



Office of Local Government

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Mr Ian Robertson
Secretary
Development and Environmental Professionals'
Association
By email: ian@depa.net.au

Dear Mr ^{Ian.}Robertson

Thank you for your email of 5 June 2018.

The purpose of my letter of 4 June 2018 was to respond to the question you asked in your email of 15 May 2018 about the meaning of section 352(1) of the *Local Government Act* 1993. The key message in that response is that council staff are subject to direction by their managers in the performance of their duties, including in relation to the preparation of reports.

Nothing in my response can or should be taken as suggesting that council staff are obliged to give effect to unlawful directions or decisions. As noted in my response of 4 June, clauses 6.4(c) and (d) of the *Model Code of Conduct for Local Councils in NSW* place an obligation on staff to:

- c) carry out **lawful directions** given by any person having authority to give such directions; (and)
- d) give effect to the **lawful decisions, policies, and procedures of the council**, whether or not the staff member agrees with or approves of them.
(my emphasis)

In response to the further question raised in your email of 5 June, OLG would agree that where there is a difference of opinion between a professional planner and their manager on the content of a report or recommendation, the appropriate way to resolve this in practice would be for the manager to sign off on the report.

I hope this clarifies OLG's position.

Yours sincerely

John Davies
Manager, Council Governance

8-6-2018

