

BACKGROUND

Wollongong City Council acknowledges the importance of high standards of behaviour in maintaining good governance and good reputation.

This Code of Conduct incorporates the Model Code of Conduct, published by the Office of Local Government, and contemporary best practice. It applies to all Council staff who are required to comply with the standards set out in it.

OBJECTIVE

To ensure that Council staff adhere to the highest standards of conduct.

POLICY STATEMENT

This Code of Conduct reflects Council's determination to support the highest level of community confidence in the integrity of Council.

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References

- *Local Government Act 1993*
- Office of Local Government - Circular to Councils 12-45, 15-41 & 16-08
- Model Code of Conduct for Local Councils in NSW (November 2015)

Related policies

The following policies and all other relevant policies must be read in conjunction with and in support of this Code of Conduct:

- | | |
|--|---|
| • Access to Council Information and Staff by Councillors | • Media Protocol |
| • Code of Business Ethics | • Mobile Phone |
| • Code of Meeting Practice | • Councillor Expenses and Facilities |
| • Conflict of Interests | • Positive Working Relationships |
| • Corporate Records Management | • Prevention of Fraud and Corrupt Conduct |
| • Councillor Recordkeeping | • Privacy Management Plan |
| • Fit for Work (Drug and Alcohol) | • Sponsorship of Council Activities from External Sources |
| • Gifts and Benefits | • Technology Acceptable Use |
| • ICT Security | • Use of Confidential Information |
| • Internal Reporting (Public Interest Disclosures) | |

Definitions

In this Code of Conduct the following definitions apply:

the Act	the Local Government Act 1993
act of disorder	see the definition in clause 256 of the <i>Local Government (General) Regulation 2005</i>
Chief Executive	Chief Executive of the Office of Local Government
committee	a council committee
conflict of interests	a conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty
Council committee	a committee established by resolution of council
Council committee member	a person other than a councillor or member of staff of a council who is a member of a council committee
Council official	includes councillors, members of staff of Council, Council committee members, conduct reviewers and delegates of Council
councillor	a person elected or appointed to civic office and includes a Lord Mayor
delegate of Council	a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated e.g. volunteers
designated person	see the definition in section 441 of the Act
election campaign	includes council, State and Federal election campaigns
personal information	information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion
the Regulation	the Local Government (General) Regulation 2005

The term “you” used in this Code of Conduct refers to members of Council staff.

The phrase “this code” used in the Code of Conduct refers also to the procedures for the administration of the Code of Conduct prescribed under the Local Government (General) Regulation 2005.

Key principles

Wollongong City Council has a set of Corporate Values to guide your conduct and which underpin this Code of Conduct. In everything we do, we will:

- maintain integrity and earn trust;
- treat customers as we want to be treated;
- use the community's money wisely;
- bring out the best in each other.

This Code of Conduct is based on a number of key principles. It sets out standards of conduct that meet these principles and statutory provisions applicable to local government activities. The principles underpin and guide these standards and may be used as an aid in interpreting the substantive provisions of this Code, but do not themselves constitute separate enforceable standards of conduct.

Integrity

You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.

Leadership

You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the Council. This means promoting public duty to others in the Council and outside, by your own ethical behaviour.

Selflessness

You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. This means making decisions because they benefit the public, not because they benefit the decision maker.

Impartiality

You should make decisions on merit and in accordance with your statutory obligations when carrying out your duties. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. This means fairness to all, impartial assessment, merit selection in recruitment and in procurement and sale of Council's resources, considering only relevant matters.

Accountability

You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. This means recording reasons for decisions, submitting to public scrutiny, keeping proper records, establishing audit trails.

Openness

You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. This means recording, giving and revealing reasons for decisions, revealing other avenues available to the customer, when authorised, offering all information, communicating clearly.

Honesty

You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. This means obeying the law; following the letter and spirit of policies and procedures, observing this Code of Conduct, fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.

Respect

You must treat others with respect at all times. This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.

Part 1 – Introduction

- 1.1 This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”). Section 440 of the Act requires every Council to adopt a Code of Conduct that incorporates the provisions of the Model Code of Conduct published by the Office of Local Government. For the purposes of section 440 of the Act, this Code comprises all parts of this document.

[Model Code]

This Code of Conduct is based on the “Model Code of Conduct” released by the Office of Local Government in November 2015.

[Policy]

- 1.2 Members of staff of Council must comply with the applicable provisions of Council’s Code of Conduct in carrying out their functions as Council officials. It is the personal responsibility of Council officials to comply with the standards in the Code and regularly review their personal circumstances with this in mind.
- 1.3 Failure by a member of staff to comply with Council’s Code of Conduct may give rise to disciplinary action.

[Model Code]

Part 2 – Purpose of the Code of Conduct

- 2.1 This Code of Conduct sets the minimum requirements of conduct for Council staff in carrying out their functions. The “Model Code”, the basis of this Code, is prescribed by regulation.

- 2.2 This Code of Conduct has been developed to assist you to:

- understand the standards of conduct that are expected of you
- enable you to fulfil your statutory duty to act honestly and exercise a reasonable degree of care and diligence (*section 439*)
- act in a way that enhances public confidence in the integrity of local government.

[Model Code]

- 2.3 This Code is Council’s principal governance policy and requires compliance with a number of supporting policies some of which are listed under ‘Related policies’.

[Policy]

Part 3 – General conduct obligations

General conduct

- 3.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Act, associated regulations, Council’s relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
is improper or unethical
 - d) is an abuse of power or otherwise amounts to misconduct
 - e) causes, comprises or involves intimidation, harassment or verbal abuse
 - f) causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - g) causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6a*).
- 3.2 You must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out your functions under the Act or any other Act. (*section 439*).
- 3.3 You must treat others with respect at all times.

[Model Code]

Fairness and Equity

- 3.4 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

- 3.5 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

[Model Code]

Harassment and discrimination

- 3.6 Wollongong City Council is committed to providing a safe and harassment-free workplace. You must not harass, discriminate against, or support others who harass or discriminate against colleagues or members of the public. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, responsibilities as a carer, marital status, disability, homosexuality, transgender, political affiliation or if a person has an infectious disease.

[Model Code]

Further provisions relating to bullying, harassment and acceptable workplace behaviour are contained within the *Positive Working Relationships* policy.

[Policy]

Regulatory or Development Decisions

- 3.7 You must ensure that regulatory or development decisions are properly made, evidenced in writing and that parties involved in the development assessment process are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the development assessment process.
- 3.8 In determining development applications, you must ensure that no action, statement or communication between yourself and applicants or objectors conveys any suggestion of willingness to provide improper concessions or preferential treatment.
- 3.9 In determining development applications or in exercising regulatory or enforcement functions, it is essential that you are highly conscious of the potential for even the slightest impropriety that may lead to any suspicion of misconduct.
- 3.10 You must refrain from offering support to affected parties prior to the normal assessment or review processes of Council being undertaken.

[Model Code]

[Policy]

Public Comment

- 3.11 Only those Council staff who are specifically delegated to do so by the General Manager may make public comment about Council matters.

[Policy]

Part 4 – Conflict of interests

- 4.1 A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.
- 4.2 You must avoid or appropriately manage any conflict of interests. The onus is on you to identify a conflict of interests and take the appropriate action to manage the conflict in favour of your public duty.
- 4.3 Any conflict of interests must be managed to uphold the probity of Council decision-making. When considering whether or not you have a conflict of interests, it is always important to think about how others would view your situation.
- 4.4 Private interests can be of two types: pecuniary or non-pecuniary.

[Model Code]

What is a pecuniary interest?

- 4.5 A pecuniary interest is an interest that a person has in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to the person. (*section 442*)
- 4.6 A person will also be taken to have a pecuniary interest in a matter if that person's spouse or de facto partner or a relative of the person or a partner or employer of the person, or a company or other body of which the

person, or a nominee, partner or employer of the person is a member, has a pecuniary interest in the matter. (section 443)

- 4.7 Pecuniary interests are regulated by Chapter 14, Part 2 of the Act. The Act requires that:
- designated persons lodge an initial and an annual written disclosure of interests that could potentially be in conflict with their public or professional duties (section 449)
 - designated persons immediately declare, in writing, any pecuniary interest. (section 459)
- 4.8 Designated persons are defined at section 441 of the Act, and include, but are not limited to, the General Manager and other senior staff of Council.
- 4.9 Where you are a member of Council staff, other than a designated person (as defined by section 441), you must disclose in writing to your supervisor or the General Manager, the nature of any pecuniary interest you have in a matter you are dealing with as soon as practicable.

[Model Code]

What are non-pecuniary interests?

- 4.10 Non-pecuniary interests are private or personal interests you have that do not amount to a pecuniary interest as defined in the Act. These commonly arise out of family, or personal relationships, or involvement in sporting, social or other cultural groups and associations and may include an interest of a financial nature.

[Model Code]

Managing non-pecuniary conflict of interests

- 4.11 Where you have a non-pecuniary interest that conflicts with your public duty, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.
- 4.12 If a disclosure is made at a Council or Committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 4.11.
- 4.13 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 4.14 As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but it involves:
- a relationship between yourself and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant, adopted child or adopted child of your spouse, current or former spouse or partner, de facto or other person living in the same household
 - other relationships that are particularly close, such as friendships and business relationships. Closeness is defined by the nature of the friendship or business relationship, the frequency of contact and the duration of the friendship or relationship
 - an affiliation between yourself and an organisation, sporting body, club, corporation or association that is particularly strong.
- 4.15 If you determine that a non-pecuniary conflict of interests is less than significant and does not require further action, you must provide an explanation of why you consider that the conflict does not require further action in the circumstances.
- 4.16 The decision on which option should be taken to manage a non-pecuniary conflict of interests must be made in consultation with your manager.

[Model Code]

Guide to managing Conflict of interests

- 4.17 If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider the following:
- Do you have a personal interest in a matter you are officially involved with?
 - Is it likely you could be influenced by a personal interest in carrying out your public duty?
 - Would a reasonable person believe you could be so influenced?
 - What would be the public perception of whether or not you have a conflict of interests?

- e) Do your personal interests conflict with your official role?
- f) What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

[Policy]

Other business or employment

- 4.18 If you are considering outside employment or contract work that relates to the business of the Council or that might conflict with your Council duties, you must notify and seek the approval of the General Manager in writing. (*section 353*)
- 4.19 You must ensure that any outside employment or business you engage in will not:
- a) conflict with your official duties
 - b) involve using confidential information or Council resources obtained through your work with the Council
 - c) require you to work while on Council duty
 - d) discredit or disadvantage the Council.

[Model Code]

Personal dealings with Council

- 4.20 You may have reason to deal with Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

[Model Code]

Former Council officials

- 4.21 You must not use your position to obtain opportunities for future employment.
- 4.22 At the end of your involvement as a staff member you must return all Council property, documents and other items and not make public or otherwise use confidential information obtained during the time of your involvement with Council.
- 4.23 You must be careful in your dealings with former Council officials and ensure that you do not give or appear to give favourable treatment or access to otherwise confidential information to former Council officials.

[Policy]

Sponsorship

- 4.24 Council actively seeks financial or in-kind sponsorship from a variety of sources to support specific events, promotions, services or other activities of Council. It is essential that sponsorships do not limit Council's ability to carry out its functions fully and impartially. All sponsorship arrangements must comply with Council's *Sponsorship of Council Activities from External Sources* policy.

[Policy]

Part 5 – Personal benefit

Gifts and benefits

- 5.1 You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts, benefits or hospitality of any kind, is attempting to secure favourable treatment from you or from the Council.
- 5.2 You must take all reasonable steps to ensure that your immediate family members do not receive gifts or benefits that give rise to the appearance of being an attempt to secure favourable treatment. Immediate family members ordinarily include parents, spouses, children and siblings.

[Model Code]

- 5.3 Staff involved in procurement, tendering or sales activities for Council must not accept any gift or benefit from potential or current suppliers or buyers.

- 5.4 The offer of a gift or benefit of any value from a person in circumstances where the person is seeking the exercise of your decision making discretion or where the person has sought the exercise of your decision making discretion in the previous 12 months must be refused.
- 5.5 You must comply with Council's *Gifts and Benefits* policy and further information on the management of gifts and benefits is contained in the policy.

[Policy]

Token gifts and benefits

- 5.6 Generally speaking, token gifts and benefits include:
- a) free or subsidised meals, beverages or refreshments provided in conjunction with:
 - i) the discussion of official business
 - ii) Council work-related events such as training, education sessions, workshops
 - iii) conferences
 - iv) Council functions or events
 - v) social functions organised by groups, such as Council Committees and community organisations
 - b) invitations to and attendance at local social, cultural or sporting events
 - c) gifts of single bottles of reasonably priced alcohol to individual Council officials at end-of-year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address)
 - d) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
 - e) prizes of token value.

[Model Code]

You may wish to disclose the receipt of token (ie having a value of less than \$50) gifts or benefits in the Gifts and Benefits Register.

[Policy]

Gifts and benefits of value

- 5.7 Notwithstanding clause 5.6, gifts and benefits that have more than a token value (ie having a value of more than \$50) include, but are not limited to, tickets to major sporting events (such as state or international cricket matches or matches in other national sporting codes (including the NRL, AFL, FFA, NBL)), corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel.

[Model Code¹]

How are offers of gifts and benefits to be dealt with?

- 5.8 You must not:
- a) seek or accept a bribe or other improper inducement
 - b) seek gifts or benefits of any kind
 - c) accept any gift or benefit that may create a sense of obligation on your part or may be perceived to be intended or likely to influence you in carrying out your public duty
 - d) accept any gift or benefit of more than token value
 - e) accept an offer of cash or a cash-like gift, regardless of the amount.
- 5.9 For the purposes of clause 5.8(e), a "cash-like" gift includes but is not limited to gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internal credit, memberships or entitlements to discounts.
- 5.10 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to your supervisor, Lord Mayor or the General Manager. The recipient, supervisor, Lord Mayor or General Manager must ensure that any gifts or benefits of more than token value

¹ with the Policy addition of the words "(ie having a value of more than \$50)"

that are received are recorded in a Gifts Register. The gift or benefit must be surrendered to Council, unless the nature of the gift or benefit makes this impractical.

[Model Code]

You must declare in the Gifts and Benefits Register all gifts, benefits or hospitality of any kind, of more than token value, or a series of token gifts or benefits from one donor within a 12 month period exceeding \$50 in total value received / offered, regardless if you accept it or not.

[Policy]

Improper and undue influence

5.11 You must not use your position to influence other Council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else.

5.12 You must not take advantage (or seek to take advantage) of your status or position with or of functions you perform for Council in order to obtain a private benefit for yourself or for any other person or body.

[Model Code]

Part 6 – Relationship between Council officials

Obligations of Councillors

6.1 Councillors must not:

- a) direct Council staff other than by giving appropriate direction to the General Manager in the performance of Council's functions by way of Council or Committee resolution, or by the Lord Mayor exercising power under section 226 of the Act (*section 352*)
- b) in any public or private forum, direct or influence or attempt to direct or influence, any other member of the staff of the Council or a delegate of the Council in the exercise of the functions of the member or delegate (*Schedule 6A* of the Act)
- c) contact a member of the staff of the Council on Council-related business unless in accordance with the policy and procedures governing the interaction of Councillors and Council staff that have been authorised by the Council and the General Manager
- d) contact or issue instructions to any of Council's contractors or tenderers, including Council's legal advisers, unless by the Lord Mayor exercising power under section 226 of the Act. This does not apply to Council's external auditors or the Chair of Council's Audit Committee who may be provided with any information by individual Councillors reasonably necessary for the external auditor or Audit Committee to effectively perform their functions.

[Model Code]

Obligations of staff

6.2 The General Manager is responsible for the efficient and effective operation of the Council's organisation and for ensuring the implementation of the decisions of the Council without delay.

6.3 Members of staff of Council must:

- a) give their attention to the business of Council while on duty
- b) ensure that their work is carried out efficiently, economically and effectively
- c) carry out lawful directions given by any person having authority to give such directions
- 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
- e) ensure that any participation in political activities outside the service of the Council does not conflict with the performance of their official duties.

[Model Code]

Obligations during meetings

6.4 You must act in accordance with Council's *Code of Meeting Practice* and the *Local Government (General) Regulation 2005* during Council and Committee meetings.

- 6.5 You must show respect to the Chair, other Council officials and any members of the public present during Council and Committee meetings or other formal proceedings of the Council.

[Model Code]

Inappropriate interactions

- 6.6 You must not engage in any of the following inappropriate interactions:

- a) Councillors approaching staff and staff organisations to discuss individual or operational staff matters other than broader workforce policy issues.
- b) Council staff approaching Councillors to discuss individual or operational staff matters other than broader workforce policy issues.
- c) Council staff refusing to give information that is available to other Councillors to a particular Councillor.
- d) Councillors who have lodged a development application with Council, discussing the matter with Council staff in staff-only areas of the Council.
- e) Councillors being overbearing or threatening to Council staff.
- f) Councillors making personal attacks on Council staff in a public forum.
- g) Councillors directing or pressuring Council staff in the performance of their work, or recommendations they should make.
- h) Council staff providing ad hoc advice to Councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community.
- i) Council staff meeting with applicants or objectors alone AND outside office hours to discuss applications or proposals.
- j) Councillors attending on-site inspection meetings with lawyers and/or consultants engaged by Council associated with current or proposed legal proceedings unless permitted to do so by Council's General Manager or, in the case of the Lord Mayor, exercising their power under section 226 of the Act.

[Model Code]

Positive Working Relationships Policy

- 6.7 The purpose of the Positive Working Relationships policy is to provide information and set boundaries for employees, Councillors, consultants, and volunteers working for or on behalf of Council in any capacity on appropriate and acceptable behaviour in the workplace.

[Policy]

Part 7 – Access to information and Council resources

Councillor access to information

- 7.1 The General Manager and Public Officer are responsible for ensuring that members of the public, Councillors can gain access to the documents available under the Government Information (Public Access) Act 2009.
- 7.2 The General Manager must provide Councillors with information sufficient to enable them to carry out their civic office functions.
- 7.3 Members of staff must provide full and timely information to Councillors sufficient to enable them to carry out their civic office functions and in accordance with Council procedures.
- 7.4 Members of staff who provide any information to a particular Councillor in the performance of their civic duties must also make it available to any other Councillor who requests it and in accordance with Council procedures.
- 7.5 Councillors who have a private (as distinct from civic) interest in a document of Council have the same rights of access as any member of the public.

[Model Code]

Refusal of access to documents

- 7.6 Where the General Manager and Public Officer determine to refuse access to a document sought by a Councillor, they must act reasonably. In reaching this decision they must take into account whether or not the

document sought is required for the Councillor to perform their civic duty (see clause 7.2). The General Manager or Public Officer must state the reasons for the decision if access is refused.

[Policy]

Use of certain Council information

7.6 In regard to information obtained in your capacity as a Council official, you must:

- a) only access Council information needed for Council business
- b) not use that Council information for private purposes
- c) not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have by virtue of your office or position with Council
- d) only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

[Model Code]

Use and security of confidential information

7.7 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

7.8 In addition to your general obligations relating to the use of Council information, you must:

- a) protect confidential information
- b) only release confidential information if you have authority to do so
- c) only use confidential information for the purpose it is intended to be used
- d) not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
- e) not use confidential information with the intention to cause harm or detriment to Council or any other person or body
- f) not disclose any information discussed during a confidential session of a Council meeting.

[Model Code]

Personal information

7.9 When dealing with personal information you must comply with:

- a) the Privacy and Personal Information Protection Act 1998
- b) the Health Records and Information Privacy Act 2002
- c) the Information Protection Principles and Health Privacy Principles
- d) Council's Privacy Management Plan
- e) the Privacy Code of Practice for Local Government

[Model Code]

Use of Council resources

7.10 You must use Council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

7.11 Union delegates and consultative committee members may have reasonable access to Council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

- a) the representation of members with respect to disciplinary matters
- b) the representation of employees with respect to grievances and disputes
- c) functions associated with the role of the local consultative committee.

- 7.12 You must be scrupulous in your use of Council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.
- 7.13 You must avoid any action or situation that could create the appearance that Council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body.
- 7.14 You must not use Council resources, property or facilities for the purpose of assisting your election campaign or the election campaign of others unless the resources, property or facilities are otherwise available for use or hire by the public and any publicly advertised fee is paid for use of the resources, property or facility.
- 7.15 You must not use Council letterhead, Council crests and other information that could give the appearance it is official Council material for:
- a) the purpose of assisting your election campaign or the election campaign of others, or
 - b) for other non-official purposes.
- 7.16 You must not convert any property of the Council to your own use unless properly authorised.
- 7.17 You must not use Council's computer resources to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature

[Model Code]

Information Technology

- 7.18 You must comply with Council's information security requirements as set out in the *ICT Security, Technology Acceptable Use and Corporate Records Management* policies in relation to the use of information technology systems. .

[Policy]

Part 8 – Maintaining the integrity of this Code

- 8.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this Code or its administration.

[Model Code]

Complaints made for an improper purpose

- 8.2 You must not make a complaint or cause a complaint to be made under this Code for an improper purpose.
- 8.3 For the purposes of clause 8.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:
- a) to intimidate or harass another Council official
 - b) to damage another Council official's reputation
 - c) to obtain political advantage
 - d) to influence a Council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions
 - e) to influence the Council in the exercise of its functions or to prevent or disrupt the exercise of those functions
 - f) to avoid disciplinary action under this Code
 - g) to take reprisal action against a person for making a complaint under this Code except as may be otherwise specifically permitted under this Code
 - h) to take reprisal action against a person for exercising a function prescribed under the procedure for the administration of this Code except as may be otherwise specifically permitted under this Code
 - i) to prevent or disrupt the effective administration of this Code.

[Model Code]

Detrimental action

- 8.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this Code except as may be otherwise specifically permitted under this Code.
- 8.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this Code except as may be otherwise specifically permitted under this Code.
- 8.6 For the purposes of clauses 8.4 and 8.5 detrimental action is an action causing, comprising or involving any of the following:
- a) injury, damage or loss
 - b) intimidation or harassment
 - c) discrimination, disadvantage or adverse treatment in relation to employment
 - d) dismissal from, or prejudice in, employment
 - e) disciplinary proceedings.

[Model Code]

Compliance with requirements under this code

- 8.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.
- 8.8 You must comply with a reasonable and lawful request made by a person exercising a function under this code.
- 8.9 You must comply with a practice ruling made by the Office of Local Government.
- 8.10 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.

[Model Code]

Disclosure of information about the consideration of a matter under this Code

- 8.11 You must report breaches of this Code in accordance with the reporting requirements under this Code.
- 8.12 You must not make allegations of suspected breaches of this Code at Council meetings or in other public forums.
- 8.13 You must not disclose information about the consideration of a matter under this Code except for the purposes of seeking legal advice unless the disclosure is otherwise permitted under this Code.

[Model Code]

Complaints alleging a breach of this part

- 8.14 Complaints alleging a breach of this Part (Part 8) by a Councillor or the General Manager are to be made to the Office of Local Government.
- 8.15 Complaints alleging a breach of this Part by other Council officials are to be made to the General Manager.

[Model Code]

SUMMARY SHEET	
Responsible Division	Office of the General Manager
Date adopted by Council	20 November 2017
Date of previous adoptions	25/02/2013, 1/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004
Date of next review	November 2020
Legislative or other requirement for review	s440(7) Local Government Act 1993 - within 12 months of each ordinary election
Responsible Manager	Professional Conduct Coordinator
Authorised by	General Manager