



# Code of Conduct

**A Guide for Community Representatives**

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## INTRODUCTION

Woollahra Council is committed to fair dealing and high standards of ethical behavior in the care, control and management of the Woollahra Municipality. The community places its trust in Woollahra's Councillors, Council staff, Council delegates, administrators, members of Council committees and Conduct Reviewers to ensure that they serve the community faithfully and honestly and that they manage its resources on behalf of the community.

Councillors, Council staff, Council delegates, administrators, members of Council committees and Conduct Reviewers should always observe the highest standards of honesty and loyalty to the Council and avoid any form of conduct that would bring themselves or Council into disrepute.

The community is entitled to expect that the business of Council will be conducted with efficiency, impartiality and integrity and that the duty to the public will always have absolute priority over private interests.

Our Code of Conduct reflects our determination to earn the highest level of confidence from our community.

## A GUIDE FOR COMMUNITY REPRESENTATIVES

This Guide had been developed to provide an outline of Council's Code of Conduct and how the Code applies to community representatives on Council sub-committees, advisory committees and working parties ('sub-committees').

Sub-committees are advisory only and it remains the role of the Councillors, either through Council's committee system or full Council meetings, to make decisions.

The Guide sets the minimum requirements of conduct for community representatives in carrying out their functions and has been developed to assist community representatives to:

- Understand expected standards of conduct;
- Fulfil their statutory duty to act lawfully, honestly and exercise a reasonable degree of care and diligence; and
- Act in a way that enhances public confidence in the integrity of local government.

## General Conduct Obligations

Community representatives must not conduct themselves in carrying out their functions as a community representative in a manner that is likely to bring the Council or holders of civic office into disrepute. Specifically, they must not act in a way that:

- Contravenes the Local Government Act, associated regulations, Council's relevant administrative requirements and policies,
- Is detrimental to the pursuit of the charter of Council as stated in the Local Government Act;
- Is improper or unethical;
- Is an abuse of power or otherwise amounts to misconduct;
- Causes, comprises or involves intimidation, harassment or verbal abuse;
- Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment; or
- Causes, comprises or involves prejudice in the provision of a service to the community.

Community representatives must act lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out their sub-committee responsibilities. They must treat others with respect at all times.

## Conflicts Of Interest

A conflict of interest exists when it is likely that a person could be influenced or could be perceived to be influenced by a personal interest in carrying out their public duty.

If Council is to keep the trust and confidence of the community, Council must ensure that the activities of Council's sub-committees are free from any conflicts of interest and are also clearly seen to be free from any conflicts of interest.

If any conflict exists between personal interests and those of a community representative it must always be resolved to the satisfaction of Council.

A community representative must avoid and appropriately resolve any conflict or incompatibility between private or personal interests and the impartial performance of their function on Council's sub-committee.

Conflicts of interest can be either a pecuniary interest or a non-pecuniary interest.

## Pecuniary Interests

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 representative or to another person with whom the representative is associated. This would include spouse, de facto partner or relative.

If you are a community representative with a pecuniary interest in a matter, you must advise the sub-committee chair of the nature of the pecuniary interest and cannot be involved in any consideration of or recommendation relating to the matter.

## Non-Pecuniary Interests

Non-pecuniary interests are private or personal interests a community representative has that do not amount to a pecuniary interest. These commonly arise out of family, or personal relationships, or involvement in sporting, social or cultural groups and associations and may include an interest of a financial nature.

How a community representative manages a non-pecuniary conflict of interests will depend on whether or not it is significant.

As a general rule, a non-pecuniary conflict of interests will be significant where a matter does not raise a pecuniary interest but the interest involves:

- A relationship between a representative and another person that is particularly close, for example, parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child of the person or of the person's 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 a representative and an organisation, sporting body, club, corporation or association that is particularly strong.

A community representative that has a significant non-pecuniary interest in a matter must advise the sub-committee chair of the nature of the significant non-pecuniary interest and cannot be involved in any consideration of or recommendation relating to the matter.

A community representative that has a less than significant non-pecuniary interest in a matter that does not require further action must advise the sub-committee chair of the nature of the interest and provide an explanation of why they consider the conflict does not require further action in the circumstances. This could include that the other relationship is not particularly close, there is infrequent contact with the other person or the affiliation with the other organisation, sporting body, club etc. is not strong.

## Gifts and Benefits

A community representative must never demand or request any gift or benefit or hospitality of any kind for themselves or for anyone else in connection with the sub-committee's activities.

Token or non-token gifts or benefits must not be accepted if it is considered the gift is designed to influence, or a fair observer might think the representative could be influenced to act in a partial manner in the course of their duties as a result of the gift.

Token gifts are those which do not have a significant monetary value, are inconsequential or trivial, are not offered on a frequent basis and ideally can be shared.

If a community representative accepts a token gift or benefit, they must notify the sub-committee chairperson in writing stating the provider, the gift or benefit received and the details surrounding the provision of the gift. The sub-committee chairperson is to forward the written declaration to Council's Manager - Governance who will record the details of the gift in Council's Gifts and Benefits Register.

Gifts and benefits that are more than token are those with a significant value. Gifts of value must not be accepted. If a gift of value cannot immediately be returned to the person who gave the gift, the community representative is to forward the gift and details of who provided the gift to the sub-committee chairperson who will refer the matter to Council's Manager - Governance.

Community representatives must not accept an offer of cash or a cash-like gift, regardless of the amount. 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 cards, memberships or entitlements to discounts.

## Use of Resources

Community representatives must use Council resources ethically, effectively, efficiently and carefully in the course of their sub-committee duties and must not use them for private purposes.

## Use of Council Information

It is important that the community has confidence that any information acquired by Council is used only for Council purposes.

If you are a member of a sub-committee and access any confidential, commercial or personal information from Woollahra Council during the course of your sub-committee duties, you must:

- Protect the confidential, commercial and personal information;
- Only access it when needed in your capacity as a sub-committee member;
- Not use the confidential, commercial or personal information for any unofficial purpose outside the work of Council;
- Only release the confidential, commercial or personal information when you have the authority to do so;
- Only use confidential, commercial or personal information for the purpose it is intended to be used; and
- Not use Council information for personal purposes.

## Reporting Improper Conduct

Community representatives are required to both act in accordance with Council's Code of Conduct and to immediately report any breaches of the Code of Conduct.

As a representative on a sub-committee you should report such instances to either the sub-committee chairperson or the General Manager.

Breaches of the Code of Conduct may lead to sanctions which depending on the severity, scale and importance of the breach may include one or more of the following:

- Censure;
- Requiring the person to apologise to any person or organisation adversely affected by the breach;
- Prosecution for any breach of the law;
- Removing the person from membership of the Council sub-committee.

## Further Information

Please feel free to contact Council's Governance Department on 9391 7012 for further information. For a copy of Council's Code of Conduct, visit [www.woollahra.nsw.gov.au](http://www.woollahra.nsw.gov.au).