



**COMPARISON BETWEEN THE
2018 AND 2020 MODEL CODE OF
CONDUCT AND THE PROCEDURES
FOR THE ADMINISTRATION OF THE
MODEL CODE OF CONDUCT**

MODEL CODE OF CONDUCT

PART, CLAUSE	2018 CODE	2020 CODE	CHANGES TO BE IMPLEMENTED
Definitions	<p>Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to</p> <p>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</p>	<p>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</p> <p>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</p>	<p>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</p> <p>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</p>
Part 3. General Conduct Obligations 3.6 Harassment and discrimination	<p>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 sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.</p>	<p>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.</p>	<p>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, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender relationship status, infectious disease, carer's family responsibilities or breastfeeding, sexual orientation, gender identity or intersex status or political, religious or other affiliation.</p>
Part 3. General Conduct Obligations 3.8 Bullying	<p>a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and</p>	<p>a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and</p>	<p>a) a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons, and [added comma]</p>
Part 3. General Conduct Obligations 3.12 Work Health & Safety section	WH&S Act	WHS Act	WH&S WHS Act

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Part 6. Personal Benefit	<p>6.2 A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> a) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> b) 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 c) attendance by a council official at a work-related event or function for the purposes of performing their official duties, or d) free or subsidised meals, beverages or refreshments of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to.... 	<p>6.2 A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> a) items with a value of \$10 or less b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> 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.... 	<p>6.2 A reference to a gift or benefit in this Part does not include: A reference to a gift or benefit in this Part does not include:</p> <ul style="list-style-type: none"> a) items with a value of \$10 or less b) a political donation for the purposes of the <i>Electoral Funding Act 2018</i> 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 of token value provided to council officials in conjunction with the performance of their official duties such as, but not limited to....
Part 6. Personal Benefit Gifts and Benefits of token value	<p>6.8 You 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 \$50. They include, but are not limited to:</p> <ul style="list-style-type: none"> a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50 b) gifts of alcohol that do not exceed a value of \$50 c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like d) prizes or awards that do not exceed \$50 in value. 	<p>6.8 You 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:</p> <ul style="list-style-type: none"> 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. 	<p>6.8 You 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 \$50 100. They include, but are not limited to:</p> <ul style="list-style-type: none"> a) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed \$50 100 b) gifts of alcohol that do not exceed a value of \$50 100 c) ties, scarves, coasters, tie pins, diaries, chocolates or flowers or the like d) prizes or awards that do not exceed \$50 100 in value.

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<p>Part 6. Personal Benefit</p> <p>Gifts and Benefits of more than token value</p>	<p>6.9 Gifts or benefits that exceed \$50 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.</p> <p>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 \$50, 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.</p> <p>6.11 Where you have 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 \$50 in value.</p>	<p>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.</p> <p>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.</p> <p>6.11 Where you have 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.</p>	<p>6.9 Gifts or benefits that exceed \$50100 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.</p> <p>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 \$50100, 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.</p> <p>6.11 Where you have 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 \$50100 in value.</p>
<p>Part 6. Personal Benefit</p> <p>“Cash-like gifts”</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts” include but are not limited to...</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to...</p>	<p>6.13 For the purposes of clause 6.5(e), “cash-like gifts” include, but are not limited to... [add comma]</p>

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Part. 6 Relationship between council officials Inappropriate interactions	7.6 e) 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 has a right to be heard by the panel at the meeting	7.6 e) 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	7.6 e) 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
Part 9. Maintaining the Integrity of this Code Compliance with requirements under the Procedures	9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.	[removed]	9.9 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.
Part 9. Maintaining the Integrity of this Code Disclosure of information about the consideration of a matter under the Procedures	9.13 You must not disclose information about a complaint you have made alleging a breach of this code or a matter being considered under the Procedures except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.	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.	9.12 You must not disclose information about a complaint you have made alleging a breach of this code or a 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.

PROCEDURES FOR THE ADMINISTRATION OF THE MODEL CODE OF CONDUCT

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Definitions	<p>Council committee: a committee established by a council comprising of councillors, staff or other persons that the council has delegated functions to</p> <p>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</p>	<p>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</p> <p>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</p>	<p>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</p> <p>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</p>
<p>Part 3. Administrative Framework</p> <p>The establishment of a panel of conduct reviewers</p>	<p>3.1 The council must by resolution establish a panel of conduct reviewers.</p> <p>3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.</p> <p>3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.</p> <p>3.21 c) liaise with the Office and...</p>	<p>3.1 The council must establish a panel of conduct reviewers.</p> <p>3.2 The council may enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.</p> <p>3.10 The council may terminate the panel of conduct reviewers at any time. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.</p> <p>3.21 c) liaise with the Office, and...</p>	<p>3.1 The council must by resolution establish a panel of conduct reviewers.</p> <p>3.2 The council may by resolution enter into an arrangement with one or more other councils to share a panel of conduct reviewers including through a joint organisation or another regional body associated with the councils.</p> <p>3.10 The council may terminate the panel of conduct reviewers at any time by resolution. Where a panel of conduct reviewers has been terminated, conduct reviewers who were members of the panel may continue to deal with any matter referred to them under these procedures prior to the termination of the panel until they have finalised their consideration of the matter.</p> <p>3.21 c) liaise with the Office, and... [add comma]</p>

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<p>Part 4. How may Code of Conduct complaints be made?</p> <p>When must a code of conduct complaint be made?</p>	<p>4.4 A code of conduct complaint must be made within three months of the alleged conduct occurring or within three months of the complainant becoming aware of the alleged conduct.</p>	<p>4.4 A code of conduct complaint must be made within 3 months of the alleged conduct occurring or within 3 months of the complainant becoming aware of the alleged conduct.</p>	<p>4.4 A code of conduct complaint must be made within three 3 months of the alleged conduct occurring or within three 3 months of the complainant becoming aware of the alleged conduct.</p>
<p>Part 6. Preliminary assessment</p>	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:</p> <ul style="list-style-type: none"> a) a panel of conduct reviewers established by the council, or b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office. 	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:</p> <ul style="list-style-type: none"> a) a panel of conduct reviewers established by the council, or b) a panel of conduct reviewers established by an organisation approved by the Office. 	<p>6.2 For the purposes of clause 6.1, the complaints coordinator will refer a complaint to a conduct reviewer selected from:</p> <ul style="list-style-type: none"> a) a panel of conduct reviewers established by the council, or b) a panel of conduct reviewers established by an organisation approved by the Chief Executive of the Office.
<p>Part 6. Preliminary assessment</p> <p>Preliminary assessment of code of conduct complaints about councillors or the general manager by a conduct reviewer</p>	<p>6.2.2 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:</p> <ul style="list-style-type: none"> a) that the complaint is a code of conduct complaint for the purposes of these procedures, and b) that the alleged conduct is sufficiently serious to warrant investigation, and c) that the matter is one that could not or should not be resolved by alternative means. 	<p>6.2.2 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:</p> <ul style="list-style-type: none"> a) that the complaint is a code of conduct complaint for the purposes of these procedures, and b) that the alleged conduct is sufficiently serious to warrant the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and c) that the matter is one that could not or should not be resolved by alternative means. 	<p>6.2.2 The conduct reviewer may only determine to investigate a matter where they are satisfied as to the following:</p> <ul style="list-style-type: none"> a) that the complaint is a code of conduct complaint for the purposes of these procedures, and b) that the alleged conduct is sufficiently serious to warrant investigation the formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment if it were to be proven, and c) that the matter is one that could not or should not be resolved by alternative means.

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	6.23 In determining whether a matter is sufficiently serious to warrant investigation, the conduct reviewer is to consider the following...	6.23 In determining whether a matter is sufficiently serious to warrant formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment, the conduct reviewer is to consider the following...	6.23 In determining whether a matter is sufficiently serious to warrant investigation formal censure of a councillor under section 440G of the LGA or disciplinary action against the general manager under their contract of employment , the conduct reviewer is to consider the following...
Part 7. Investigations What matters may a conduct reviewer investigate?	7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.	7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.	7.2 Where an investigator identifies further separate possible breaches of the code of conduct that are not related to or do not arise from the code of conduct complaint that has been referred to them, they are to report the matters separately in writing to the general manager, or, in the case of alleged conduct on the part of the general manager, to the mayor.
Part 7. Investigations How are investigations to be commenced?	7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice, and.... 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least 14 days or such other period specified by the investigator in the amended notice.	7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice, and.... 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within a period of not less than 14 days specified by the investigator in the amended notice.	7.4 The investigator must at the outset of their investigation provide a written notice of investigation to the respondent. The notice of investigation must: e) invite the respondent to make a written submission in relation to the matter within at least a period of not less than 14 days or such other period specified by the investigator in the notice, and 7.7 Where an investigator issues an amended notice of investigation, they must provide the respondent with a further opportunity to make a written submission in response to the amended notice of investigation within at least a period of not less than 14 days or such other period specified by the investigator in the amended notice

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	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> a) advise them of the matter the investigator is investigating, and b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and c) invite the complainant to make a written submission in relation to the matter within at least 14 days or such other period specified by the investigator in the notice. 	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> a) advise them of the matter the investigator is investigating, and b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and c) invite the complainant to make a written submission in relation to the matter within a period of not less than 14 days specified by the investigator in the notice. 	<p>7.8 The notice must:</p> <ul style="list-style-type: none"> a) advise them of the matter the investigator is investigating, and b) in the case of the notice to the complainant, advise them of the requirement to maintain confidentiality, and c) invite the complainant to make a written submission in relation to the matter within at least a period of not less than 14 days or such other period specified by the investigator in the notice.
<p>Part 7. Investigation</p> <p>Referral or resolution of a matter after the commencement of an investigation</p>	<p>7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft report, an investigator may determine to:...</p>	<p>7.20 At any time after an investigator has issued a notice of investigation and before they have issued their final report, an investigator may determine to:...</p>	<p>7.20 At any time after an investigator has issued a notice of investigation and before they have issued a draft their final report, an investigator may determine to:...</p>
<p>Part 7. Investigation</p> <p>Draft investigation reports</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least 14 days or such other period specified by the investigator.</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within a period of not less than 14 days specified by the investigator.</p>	<p>7.27 The investigator must provide their draft report to the respondent and invite them to make a written submission in relation to it within at least a period of not less than 14 days or such other period specified by the investigator.</p> <p>7.28 Where the investigator proposes to make adverse comment about any other person (an affected person) in their report, they must also provide the affected person with relevant extracts of their draft report containing such comment and invite the affected person to make a written submission in relation to it within at least a period of not less than 14 days or such other period specified by the investigator.</p>

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Part 7. Investigation Final investigation reports	7.33 Where an investigator issues a notice of investigation they must prepare a final report.	7.33 Where an investigator issues a notice of investigation, they must prepare a final report.	7.33 Where an investigator issues a notice of investigation, they must prepare a final report.. [add comma]
	7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations: a) that the council revise any of its policies, practices or procedures b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach c) that the respondent be counselled for their conduct d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered h) in the case of a breach by the general manager, that action be taken under the general manager's contract i) in the case of a breach by a	[removed]	7.36 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may make one or more of the following recommendations: a) that the council revise any of its policies, practices or procedures b) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach c) that the respondent be counselled for their conduct d) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative e) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the recommendation f) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the recommendation g) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the council meeting at which the matter is considered h) in the case of a breach by the general manager, that action be taken under the general manager's contract i) in the case of a breach by a

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	<p>councillor, that the councillor be formally censured for the breach under section 440G of the LGA</p> <p>j) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that a person or persons undertake any training or other education.</p> <p>7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:</p> <p>a) the seriousness of the breach</p> <p>b) whether the breach can be easily remedied or rectified</p> <p>c) whether the respondent has remedied or rectified their conduct</p> <p>d) whether the respondent has expressed contrition</p> <p>e) whether there were any mitigating circumstances</p> <p>f) the age, physical or mental health or special infirmity of the respondent</p> <p>g) whether the breach is technical or trivial only</p>		<p>councillor, that the councillor be formally censured for the breach under section 440G of the LGA</p> <p>j) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.37 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may make one or more of the following recommendations:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that a person or persons undertake any training or other education.</p> <p>7.38 In making a recommendation under clause 7.36, the investigator may have regard to the following:</p> <p>a) the seriousness of the breach</p> <p>b) whether the breach can be easily remedied or rectified</p> <p>c) whether the respondent has remedied or rectified their conduct</p> <p>d) whether the respondent has expressed contrition</p> <p>e) whether there were any mitigating circumstances</p> <p>f) the age, physical or mental health or special infirmity of the respondent</p> <p>g) whether the breach is technical or trivial only</p> <p>h) any previous proven breaches</p>

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	<ul style="list-style-type: none"> h) any previous proven breaches i) whether the breach forms part of an ongoing pattern of behaviour j) the degree of reckless intention or negligence of the respondent k) the extent to which the breach has affected other parties or the council as a whole l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny n) whether an educative approach would be more appropriate than a punitive one o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action p) what action or remedy would be in the public interest. <p>7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>		<ul style="list-style-type: none"> i) whether the breach forms part of an ongoing pattern of behaviour j) the degree of reckless intention or negligence of the respondent k) the extent to which the breach has affected other parties or the council as a whole l) the harm or potential harm to the reputation of the council or local government in general arising from the conduct m) whether the findings and recommendations can be justified in terms of the public interest and would withstand public scrutiny n) whether an educative approach would be more appropriate than a punitive one o) the relative costs and benefits of taking formal disciplinary action as opposed to taking no action or taking informal action p) what action or remedy would be in the public interest. <p>7.39 Where the investigator proposes to make a recommendation under clause 7.36(j), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p>
		<p>7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:</p> <ul style="list-style-type: none"> a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's 	<p>7.37 Where the investigator determines that the conduct investigated constitutes a breach of the code of conduct, the investigator may recommend:</p> <ul style="list-style-type: none"> a) in the case of a breach by the general manager, that disciplinary action be taken under the general

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		<p>contract of employment for the breach, or</p> <p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p> <p>7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</p> <p>7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:</p> <p>a) that the council revise any of its policies, practices or procedures</p> <p>b) that a person or persons undertake</p>	<p><i>manager's contract of employment for the breach, or</i></p> <p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>C) in the case of a breach by a councillor, that the council resolves as follows:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p> <p>7.38 Where the investigator proposes to make a recommendation under clause 7.37(c), the investigator must first consult with the Office on their proposed findings, determination and recommendation prior to finalising their report, and must take any comments by the Office into consideration when finalising their report.</p> <p>7.39 Where the investigator has determined that there has been a breach of the code of conduct, the investigator may, in addition to making a recommendation under clause 7.37, recommend that the council revise any of its policies, practices or procedures.</p> <p>7.40 Where the investigator determines that the conduct investigated does not constitute a breach of the code of conduct, the investigator may recommend:</p> <p>a) that the council revise any of its</p>

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		any training or other education.	<i>policies, practices or procedures b) that a person or persons undertake any training or other education.</i>
	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.</p> <p>7.45 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation</p> <p>[this merges into the next changes as per the row below]</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraph (a) only, the complaints coordinator must provide a copy of the investigator's report to the general manager. Where the general manager agrees with the recommendation/s, the general manager is responsible for implementing the recommendation/s.</p> <p>Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (b) or (c) only, the complaints coordinator must provide a copy of the investigator's report to the general manager or, where the report relates to the general manager's conduct, to the mayor. The general manager is responsible for arranging the implementation of the recommendation/s where the report relates to a councillor's conduct. The mayor is responsible for arranging the implementation of the recommendation/s where the report relates to the general manager's conduct.</p> <p>[this merges into the next changes as per the row below]</p>

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	<p>7.46 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)), the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.</p>	<p>7.44 [see row above]...under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.</p>	<p>7.44 Where the investigator has determined that there has been a breach of the code of conduct and makes a recommendation or recommendations under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c))under clause 7.37, the complaints coordinator must, where practicable, arrange for the investigator's report to be reported to the next ordinary council meeting for the council's consideration, unless the meeting is to be held within the 4 weeks prior to an ordinary local government election, in which case the report must be reported to the first ordinary council meeting following the election.</p>
		<p>7.45 Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.</p>	<p>7.45 <i>Where it is apparent to the complaints coordinator that the council will not be able to form a quorum to consider the investigator's report, the complaints coordinator must refer the investigator's report to the Office for its consideration instead of reporting it to the council under clause 7.44.</i></p>
<p>Part 7. Investigation</p> <p>Consideration of the final report by council</p>	<p>7.47 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).</p>	<p>7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.37.</p>	<p>7.46 The role of the council in relation to a final investigation report is to impose a sanction if the investigator has determined that there has been a breach of the code of conduct and has made a recommendation in their final report under clause 7.36, paragraphs (d) to (j) (whether or not in conjunction with recommendations made under clause 7.36, paragraphs (a) to (c)).37.</p>

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	<p>7.50 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.</p>	<p>7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation.</p>	<p>7.49 Prior to imposing a sanction, the council must provide the respondent with an opportunity to make a submission to the council. A submission may be made orally or in writing. The respondent is to confine their submission to addressing the investigator's recommendation/s.</p>
	<p>7.59 A council may by resolution impose one or more of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach b) that the respondent be counselled for their conduct c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting a) in the case of a breach by the general manager, that action be taken under the general manager's contract for the breach b) in the case of a breach by a 	<p>7.58 A council may by resolution impose one of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or c) in the case of a breach by a councillor: <ul style="list-style-type: none"> i) that the councillor be formally censured for the breach under section 440G of the LGA, and ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA. 	<p>7.58 A council may by resolution impose one or more of the following sanctions on a respondent:</p> <ul style="list-style-type: none"> a) that the respondent undertake any training or other education relevant to the conduct giving rise to the breach b) that the respondent be counselled for their conduct c) that the respondent be removed from membership of a committee of the council or any other body or organisation that the respondent serves on as the council's representative d) that the respondent gives an undertaking not to repeat the offending behaviour in such time and form specified by the resolution e) that the respondent apologise to any person or organisation affected by the breach in such a time and form specified by the resolution f) that findings of inappropriate conduct be made public by publishing the investigator's findings and determination in the minutes of the meeting a) in the case of a breach by the general manager, that disciplinary action be taken under the general manager's contract of employment for the breach, or

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	<p>councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p>		<p>b) in the case of a breach by a councillor, that the councillor be formally censured for the breach under section 440G of the LGA, or</p> <p>c) in the case of a breach by a councillor:</p> <p>i) that the councillor be formally censured for the breach under section 440G of the LGA, and</p> <p>ii) that the matter be referred to the Office for further action under the misconduct provisions of the LGA.</p>
		<p>7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</p>	<p>7.59 Where the council censures a councillor under section 440G of the LGA, the council must specify in the censure resolution the grounds on which it is satisfied that the councillor should be censured by disclosing in the resolution, the investigator's findings and determination and/or such other grounds that the council considers may be relevant or appropriate.</p>
	<p>7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.</p> <p>7.61 Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</p>	<p>7.60 The council is not obliged to adopt the investigator's recommendation. Where the council proposes not to adopt the investigator's recommendation, the council must resolve not to adopt the recommendation and state in its resolution the reasons for its decision.</p> <p>7.61 Where the council resolves not to adopt the investigator's recommendation, the complaints coordinator must notify the Office of the council's decision and the reasons for it.</p>	<p>7.60 The council is not obliged to adopt the investigator's recommendation/s. Where the council proposes not to adopt one or more of the investigator's recommendation/s, the council must resolve not to adopt the recommendation/s and state in its resolution the reasons for its decision.</p> <p>Where the council proposes to impose a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator in their final report, the council must state in its resolution the reasons for its decision.</p>

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	7.62 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.		7.61 Where the council resolves not to adopt the investigator's recommendation/s or imposes a sanction on the respondent under clause 7.59 that is different to the sanction recommended by the investigator, the complaints coordinator must notify the Office of the council's decision and the reasons for it.
Part 8. Oversight and rights of review Review of decisions to make sanctions	8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59, paragraph (i), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.	8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.58, paragraph (c), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.	8.11 A person who is the subject of a sanction imposed under Part 7 of these procedures other than one imposed under clause 7.59 58 , paragraph (ic), may, within 28 days of the sanction being imposed, seek a review of the investigator's determination and recommendation by the Office.
	8.20 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed: <ul style="list-style-type: none"> a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and b) the general manager or mayor must review any action taken by them to implement the sanction, and c) the general manager or mayor must consider the Office's recommendation in doing so. 	8.19 Where the Office recommends that the decision to impose a sanction be reviewed:....	8.19 In the case of a sanction implemented by the general manager or mayor under clause 7.45, where the Office recommends that the decision to impose a sanction be reviewed: <ul style="list-style-type: none"> a) the complaints coordinator must provide a copy of the Office's determination in relation to the matter to the general manager or the mayor, and b) the general manager or mayor must review any action taken by them to implement the sanction, and e) the general manager or mayor must consider the Office's recommendation in doing so.
	8.21 In the case of a sanction imposed by the council by resolution under clause 7.59, where the Office recommends that the decision to impose a sanction be reviewed:....		In the case of a sanction imposed by the council by resolution under clause 7.59, where Where the Office recommends that the decision to impose a sanction be reviewed:....

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	8.22 Where, having reviewed its previous decision in relation to a matter under clause 8.21, the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.	8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.19(b), the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.	8.20 Where, having reviewed its previous decision in relation to a matter under clause 8.21 19(b) , the council resolves to reaffirm its previous decision, the council must state in its resolution its reasons for doing so.
Part 12. Confidentiality	12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.	12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within a period of not less than 14 days specified by the general manager or their delegate, and consider any submission made by them.	12.3 Prior to seeking the Office's consent under clause 12.2, the general manager or their delegate must give the complainant written notice of their intention to seek the Office's consent, invite them to make a written submission within at least a period of not less than 14 days or such other period specified by the general manager or their delegate, and consider any submission made by them.

Local Government Act 1993

440G Formal censure of councillor for misconduct

- (1) A council may by resolution at a meeting formally censure a councillor for misconduct.
- (2) (Repealed)
- (3) A council may pass a formal censure resolution only if it is satisfied that the councillor has engaged in misconduct on one or more occasions.
- (4) The council must specify in the formal censure resolution the grounds on which it is satisfied that the councillor should be censured.
- (5) A motion for a formal censure resolution may, without limitation, be moved on the report of a committee of the council and any such report must be recorded in the minutes of the meeting of the council.