to the matter.

Councillor's attention is drawn to Clauses 7.16 and 7.17 of the Model Code of Conduct, where a distinction is made between a non pecuniary interest and a significant non pecuniary interest. A significant non pecuniary interest includes a business relationship and a strong club/association affiliation of yourself, or a family member. The Code of Meeting Practice will need to be amended.

The provisions relating to the Conduct Review Committee are outlined in Clauses 14.1 to 14.10. The Conduct Review Committee is to comprise three or more appropriately qualified persons of high standing in the community who are independent of Council.

MIDGOC is proposing that each Council forward a list of nominees to establish a panel of members from which each Council can make a selection if the need arises. Following my retirement in July, I intend to do some consultancy work and I would be available to serve on a Conduct Review Committee should Council nominate me.

If Council adopts the Draft Code of Conduct, as the Kempsey Shire Code of Conduct, the following policies can be deleted ([Appendix D – Page K93, Part 2 – Page K103, Part 3 – Page K113](#))

- C24.1 Councillors and Staff: Interaction and Provision of information to
- C24.7 Gifts and Benefits
- C24.9 Conflict of Interest
- C24.10 Reporting Breaches of the Code of Conduct

as they are covered in the Code of Conduct.

RECOMMENDATION IMPLICATIONS:

Environmental

Nil

Social

Nil

Economic (Financial)

Nil

Policy or Statutory

Nil

RECOMMENDATION:

1. That the Draft Code of Conduct be adopted as the Kempsey Shire Code of Conduct.
2. That the Code of Meeting Practice be amended to incorporate procedures for significant non pecuniary interests.
3. That Council nominate representatives to be included on a Regional Panel for selection on a Conduct Review Committee.

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A V Burgess
GENERAL MANAGER