
Code of Conduct and Code of Conduct Procedures

Responsible Officer: Group Manager Organisational Services (Helen McNeil)

Recommendation

That Council:

1. Revoke the following:
 - (a) [Code of Conduct](#) dated 15 June 2022
 - (b) [Code of Conduct Procedures](#) dated 15 June 2022
2. Adopt the following as attached:
 - (a) Revised Code of Conduct
 - (b) Revised Code of Conduct Procedures

Background

It is a legislative requirement that Council have in place a Code of Conduct and Code of Conduct Procedures (collectively 'Codes') that incorporate the mandatory terms of the corresponding model codes issued by the Office of Local Government ('OLG').¹

Council is also required by legislation to review its Codes within 12 months of the local government elections to make any adjustments it considers appropriate and to ensure they are consistent with the model codes as amended from time to time and legislative requirements.²

Council's existing Codes are now due for review and revised Codes required to be adopted prior to 14 September 2025. All amendments in the revised Codes attached to this report have been made as a 'tracked change' for ease of reference.

Summary of key changes

1. Code of Conduct

The OLG has not made any amendments to the model Code of Conduct. However, an additional clause 5.25 has been introduced as a local rule requiring staff to annually reaffirm there have been no changes to the status of their private employment, contract work, or any other business outside of their service with Council. This clause has been added to ensure greater oversight, transparency and management of conflicts of interest for both Council and its staff.

An update has also been made to clauses 8.21 and 8.22 to reflect current terminology used when referring to information management practices at Council.

County council specific clauses

Clauses that were introduced in the previous iteration (2022) of the Code of Conduct, at clauses 5.30 – 5.36 have been maintained in this revised version. The clauses are aimed at managing the conflicts that may arise for councillors when the interests of a constituent council do not align with the interests of the county council.

The provision to address a gap in the legislation that would allow an employee of a county council to be elected as a councillor member on the county council's board – clauses 4.6(o) and 4.20A, also introduced in 2022, has been maintained in this revised version. Councils are permitted to

¹ Refer to [Division 1, Part 1, Chapter 14](#) and [Division 1, Part 2, Chapter 12](#) Local Government Act 1993

² Sections 360(3) and 440(7) Ibid.

include additional provisions in their Code of Conduct that supplement the Model Code, even if those additional provisions are more onerous to observe, provided they do not contradict the Model Code.³

The additional provisions outlined above were drafted by external legal providers will be maintained in Council's revised Code of Conduct as complementary to the Model Code and to address the unique characteristics and challenges of a county council.

2. Code of Conduct Procedures

There has been no change to the Code of Conduct Procedures. The Code of Conduct Procedures does not contain any local or county council specific rules and therefore it mirrors the Model without amendment.

Governance

- **Finance**

It is unlikely that there will be any significant or unexpected financial implications as a result of implementing the revised Codes. Any training related costs will fall within current budget allocations.

Consultation

The revised Code of Conduct and Code of Conduct Procedures were circulated to Councillors via the Councillor portal and any feedback received incorporated into the documents attached to this report. Public exhibition of these documents is not required.

The OLG is reviewing the Councillor Conduct Framework, as notified under cover of [circular dated 5 September 2024](#), and this may result in changes being made to the Model Code of Conduct and Code of Conduct Procedures in the future. However, the likelihood and timing of any changes has not yet been communicated to councils by the OLG, so to ensure compliance with the statutory timeframes, these documents have been reviewed in the interim and are presented for adoption.

Conclusion

The revised Codes have been reviewed and drafted to meet legislative requirements, including the adoption of supplementary provisions to meet specific organisational needs. It is recommended that Council adopt the revised Codes.

Attachments

1. [Code of Conduct](#) dated 15 June 2022 (**for revocation**)
2. Revised Code of Conduct (**for adoption**)
3. [Code of Conduct Procedures](#) 2025 (**for re-adoption**)

³ [Section 440](#) Ibid.