

# Code of Conduct Training



Traditional home of  
the Bundjalung people



# Application of the Code

Part 1 of the Code provides that members of council committees 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.

As defined in the Code of Conduct Procedures:

- “Council official” includes councillors, members of staff of council, administrators, council committee members, conduct reviewers and delegates of council.
- “Council Committee” is a committee established by resolution of council.
- “Council Committee Member” is a person other than a councillor or member of staff of a council who is a member of a council committee.

This Code of Conduct sets out the principles to ensure the business of Council is carried out in an efficient, honest and impartial way.

As Committees are operating on behalf of Council, it is important for Committees to be aware of, and abide by, this Code of Conduct.

# Part 3 - General Conduct

You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council into disrepute.

- This means you must **avoid conduct** which:
  - Is **improper** or **unethical**
  - Is an **abuse of power / misconduct**
  - Causes / comprises **intimidation, harassment** or **verbal abuse**
  - Causes / involves **discrimination, disadvantage** or **adverse treatment** in relation to employment

# Part 3 – General Conduct

**Misconduct** includes any act or omission which involves an:

- **Act of disorder** at a meeting of a committee
- **Act or omission** intended to **prevent proper and effective functioning** of a committee.

# Part 3 – General Conduct

*Committee Member A is upset about a decision that has been made by council staff in response to a discussion with Committee Member B. They send an email to a Council staff member saying:*

*“Dear Staff Member, you are stupid if you think this will work and I am going to make sure everyone knows it. Committee Member B is a liar and I’m pretty sure they just steal money anyway and the whole committee hates them. You are an idiot for listening to them. I will be telling the General Manager and the Mayor AND EVERYONE who will listen that you are silly and Committee member B is a thieving conniving moron.”*

**Several issues arise from this scenario...**

# Part 3 – General Conduct

This sort of disrespectful interaction with (or concerning) council staff and/or other committee members is a breach of Part 3 of the Code of Conduct, outlining "General Conduct Obligations", in particular:

- act lawfully, honestly and exercise reasonable care

(If Committee Member A was to publically announce that Committee member B was stealing money, they could even be in breach of defamation laws)

- treat others with respect

(Committee Member A has not shown respect to the Council Staff member, nor have they shown respect to any of the other Committee members by asserting that they feel a certain way when they might not share the same view)

- consider issues consistently and promptly and fairly; and in accordance with established procedures.

(If there was a serious concern about how council staff had dealt with a situation, or that a committee member was stealing money, it should have been dealt with in accordance with the Guidelines and any other adopted procedures of the committee for handling grievances).

# Part 4 - Conflict of Interests

- A conflict of interest is about both **reality** and **perception**
  - A conflict of interest exists where a reasonable and informed person would **perceive** that you **could be** influenced by a private interest when carrying out your public duty (**4.1**)
- The onus is **on you**
  - **You** must avoid or appropriately manage any conflict of interest. **The onus is on you** to identify a conflict of interest and take the appropriate action to manage the conflict in favour of your public duty (**4.2**)

# Part 4 - Conflict of Interest

- Pecuniary Interests: **likelihood of financial gain or loss:**
  - “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 **OR** another person with whom the person is associated”
- Non pecuniary interest: (**many types**)
  - "...private or personal interests the council official has 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" (**4.10 Code of Conduct**)



# Part 4 – Conflict of Interest

Two steps:

- **First**, you must identify and distinguish the nature of the interest i.e. **pecuniary or non-pecuniary**.
- **Second**, you must follow appropriate procedure as outlined in Part 4 of the Code to deal with the interest you have identified.

## Part 5 - Personal Benefit

You must avoid situations giving rise to the appearance that a person or body, through the provision of gifts or benefits of any kind, is attempting to secure favourable treatment from you or from the Committee. 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.

# Part 5 – Personal Benefit

Where you receive a gift or benefit that cannot reasonably be refused or returned, this must be disclosed promptly to the General Manager. The recipient or General Manager must ensure that any gifts or benefits 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.

## Part 5 - Personal Benefit

- You may have reason to deal with council in your personal capacity (for example, as a ratepayer, recipient of a council service, applicant for a consent granted by council or an objector to a development application).
- 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.