New Councillor Code of Conduct Framework – Flowchart –Local Government Amendment (Code of Conduct) Act 2015

All councils adopt Model Code of Conduct for councillors made by Ministerial Order (with or without permitted variations) [s.28T]

Councils are encouraged to adopt a councillor complaint resolution policy to promote informal resolution of disputes between councillors

Minister appoints pool of Code of Conduct Panel Members [s.28K] Executive Officer constitutes Code of Conduct Panel (in the investigation/determination of complaint) by selecting 3 members from the Minister's pool (2 experienced in local government and 1 lawyer) [s.28L]

Executive Officer appointed by Secretary of the Department of Premier and Cabinet to undertake the administrative functions of the Panel [s.28M]

1. COMPLAINT ASSESSMENT 2. PANEL INVESTIGATION 3. DETERMINATION 4. SANCTIONS Code of Conduct complaint Complaint is referred to Panel for GM is to table the Panel's Sanctions: (and fee) received by General investigation and determination - a caution determination report at the Manager (GM) within 6 council's next practicable open - a reprimand months of alleged breach ordinary meeting [s.28ZK] - an apology [s.28V] Panel has 90 days to determine GM refers - counselling or training complaint from date of acceptance complaint to - suspension from office for up to 3 (some flexibility provided) [s.28ZD] Director of months (no allowances) [s.28ZI] GM returns complaint to Local If the Panel's determination complainant if the complaint Government if includes sanctions, the does not meet prescribed complaint has Panel decides if a hearing is necessary councillor is to inform the GM requirements [s.28Y] Offence been made or whether the complaint can be when the sanction has been against half or Failure to comply with Panel's dealt with through written completed [s.28ZM] sanction (if an apology, or more of the submission or documentary evidence councillors counselling/training): Fine not [s.28ZG] GM refers complaint to the (s.28Z]exceeding 50 penalty units [s.28ZM] Panel [s.28Z] Council is to publish the Panel decides whether to give number of code of conduct Removal from office complaints upheld and the consent to representation by a non-Minister may remove a councillor legal advocate at a hearing [28ZH] total costs in respect to all code Chair of the Panel undertakes from office if he/she has received the of conduct complaints in its initial assessment and decides suspension sanction for three code of annual report [s.72] within 28 days whether the conduct breaches during one term of complaint is dismissed, Following the assessment of office or two consecutive terms of referred or accepted [s.28ZA] evidence, the Panel may uphold or office [s. 28ZL] dismiss all or part of the complaint 5. COSTS AND FEES [s.28ZI] Complaint dismissed if The relevant council is responsible for payment of the costs of the Panel Part or all of the Written determination of complaint frivolous/vexatious, does not and Executive Officer in relation to the complaint [s.280] complaint is must be provided by the Panel within relate to code of conduct, or referred to another Complainant and respondent councillor pay their own costs [s.28ZN] 28 days to all the parties, the GM and complainant has been ordered not appropriate person The Minister determines the remuneration and allowances of the Panel the Director of Local Government to make further complaint (under or body [s.28ZC] and Executive Officer [s.280] [s.28ZK] s.28ZB or s.28ZI)[s.28ZB]