



CODE OF CONDUCT

Adopted by Council 25th July 2005
(Minute 7967)

1. INTRODUCTION

Parramatta City Council is committed to serving our community with integrity, efficiency, fairness and impartiality. In providing the best possible services we will put our public duty to the community ahead of our private interests. The people of Parramatta City, and those who come in contact with Council, expect nothing less.

Council has developed this Code of Conduct to assist Councillors and staff in making decisions that best reflect our corporate values. The Code of Conduct and associated policies provide specific minimum standards that are expected to be met. These standards are founded on an expectation that Councillors and staff will work co-operatively and exercise good judgement and make principled decisions for the benefit of the whole community.

High ethical standards are an integral part of the organisation and form part of daily decision making processes. These standards apply equally to all councillors, staff, delegates and contractors across the organisation.

We expect that the Code of Conduct will assist councillors and staff deal with the ethical problems that may arise in working for, and representing Parramatta City Council. The Code promotes not only “doing things right”, but also “doing the right things” to maintain our integrity and trust as a community.

Council is committed to supporting councillors and staff who act according to, or above, the standards contained in the Code of Conduct and associated policies. The commitment to abide by these standards is a personal commitment by all councillors and staff, and will demonstrate our respect for each other and for the community we serve.

Councillor David Borger
Lord Mayor

John Neish
General Manager

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DOCUMENT HISTORY

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25 July 2005	Policy adopted	Resolution of Council 25 July 2005 Minute 7967
27 February 2006	Legislation and Policy References updated	Manager, Service Audit & Review

2. PURPOSE AND AUTHORITY

The community rightly expects councillors and staff to be honest, reasonable and equitable in dealings with them and to have the public interest at heart. The code of conduct is a key mechanism to assist councillors, staff and delegates to act honestly, ethically, responsibly and with accountability.

This Code has been prepared taking into account the provisions of the Local Government Act and will assist Councillors and staff to:

- understand Council's standards of conduct and behaviour; and
- deal with ethical problems that they may encounter in their work.

The Guidelines to the Code of Conduct that accompanies this document provide additional discussion on matters covered in the Code.

Section 440 of the Local Government Act 1993 requires Council to adopt a code of conduct to be observed by councillors, members of staff and delegates (including contractors and consultants). The code of conduct is not meant to replace legislation, and is to be read in conjunction with relevant legislation and policies. This code of conduct replaces the code of conduct adopted by Parramatta City Council in December 2000.

This code will be reviewed at least every four years following adoption.

3. VALUES AND PRINCIPLES

Parramatta City Council recognises the importance of ethical behaviour through a commitment to the following values and principles.

We **value** behaviours which create:

- a supportive workplace
- a safe and trusting workplace
- a cooperative teamwork approach

We **value** providing the best possible services to our community by a commitment to:

- community focus and customer service
- improving our results
- providing value for money

The code of conduct applies equally to formal and informal dealings between councillors, staff and the community. The general **principles** upon which the code is based are:

Selflessness

Councillors and staff have a duty to make decisions solely in the public interest. They must not act to gain financial or other benefits for themselves, their family or friends. This means making decisions because they benefit the public, not because they benefit the decision maker.

Integrity

Councillors and staff must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their council duties.

Objectivity

Councillors and staff must make decisions solely on merit and in accordance with their statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits.

Accountability

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

Openness

Councillors and staff have a duty to be as open as possible about their decisions and actions, giving reasons for decisions and restricting information only when the wider public interest could be compromised by not restricting such information.

Honesty

Councillors and staff have a duty to act honestly. Councillors and staff must declare any private interests relating to their 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 codes 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

Leadership

Councillors and staff have a duty to promote and support these principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council.

Respect

Councillors and staff must treat other councillors and staff and the role they play with respect and courtesy at all times.

Efficiency and Economy

Councillors and staff have a duty to consider the financial implications of their actions and decisions. This applies equally to both tangible and intangible resources, including time and effort and potential litigation.

4. GENERAL CONDUCT OBLIGATIONS

4.1 General Conduct

4.1.1 Councillors and staff have an obligation to comply with the provisions of the *Local Government Act 1993*, the associated regulations and council's policies.

4.1.2 Councillors and staff must act ethically, lawfully, honestly and exercise a reasonable degree of care and diligence in carrying out functions under the *Local Government Act 1993* or any other Act. Councillors and staff must not act in a manner that is likely to bring Council or holders of civic office into disrepute.

4.1.3 Councillors and staff must treat all community members, other councillors and staff and the role they play with respect and courtesy at all times.

4.1.4 Councillors and staff must avoid behaviour, both within the confines of the Council Chambers and when representing Council at public meetings, that could be deemed to be an act of disorder or misbehaviour. This includes conduct that:

- Contravenes the *Local Government Act 1993* or associated regulations
- Is detrimental to the pursuit of the charter of a council
- 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
- Causes, comprises or involves prejudice in the provision of a service to the community
- Causes, comprises or involves improperly directing or influencing or attempting to direct or influence a member of the staff of the council or a delegate of the council in the exercise of the functions of the staff member or delegate.

<i>Related Legislation:</i>	<i>Local Government Act 1993, sections 8, 352, 439 & Schedule 6A</i> <i>NSW Anti-discrimination Act 1977</i>
<i>Staff Policy</i>	<i>Equal Employment Opportunity Policy (2005)</i>
<i>For further guidelines see:</i>	<i>Guidelines to Code of Conduct - 1 Guide to ethical decision making</i>

4.2 Fairness and Equity

4.2.1 Councillors and staff have an obligation to consider issues consistently, promptly and fairly. This involves dealing with matters in accordance with established procedures, in a non-discriminatory manner.

4.2.2 Councillors and staff must take into consideration all known and expected relevant facts and have regard to the particular merits of each case. Councillors and staff must not take irrelevant matters or circumstances into consideration when making decisions.

4.3 Harassment and Discrimination

Councillors and staff must not harass, discriminate, or support others who harass and discriminate against colleagues or members of the public on the grounds of sex, pregnancy, age, race (including their colour, nationality, descent, ethnic or religious background), political affiliation, marital status, disability, homosexuality or transgender.

<i>Related Legislation and Policy:</i>	<i>NSW Anti-discrimination Act 1977</i>
<i>Staff Policy</i>	<i>Equal Employment Opportunity Policy (2005)</i>

4.4 Alcohol and Other Drugs

Councillors and staff must not come to work, or return to work, or attend Council meetings, committees or functions, under the influence of alcohol or other drugs that impair their ability to make decisions or do their work, or cause danger to themselves or others.

<i>Staff Policy:</i>	<i>Drug and Alcohol Policy (2005)</i> <i>Occupational Health and Safety Policy (2005)</i>
<i>For further guidelines see:</i>	<i>Guidelines to Code of Conduct - 3 Alcohol and Drugs at Work</i>

4.5 Public Comment

4.5.1 Only the Lord Mayor, the General Manager, their delegate, or employees specifically delegated to do so, may make media or public comment on behalf of the Council.

4.5.2 Councillors are permitted to make public comment on behalf of the Council when authorized to do so by the Lord Mayor or by resolution of the Council.

4.5.3 As a member of the community Councillors and employees have the right to enter into public debate on political, professional and social issues. However Councillors and staff need to take care not to allow the impression to be gained that such comments are official comments on behalf of the Council.

Staff Policy:

Policy & Procedure for Contact by Staff with the Media (2006)

4.6 Development Decisions

4.6.1 It is the duty of Councillors and staff to ensure that development decisions are properly taken and that parties involved in the development process are dealt with fairly. Councillors and staff must not only avoid impropriety, but must at all times avoid any occasion for suspicion and any appearance of improper conduct.

4.6.2 In determining development applications, it is essential that councillors and staff are highly conscious of the potential for even the slightest impropriety to lead to suspicion of misconduct. Councillors and staff must ensure that no action, statement or communication with applicants or objectors conveys any suggestion of willingness to provide concessions, preferential treatment.

5. CONFLICTS OF INTEREST

5.1 General Principles

5.1.1 A conflict of interests exists when a council official could be influenced, or a reasonable person would perceive that the council official could be influenced, by a personal interest when carrying out their public duty.

5.1.2 Councillors and staff must appropriately resolve any conflict or incompatibility between their private or personal interests and the impartial performance of their public or professional duties.

5.1.3 Any conflict between personal interests and those of council must be resolved to the benefit of the community as a whole, and to the satisfaction of the council. When considering whether or not a conflict of interest exists, it is always important to think about how others would view the situation.

5.1.4 It is essential that Councillors and staff properly address conflict of interests issues that may arise. They must:

- Try to understand the concept and practical implications of conflict of interests issues
- Accept that failure to resolve an actual or reasonably perceived conflict of interest is unacceptable in local government
- Take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

5.1.5 Perceptions of a conflict of interests are as important as actual conflict of interests. The onus is on the individual to identify a conflict of interests, whether perceived or real, and take the appropriate action to resolve the conflict in favour of their public duty.

5.1.6 Where necessary, Councillors and staff must disclose an interest promptly, fully and in writing. If a disclosure is made at a council or committee meeting, both the disclosure and nature of an interest must be recorded in the minutes.

5.1.7 If Councillors and staff are in doubt whether a conflict of interests exists, they should seek legal or other appropriate advice.

<i>Related Legislation:</i>	<i>Local Government Act 1993, Chapters 11 and 14 Local Government (General) Regulation 2005, Part 8, Schedule 3</i>
<i>For further guidelines see:</i>	<i>Guidelines to Code of Conduct - 5 Pecuniary and non-pecuniary conflicts of interest 6 Political Support 7 Club/organisation membership; "Managing Conflicts of Interest in the Public Sector", ICAC, 2004</i>

5.2 Pecuniary Interests

The Local Government Act 1993 requires that if a pecuniary interest exists in a matter, Councillors and staff must not be involved in consideration or discussion of the matter in which they have an interest and must not participate in the decision-making process or vote on any question relating to the matter. Sections 449, 451 and 459 of the Local Government Act 1993 define minimum specific requirements for dealing with pecuniary interests. Where Councillors or staff have a pecuniary interest in a matter they must act in accordance with the provisions of the Local Government Act 1993.

5.3 Non-Pecuniary Interests

5.3.1 Where the interest is non-pecuniary Councillors and staff have a broader range of options for managing the interest. The option chosen will depend on an assessment of the circumstances of the matter, the degree of the interest and the significance of the issue being dealt with. The responsibility to recognise and resolve the conflict of interest is personal.

5.3.2 Councillors and staff must deal with a conflict of interests in at least one of these ways:

- Take no action because the potential for conflict is minimal. Councillors and staff should consider providing an explanation of why they consider a conflict does not exist
- Disclose the nature of the conflict
- Limit involvement if practical (for example, participate in discussion but not in decision making) or restrict access to all relevant information. Care needs to be taken when exercising this option
- Remove the source of the conflict (for example, relinquishing or divesting the personal interest that creates the conflict or reallocating the conflicting duties to another officer)
- Have no involvement by absenting from and not taking part in any debate or voting on the issue, particularly if the interest is significant
- Include an independent in the process of providing assurances of probity (for example, for tendering or recruitment selection panels)

5.4 Other Business or Employment

5.4.1 A member of staff who is considering outside employment that relates to the business of the council or that might conflict with their council duties, must notify and seek the approval of the relevant Group Manager in writing.

5.4.2 Members of staff must ensure that any outside employment or business they are engaging in or considering will not:

- Conflict with their official duties;
- Interfere with their Council Work;
- Involve using confidential information or Council resources obtained through their work with Council;
- Require them to work while on Council duty; and
- Discredit or disadvantage the Council.

Related Legislation:

Local Government Act 1993 (section 353)

Staff Policy

Secondary Employment Policy (2005)

For further guidelines see:

Guidelines to Code of Conduct - 8 Secondary employment

5.5 Political Support

Councillors should note that matters before council for determination that involve campaign donors or supporters have the potential to place the councillor in a position of having a pecuniary or non-pecuniary conflict of interest.

5.6 Personal Dealings as a Customer of Council

5.6.1 Councillors and staff may deal with council on a personal basis (for example, as a ratepayer, recipient of a council service or applicant for a consent granted by council). Councillors and staff must not expect or request preferential treatment for themselves or their family because of their position. Councillors and staff must avoid any action that could lead members of the public to believe that they are seeking or obtaining preferential treatment.

5.6.2 Councillors and staff from time to time lodge development applications with council. This may create problems, especially if there could be a perception that the assessment and/or determination has been undertaken partially.

5.6.3 In these circumstances Council will outsource the assessment of the application and the application will be determined by Council. The Councillor or staff member should not attempt to access information on the matter other than what they are entitled to as an ordinary applicant. Attempting to obtain "inside information" or continually making direct enquiries of Development Services Unit staff would be considered a conflict of interest.

5.7 Former Councillors and Staff

5.7.1 Councillors and staff must be careful in their dealings with former councillors and staff and make sure that they are not given, or appear to be given, favourable treatment or access to privileged information.

5.7.2 Former councillors and staff must not use, or take advantage of confidential information obtained in the course of their official duties that may lead to gain or profit. At the end of their involvement with council, Councillors and staff must:

- Return all council property, documents or items (keys, mobile phones etc)
- Not make public or otherwise use any confidential information gained as a consequence of your involvement with council.

5.8 Staff Political Participation

Council staff must ensure that any participation in political activities does not conflict with their primary duty as an employee to serve the council of the day in an impartial and politically neutral manner.

6. PERSONAL BENEFITS

6.1 Gifts & Benefits

6.1.1 Councillors and staff may accept gifts or benefits of a nominal or token value and providing that acceptance of the gift or benefit does not create a sense of obligation. If in doubt, advice should be sought from the relevant supervisor or manager, or alternatively the Internal Auditor or Group Manager.

6.1.2 If Councillors receive a gift of more than token value in circumstances where it cannot reasonably be refused or returned, they should accept the gift and disclose this promptly to the Mayor or General Manager. Staff who receive gifts under similar circumstances must disclose the gift to their supervisor or manager. The gift must be recorded in the Gift Register.

Token gifts

6.1.3 Generally speaking, token gifts and moderate acts of hospitality could include:

- Gifts of single bottles of reasonably priced alcohol to individual councillors and staff at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address),
- Free or subsidised meals, of a modest nature, and/or beverages provided infrequently (and/or reciprocally) that have been arranged primarily for, or in connection with, the discussion of official business,
- Free meals, of a modest nature, and/or beverages provided to councillors and staff who formally represent their council at work related events such as training, education sessions, workshops.
- Refreshments, of a modest nature, provided at conferences where councillors or staff are speakers
- Ties, scarves, coasters, tie pins, diaries, chocolates, flowers and small amounts of beverages
- Invitations to appropriate out of hours “cocktail parties” or social functions organised by groups, such as, council committees and community organisations

Gifts of value

6.1.4 Gifts and benefits that have more than a nominal or token value include (but are not limited to) tickets to major sporting events, corporate hospitality at a corporate facility at a sporting venue, discounted products for personal use, the frequent use of facilities such as gyms, use of holiday homes, free or discounted travel and free training excursions.

6.1.5 Councillors and staff must:

- Avoid situations in which the appearance may be created that any person or body, through the provision of hospitality or benefits of any kind, is securing or attempting to influence or secure a favour from a council official or the council.
- Take all reasonable steps to ensure that their immediate family members do not receive gifts or benefits that could appear to an impartial observer to be an attempt to influence or secure a favour. Immediate family members ordinarily include parents, spouses, children and siblings.

6.1.6 Councillors and staff must not:

- Seek or accept a bribe or other improper inducement
- By virtue of their position acquire a personal profit or advantage which has a monetary value, other than one of a token value
- Accept a personal offer of money, regardless of the amount
- Seek or accept any payment, gift or benefit intended or likely to influence, or that could be reasonably perceived by an impartial observer as intended or likely to influence them to:
 - act in a particular way (including making a particular decision)
 - fail to act in a particular circumstance
 - otherwise deviate from the proper exercise of their official duties.

6.1.7 Councillors and designated persons must by law disclose, in the disclosure of interests returns, a description of any gift or gifts totalling a value exceeding \$500 made by the same person or organisation during a period of 12 months or less.

6.1.8 Council accepts that councillors and staff will incur expenses in the performance of their public duties and undertakes to meet those costs and make appropriate reimbursement in accordance with any policy. Councillors and staff should only claim or accept travelling and sustenance expenses related to matters which have a direct bearing on the services, policies or business of the Council.

6.1.9 Council will not pay for the travelling, accommodation or sustenance expenses of spouses subject to any variation where special circumstances exist and as approved by the Lord Mayor or General Manager in accordance

with the provisions of the Local Government Act 1993.. In adopting this position, Council recognizes that it values family friendly principles. Council will assist Councillors and staff in the performance of their duties in accordance with these principles

<i>Related Legislation:</i>	<i>Crimes Act 1900 (NSW), sections 249B(1), 249B(2) and 249J Local Government (General) Regulation 2005, clauses 184 and 185 Local Government Act 1993, section 449;</i>
<i>Council Policy</i>	<i>Policy on Civic Office Expenses and Facilities (2005).</i>
<i>For further guidelines see:</i>	<i>Guidelines to Code of Conduct – 9 Gifts & Benefits; “Gifts Benefits, or Just Plain Bribes”, ICAC, 1999</i>

6.2 Improper and Undue Influence

6.2.1 Councillors and staff must not take advantage of their position to improperly influence other councillors and staff in the performance of their public or professional duties to secure a private benefit for themselves or for somebody else.

6.2.2 Councillors and staff must not take advantage (or seek to take advantage) of their status or position with, or functions performed for, council in order to obtain unauthorised or unfair benefit for themselves or for any other person or body.

7 RELATIONSHIPS BETWEEN COUNCILLORS AND STAFF

Councillors and staff are to promote collaborative working relationships in support of Council’s values of teamwork, customer service, and the provision of a safe and trusting workplace.

7.1 Obligations of Councillors

7.1.1 Council is a statutory corporation. The councillors are the governing body of the corporation. Councillors have the responsibility of directing and controlling the affairs of council in accordance with the Local Government Act 1993.

7.1.2 Councillors must:

- Only provide, by way of council or committee resolution, or by the Lord Mayor exercising their power under s226 of the *Local Government Act 1993*, proper and appropriate direction to the General Manager in the performance of council’s functions

- Refrain from, in any public or private forum, directing or improperly influencing, or attempting to direct or improperly 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
- Only contact a member of the staff of the council in accordance with the Policy for Interaction Between Councillors and Staff, and associated procedures adopted by Council and authorised by the General Manager
- Councillors must not involve themselves in issuing unlawful instructions to Council's tenderers, contractors and legal advisers
- Properly examine all the information provided to them relating to matters that they are dealing with, sufficient to make a decision on the matter in accordance with council's charter.

7.2 Obligations of Staff

7.2.1 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 council without delay.

7.2.2 Council staff have an obligation to:

- Provide courteous and timely advice when requested
- Give their attention to the business of council while on duty
- Ensure that their work is carried out efficiently, economically and effectively
- Carry out lawful directions given by any person having authority to give such directions
- In dealings with Councillors, abide by the requirements of the Policy for Interaction Between Councillors and Staff and associated procedures
- Give effect to the lawful policies, decisions and practices of the council, whether or not the staff member agrees with or approves of them.

Council Policy:

Policy for Interaction Between Councillors and Staff (2005)

7.3 Obligations During Meetings

7.3.1 Councillors and staff must act in accordance with Council's Code of Meeting Practice and the *Local Government (General) Regulation 2005* during council and committee meetings.

7.3.2 Councillors and staff must respect the chair, other councillors and staff and any members of the public present during council and committee meetings or other formal proceedings of the council regardless of the location.

<i>Related Legislation:</i>	<i>Part 10, Local Government (General) Regulation 2005</i>
<i>Council Policy</i>	<i>Code of Meeting Practice (Draft)</i> <i>Policy for Interaction Between Councillors and Staff (2005)</i>

7.4 Inappropriate Interactions

The following interactions are inappropriate:

- Staff being asked to answer questions or provide document to councillors who are overbearing or threatening;
- Staff approaching councillors directly (rather than via their Group Manager, staff representative or union delegate) on staffing or political issues;
- Staff refusing to give information, which is available to other councillors, to a particular councillor because of the staff member's or councillor's political views;
- Staff lobbying councillors to change resolutions of Council or to intervene in processes that are beyond the responsibility of the Councillor;
- Staff or Councillors who have an application before council discussing the matter with Development Service Unit staff without following the procedures contained in the Policy for Interaction Between Councillors and Staff;
- Staff providing advice to councillors without recording or documenting the interaction as they would if the advice was provided to a member of the community;
- Staff giving preferential service or acting improperly partial to one or more Councillors;
- Unreasonable approaches by councillors or staff outside the council building or outside hours of work to discuss council business;
- Staff or Councillors making threatening, rude or inflammatory comments about other Councillors or staff;
- Councillors approaching non-executive members of staff for information on sensitive or controversial matters;
- Councillors unreasonably approaching staff outside the council building or outside hours of work to discuss council business;
- Councillors who have a DA before council discussing the matter with staff in planning and development assessment areas of council;

- Councillors directing or pressuring staff in the performance of their work, or recommendations they should make;
- Councillors approaching staff directly for particular assistance or information (confidential or otherwise) not generally available to the public;
- Councillors becoming involved in the day-to-day operations of the Council.
- Councillors personally reprimanding staff, rather than discussing matter through the appropriate management channels.

8 ACCESS TO COUNCIL INFORMATION AND RESOURCES

8.1 Councillor Access to Information

Council staff must provide Councillors with records and information in accordance with the Policy for Interaction Between Councillors and Staff.

8.2 Use and Security of Council Information

8.2.1 It is important that councillors and staff carry out their duties in a manner that allows them, delegates and the public to remain informed about local government activity and practices. Councillors and staff have a responsibility to create and maintain adequate documentation to support the transparency and accountability of Council's operations.

8.2.2 Councillors and staff must:

- Protect confidential information
- Only access information needed for council business
- Not use confidential information for any non-official purpose
- Only release confidential information if they have authority to do so
- Only use confidential information for the purpose it is intended to be used
- Only release other information in accordance with established council policies and procedures and in compliance with relevant legislation.
- Not use council information for personal purposes.
- Not disclose any information discussed during a confidential session of a council meeting.
- Take care to maintain the integrity and security of confidential documents or information in their possession, or for which they are responsible.

- Comply with the Information Protection Principles and Health Privacy Principles, council's privacy management plan, the Privacy Code of Practice for Local Government, The Privacy and Personal Information Protection Act 1998 and the Health Records and information Privacy Act 2002. Personal information is information or an opinion about a person whose identity is apparent, or can be determined from the information or opinion.

8.2.3 Councillors and staff must not

- Use confidential information gained through their official position for the purpose of securing a private benefit for themselves or for any other person.
- Seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from any information to which they had access in the exercise of their official functions or duties by virtue of their office or position.
- Use confidential information with the intention of improperly causing harm or detriment to council.

<i>Related Legislation and Policy:</i>	<i>Local Government Act 1993, sections 11 – 13 incl. and sections 664 – 666 incl. Freedom of Information Act 1989 Privacy and Personal Information Protection Act 1998 Health Records and information Privacy Act 2002</i>
<i>Staff Policy:</i>	<i>Records Management Policy (2001)</i>

8.3 Use of Council Resources

8.3.1 Councillors and staff must

- Use council resources ethically, effectively, efficiently and carefully in the course of their public or professional duties, and must not use them for private purposes (except when supplied as part of a contract of employment or in accordance with council policy) unless this use is lawfully authorised and proper payment is made where appropriate.
- Be scrupulous in their use of council property, official services and facilities and should not permit their misuse by any other person or body.
- Avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for their own or any other person or body's private benefit or gain.

8.3.2 Councillors and staff must not

- Convert any property of the council to their own use unless properly authorised. All Council owned property must be returned to Council upon termination of office or employment with Council.
- Use council's internet and/or email services for purposes inconsistent with the normal daily business and research operations of council.
- Use council's computer resources to search for, access, download or communicate any material of an offensive, discriminatory, obscene, pornographic, threatening, abusive or defamatory nature. The use of Council's technology resources must be in accordance with any adopted Council policies.
- Use council resources, equipment and work time in relation to secondary employment or other business pursuits.

8.3.3 The interests of a councillor in their re-election is considered to be a personal interest and as such the reimbursement of travel expenses incurred on election matters is not appropriate. The use of council letterhead, council crests and other information that gives the impression it is official council material must not be used for these purposes.

8.3.4 Council staff must provide Councillors with access to Council premises in accordance with the Policy for Interaction Between Councillors and Staff.

<i>Related Legislation:</i>	<i>Policy on Civic Office Expenses and Facilities (2005)</i>
<i>Staff Policy:</i>	<i>Internet and Email Policy (2000)</i> <i>Mobile Phone Policy (2002)</i>
<i>For further guidelines see:</i>	<i>Guidelines to Code of Conduct - 11 Use of Resources and Equipment</i>

9 REPORTING BREACHES, INVESTIGATIONS AND SANCTIONS

9.1 Corrupt Conduct, Maladministration and Waste of Public Resources

9.1.1 Councillors and staff have an obligation to act honestly and to report any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources in accordance with Council's Internal Reporting Policy. Staff are to report to their Unit Manager, Group Manager, the Disclosures Co-ordinator or the General Manager. Councillors are to report to the Lord Mayor or the General Manager. Where necessary, the General Manager is obliged to refer matters to the ICAC, Ombudsman and/or the Police.

9.1.2 The Protected Disclosures Act 1994 provides certain protections against reprisals for councillors and staff who report such matters. It is an offence to take detrimental action against people who make such reports.

9.2 Reporting Breaches of the Code of Conduct

9.2.1 Councillors and staff also have an obligation to report suspected breaches of this Code of Conduct or any related policies to the General Manager.

9.3 Investigation of Breaches of this Code

9.3.1 Investigation procedures – staff conduct (excluding the General Manager)

The General Manager or their nominee will investigate alleged breaches of the Code of Conduct by council staff and others engaged by the Council and will determine the matter.

Where the General Manager has determined not to investigate a matter, the General Manager will give reasons in writing.

9.3.2 Investigation procedures – councillor and General Manager conduct

Where a councillor or member of staff believes that the General Manager has failed to comply with this code, the councillor should report the matter to the Lord Mayor who will, as appropriate, inform the General Manager and report the matter to the Conduct Committee.

Councillors must report suspected breaches of the code of conduct to the Lord Mayor and the General Manager in the first instance and refrain from making allegations at open council meetings.

Where appropriate, the General Manager will report the matter to the Conduct Committee. Where the General Manager has determined not to report the matter to the Conduct Committee, the General Manager will give the complainant the reason(s) in writing. All legal advice is to be obtained by the legal representative on the Conduct Committee.

9.3.3 Procedural Fairness

An investigation conducted by the General Manager or the Conduct Committee will follow the rules of procedural fairness. The investigator must:

- Inform the person/s against whose interests a decision may be made of any allegations against them and the substance of any adverse comment in respect of them
- Provide the person/s with a reasonable opportunity to put their case

- Hear all parties to a matter and consider submissions
- Make reasonable inquiries or investigations before making a decision
- Ensure that no person decides a case in which they have a direct interest
- Act fairly and without bias
- Conduct the investigation confidentially and without undue delay, and
- Neither confirm nor deny the investigation or any matters relating to the investigation in any enquiries from the media.

9.4 Conduct Committee

9.4.1 Council's conduct committee is established under section 355 of the Local Government Act 1993 and consists of the Lord Mayor, the General Manager, a legal adviser from a panel of alternating legal service providers, and the Superintendent of Parramatta Mission, as an independent community representative. In the instance of a complaint being made against the Lord Mayor or the General Manager, the Deputy Lord Mayor will take the place of the Lord Mayor or General Manager on the committee.

9.4.2 Council's Conduct Committee will be responsible for the investigation of allegations of breaches of the code of conduct by councillors and the General Manager, and must either:

- Determine not to make enquiries into the allegation and give reasons in writing, or
- Investigate the alleged breach to determine the particular factual matters, or
- Engage an independent person to investigate the allegation to determine the particular factual matters.

9.4.3 Council's Conduct Committee must decide whether a matter reported to it under this policy reveals a prima facie breach of this code. If an investigation fails to reveal a breach of the Code of Conduct, the Committee is not obliged to report the results to Council. If an investigation reveals a breach of this policy, the Committee is to report the matter to Council, the complainant and the person subject of the complaint.

9.4.4 The Conduct Committee may recommend that council take any actions provided for in this policy that it considers reasonable in the circumstances.

10 STAFF MISBEHAVIOUR AND SANCTIONS

10.1 Sanctions for staff depend on the severity, scale and importance of the breach and must be in accordance with Council's Enterprise Agreement, relevant awards and agreements, and contracts.

10.2 Where the General Manager or their nominee finds that a member of staff has breached the code, action taken may include:

- Require the staff member apologise to any person adversely affected by the breach
- Counsel or reprimand the staff member
- Refer the matter to an appropriate investigative body if the matter is serious (for example, the Department of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police)
- Instigate dismissal procedures
- Prosecute for any breach of law.

11 COUNCILLOR MISBEHAVIOUR AND SANCTIONS

11.1 Where the council finds that a councillor has breached the code, it may decide by resolution to:

- Require the councillor to apologise to any person adversely affected by the breach
- Counsel the councillor
- Reprimand the councillor
- Censure the councillor
- Make public disclosures of inappropriate conduct
- Refer the matter to an appropriate investigative body if the matter is serious (for example, the Department of Local Government, the Independent Commission Against Corruption, the NSW Ombudsman or the NSW Police)
- Prosecute for any breach of law.

11.2 For the purposes of Chapter 14, Part 1, Division 3 of the Local Government Act 1993, failure by a councillor to comply with an applicable requirement of this code of conduct constitutes misbehaviour. (*section 440F*)

11.3 Under section 440G a council may by resolution at a meeting formally censure a councillor for misbehaviour.

11.4 Under section 440H, the process for the suspension of a councillor from civic office can be initiated by a request made by council to the Director General of the Department of Local Government.

11.5 The first ground on which a councillor may be suspended from civic office is where the councillor's behaviour has been disruptive over a period, involving more than one incident of misbehaviour during that period, and the pattern of behaviour during that period is of such a sufficiently serious nature as to warrant the councillor's suspension.

11.6 Council cannot request suspension on this ground unless during the period concerned the councillor has been:

- formally censured for incidents of misbehaviour on two or more occasions, or
- expelled from a meeting of the council or a committee of the council for an incident of misbehaviour on at least one occasion.

11.7 The second ground on which a councillor may be suspended from civic office is where the councillor's behaviour has involved one incident of misbehaviour that is of such a sufficiently serious nature as to warrant the councillor's suspension.

11.8 Council cannot request suspension on this ground unless the councillor has been:

- formally censured for the incident of misbehaviour concerned, or
- expelled from a meeting of the council or a committee of the council for the incident of misbehaviour concerned.

11.9 Under section 440H, the process for the suspension of a councillor can also be initiated by the Department of Local Government, the Independent Commission Against Corruption or the NSW Ombudsman.

