

WOLLONGONG CITY COUNCIL

CODE OF CONDUCT

**COUNCIL COMMITTEE MEMBERS,
DELEGATES OF COUNCIL
AND COUNCIL ADVISERS**

ADOPTED 21 FEBRUARY 2022



wollongong
city of innovation

Part 1: Introduction



Part 2: Definitions



Part 3: General Conduct Obligations



Part 4: Pecuniary Interests



Part 5:

Non-Pecuniary

Conflicts of Interests



Part 6: Personal Benefit



- 6.1 For the purposes of this Part, a gift or a benefit is something offered to or received by a Council official or someone personally associated with them for their personal use and enjoyment.
- 6.2 A reference to a gift or benefit in this Part does not include:
- a items with a value of \$10 or less
 - b a political donation for the purposes of the Electoral Funding Act 2018
 - 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 attendance by a Council official at a work-related event or function for the purposes of performing their official duties, or
 - e 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:
 - i the discussion of official business
 - ii work-related events such as Council-sponsored or community events, training, education sessions or workshops
 - iii conferences
 - iv Council functions or events
 - v social functions organised by groups, such as Council Committees and community organisations.

Gifts and benefits

- 6.3 You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from the Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you.
- 6.4 A gift or benefit is deemed to have been accepted by you for the purposes of this Part, where it is received by you or someone personally associated with you.

[Model Code]

- 6.5 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.

[Council protocol]

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

- 6.6 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 subject to clause 6.8, accept any gift or benefit of more than token value as defined by clause 6.10
 - e accept an offer of cash or a cash-like gift as defined by clause 6.14, regardless of the amount
 - f participate in competitions for prizes where eligibility is based on the Council being in or entering into a customer-supplier relationship with the competition organiser
 - g personally benefit from reward points programs when purchasing on behalf of the Council.
- 6.7 Where you receive an offer of a gift or benefit of any value other than one referred to in clause 6.2, you must disclose this promptly to the General Manager in writing. The General Manager must ensure that, at a minimum, the following details are recorded in the Council's gift register:
- a the nature of the gift or benefit
 - b the estimated monetary value of the gift or benefit
 - c the name of the person who provided the gift or benefit and the name of the organisation they represent where not received from an individual
 - d the date on which the gift or benefit was received.
 - e whether the gift or benefit was accepted or refused.
- 6.8 Where you receive a gift or benefit of more than token value that cannot reasonably be refused or returned, the gift or benefit must be surrendered to the Council, unless the nature of the gift or benefit makes this impractical.

[Model Code]

Gifts and benefits of token value

- 6.9 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 \$50¹. They include, but are not limited to:

- 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.

Gifts and benefits of more than token value

- 6.10 Gifts or benefits that exceed \$50 in value are gifts or benefits of more than token value for the purposes of clause 6.6(d) and, subject to clause 6.8, must not be accepted.
- 6.11 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.
- 6.12 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.
- 6.13 For the purposes of this Part, the value of a gift or benefit is the monetary value of the gift or benefit inclusive of GST.

“Cash-like gifts”

- 6.14 For the purposes of clause 6.6(e), “cash-like gifts” include but are not limited to, gift vouchers, credit cards, debit cards with credit on them, prepayments such as phone or internet credit, lottery tickets, memberships or entitlements to discounts that are not available to the general public or a broad class of persons.

Improper and undue influence

- 6.15 You must not use your position to influence other Council officials in the performance of their official functions to obtain a private benefit for yourself or for somebody else.
- 6.16 You must not take advantage (or seek to take advantage) of your status or position with Council, 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 7: Access to Information & Council Resources



Use of certain Council information

- 7.1 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 access by virtue of your position with Council
 - d only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

Use and security of confidential information

- 7.2 You must maintain the integrity and security of confidential information in your possession, or for which you are responsible.
- 7.3 In addition to your general obligations relating to the use of Council information, you must:
- a only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions
 - b protect confidential information
 - c only release confidential information if you have authority to do so
 - d only use confidential information for the purpose for which it is intended to be used
 - e not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person
 - f not use confidential information with the intention to cause harm or detriment to the Council or any other person or body
 - g not disclose any confidential information discussed during a confidential session of a Council or Committee meeting or any other confidential forum (such as, but not

limited to, workshops or briefing sessions).

Personal information

- 7.4 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 the Council's privacy management plan
 - e the Privacy Code of Practice for Local Government

Use of Council resources

- 7.5 You must use Council resources ethically, effectively, efficiently and carefully in exercising your official functions, and must not use them for private purposes unless this use is lawfully authorised and proper payment is made where appropriate.
- 7.6 You must be scrupulous in your use of Council property, including intellectual property, official services, facilities, technology and electronic devices and must not permit their misuse by any other person or body.
- 7.7 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.
- 7.8 You must not use Council resources (including Council staff), property or facilities for the purpose of assisting the election campaigns 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.
- 7.9 You must not use the Council letterhead, Council crests, Council email or social media or other information that could give the appearance it is official Council material:
- a for the purpose of assisting your election campaign or the election campaign of others, or

b for other non-official purposes.

7.10 You must not convert any property of the Council to your own use unless properly authorised.

Internet access

7.11 You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civil liability and/or damage the Council's reputation.

[Model Code]

7.12 When using social media, you must comply with the general conduct provisions of this Code.

[Council protocol]

Council record keeping

7.13 You must comply with the requirements of the State Records Act 1998 and the Council's records management policy.

7.14 All information created, sent and received in your official capacity is a Council record and must be managed in accordance with the requirements of the State Records Act 1998 and the Council's approved records management policies and practices.

7.15 All information stored in either soft or hard copy on Council supplied resources (including technology devices and email accounts) is deemed to be related to the business of the Council and will be treated as Council records, regardless of whether the original intention was to create the information for personal purposes.

7.16 You must not destroy, alter, or dispose of Council information or records, unless authorised to do so. If you need to alter or dispose of Council information or records, you must do so in consultation with the Council's records manager and comply with the requirements of the *State Records Act 1998*.

[Model Code]

Information Technology

7.17 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.

[Council protocol]

Part 8: Maintaining the Integrity of this Code



Schedule 1:

Disclosures of Interests and
other Matters in Written
Returns Submitted Under
Clause 4.16



Schedule 2:

Form of Written Return if
Interests Submitted Under
Clause 4.16



E. Interests and positions in corporations

Name and address of each corporation in which I had an interest or held a position at the return date/at any time since 30 June	Nature of interest (if any)	Description of position (if any)	Description of principal objects (if any) of corporation (except in case of listed company)
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F. Were you a property developer or a close associate of a property developer on the return date? (Y/N)

G. Positions in trade unions and professional or business associations

Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) at the return date/at any time since 30 June	Description of position
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H. Debts

Name and address of each person to whom I was liable to pay any debt at the return date/at any time since 30 June

I. Dispositions of property

- 1 Particulars of each disposition of real property by me (including the street address of the affected property) at any time since 30 June as a result of which I retained, either wholly or in part, the use and benefit of the property or the right to re-acquire the property at a later time
- 2 Particulars of each disposition of property to a person by any other person under arrangements made by me (including the street address of the affected property), being dispositions made at any time since 30 June, as a result of which I obtained, either wholly or in part, the use and benefit of the property

J. Discretionary disclosures

APPROVAL AND REVIEW

Responsible Division	Governance and Customer Service	
Date/s adopted		<i>Council</i> 21 February, 2022
Date/s of previous adoptions	16/11/2020, 27/02/2019, 20/11/2017, 25/02/2013, 01/02/2011, 23/07/2008, 16/10/2007, 28/02/2005, 28/06/2004	
Date of next review	October 2024	