



COFFS HARBOUR CITY COUNCIL

**SUPPLEMENTARY REPORT
(ORDINARY MEETING)**

**COUNCIL CHAMBERS
COUNCIL ADMINISTRATION BUILDING
COFF AND CASTLE STREETS, COFFS HARBOUR**

12 AUGUST 2010

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COFFS HARBOUR CITY COUNCIL

SUPPLEMENTARY REPORT (ORDINARY MEETING)

12 AUGUST 2010

Mayor and Councillors

GENERAL MANAGER'S REPORT

GM10/11 APPOINTMENT OF CONDUCT REVIEW COMMITTEE

Purpose:

That Council confirms the names of the Conduct Review Committee members.

Description of Item:

A review of the Coffs Harbour City Council Code of Conduct (CHCC Code of Conduct) was completed and the policy adopted in line with the Division of Local Government Model Code in December 2008.

Section 12.4 of the CHCC Code of Conduct states that: "*council must resolve to appoint persons independent of council to comprise the members of a conduct review committee and/or to act as sole conduct reviewers*".

The process conducted to date:

- Process delegated to General Manager at Council Meeting of 18 December 2008.
- Advertisements placed in a range of newspapers on the Mid-North Coast in June 2009 requesting expressions of interest.
- Selection process undertaken by Governance & Legal Service.
- Committee members advised August 2009.
- Initial training conducted September 2009 by Executive Manager, Legal Services.

A review of delegated functions of the General Manager shows that while Council set up this committee via the correct channels, the resolution via Council was done as a generic resolution, with the individual names not being advised, just a resolution to implement the requirements. (Council meeting 18 December 2008, resolution 181, Minutes confirmed 12 February 2009) attached.

Cont'd

GM10/11 Appointment of Conduct Review Committee ...(Cont'd)

It is therefore proposed that the appointment of the following persons be confirmed as members of the Coffs Harbour City Council Conduct review committee.

- Judith Fleming. Ms Fleming is a magistrate of the NSW Local court and has over 25 years legal experience. She has worked with the NSW Director of Public Prosecutions, NSW Legal Aid Commission and the NSW Ombudsman's office.
- John Carty. Mr Carty is a barrister and specialises in criminal law. He has had his own legal practice for over twenty years.
- Susan Oliver. Ms Oliver has been practicing law for 18 years. She has conducted a specialised criminal law practice for five years. She has held positions with an Aboriginal Legal Service and also for the Office of the Director of Public Prosecutions.

Note: Another person was selected and trained for the Conduct Review Committee. This person was not able to be contacted at the time of writing of this report and as such has not been included at this time.

Sustainability Assessment:

- **Environment**

There are no environmental impacts associated with this report.

- **Social**

There are no social implications associated with this report.

- **Civic Leadership**

The conduct review committee will operate under the procedures contained in part 3 (section 14) of the Coffs Harbour City Council Code of Conduct. By convening the conduct review committee or sole reviewer when required Council is ensuring complaints referred are handled in an independent manner and in line with relevant legislation of Code of Conduct.

- **Economic**

Broader Economic Implications

Council recognises that while participation in our conduct review processes is out of a sense of community spirit, such commitment impacts the individual's time and resources. Therefore Council will pay Conduct Reviewers an honorarium of \$500 per complaint reviewed, and any reasonable and actual travel expenses. The honorarium covers all costs including the reading and review of complaints, evidence and related documentation; meetings held; and all other related activities.

Delivery Program/Operational Plan Implications

Code of conduct complaints are reported annually within the Annual Report.

Cont'd

GM10/11 Appointment of Conduct Review Committee ...(Cont'd)

Related Policy and / or Precedents:

Division of Local Government Model Code of Conduct

Statutory Requirements:

Section 12.4 of the CHCC Code of Conduct states that Council must resolve to appoint persons independent of Council to comprise the members of the conduct review committee.

Implementation Date / Priority:

Implementation is immediate, with a review of the members to be conducted in September 2012.

Recommendation:

That Council appoint Ms Judith Fleming, Mr John Carty and Ms Susan Oliver to the Coffs Harbour City Council Conduct Review Committee, with a review date of September 2012.

**Ben Lawson
General Manager (Acting)**

Attachment:

21 REVIEW OF COUNCIL POLICIES - CODE OF CONDUCT

To update Council's Code of Conduct to incorporate the provisions of the new *Model Code of Conduct for Local Councils in NSW* ('Model Code') issued by the Department of Local Government (DLG) on 20 June 2008.

The *Local Government Act 1993* mandatorily requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code (as amended).

181 RESOLVED (Palmer/Knight):

1. That Council adopt the proposed *Coffs Harbour City Council Code of Conduct 2008*, incorporating the provisions of *The Model Code of Conduct for Local Councils in NSW, 2008*.
2. That Council delegate to the General Manager responsibility for implementing in Council (either directly or via delegation) all procedures and requirements under the *Code of Conduct 2008*, including but not limited to, establishment of Council's Register of Conduct Reviewers.
3. That Council delegate to the General Manager discretion for implementing in Council (either directly or via delegation) any procedures and requirements under any other relevant conduct-related documentation, policy or guideline, as necessary.