New Model Code of Conduct

Implementation progress - councils:

• Councils had until 14 June 2019 to adopt a new code of conduct and procedures based on these

• Implementation is going very well – all councils have adopted the new code of conduct.

• OLG has been assisting councils where needed, but any issues have been minor
Implementation progress - OLG

- OLG has developed an implementation support package for councils to help council officials understand their ethical obligations. This is available on OLG’s website

- This includes:
  - easy-to-understand guides for different council officials
  - materials (slides and script) to use when delivering training
  - a guide to completing returns of interests
Implementation progress - OLG

• Council feedback indicates that councillor/staff interaction and social media are the most common sources of conflict and complaints within councils

• OLG will develop template policies that councils can use based on existing best practice within the sector

• Will be non-mandatory but, if adopted by councils, will supplement the provisions of councils’ codes of conduct
Implementation progress – OLG

• IPC has advised that it will soon be finalising Guideline 1 relating to public access to returns of interests submitted by councillors and designated persons.

• OLG will also be issuing guidance in connection with this on what staff should be identified as “designated persons”.
The appointment and dismissal of senior staff

- Only the GM and senior staff positions can be employed under fixed term contracts based on OLG’s standard contract (s 338)

- For a person to be employed as ‘senior staff’ under a senior staff contract:
  - the governing body must have first resolved that the position is a ‘senior staff’ position (s 332)
  - the responsibilities, skills and accountabilities of the position must be equivalent to those applicable to the Executive Band of the Local Government (State) Award (s 332)
  - the total remuneration package must be $\geq$ the minimum package* for senior executives whose positions are graded Band 1 under the Government Sector Employment Act 2013. As of 2018/19 this is $187,900 (s 332)

* within the meaning of Part 3B of the Statutory and Other Offices Remuneration Act 1975
Consultation with the governing body

• GM must also consult with the governing body before appointing or dismissing a person to the senior staff position (s 337)

• Consultation must be undertaken in a way that ensures:
  – all councillors are informed of the proposed decision and have the opportunity to provide comment
  – the views of all councillors are considered by the GM before a decision is made

• However, the ultimate decision to appoint or dismiss senior staff rests with the general manager and not the governing body

• The governing body cannot direct the GM to appoint or dismiss any senior staff member (or any other staff)
Questions and further contact

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