



PITTWATER COUNCIL

Code of Conduct

For Representatives on Council's Reference Groups

Administration & Governance

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Revision History

Revision	Date	Comment
V1a	1 June 2009	Original document developed

1.0 Introduction

Pittwater Council acknowledges and thanks you for the commitment that you have expressed in applying for membership of a Council Reference Group.

The formation of Council's Reference Groups allows the broader community a further opportunity, through you as its representative, to guide Council in its future decisions at a strategic level.

This Code forms part of the general obligations imposed by Pittwater Council's *Code of Conduct* on persons participating in the decision making process of Council, to act honestly and to exercise a degree of care and diligence in carrying out their responsibilities as a member of a Council reference group.

This Code sets the minimum standard of behaviour that is expected to be adhered to by reference group members.

Reference Groups have been delegated under Section 377 of the Local Government Act 1993, with the function of considering and resolving on matters involving goals and initiatives contained in the following key directions of Council's Strategic Plan:-

- Supporting and Connecting our Community and Enhancing our Working and Learning
- Valuing and Caring for our Natural Environment
- Leading an Effective and Collaborative Council
- Integrating our Built Environment

Decisions (Reference Points) of Reference Groups will be referred to the corresponding Principal Committee of the Council for consideration.

2.0 Purpose of the Code

To assist persons participating in the decision making process as reference group members to:-

- Meet their duty to act honestly and to exercise a reasonable degree of care and diligence
- Provide a means of identifying and resolving situations which may involve conflict of interest issues or improper use of their role as a reference group member
- Act in a way which enhances public confidence in the integrity of Pittwater Council.
- Help promote Council as an ethical and progressive organisation, and
- Protect and promote each members standing within the community

3.0 Council's Values

As a member of a Council reference group you are expected to abide by and promote Council's values of:-

3.1 Respect

Key concepts: trust, understanding, support, responsive

We will promote an environment of respect through valuing other people. We will be open minded; encouraging and recognising others for their contribution, knowledge and experience.

3.2 Communication

Key concepts: teamwork, collaboration, consultation, responsibility

We will strive for clear, open communication by careful listening, sharing of information and responding in a timely manner to achieve greater understanding and the best outcomes.

3.3 Ethics

Key concepts: equality, honesty, transparency, responsibility, ownership

Our approach will be honest and transparent and our decisions will be fair and equitable. We will manage our finances responsibly and work within legislative requirements.

3.4 Quality

Key concepts: professionalism, innovation, continuous improvement, ownership, learning

We will use our skills, knowledge, and professionalism to strive for excellence. We will foster a culture of continuous learning, improvement and innovation and build a solid foundation for the future.

4.0 Guide to Ethical Decision Making

If you are unsure about the ethical issues around an action or decision you are about to take, you should consider these six points:

- Is the decision or conduct lawful?
- Is the decision or conduct consistent with council's policy and with council's objectives and the code of conduct?
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?
- How would you feel if the decision or conduct was reported on the front page of a newspaper or appeared on television?

5.0 General Conduct Obligations

- 5.1 You must not conduct yourself in carrying out your functions in a manner that is likely to bring the council into disrepute. Specifically, you must not act in a way that:
- a) contravenes the Local Government Act, associated regulations, council's relevant administrative requirements and policies
 - b) is detrimental to the pursuit of the charter of a council
 - c) 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 to an individual
- 5.2 You must act lawfully and honestly and treat others with respect at all times, and
- 5.3 You must not be under the influence of alcohol or drugs while attending a meeting, function or activity while acting in the capacity as a member of a reference group.

6.0 Bribes, Gifts And Benefits

- 6.1 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 money, regardless of the amount.
- 6.2 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 the Reference Group's Chairman or the General Manager. You must then ensure that any gift or benefit of more than token value that are received are recorded in Pittwater Council's Gifts Register. The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical.
- 6.3 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 Reference Group.
- 6.4 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.

7.0 Conflicts of Interest

- 7.1 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 duty as a reference group member.
- 7.2 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 duty as a member of a reference group.
- 7.3 Any conflict of interest must be managed to uphold the probity of Council's decision-making. When considering whether or not you have a conflict of interest, it is always important to think about how others would view your situation.
- 7.4 Private interests can be of two types: pecuniary or non-pecuniary.

7.5 Pecuniary interest

7.51 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.

7.52 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.

7.53 Pecuniary interests are regulated by Chapter 14, Part 2 of the Local Government Act 1993. ("The Act"). The Act requires that members of council committees disclose an interest and the nature of that interest at a meeting, leave the meeting and be out of sight of the meeting and not participate in discussions or voting on the matter.

7.6 Non-pecuniary conflict of interests

7.61 Non-pecuniary interests are private or personal interests a reference group member 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.

7.7 Managing non-pecuniary conflict of interests

Where you have a non-pecuniary interest that conflicts with your role as a reference group member, you must disclose the interest fully and in writing, even if the conflict is not significant. You must do this as soon as practicable.

- 7.8 If a disclosure is made at a Reference Group meeting, both the disclosure and the nature of the interest must be recorded in the minutes.

- 7.9 How you manage a non-pecuniary conflict of interests will depend on whether or not it is significant.
- 7.10 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) a relationship between a reference group member 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
 - b) 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
 - c) an affiliation between the reference group member and an organisation, sporting body, club, corporation or association that is particularly strong. i.e. Executive Committee member
- 7.11 If you are a reference group member, and you have disclosed that a significant non-pecuniary conflict of interests exists, you must manage it in one of two ways:
- a) remove the source of the conflict, by relinquishing or divesting the interest that creates the conflict, or reallocating the conflicting duties to another reference group member
 - b) have no involvement in the matter, by absenting yourself from and not taking part in any debate or voting on the issue
- 7.12 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.

8.0 Access to Information

- 8.1 Reference Group members have the same right of access to Council information as any member of the public under the Local Government Act 1993, Freedom of Information Act 1989, Privacy and Personal Information Act 1999 and Environmental Planning and Assessment Act 1979.
- 8.2 Reference Group members have a right to information that is necessary for exercising the reference group's functions. Members seeking information on policy issues or operational matters, directly relating to a matter under consideration by the reference group, and in the exercise of their role as a reference group member, should contact either the relevant Chairperson of the reference group or the General Manager.
- 8.3 Subject to the nature of the request, the reference group member may be required to complete an access to information application.

9.0 Staff Contact

In dealing with Council officers, reference group members must generally restrict their dealings to normal working hours, must not use over bearing or threatening behaviour and respect that officers may not be able to provide all information requested.

10.0 Reporting of Improper Conduct

Any member of a reference group who becomes aware of or has good reason to suspect improper or unfair conduct by any reference group member should immediately report such conduct to the Chairperson, the General Manager or Council's Public Officer.

11.0 Use of Information

A reference group member must:-

- Conduct themselves in a manner which allows all members of the community involved with the reference group to be fully and accurately informed on issues involving the reference group
- NOT disclose official information or documents acquired as a consequence of membership of the reference group, other than is required by law or when the member has been given proper authority to do so.
- NOT use any information, which has been specifically supplied under the heading of "confidential" that might be acquired by the reference group member, to pursue a vested interest or gain a personal benefit.
- NOT divulge or communicate any personal information, or information which has been specifically supplied under the heading of "confidential", to anyone other than another reference group member.

12.0 Breaches of this Code

Depending on the nature of the breach any of the following sanctions may be applied by Council:-

- The reference group member may be asked to explain his/her particular actions in writing.
- Formal counselling
- Removal of the member from the reference group

Any serious breach may also be referred to an external investigative body for further action. I.e ICAC, Police, Ombudsman

13.0 Further Information

All question/s in relation to this code may be directed to:

Council's Manager - Administration and Governance, and Public Officer,
Mr Warwick Lawrence.

In Writing: PO Box 882, Mona Vale NSW 1660

Phone: 9970 1112 (bh) 0428 665 550 (mob)



Service



- achieve excellent customer service
- strive to exceed

Communication



- communicate openly and clearly
- listen to others

Respect



- respect and value others
- work as a team

Wellbeing



- seek wellbeing in both work and personal lives

Leadership



- learning, coaching, mentoring
- everyone as a leader - inspire others

Integrity



- act honestly and transparently
- maintain confidentiality