**Date:** Thursday 22 March 2018  
**Time:** 9.30am  
**Meeting Room:** Reception Lounge  
**Venue:** Auckland Town Hall  
301-305 Queen Street  
Auckland

---

**Tira Kāwana / Governing Body**

**OPEN ATTACHMENTS**

**ADDITIONAL ATTACHMENTS UNDER SEPARATE COVER**

---

<table>
<thead>
<tr>
<th>ITEM</th>
<th>TABLE OF CONTENTS</th>
<th>PAGE</th>
</tr>
</thead>
<tbody>
<tr>
<td>18</td>
<td>Summary of Governing Body information memos and briefings - 22 March 2018</td>
<td></td>
</tr>
<tr>
<td></td>
<td>A. Memo - World War 1 Mayoral Advisory Group: report back to Governing Body</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>B. Code of Conduct Workshop Minutes</td>
<td>3</td>
</tr>
</tbody>
</table>

---

**Note:** The attachments contained within this document are for consideration and should not be construed as Council policy unless and until adopted. Should Councillors require further information relating to any reports, please contact the relevant manager, Chairperson or Deputy Chairperson.
Memorandum

To: All Councillors
From: Mayor Phil Goff
Subject: Te Takuahi – First World War Centenary Memorial Art Work Project

The following is an update on the current state of Te Takuahi – our First World War Centenary Memorial Art Project that is proposed for the Auckland Domain.

It updates the material considered at the 23 November 2017 meeting of the Governing Body where we resolved that the completion date for the project would be mid 2019 – being 100 years following the Commemoration of Peace following the First World War.

Design:

- Our designers, Wraight Athfield have completed developed drawings and associated cost estimates.
- An application was lodged for resource consent in January 2018. The decision is currently pending.
- Detailed designs leading to an application for a building consent are currently being prepared. This process involves iwi with respect to the interpretive artworks.

Schedule:

- April 2018 Application for Authority to modify to be lodged with the Historic Places Trust for the authority to excavate on the site
- May – June 2018 Lodgement and processing of the building consent
- June – Sept 2018 Tender period for the physical works
- Dec 2018 – April 2019 Construction

Communications:

- In developing final designs our designers, Wraight Athfield, completed a range of briefings and joint working sessions with affected parties.
- In December 2017 stakeholders associated with the project were briefed on the status and progress of the project advising that a lodgement for resource consent was pending.

Funding:

- An application for further funding will be lodged with the Lotteries Commission by March 21.
Minutes of a workshop of the Governing Body held in the Reception Lounge, Auckland Town Hall, Auckland on Wednesday, 15 March 2018 at 12.09pm.

PRESENT
Hon Phil Goff, CNZM, JP
Cr Josephine Bartley
Cr Bill Cashmore
Cr Cathy Casey
Cr Ross Clow
Cr Linda Cooper, JP
Cr Chris Darby
Cr C Fletcher
Cr Richard Hills
Cr Penny Hulse
Cr Daniel Newman, JP
Cr Desley Simpson, JP
Cr Sharon Stewart
Cr John Walker
Cr Wayne Walker

From 12.18pm
From 12.28pm
From 12.29pm
From 12.12pm
From 12.42pm.
From 12.24pm

APOLOGIES
Cr Fa’anana Efeso Collins
Cr Alf Filipaina
Cr Mike Lee
Cr Dick Quax
Cr Greg Sayers
Cr John Watson

On council business
On council business

IN ATTENDANCE
Angela Dalton
Shane Henderson

Chair, Manurewa Local Board
Chair, Henderson-Massey Local Board

Note: No decisions or resolutions may be made by a Workshop or Working Party, unless the Governing Body or Committee resolution establishing the working party, specifically instructs such action.
Purpose:
The purpose of the meeting is:
- for the Governing Body to provide guidance on the review of the Elected Members Code of conduct, specifically:
  - areas of the code of conduct that need to be changed;
  - new provisions; and
  - the format of the new code

Apologies
Apologies from Cr A Filipaina, Cr M Lee, Cr D Quax and Cr G Sayers for absence, Cr E Collins and Cr J Watson for absence on council business, were noted.

Declaration of Interest
There were no conflicts of interest.

Cr R Hills joined the meeting at 12.12pm.

Code of Conduct
Marguerite Delbet

A PowerPoint presentation was given. A copy is attached to the official minutes.

Process and timeframe for the review
Specific areas for change:
- Presentation of the document
- Key principles
- Categorisation of breaches
- Role of leadership
- Resolution process
- Elected Members buy-in
Cr R Clow joined the meeting at 12.18pm.
Cr J Walker joined the meeting at 12.24pm.
Cr C Darby joined the meeting at 12.26pm.
Cr C Fletcher joined the meeting at 12.29pm.
Cr D Newman joined the meeting at 12.42pm.
Cr E Collins joined the meeting at 1.23pm.

The workshop closed at 1.27pm.
Review of Elected Members Code of Conduct
Governing Body Workshop
15 March 2018
Purpose of today

Provide guidance on:
- areas of the code of conduct that need to be changed
- new provisions
- the format of the new code
Background

- The current code was last reviewed in 2013
- A stock take of current issues was undertaken in 2017
- Governing Body agreed to review the code of conduct at February meeting
## Process & timeframe

<table>
<thead>
<tr>
<th>What?</th>
<th>When?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Initial comments sought at Governing Body workshop and Local Boards cluster meetings</td>
<td>March</td>
</tr>
<tr>
<td>Staff present first proposal including comments from Local Boards and Governing Body for consideration by the Joint Working Party</td>
<td>11 April</td>
</tr>
<tr>
<td>First proposal formally presented to Local Boards for their comments</td>
<td>April - May</td>
</tr>
<tr>
<td>- Opportunity for the public to make submissions to local boards</td>
<td></td>
</tr>
<tr>
<td>- Invitation for public submissions through OurAuckland</td>
<td></td>
</tr>
<tr>
<td>Staff present second proposal for consideration by the Joint Working Party</td>
<td>20 June</td>
</tr>
<tr>
<td>Second proposal presented to Governing Body workshop for feedback</td>
<td>July</td>
</tr>
<tr>
<td>Final recommendation to Governing Body</td>
<td>23 July</td>
</tr>
</tbody>
</table>
Sections of current code

1. Interpretation
2. Legal background
3. Auckland context
4. Objectives
5. Key principles
6. Roles and responsibilities
7. Relationships and behaviour
8. Compliance (process for complaints)
   • Appendix: Council’s conflicts of interest policy
Section 7 - relationships and behaviour

1. Relationships with other members
2. Relationships with CE and staff
3. Relationships with the community
4. Governing body and local board relationships
5. Contact with the media
6. Confidential information
7. Conflicts of interest
8. Ethics
9. Other matters of conduct
   • Dress code
   • Meeting attendance
   • Pre-election period
Areas for change

Attachment B

Item 18
Issue 1: categorisation of breaches

- Currently section 7 of the code outlines the types of breaches that can be subject to a complaint
  - Statutory – for example criminal offence, dealt with under other legislation
  - Non-statutory
  - Relationship / behaviour
    - Between EMs
    - Between EM and staff
    - Between EM and public
  - Conflict of interest of non-pecuniary nature
  - Leaking of confidential information
  - Disclosure of inaccurate information
- There is no definition of materiality
- There is no specified consequences for different types of breaches

Proposals
- Not contributing fairly to the business of council becomes a breach
- Include materiality thresholds
- Introduce processes for dealing with an alleged breach that are appropriate for the type, or seriousness, of the breach
- Introduce different consequences depending on materiality
Issue 2: role of leadership

- Currently the Mayor, Deputy Mayor, committee chairs and local board chairs have no explicit role in complaint resolution.
- In the previous code both the Mayor and Chief Executive could consider complaints concerning a GB member and either try to resolve it by mediation or refer it to the Independent Review Panel

Proposal

- Explicitly state the leadership role of the Mayor, Deputy Mayor and local board chairs and involve them in assessing complaints where appropriate
Issue 3: lodging and reporting complaints

- Currently complaints must be lodged with the Chief Executive

Proposals
- Keep as is
- Add that staff can also raise complaints through the “speak up” channels, and that complaints addressed to the Mayor or a Local Board chair can also be accepted by the Chief Executive
- Clarify the process for dealing with the complaint, eg one single central repository, what happens after a complaint is received
- Clarify situations when the Chief Executive can decline a complaint if it is not related to the code, frivolous or vexatious
- Create a body of “case law” by documenting each complaint to build good practice
- Include a regular reporting requirement on complaint numbers, types and resolutions to the Audit and Risk Committee
Issue 4: resolution process

- Currently the resolution process is high level and does not reflect current practice
- Most of the complaints are resolved by senior staff mediating between the parties
- The independent review panel is costly and has not been used for many years
Issue 4: resolution process – ct’d

Proposals

• Include a requirement for elected members to try and solve issues between themselves before they lodge a complaint
• Acknowledge and deal with conflict of interest complaints from members of the public but do not involve them in any mediation process
• Make explicit the role of the Mayor, Deputy Mayor, Chairs and senior staff in resolving complaints
• Introduce use of independent “ombudsman” to resolve complaints and make recommendations on sanctions
• Keep three-member panel but as a last resort for serious breaches
• Publicly notify the report findings and recommendations by placing them on an agenda
• Governing Body or Local Board makes the final decision on sanctions in public,
• If privacy and natural justice requirements require that decisions be made in confidential, add requirement to publish the report and decisions in the minutes
Issue 5: sanctions

Currently sanctions are limited and not binding

Proposals

- Making process more public to act as a deterrent
- Introduce more specific sanctions like NSW:
  - Undertake training or other education
  - Counselling
  - Removed from committees
  - Required to apologise, if relevant in public
  - Formal vote of censure at a meeting
Issue 6: elected members’ buy-in

- Currently the Local Government Act 2002 only requires all members to abide by the Code of conduct but a breach is not an offence under the Act

Proposals
- Requirement for elected member to accept final decision of Governing Body or Local Board
- Requirement to attend training on the expectations of the code of conduct at the beginning of each term
- Requirement to sign acceptance of the code of conduct at the beginning of each term
Item 18

Attachment B

Format of the new code
STANDARDS OF
INTEGRITY & CONDUCT
A code of conduct issued by the State Services Commissioner
under the State Sector Act 1988, section 57

WE MUST BE
FAIR, IMPARTIAL,
RESPONSIBLE &
TRUSTWORTHY

The State Services is made up of many organisations with
powers to carry out the work of New Zealand’s democratically
elected governments.

Whether we work in a department or in a Crown entity, we must act
with a spirit of service to the community and meet the same
high standards of integrity and conduct in everything we do.

We must comply with the standards of integrity and conduct
set out in this code. As part of complying with this code, our
organisations must maintain policies and procedures that
are consistent with it.

For further information see
www.ssc.govt.nz/code

FAIR
We must:
- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand
  and all its people

IMPARTIAL
We must:
- maintain the political neutrality required to enable us to work with
current and future governments
- carry out the functions of our organisation, unaffected by our
  personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day

RESPONSIBLE
We must:
- act lawfully and objectively
- use our organisation’s resources carefully and only for
  intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation

TRUSTWORTHY
We must:
- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal
  interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any
  obligation or perceived influence
- avoid any activities, work or non-work, that may
  harm the reputation of our organisation or of
  the State Services

The Model Code of Conduct
for Local Councils in NSW
October 2017

CONSULTATION DRAFT

Attachment B
Item 18
## Approach: principle-based or rule-based?

<table>
<thead>
<tr>
<th>Principle-based</th>
<th>Rules-based</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>SSC code of conduct</strong></td>
<td><strong>NSW code of conduct</strong></td>
</tr>
<tr>
<td>• 1 page</td>
<td>• Comprehensive document</td>
</tr>
<tr>
<td>• 3-5 clear, crisp, positive standards</td>
<td>• Musts and must nots</td>
</tr>
<tr>
<td>• Clear statements of what is not acceptable</td>
<td>• Needs to be exhaustive to cover all circumstances</td>
</tr>
<tr>
<td>• Supporting information in separate document or appendices (e.g., complaint process, materiality of breaches, election year and confidential information policies)</td>
<td>• Different policies are chapters of the code</td>
</tr>
</tbody>
</table>
Principle-based – what it could look like

1. Respect
   - Treat other members, staff and the public fairly and with respect and courtesy
   - Act professionally in a way that builds public trust and respect in the council
   - Focus on issues, not personalities
   - Respect decisions once they are made
   - Don’t misrepresent other members or the council

   *Bottom line: zero tolerance for discrimination, bullying, harassment and misrepresentation*

2. Integrity
   - Behave openly, ethically and with integrity in a way that best serves the public interest
   - Ensure council resources are used prudently and for lawful purposes
   - Uphold the law on all occasions
   - Don’t disclose confidential information
   - Honour Te Tiriti o Waitangi

   *Bottom line: zero tolerance for dishonest, unlawful or unethical behaviour and for leaking information*

3. Impartiality
   - Make robust and unbiased decisions, in accordance with statutory obligations and with an open mind.
   - Act with fairness to all
   - Make decisions for the benefit of the public, not yours
   - Declare private interests or personal benefits and address conflicts of interest

   *Bottom line: zero tolerance for undeclared interests and unmanaged conflicts of interest*

4. Team work
   - Be accountable to the public for joint decision-making
   - Take ownership of your own actions, decisions and comments
   - Contribute equitably and take your fair share of the workload
   - Acknowledge the designated roles and responsibilities of others

   *Bottom line: zero tolerance for undermining colleagues and bringing the council into disrepute*
STANDARDS OF INTEGRITY & CONDUCT

A code of conduct issued by the State Services Commissioner under the State Sector Act 1988, section 57

WE MUST BE FAIR, IMPARTIAL, RESPONSIBLE & TRUSTWORTHY

The State Services is made up of many organisations with powers to carry out the work of New Zealand’s democratically elected governments.

Whether we work in a department or in a Crown entity, we must act with a spirit of service to the community and meet the same high standards of integrity and conduct in everything we do.

We must comply with the standards of integrity and conduct set out in this code. As part of complying with this code, our organisations must maintain policies and procedures that are consistent with it.

For further information see www.ssc.govt.nz/code

FAIR

We must:
- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people.

IMPARTIAL

We must:
- maintain the political neutrality required to enable us to work with current and future governments
- carry out the functions of our organisation, unaffected by our personal beliefs
- support our organisation to provide robust and unbiased advice
- respect the authority of the government of the day.

RESPONSIBLE

We must:
- act lawfully and objectively
- use our organisation’s resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

TRUSTWORTHY

We must:
- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.
Understanding the code of conduct
– Guidance for State servants

State Services Commission
First published June 2007, latest revision April 2010

ISBN: 978-0-478-30313-1

Please note that any printed copies of this document may not reflect current guidance. The most up-to-date guidance material can be found at
www.ssc.govt.nz/code-guidance-stateservants
About this guidance................................................................................................................................. 3
The code of conduct’s introductory statement ......................................................................................... 3

FAIR
We must treat everyone fairly and with respect......................................................................................... 6
We must be professional and responsive .................................................................................................. 7
We must work to make government services accessible and effective................................................. 8
We must strive to make a difference to the well-being of New Zealand and all its people...9

IMPARTIAL
We must maintain the political neutrality required to enable us to work with current and future governments.................................................................................................................. 10
We must carry out the functions of our organisation, unaffected by our personal beliefs... 13
We must support our organisation to provide robust and unbiased advice.................................. 14
We must respect the authority of the government of the day................................................................. 15

RESPONSIBLE
We must act lawfully and objectively...................................................................................................... 18
We must use our organisation’s resources carefully and only for intended purposes ............... 19
We must treat information with care and use it only for proper purposes .................................. 21
We must work to improve the performance and efficiency of our organisation....................... 23

TRUSTWORTHY
We must be honest .................................................................................................................................... 24
We must work to the best of our abilities.............................................................................................. 25
We must ensure our actions are not affected by our personal interests or relationships...... 26
We must never misuse our position for personal gain ........................................................................ 28
We must decline gifts or benefits that place us under any obligation or perceived influence ................................................................................................................................. 29
We must avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services ........................................................................................................... 30

Appendix One: What it means to be professional in the State Services - an outline of professional behaviour ... 32
About this guidance

This guidance will help understanding of the code of conduct issued by the State Services Commissioner, Standards of Integrity and Conduct. The guidance is made up of explanations for each of the standards, and for the code’s introductory statement. It has been written for people working in the State Services, providing information about the conduct expected of them. Most will probably access the guidance online. There are hyperlinks within the guidance, reflecting the mutually supporting nature of the standards. There are further hyperlinks from the explanations to other relevant material.

Standards of Integrity and Conduct is phrased in aspirational terms. Almost all of it has equal application to people working in Crown entities and those in departments. Although organisations must comply with the standards, this guidance is not mandatory. It outlines general principles that should be applied with judgement, and with a regard for:

- the spirit of service to the community
- the obligation organisations have as part of executive government
- the role of the State Services in supporting parliamentary democracy, and
- the value of State servants having a lively interest in political matters.

While the spirit of service to the community underlies this code of conduct, the code is not intended as a charter establishing service standards that the public may demand of the State Services. The code of conduct sets standards of behaviour expected of State servants. This guidance gives context to those standards.

The code of conduct’s introductory statement

The introductory statement in Standards of Integrity and Conduct highlights the role of the State Services in supporting parliamentary democracy. It explains why the same standards of integrity should apply to everyone working for State Services organisations and indicates that the code of conduct is not, on its own, sufficient to ensure that everyone meets these standards. There is a need for all organisations to have policies and procedures that put the standards into practice. The introduction forms part of the code of conduct.

The State Services is made up of many organisations

The definition of the State Services¹ includes departments and Crown entities. However, the Crown entities that are subject to the State Services Commissioner’s mandate² to set minimum standards of integrity and conduct are categorised³ as:

- statutory entities (comprising independent Crown entities, autonomous Crown entities and Crown agents; but excluding tertiary education institutes, Crown Research Institutes, and their subsidiaries)
- Crown entity companies
- Crown entity subsidiaries

¹ State Sector Act 1988, section 2
² Op. cit., section 57
• school boards of trustees. (However, the code does not apply to school boards of trustees.)

The State Services Commissioner has applied the code to the organisations listed at: www.ssc.govt.nz/code-organisations/

Government is made up of three branches – the legislature, the judiciary and the executive. All organisations in the State Services form part of executive government. Regardless of whether an organisation is a department or any form of Crown entity, a Minister has responsibility for it and the organisation is accountable through that Minister to Parliament. This guidance refers to executive government responsibilities as a reminder of the part that State Services organisations play in the “whole of government”. In the code of conduct, and in this guidance, a part of the State Services is referred to as an “organisation” instead of using the statutory term of “agency”.

**We must act with a spirit of service**

All departments and statutory Crown entities are required by statute to act with a spirit of service. The reference to the spirit of service in the Long Title to the State Sector Act\(^4\) reflects its importance. Public Service chief executives, who are appointed having regard to their willingness to imbue their employees with a spirit of service to the community\(^5\), must ensure that those employees then maintain concern for the public interest\(^6\).

Boards of statutory Crown entities are required to ensure that their organisation performs in a manner consistent with the spirit of service to the public\(^7\).

**We must comply with the standards of integrity and conduct**

The standards set by the code of conduct relate to matters of integrity and conduct. Integrity is the inclusive and all-embracing description of these ethical requirements. The headings under which the standards have been grouped – Fair, Impartial, Responsible and Trustworthy – are indicative of integrity. Integrity itself is pervasive and implicit in all the standards.

Many organisations have values statements or express their service commitment in terms of principles and values. Obligations in the code of conduct to be Fair, Impartial, Responsible and Trustworthy should not detract from using these other arrangements also, to promote integrity.

**Our organisations must maintain policies and procedures**

The code of conduct recognises that the State Services is made up of a wide range of organisations. In some Crown entities and at junior levels in most organisations, there is little direct connection with Ministers and the political process. Where that is the case, explanations about standards of impartiality and political neutrality may have limited relevance. Those explanations are much more relevant for managerial staff and others with extensive contacts with Ministers. However, most of the code of conduct has direct and continuing application to everyone in the State Services.

---

\(^4\) Op. cit., Long Title, paragraph (a)
\(^5\) Op. cit., section 35(12x)b
\(^6\) Op. cit., section 56(3)
\(^7\) Crown Entities Act 2004, section 50
Where the State Services Commissioner has applied the code, the “agency (including its employees) must comply”\(^8\). The conduct of everyone will be expected to reflect the standards. The boards of Crown entities and the chief executives of departments need to determine the extent to which people working for their organisation who are not employees should also be legally required to meet the standards.

Organisations are responsible for ensuring that integrity requirements form part of employment and contracting relationships (or in the case of volunteers and students, other agreements that give access to organisational resources). These need not necessarily require full compliance with the code of conduct. However, organisations must make sure that everybody working for them knows what is expected. Because professional ethics may also influence the way standards of integrity are managed, organisations should take these matters into account when setting out employment obligations.

Organisations will need to be continually alert to integrity concerns and to review and revise the way they give effect to the standards. In this way, by meeting the requirements of their organisations, everyone working in them will play their part in maintaining the integrity of the State Services.

Each organisation is encouraged to promote awareness of the code of conduct and the behavioural expectations that flow from it. The introduction to the code of conduct indicates that organisations must maintain policies and procedures by which they can give effect to the standards. Complying with the code of conduct includes meeting that requirement.

In satisfying this requirement to have appropriate policies and procedures that are consistent with the standards of the code of conduct, each organisation may develop additional or detailed provisions that are pertinent to its circumstances. This is the process, anticipated in the State Sector Act\(^9\), by which an organisation will issue its own code, incorporating the standards and building on them with detail of direct relevance to the work of the organisation.

---

8. State Sector Act 1988, section 57A(1)
FAIR

We must treat everyone fairly and with respect

Treating people fairly means that we do not show any favouritism, bias or self-interest in our work. Fairness is at the heart of the democratic process, which everyone in the State Services has a responsibility to support. We are required to administer the law and to give effect to government policy fairly and reasonably, and with respect for the people we serve.

Our decisions must be based on accurate information, taking into account only relevant considerations. We must decide cases on their merits. We must observe the principles of natural justice, which requires us to disclose information about the way we make decisions and allow a fair opportunity for people who may be affected by them to make representations. We must avoid any perceived unfairness that could arise from having any personal interest in decisions we make or from working on matters where we have a close relationship with those involved.

We must be fair to the community as a whole. This means that we must not concede to unreasonable demands from people seeking services from our organisations.

We must treat everyone with respect – the public we serve and the colleagues we work with. This requires being courteous and contributing to the smooth functioning of our workplaces by:

- not discriminating against anyone, except as legally required to give effect to our organisation’s functions
- protecting the privacy of people accessing services
- not harassing, bullying or otherwise intimidating members of the public or colleagues
- respecting the cultural background of members of the public and colleagues
- having proper regard for the safety of others
- avoiding behaviour that may endanger or cause distress to colleagues
- not allowing workplace relationships to adversely affect our work performance
- valuing equality and diversity by understanding our differences.

We must promote in our organisations a respectful culture that ensures information and services are made available in a way that takes account of the particular interests, sensitivities and backgrounds of people seeking those services.

Our commitment to being fair does not constrain our duty to give effect to legislation. It is not unfair to enforce obligations imposed by law. Compliance action is not inappropriate just because offenders consider those measures to be unfair.

Related information

- [www.ssc.govt.nz/eeopolicy](http://www.ssc.govt.nz/eeopolicy)
- Human Rights Commission. [www.hrc.co.nz](http://www.hrc.co.nz)
- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
**We must be professional and responsive**

Being professional requires us to have well developed personal integrity, to be committed to our organisational responsibilities and to be aware of the extent to which other interests may affect those responsibilities. Senior staff in our organisations must be particularly conscious of the constitutional framework within which we operate.

Many of us are part of professions that have membership codes of conduct. Such codes set out obligations that apply concurrently with the duty we have to our employing organisation. We must manage any differences with integrity, including discussing concerns with our manager. However, as all codes promote ethical behaviour, it is unusual for their provisions to create real conflict. If a conflict should arise, the State Services Commissioner will determine whether behaviour is appropriate in the circumstances of the particular State Services role rather than any professional code.

Our professionalism is shown by the way we treat people and respect their privacy. It is shown also in the way we meet the performance standards of our vocation and of the organisation we work for. Where our work involves research or innovative developments, we must have regard to obligations specified by relevant ethics committees.

We are encouraged to maintain links with outside organisations. This may involve us in public discussions about policy and services that risk capture by interest groups and the possible perception of undue influence. It is important that we are always aware both of our professional responsibilities to our organisation and of maintaining good relationships with the Government.

In a small country it is almost inevitable we will know personally some of the people we need to deal with on an official basis. It is very important to be alert to the implications of this.

Because we are in a position to influence the granting of benefits, exercising of discretions, shaping of resource allocations, making of enforcement decisions and development of policy, we must always act fairly and impartially, and record processes transparently.

Where government policy is broadly expressed, it is important that we respond consistently with the intended purpose, act with fairness and reasonableness, and reflect commitment to the spirit of service.

Our organisations have a duty to provide clear information to the public about services, entitlements and any obligations that service users may be required to meet. The information should be presented in plain English and, where helpful to users, in Māori and other languages. Our responsiveness should be shown by providing services within statutory timeframes, and seeking, when practicable, to shorten the delivery time and improve the quality of service.

See also Appendix 1: *What it means to be professional in the State Services - an outline of professional behaviour*

**Related information**

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must work to make government services accessible and effective

Being accessible requires us all to take personal responsibility for responding in a way that is helpful to those using our services. We must be alert to the importance of liaising with other parts of the State Services to minimise barriers that may impede accessibility, and be innovative in finding how best community needs can be met.

Our actions must minimise the likelihood of any individual, group or community being disadvantaged. We must take care that the public has reasonable access to our organisation, and to information about services and entitlements. We must always consider customer-focused alternatives to traditional ways of providing services, and whether electronic transaction may be a preferred way for people to deal with us. The perceived fairness of our organisations may be influenced by the ease of public access to services.

Where appropriate, we should think about whether a professional interpreter will enable us to provide clearer, more accurate and more confidential support to people with limited English language skills.

Effectiveness flows from meeting objectives that our organisation has agreed with the Government and delivering benefits that the community expects from us. The challenge we always face is to be effective in situations where there is diverse demand. We must focus on getting the best results from public funding, i.e. value for money, and ensuring that what we do reflects the Government’s priorities and policies. In many circumstances, effectiveness may come from working more closely with other organisations and exploring whether advantages and cost benefits can result from integrating activities.

Related information

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must strive to make a difference to the well-being of New Zealand and all its people

As State servants, imbued with the spirit of service to the community, we are motivated to improve the well-being of New Zealanders. A concern for the well-being of others is central to the spirit of service. This involves each of us endeavouring to find more efficient, effective, economical and sustainable ways of making our professional contribution to the work of our organisation.

Our relationship with the public should be distinguished by goodwill and impartiality, coupled with trustworthiness, and a liberal interpretation of fairness and respect for the rights of others – in effect, the integrity standards of the code of conduct. It is by applying these standards to the work of government that we can make a difference to the betterment of New Zealand.

Our obligation to the communities we serve means that we should not turn a blind eye to wrong-doing. We must take responsibility to ensure our senior managers are advised of any serious integrity concerns we have about conduct shown by colleagues, and which could bring our organisation into disrepute. If we are concerned about the consequences of reporting serious misconduct, we should follow our organisation’s Protected Disclosures Act policy.

Related information

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
IMPARTIAL

We must maintain the political neutrality required to enable us to work with current and future governments

A major characteristic of New Zealand’s constitutional arrangements is that public sector organisations are apolitical. It is important that in the State Services we do nothing that will detract from the ability of our organisations to work with the Government, regardless of the political parties Ministers may represent. Our responsibility to the Government is to work in a politically neutral manner. Our commitment to Ministers must be unaffected by any party-political concerns.

We must act in a way that ensures we are able to establish professional and impartial relationships with future Ministers. Because of the apolitical way we carry out our tasks, those who may be in government at some future date can be confident that we will support them, remain impartial and be equally fit to carry out the work of government under their administration. By remaining constant in our political neutrality, we deserve their confidence and their willingness to work with us. Our responsibility is to do nothing that undermines the ability of our organisation to provide strong support for the good government of New Zealand, regardless of the political composition of the Government.

If we hold a prominent decision-making position in our organisation and take part in high-profile activities that are not directly related to our job, we risk a public perception that we are not able to work in a disinterested, public spirited and politically neutral way. There may be disbelief that we can separate our personal and professional lives. Public trust in our impartiality can be affected. The confidence that the Government or future Ministers have in our organisation can be undermined in the same way. A consequence is that we must always consider the way our actions may be perceived by reasonable observers, and accept that our official responsibilities may place some constraints on the way we exercise our personal freedoms.

From time to time some of us may be required by a Parliamentary Select Committee to attend its deliberations. If that happens, we must be aware that our contribution is as part of executive government. We have a duty to Parliament and in support of the Government. We must be aware of the obligation to ensure our activities are not a surprise to our Minister. If we work in a department, we must have regard to the expectations of our Minister when contributing to Select Committee proceedings. If we work for a Crown entity, we will seek the direction of our board, which in turn will assess the Minister’s expectations.

We must be careful when Members of Parliament, regardless of political party affiliation, make direct approaches to our organisation. MPs may be acting on behalf of their constituents or of their own accord, contacting regional or local offices. Generally, in these situations, State servants should respond to the request in the same way as they would to a member of the public.

However, any requests by MPs for information or services over and above what would normally be provided to a member of the public (e.g. a visit to an agency’s premises or a substantial briefing) must be referred directly to the agency’s Chief Executive. In general, the Chief Executive will inform the appropriate Minister and the request should be met only as agreed by
the Minister. An enquiry made in a private capacity should be managed in a strictly impartial way. Where there is doubt about the nature of an approach, we should refer the matter to our chief executive who, if the approach is inappropriate, will refer it to the Minister.

For most of us in the State Services, participation in party politics is not likely to affect the confidence that the Government has in the organisation we work for, and is not likely to undermine our ability to work with future governments. What we must do is ensure that we do not confuse our political rights with our employment responsibilities. This requirement is the same whether we work for a department or for a Crown entity. It means we must always be conscious of our shared responsibility to ensure that our organisation maintains the confidence of Ministers.

We are encouraged to discuss actual or intended political activities with our manager who should be in a position to clarify the relationship between our employment responsibilities and our freedom to exercise civil rights. Our political interests and activities (and possibly even the political interests of a close family member) have the potential to conflict with our obligations as State servants. The effective management of such conflicts must balance the role of the organisation we work for and its relationship to the Government, the importance of encouraging a strong democracy, and our personal rights as New Zealanders. (Although political affiliations are similar to other interests requiring management to avoid conflict, it is not appropriate for organisations to maintain any register of such affiliations.)

In some Crown entities and at junior levels in most organisations, there is little direct connection with Ministers and the political process. Where that is the case, this explanation about impartiality and the political neutrality standard may have limited relevance. The explanation is much more relevant for managerial staff and others with extensive contacts with Ministers.

As a general rule, we are free to belong to any lawful organisation. Our rights to participate in social campaigns and the activities of political parties, unions and professional associations are not precluded because we work in the State Services. But we need to be aware always of the perceptions others may have of our ability to be politically impartial in the way we do our work. When expressing views on behalf of such groups, we must ensure that we will not be seen as speaking on behalf of our State Services organisation.

In some organisations, collective employment agreements may provide a framework for membership of unions, may outline standards about public comment on issues of concern, and may recognise commitments under codes of conduct of relevant professional associations. Organisations must always have regard to their obligations to the Government and determine how they will comply with the requirements of the State Services Commissioner’s code of conduct when developing this type of agreement.

Just as membership of a political party is acceptable for most of us, so is helping with fundraising, assisting with a leaflet drop, or taking part in other forms of support for a party. However, senior State servants, and State servants who have a close working relationship with Ministers, should avoid these affiliations.
This standard involves two different principles. It imposes an absolute obligation not to bring our political interests into our work. It also implies that there is a variable tolerance for political involvement. We must maintain in our non-working lives the level of political neutrality that is appropriate for the responsibilities we have. Those of us in very senior positions may be required to have a very low level of involvement, perhaps with our interest being discernible only by a visit to a polling station on election day.

By contrast, if we are unconnected with policy development or are not in a managerial role, we will usually be free to be politically active. What makes the difference is our ability to work not only with the current Government but with future Ministers, following a change in composition of the Government. We must be aware always of how perceptions of our personal activities could undermine the confidence that Ministers have in our organisation.

As always, it is a matter of judgement. Whether it is a political party involvement or taking on a role in a community campaign group, a union or a professional organisation, we must be careful to keep politics out of our job, and our job out of politics.

**Related information**

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
**We must carry out the functions of our organisation, unaffected by our personal beliefs**

The work we do must not be influenced by personal beliefs or commitments. These personal interests can be wide-ranging, including party political, religious, philosophical, and vocational, and can be shaped by all sorts of experiences and upbringing. What we do in our organisation must reflect State Services standards of integrity and conduct and not be undermined by any personal conviction or particular ethical viewpoint we may embrace.

Working for an organisation in the State Services does not preclude us from having strong personal beliefs. Sometimes the strength of our convictions will make it difficult for us to carry out a particular organisational task. The code of conduct is not intended to prevent the expression of conscientious objection in such cases. Conscientious objection is recognised in several statutes\(^\text{10}\). However, where these circumstances arise, we must make sure that our organisation has been alerted to our concerns in a timely way, so that the ability to deliver public services is not diminished.

We must obey all lawful and reasonable instructions given by our organisation and work as directed. We are never justified in ignoring the operating procedures of our organisation and interpreting government policy or exercising our decision-making responsibilities in a way that suits our personal beliefs.

When expressing our personal beliefs in any public debate, and particularly if relating to matters of government policy or activities of our organisation, we should ensure comments we make are appropriate to the position we hold, and are compatible with the need to maintain the convention of party political neutrality. If we occupy a managerial position or work closely with Ministers, we need to exercise particular care.

We must always be alert to the relationships our organisation has with other parts of government and the possible implications of allowing personal beliefs to intrude on our work.

**Related information**

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)

---

\(^{10}\) e.g. Contraception, Sterilisation, and Abortion Act 1977, section 46
We must support our organisation to provide robust and unbiased advice

We apply high standards of professionalism to the advice we prepare for our organisation, regardless of whether that advice is for Ministers or other decision-makers. Although most of us may not be directly involved in advising Ministers, it is important that we are all aware of the responsibilities placed on our organisation, and on our senior managers and advisers who work closely with Ministers.

Our advice must be honest, impartial, comprehensive and objective. The traditional expression is “free and frank advice”. This relates directly to the need to maintain the confidence of our Minister (as well as any future Minister) and to the principle of political neutrality. Our advice must be free of personal interest, political bias or the interests of our organisation. It should reflect an understanding of the policies and priorities of the Government. It should be transparent and should not contain unclear or hidden agendas.

Free and frank advice is not always the advice Ministers wish to hear. In giving advice, we must be sensitive and responsive to Ministers’ aspirations and objectives. At the same time, we should have regard to the concept of public good and concern for the public interest. Our advice should reflect both a wide appreciation of relevant subject areas and our consideration of affected communities.

The role of the State Services is to maintain the confidence and trust of successive governments. To be effective, and in order to be seen by Ministers who comprise successive governments as being fit for that role, we must be impartial both in the way we conduct ourselves and the advice we provide.

Those of us working in a Crown entity that has a role of advising Ministers must be equally impartial in what we do, although we provide advice on behalf of our board members.

Related information
- Other SSC guidance, www.ssc.govt.nz/integrityandconduct
We must respect the authority of the government of the day

All State Services organisations form part of executive government. Our organisations carry out activities on behalf of the Government. We must recognise our relationship to the Government and respect the responsibilities and the authority of Ministers. The way we carry out our roles will influence the confidence the community has in the good government of New Zealand. We must always be aware of the importance of supporting democratic processes and promoting trust in the institutions of government.

There is an explicit difference in the relationship that departments have with Ministers and that between Crown entities and their Ministers. The role of the Public Service is to serve the Government. This means that those of us working in departments have a direct association with our Minister on behalf of our chief executive. As departmental employees, we are “responsible” to the Minister\(^1\). This contrasts with those of us working for Crown entities, where our relationship with the Minister is through our board. We must give effect to the directions of our board, which in turn must consider how best to maintain its obligations as part of executive government and the expectation that the board operates in a way that retains the confidence of the Minister. Crown entities are “accountable” to the Minister\(^2\).

Senior staff and those with extensive links to Ministers must always be alert to the implications of working for organisations that are part of executive government and those of us in more junior roles should be aware of those responsibilities.

We must always respect the authority of the Government and the role of Parliament.

We do this by understanding the conventions of parliamentary democracy. Ministers set and comment on government policy. The role of most of us in the State Services is to explain and give effect to that policy. A few State servants hold statutory roles that from time to time may require them to comment publicly about government policy. Some of us work in organisations with independent decision-making or advocacy responsibilities and may be authorised to comment publicly on policy issues. It is only if we have one of these exceptional roles that we may comment about government policy on behalf of our organisation.

We must bear in mind the sensitivity that both current and future Ministers may have about our involvement in high-profile activities that could be viewed as party political. This connects closely with the need to ensure our personal activities are kept separate from our work interests. Where it is appropriate for us to be publicly involved in commenting on matters relating to our organisation, we must make sure that we are not acting in a way that undermines our spirit of service to the community, and that the professionalism of our actions is deserving of the confidence of any government.

It is generally unacceptable for us in our personal capacity to comment on matters of government policy if we:

- use or reveal any information gained in the course of our work where this is not already known by, or readily available to, the general public

\(^1\) State Sector Act 1988, section 32  
\(^2\) Crown Entities Act 2004, sections 26(2) and 87
• purport to express or imply an organisational view
• act in a way that constitutes a personal attack on a Minister, work colleagues or other State servants
• criticise in such strong or persistent terms that our ability to give full effect to the executive government responsibilities of our organisation in an impartial way is called into question.

We must not disclose advice we have given to Ministers or make public comment on behalf of our organisation, except in accordance with our organisation’s policies for the release of official information.

The extent to which we are able to comment on political matters shows the difference between what is acceptable for those of us working in a Crown entity and those of us who are departmental employees. Some of us in Crown entities, for example in the Housing New Zealand Corporation or the Accident Compensation Corporation, have similar obligations.

However, many of us in Crown entities are not involved in supporting our board to give advice to our Minister, and we carry out operational tasks with only a distant relationship with the Minister. It is this distance that sometimes makes it possible to comment in a personal capacity. We must always have regard to the role and responsibilities of our organisation and ensure that we follow processes to avoid the Minister being surprised by our comments. Where there is scope to comment in a personal capacity we must observe our organisation’s policies and procedures.

As in all matters of integrity, exercising judgement is essential.

When our comments relate to implementation or delivery, we have a duty not to compromise our organisation’s operations, or our relationships with Ministers.

Maintaining confidence means not only keeping Ministers informed of issues relating to our organisation but ensuring there are “no surprises” regarding policy implementation and delivery. We are expected to advise Ministers in advance of circumstances likely to impinge on the Government’s responsibilities, any major strategic initiatives, and issues that may attract public interest or political comment.

A “no surprises” way of working does not interfere with an organisation's independent decision-making role or its operational responsibilities, but reflects the part all organisations play in executive government.

Where it is acceptable for us to comment in a personal capacity about matters in which we have an interest, it may relate to a topic that concerns our Minister, and our organisation should ensure there are “no surprises” for the Minister flowing from such comments. For example, those of us who work for a district health board and want to comment publicly on matters within our areas of expertise or experience will follow the procedure in the Code of good faith for the public health sector, and make it clear that our observations are made in our personal capacity or on behalf of a union, having first raised the matter with our organisation and given sufficient time for it to respond.
Working in a policy development area, relating closely with Ministers, or having managerial responsibilities does not prevent us being active members of a union or professional association. However we must not use, for the benefit of the union or professional organisation, information acquired in the course of our work.

Some of us who work closely with Ministers may want to support public debate about issues unrelated to our work. Because it may be detrimental to relationships with the Government for us to be seen to be questioning official policies, there may be circumstances where it is appropriate for us to use unions or professional associations as a vehicle for comment. When doing so, we must be very aware of the integrity of our actions. We must not disclose official information that has not already been made public, nor act in a way that may harm the reputation of our organisation. We must be open and honest about our actions. Openness will usually involve ensuring our manager is aware that we are exercising our political rights in a way that avoids affecting relationships with Ministers.

If we take on a spokesperson role with a union or professional association, we will not be under the same constraints when making comments that are critical of the Government or of the management of our organisation, when such comments are clearly on behalf of that union or association. However, we must always appreciate the obligation to act responsibly, and not act in a way that harms the reputation of our organisation or of the State Services. We must always be aware that any public role will inevitably affect our personal image and our ability to carry out our responsibilities as State servants. Though it may not be improper to take on political activities of this kind, we must accept that a consequence is that, for an indefinite period into the future, we may not be able to resume a more discreet and impartial role.

Our organisation must provide material in a timely way to ensure our Minister is well informed and, when required, can account to Parliament for the efficient functioning of our organisation. Our organisation has a responsibility to alert our Minister to potentially adverse consequences of a proposed course of action, but we recognise that we must not involve ourselves in the political activities of Ministers. It is not our task to protect Ministers from the political process or to assist Ministers in ways that would undermine standards of honesty expected throughout the State Services.

**Related information**

- Enduring Letter of Expectations – to statutory Crown entities (Dec 2008)
  

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
RESPONSIBLE

We must act lawfully and objectively

We obey the law. This means we must act within the letter and spirit of the law. We recognise that the purpose of many of our organisational policies and procedures is to give effect to the requirements of the law. When making decisions, we must act within the scope of the power or discretion conferred on us, and within our delegated authority. The exercise of executive powers must comply with both New Zealand law and any international conventions given effect through statute.

It is important we show an objective and balanced approach to our legislative responsibilities. We respect the traditions of liberal democratic government and the rule of law. We do not act arbitrarily or oppressively in giving effect to law. Actions that are unreasonable or unjust can be unlawful. We must maintain accurate, complete and accessible records of the decisions and actions we take.

Many organisations have responsibility for administering and enforcing particular pieces of legislation. This responsibility must not blind us to the equal importance of other laws.

Those of us working internationally must be aware in particular of the obligation to support the New Zealand commitment to the OECD Convention on Combating Bribery of Foreign Public Officials and report to the appropriate authority any incidents involving the bribery of officials.

We recognise that a consequence of working in the State Services is that sometimes we have higher integrity obligations than other people do. We are legally required to comply with the standards set out in the code of conduct.

We are aware that public trust is influenced by the perception that the public has of our organisation. This means responding objectively if we become aware of any unlawful activities in our organisation. We appreciate the importance of modelling the standards set by the code of conduct and taking responsibility to support our organisation take decisive action when we learn that standards are being breached.

Related information

- Other SSC guidance. www.ssc.govt.nz/integrityandconduct
We must use our organisation’s resources carefully and only for intended purposes

All organisations have a statutory duty to use resources efficiently, effectively and economically, and to account publicly for their stewardship. Our organisations should have appropriate procedures to ensure that capital assets, operational funding and staff resources are committed responsibly and that there is clarity about proper discretionary spending, including travel and allowances, and the acceptable use of office equipment, organisational facilities, and vehicles.

We must keep firmly in mind that our organisation’s resources are publicly owned and are funded by public money, whether or not that funding comes through taxation, levies or similar arrangements. We follow careful processes for procuring and using our organisation’s resources and in disposing of assets that are no longer required. The reputation of our organisation is important to us. When we promote awareness of the services for which we are responsible, we must be mindful also of the part we play in government as a whole.

All organisations have ICT systems that enable speedy communications, remote access, efficient research and simplified record-keeping. Electronic contact with users of our services and colleagues is increasingly expected of our networked State Services. These resources must not be misused.

It is never acceptable for us to access official information for personal purposes or to give that information to others, without clear authorisation from our organisation.

In keeping with the practice of most employers of choice, occasional and moderate personal use of our organisation’s telephones, web-based resources and other office equipment is acceptable. These resources, however, are provided for the work of government. We must never put ourselves in a position where our office equipment is being used to operate a private business. Our responsibility is to ensure any unofficial use of organisational resources is reasonable and lawful.

Particular caution is necessary when accessing the Internet. Many web resources are helpful in broadening our awareness and understanding of issues relevant to our work. There is a wealth of information that can enhance our personal development and improve the contribution we can make to our jobs. However, many websites may be characterised as anti-social. These websites are often structured around violent, prurient, intimidating or extremist content. Except for enforcement and approved research activities, it is unlikely that accessing such material using organisational resources can ever be acceptable.

When assessing whether personal use of our organisation’s resources is acceptable, we must take a conservative view of what is occasional, moderate, reasonable and lawful. We must be transparent in the way we use these resources, and always be mindful of public expectations and perceptions.

13 State Sector Act 1988, section 32(d); Crown Entities Act 2004, section 50
The way we carry out our trusteeship role in respect of public property will have an unavoidable effect on public confidence in the State Services.

**Related information**

- *Controlling Sensitive Expenditure: Guidelines for Public Entities.*

- *Guidelines for Government Advertising.*

- *Procurement: Good Practice Guidelines for Public Entities.*

- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must treat information with care and use it only for proper purposes

The proper management of information is central to the integrity of the State Services. We have a duty to handle official information appropriately and ensure that personal privacy rights are preserved. We must all be familiar with legal obligations relating to the protection and release of official information. Statutory privacy principles must always govern the handling of personal information.

It is a breach of trust for us to make use of information that we have learned through our work, or to disclose it in any way, unless we have permission to do so. We should always be very circumspect about discussing our organisation’s information when we are not directly engaged in organisation business, and be aware that, unless we have authorisation or it is a matter of public record, we do not disclose official information at external meetings (despite any claim to “Chatham House” rules) or in any academic activities we undertake.

We are required to give New Zealanders access to personal information about themselves, and to make any official information available on request unless, as specified by law, there are good reasons for withholding it.

The availability of official information has become a foundation of our democracy. We must recognise the importance of giving effect to our organisation’s procedures when responding to information requests, and be alert to the interest that our Minister also has in information held by our organisation. When we receive requests to release politically sensitive information, we must notify our Minister well in advance of any release.

Public perception about the integrity of an organisation will be shaped by the way it manages information. The Official Information Act requires organisations to give reasonable assistance to applicants so that they frame requests with “due particularity”. This means we should not be evasive in compiling responses, nor answer in a way that will result in an applicant receiving information presented in a misleading way. The obligation for honesty is pervasive.

We must appreciate the importance of a well-informed electorate at the time of a general election and our responsibility for facilitating speedy responses to information requests. We must not delay responding to information requests in the lead-up to an election, in a misguided sense of obligation to our Minister. Ombudsmen have been emphatic that we must recognise that one of the important purposes of the Official Information Act is to support the effectiveness of a general election. The purpose described in section 4(a) is:

To increase progressively the availability of official information to the people of New Zealand in order-

(i) to enable their more effective participation in the making and administration of laws and policies; and

(ii) to promote the accountability of Ministers of the Crown and officials,-

and thereby to enhance respect for the law and to promote the good government of New Zealand.
Related information

- Ombudsmen’s Office Guidelines on Official Information. [www.ombudsmen.parliament.nz](http://www.ombudsmen.parliament.nz)
- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must work to improve the performance and efficiency of our organisation

We have an obligation to consider how we can carry out our functions in better and more successful ways.

Our organisations are required to perform efficiently, effectively, economically and with a spirit of service to the public. We must be aware of the sustainability implications of what we are doing.

We must always act in the public interest. This requires us to understand the communities we serve and appreciate the important duty we have to rise to public need when circumstances demand. Our work involves delivering the quality services that the Government expects of us, and contributing to the results that New Zealanders are entitled to. We must consider the part we can each play in improving the effectiveness of our organisation and take responsibility for improving our own performance. Personal improvements in efficiency will contribute to improvements in the overall efficiency of our organisation.

Improvements flow from attention to what we do and how we do it. This involves our decision-making and performance management systems. We must be able to measure how effective and efficient we are if we are to improve on what we do. Ways of doing this include programme evaluations that focus on results, client surveys, analysis of complaints, and use of research.

Related information
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct
TRUSTWORTHY

We must be honest

We are expected to act honestly.

This obligation is not only work-related. It arises at any time when the consequences of dishonest conduct may have an impact on public trust or on the confidence that Ministers, Parliament, or others in the State Services, can have in our organisation.

The principle of honesty underpins the obligations of all of us in the State Services. Public trust in the State Services will be determined primarily by the degree to which New Zealanders believe that at all times we act with honesty. We are expected to respond to what we believe to be true, and to act always with a focus on accuracy and authenticity.

Honesty does not necessarily mean continuous, full disclosure. In some circumstances, full disclosure is a requirement. Other circumstances may require care. For example, the courts have recognised that organisations with responsibility to enforce legislation cannot be required to openly disclose their evidence-gathering activities. It is sometimes necessary to disguise the way these activities are carried out. But these circumstances are rare. Unless there is a lawful reason for doing so, we must not act on the premise that the end justifies the means.

Honesty is frequently associated with professional courage. We must not act with guile for administrative convenience or to conform to political arrangements. We must not deceive or knowingly mislead. Being honest requires us to set out facts and relevant issues truthfully and to correct any errors as soon as possible. We must be careful about providing only some of the facts about an issue if we anticipate that we may encourage misunderstanding. Providing only half the facts may mean we are telling only half the truth.

Honesty means that we are truthful and open.

Related information

- Other SSC guidance, www.ssc.govt.nz/integrityandconduct
We must work to the best of our abilities

Working to the best of our abilities is a way of demonstrating our spirit of service. We have respect for the taxpayers who fund our employment, and we are committed to working diligently in return.

We recognise that it is important for the people of New Zealand to be aware of the work we carry out on their behalf, and that they trust us to act always in the public interest. We appreciate that properly documenting our decisions and actions is part of promoting public understanding and maintaining community confidence. It is important that we keep accurate records that can be readily accessed. This enables us to let the public know what we do and how decisions and outcomes have been reached. Ombudsmen have commented that “the ability to communicate and explain is often dependent on the quality and accessibility of records of a citizen’s interaction with public sector agencies”.

We are expected not only to be apolitical, responsive, objective and accountable in carrying out the work of our organisation, but to endeavour to improve the quality and quantity of the contribution we make. This may involve supporting others within and across organisations to share knowledge and expertise. We should use personal development opportunities to increase our skills and the value we can add to our organisation. This has been described as working with pride, passion, pace and professionalism.

Related information
- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must ensure our actions are not affected by our personal interests or relationships

Ensuring our actions are not affected by personal interests or relationships is essential if we are to be worthy of public trust. It is equally important that we do not act in a way that improperly benefits our family or friends or groups in which we have a personal interest.

We must avoid circumstances where our personal interests or relationships conflict with the interests of our organisation. We must also avoid situations where there could be an appearance of such conflict. Our actions need to be fair and unbiased and should always be able to bear close public scrutiny. An important part of strengthening trustworthiness is our commitment to transparency. Openness allows organisations to ensure that conflicts are avoided or managed. By being open with our organisation and disclosing non-work commitments, we enhance our trustworthiness.

It is important we do not give preferential treatment to people we are connected with, either socially, personally, through work or in any other way. Our organisations must have processes that preclude our being involved in deciding matters relating to friends or family, and we must not take part in employment selection processes, or have supervisory responsibilities, that involve another family member.

Any commercial activities, investments or other personal interests must not influence the work we do, and we must be open in declaring where our interests may potentially conflict with our responsibilities. Just as we must first obtain the consent of our organisation before undertaking additional employment so that any conflicts can be avoided, we must also disclose any commercial business we set up that will operate concurrently with our work in the State Services.

The financial interests of some people in the State Services (or of their close family or friends) may be related to the operations of the organisation in which they work in such a way that a reasonable observer may perceive a potential for conflict. To avoid any appearance of bias, organisations may prohibit the continued holding of this type of interest as a condition of appointment to a position, or promote transparency by requiring this type of interest to be registered. To ensure that discretions are not influenced by personal advantage, if we are involved in decision-making, we may be required to declare to an accessible register kept by our organisation, any significant financial interests we have that relate to the sector in which our organisation has any advisory, regulatory, or administrative responsibilities. Because significant financial interests of our partner, a close family member, or long-standing friend in a sector related to our organisation may be seen by a reasonable observer as having a similar potential for conflict, our organisation may also require the registration of these interests.

It is important that we do not take a legalistic and minimalist approach to this type of disclosure, but show the openness necessary to provide public comfort that our actions are not affected by our personal interests. (Any such register of interests should focus on financial interests, and should not extend to political or other affiliations.)

We must never use for personal advantage any information that we may access in the course of our work and that is not already generally available to the public.
We must always be conscious of the potential for conflict in what we do. Avoiding bias and avoiding any appearance of bias are equally important. If we have an interest, and our official responsibilities connect to that interest, our impartiality is at risk. We must avoid creating any sense among reasonable, fair-minded and informed observers that we favour any party to a decision, and avoid anything that would make them feel there is a real danger of bias in what we do.

**Related information**

- *Managing Conflicts of Interest: Guidance for Public Entities.*  
- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
We must never misuse our position for personal gain

We have a range of roles, responsibilities and powers that enable us to carry out our organisational functions. These must be applied, and the resources of our organisation used, only for the intended purpose and in the intended way. This is reflected in the duty of statutory Crown entities to ensure that everyone working for the organisation acts in a manner consistent with its objectives, functions, current statement of intent and any output agreement.

Using our position properly incorporates all the integrity standards of the code of conduct. It requires fairness and for us to act within the spirit and the letter of law and policy. It means that we remain impartial in our work and must not be influenced in our decision-making by personal interests or advantage to any person or organisation with which we are connected.

We must be objective in the way we manage our work, ensuring we are fair, consistent and transparent in what we do. Acting inappropriately will inevitably conflict with the statutory requirement for our organisations to function in an efficient, effective and economical way, as managing complaints about the way we do things will divert resources from productive activities. We must maintain accurate records about what we do, and respond openly to requests for information, so that the public can be confident that we do not misuse our position.

New Zealanders expect us to work impartially, not to be influenced by personal motives, not to show favouritism and not to misuse public resources for our personal benefit. This means we must always be careful that we do not put ourselves in a position where our work responsibilities could be affected by some other interest that we have. It is equally important that we avoid circumstances where other people could reasonably consider that our personal interests create a conflict with our work responsibilities.

There is always a possibility of conflicts between our professional and personal lives. We need to be alert to this. If such circumstances arise, we must be very open and ensure that we have properly disclosed the potential conflict, have distanced ourselves from involvement and avoided acquiring information that could be seen as giving us a personal advantage.

Related information

- Managing Conflicts of Interest: Guidance for Public Entities.
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct

---

14 State Sector Act 1988, sections 32, 34; Crown Entities Act 2004, section 49
We must decline gifts or benefits that place us under any obligation or perceived influence

We must be very careful about accepting any form of benefit that is not provided by our organisation and be aware always of the public perception that can result from accepting favours.

Using an official position for personal gain is a form of dishonesty that is likely to impact on public confidence in government and, particularly, in the State Services. Expectations in this area therefore are more demanding than is the case in the private sector and for the public generally. We understand that anything that is proffered to us in connection with our work can only be accepted if specifically permitted by the policies of our organisation.

There will usually be perceptions of influence or personal benefit if we accept gifts, hospitality or ‘quid pro quo’ exchanges of favours. We must not seek or accept favours from anyone, or on behalf of anyone, who could benefit from influencing us or our organisation. Organisations’ policies on accepting gifts and hospitality vary, depending on their business. In all cases, it is expected that gifts will only be accepted following a transparent process of declaration and registration. To avoid misperceptions, it is essential that the process is public. This requirement applies equally when gifts and opportunities are offered to organisations as a whole – for example, donations to social clubs and staff discount arrangements.

When we are presented with ceremonial gifts, these are expected to remain the property of our organisation, reflecting the relationship that gave rise to the gift.

Offers of hospitality, as with gift offers, must always be assessed in terms of the purpose of the donor. The business reason for this type of spending on State servants will usually relate to managing the relationship with organisations by facilitating access to decision-makers, or acquiring some implied endorsement through association with organisations. Receiving hospitality is usually inappropriate if it extends beyond courtesy.

There is potential for abuse in air points schemes and other product promotion programmes. We must ensure that work-related purchasing decisions are kept separate from arrangements of this type, unless our organisation has published policies that specifically address any apparent personal interest that may arise.

We must not receive personal benefits or gratuities from third parties for carrying out our organisation’s functions, participating in activities as an organisation representative or undertaking work-related speaking engagements. Any payments should either be declined or paid to our organisation.

Related information
- Other SSC guidance. www.ssc.govt.nz/integrityandconduct
We must avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services

As a general principle, what we do in our personal lives is of no concern to our organisation unless it interferes with our work performance or reflects badly on the integrity or standing of the State Services.

Our employers have a legitimate interest in any of our activities if they are likely to affect relationships with the Government, other Members of Parliament, or the public.

We must avoid being connected publicly with behaviour that creates a sense of public disquiet, and that, implicitly, diminishes trust in the State Services. Involvement in some personal activities, including unlawful behaviour or incidents involving a breach of trust, is likely to bring our organisation into disrepute.

We must use judgement when exercising our personal democratic rights or voicing professional concerns. We must be careful that we act lawfully, and that we do not misuse official or personal information we have acquired through our work. We must always be careful that our actions do not compromise our organisation or our Minister.

In making judgements about our non-work activities, we should consider:

- the nature and circumstances of the activity
- our position, duties, and responsibilities
- the consequences of the activity on our ability to fulfil our duties and responsibilities
- the effects of the activity or its consequences on our organisation’s relationships with Ministers and people using our services
- any legal framework, e.g. the Health Sector Code of Good Faith, and other professional codes
- the likely public perception of the appropriateness of what we do, and the “angle” that commentators may adopt if there is media reporting of our activities
- implications of the behaviour on levels of public trust in the State Services.

Membership of unions and professional associations, and active participation in groups of this type, are not the sorts of actions that, in themselves, will harm the reputation of our organisation. Where activities involve direct criticism of, or opposition to, government policy, there is a need to ensure that we are part of collective action and that we are not disregarding the criteria set out above. The importance of keeping politics out of our job and our job out of politics is undiminished.

Before starting a business activity, or accepting any secondary or additional employment, whether or not it is for payment, we should obtain specific approval from our organisation. We should ensure that there will be no conflict with our official duties and no adverse effect on our efficiency or performance, and that the additional work can be performed wholly in our own time. Part-time employment is a tradition in areas such as the health sector, although it is

---

1 Employment Relations Act 2000 Schedule 1B
increasingly common for us to work part-time. We must have clear authorisation from our organisation before we begin any secondary or additional work.

Additional employment may create a conflict if it involves:

- work in a business that has or is developing a contractual relationship with any government organisation
- an organisation that receives public funding
- a business that lobbies Ministers, or Members of Parliament, or government organisations
- a business that is regulated by the organisation we work for
- demands that may undermine our ability to fulfil our duties
- a business that has an interest in the privileged, private or confidential information that we can access.

When considering whether an activity may be harmful and therefore unacceptable, our immediate feelings can often be a useful guide. What is your conscience telling you? Another test of appropriateness may be the opinions of colleagues following discussion of all the facts, in effect a collective conscience. A reluctance to openly discuss an activity may reflect our innate awareness that the activity is not acceptable.

**Related information**

- *Managing Conflicts of Interest: Guidance for Public Entities.*
- Other SSC guidance. [www.ssc.govt.nz/integrityandconduct](http://www.ssc.govt.nz/integrityandconduct)
Appendix One: What it means to be professional in the State Services - an outline of professional behaviour

To be professional in the State Services means:

- acting lawfully and promoting the rule of law
- supporting parliamentary democracy and parliamentary institutions
- demonstrating a spirit of service to the public of New Zealand
- giving effect to agency responsibilities as part of executive government
- carrying out obligations to the Government in an efficient, effective and politically impartial way
- recognising the Crown’s commitments under the Treaty of Waitangi
- promoting equality and diversity in the workplace
- displaying relevant knowledge and competence in all work responsibilities
- delivering services and achieving results through organisational efficiency and fiscal responsibility
- having regard to the importance of sustainability in the development of policies and in the delivery of services
- respecting people and their views, both inside and outside the State Services
- demonstrating a strong sense of personal responsibility and commitment to the public good
- preparing advice, delivering services, and reaching decisions by using analytically sound, well-rounded, informed and inclusive approaches
- tendering that advice when required, with objectivity, courage, tenacity and independence
- promoting and advocating standards of integrity
- seeking opportunities for personal development that will strengthen the contribution that can be made to the work of the State Services
- giving effect to the standards of integrity and conduct applied to agencies by the State Services Commissioner
It would not be professional for us to:

- undermine parliamentary processes or the ability of Ministers to account to Parliament for the activities of an organisation for which they are responsible
- engage in activities that undermine the State Services’ commitment to integrity and professionalism – in effect failing to meet the obligations to be fair, impartial, responsible and trustworthy.
- disregard our obligations to act lawfully, effectively, efficiently and economically
- act in a way that brings our organisation or the State Services into disrepute
- act out of bias or favouritism
- allow our actions to be influenced by personal relationships, self-interest, or personal obligations or to act in a way which may reasonably be seen as improperly influenced by others
- fail to give Ministers advice of relevant concerns to avoid ‘surprises’
- promote in our work, a particular party political viewpoint or personal agenda
- promote the interests of our organisation at the cost of other parts of the State Services
- fail to carry out lawful directions from a Minister or from our organisation on conscience or other grounds without first having discussed the circumstances, and disclosed this refusal to act, with our manager
- be profligate with public resources and disregard the importance of sustainability in everything we do.
Implementing the Code of Conduct
– Resources for Organisations

State Services Commission
September 2009 (update)

Background ................................................................................................................................................. 3
Checklist for Implementation ......................................................................................................................... 7
Roles and Responsibilities ............................................................................................................................... 11
Suggested Policies and Procedures .................................................................................................................. 14
Further Information Resources ....................................................................................................................... 20
Background

The importance of trust in the State Services

New Zealanders’ trust in and respect for government is based on the integrity of our institutions, including the organisations across the State Services. The State Services collectively implements the policies of the Government, providing and administering a wide range of public functions and services. State servants are guardians of what ultimately belongs to the public, and the public expects State servants to serve and safeguard its interests.

Every State servant has a part to play in acting with integrity to maintain New Zealanders’ confidence in the State Services. New Zealanders expect that State servants will behave ethically, and be conscientious and competent in their work. Misuse of a position or of powers, or a failure to meet expectations, causes people to lose trust in government. They then do not seek the help they are entitled to; do not provide information necessary for delivering effective services; resist paying tax; and become increasingly resentful of the State Services. A perceived integrity failure in one part of government can impact negatively on the opinion people hold of the State Services as a whole. It is therefore essential that all State servants seek to strengthen public trust in the State Services and that they reinforce in their behaviour the spirit of service.

The New Zealand State Services is one of the most honest and transparent in the world. New Zealand is recognised internationally for its public administration being largely free of corruption. Adherence to published standards and an expectation of high ethical behaviour contribute to this rating, and engender a level of public trust that the State Services Commissioner seeks to strengthen with a code of conduct.

“We all work for the Government and have an obligation to the public to behave in a trustworthy way. Sharing high standards of integrity provides a unifying sense of values which must strengthen the State Services and improve New Zealanders’ trust in them.”

Mark Prebble (State Services Commissioner from 2004-2008)
The State Services Commissioner’s role as leader on integrity and conduct

The State Sector Act 1988 enabled the State Services Commissioner to set minimum standards of integrity and conduct for Public Service departments, and consequently the Public Service Code of Conduct (www.ssc.govt.nz/coe) was issued in 1990. This described the core principles of public service and set out the standards of conduct required of public servants.

The State Sector Amendment Act 2004 extended the Commissioner’s mandate to provide advice and guidance on integrity and conduct to employees across the State Services (excluding Crown research institutes), and to set minimum standards of integrity and conduct for most organisations in the State Services (i.e. the Public Service, Parliamentary Counsel Office, Parliamentary Services, and most Crown entities). This includes the power to issue a code of conduct setting minimum standards that can be added to, or made more detailed, to reflect an organisation’s circumstances.

Before making any decision on the appropriateness of issuing a code, the State Services Commission undertook through 2005/06 a comprehensive research project, “Engagement with Crown Entities” (www.ssc.govt.nz/standards-discussion-document). This project identified integrity provisions already in place in organisations, and explored whether setting additional standards could contribute to increased trust in government and confidence in the State Services.

A snapshot of current practices in the Public Service revealed a similar picture to that found in Crown entities: departments had varied processes to support the Public Service Code of Conduct, and had developed additional provisions to suit particular circumstances.

From this information, the Commissioner decided to develop minimum standards that would be applied as a single code of conduct for State Services organisations. Qualitative research conducted with State servants and members of the public identified values and standards of behaviour expected of State servants. From the results of the research, principles-based standards common to all organisations were developed for the code. These standards can be encompassed within the codes and training resources that many organisations already have.

A purpose of the State Sector Act 1988, is to ensure that employees in the State Services are imbued with the spirit of service to the community, and that employees in the State Services maintain standards of integrity and conduct. It provides for the appointment of departmental chief executives who will imbue the spirit of service, and imposes a duty on them to ensure that all employees maintain proper standards of integrity, conduct, and concern for the public interest. The Crown Entities Act 2004 imposes a similar requirement on Crown entities to perform with a spirit of service to the public.
The code – what it does and does not do

Standards of Integrity and Conduct (www.ssc.govt.nz/code) seeks to reinforce a spirit of service and sets common standards of behaviour required from the diverse range of people and roles across the State Services. It offers a framework within which to make informed judgements when faced with competing interests and conflicting values – when the ‘right answer’ is not readily apparent.

The code applies to organisations in the Public Service and to many Crown entities within the Commissioner’s mandate. (www.ssc.govt.nz/code-organisations)

The code does not provide detailed explanations of appropriate behaviour in every situation. Instead, the standards reflect values that, with judgement, have universal application in all State Services organisations. It is the responsibility of all State servants to comply with the code and to maintain the high level of trust between the State Services and the public, Ministers and Parliament.

The Trusted State Services Development Goal

In 2005 the Government agreed a set of six Development Goals for the State Services (www.ssc.govt.nz/dev-goals-diagram), aimed at creating a world class State Services. The Development Goals collectively contribute towards strengthening the degree of trust New Zealanders have in the State Services. The sixth goal is specifically about trust:

![Diagram showing the Trusted State Services development goal and milestones]

Having organisations working together to support the new code has helped to meet the June 2007 milestone for the Trusted State Services Development Goal.

The six elements that are essential to supporting trustworthy behaviour are:

- Agencies of the State Services have standards of integrity and conduct that meet the minimum standards in the State Services Commissioner’s code of conduct.
- Agencies of the State Services promote their standards of integrity and conduct.
- Standards of integrity and conduct are integrated into the behaviour of State servants.
- Managers model the standards of integrity and conduct in their behaviour.
- The consequences for behaviour that breaches the standards of integrity and conduct are known by State servants.
- Agencies act decisively when breaches occur.
While the Development Goals brand was discontinued in 2009 the objectives for the wide State Services have not changed and the SSC’s work programme is still focused on the themes and objectives of the six Development Goals.

Trustworthiness exhibited by State servants

In 2007 the SSC undertook the New Zealand State Services Integrity and Conduct Survey to measure the trustworthiness of State servants*. Progress for this indicator has been assessed by relating the findings from this survey to the six elements that support integrity and ethical behaviour in the workplace.

The overall findings from the survey are positive and in line with the high regard for the New Zealand public sector shown by international surveys of corruption. Almost all State servants reported that their agencies have written standards of integrity and conduct.

While many agencies have a focus on integrity, there is room for improvement under all six elements essential to supporting trustworthy behaviour. There is a continuing need to promote standards of integrity and conduct. More must be done to integrate these standards into State servants’ behaviour. The survey identified the role of senior managers in communicating the importance of integrity and modelling good behaviour as a particular area for improvement. When senior managers are explicit in promoting a strong ethical culture, they motivate their staff to act with integrity. Agencies must act decisively when breaches of standards occur and State servants must be clear about the consequences of breaching standards.

The 2010 milestone for the Trusted State Services goal reinforces the importance of the six elements, stating that agencies will have the elements essential to supporting State servants’ trustworthy behaviour in place by this time.

The survey will be conducted again in early 2010 to provide a comparison with the 2007 benchmark.

Checklist for Implementation

From 30 November 2007, organisations must:

- comply with the minimum standards of integrity and conduct set out in the State Services Commissioner’s code of conduct
- have in place policies and procedures that are consistent with the standards set out in the code of conduct.

The checklist below outlines the tasks that organisations may need to undertake when implementing the Commissioner’s code of conduct. Some of the tasks will be vital for all organisations, while others may be more or less relevant, depending on the organisation’s particular circumstances.

The checklist is organised to reflect the six elements of trustworthiness (www.ssc.govt.nz/sdg-report06) that organisations are encouraged to use to work towards the Trusted State Services Development Goal (www.ssc.govt.nz/dev-goals-diagram).

I. **Agencies of the State Services have standards of integrity and conduct that meet the State Services Commissioner's minimum standards**

- Ensure policies, procedures and training give effect to the Commissioner’s standards. Rewrite any internal policies that are inconsistent with the code of conduct, and where necessary write new policies for the organisation that reflect the standards that are set out in the code.
- Ensure organisation-specific codes of conduct that apply additional or detailed standards are consistent with the Commissioner’s code. Consider treating the Commissioner’s code as the foundation code upon which the organisation can build.
- While employees are legally obliged to comply with the code whether or not the code is mentioned in their terms and conditions of employment, organisations should consider specifying in employment agreements that staff are subject to the standards.
- Consider the extent to which contractors, work-placement students, volunteers, secondees, and any other people working in the organisation will be covered by the code, and confirm if the standards are to apply to them. As a general rule, if contractors, work-placement students, and other people working in the organisation are in a position to compromise the integrity of the organisation or the State Services, they should be subject to the code.
- Public Service departments should replace references to the Public Service Code of Conduct (www.ssc.govt.nz/code) in policies, employment agreements, organisation codes and other documents, with references to Standards of Integrity and Conduct (www.ssc.govt.nz/code).
All agencies should be alert to the requirements set out in the Cabinet Manual about Integrity and Conduct across the State sector. In particular paragraph 3.50 “Employees in the State sector must act with a spirit of service to the community, and meet high standards of integrity and conduct in everything they do. In particular, employees must be fair, impartial, responsible and trustworthy.

II Agencies of the State Services promote their standards of integrity and conduct

- Ensure that staff know they are legally required to comply with the code of conduct and understand what is expected of them as a result. The organisation must ensure that everyone to whom the code applies has access to it or is given a copy of it. Organisations should place orders with the State Services Commission for printed copies of the code, and any A3 poster versions they require.
- Assist understanding and compliance with the code by:
  - drawing attention to the code
  - displaying the code in work areas, tea rooms, meeting rooms, etc.
  - ensuring the code is available on the organisation’s intranet, and that staff are informed of this
  - including with the intranet version of the code other resources such as guidelines, questions and answers, the process for reporting breaches, etc.
  - asking staff to sign a form or to send an email acknowledgment to say they have read and understood the code.
- Ensure that training:
  - informs staff of the standards of behaviour expected of them in the specific context of the organisation
  - makes staff aware of the relationship of the code to existing codes, integrity policies and practices of the organisation
  - includes the code in induction courses, and in other training sessions as appropriate.

III Standards of integrity and conduct are integrated into the behaviour of State servants

- Ensure integrity-rich behaviour is built into the culture of the organisation. Clear processes for registering conflicts, declaring gifts and benefits, and proper use of organisational resources should, for example, be the accepted and expected way things are done.

** www.cabinetmanual.cabinetoffice.govt.nz/3.50
• Include ‘achieving high standards of integrity and conduct’ in performance review processes.

• Ensure that integrity standards are identified in selection criteria for jobs and that selection processes address the analysis and review of ethical behaviour.

• Send the code to candidates prior to job interviews. At the interview, ask whether candidates have read the code and have any questions about it. Explore how standards can best be complied with, in carrying out the job specifications.

IV Managers model the standards of integrity and conduct in their behaviour

• Ensure the chief executive’s and/or board’s endorsement of the code is referred to at induction courses and at training sessions on the code.

• Managers at all levels and/or board members demonstrate their awareness of the code standards by modelling them in their own behaviour.

• Leaders throughout the organisation encourage regular discussion of the standards as they apply to the work of the particular organisation.

• Leaders throughout the organisation require direct reports on actions taken to promote the code.

V The consequences for behaviour that breaches the standards of integrity and conduct are known by State servants

• Ensure that the processes for reporting behaviour that breaches the code are known and are accessible, by including this information on the intranet, in a staff manual or in other conduct-related documents.

• Promote a sense of responsibility among all staff to alert managers to breaches of the code.

• Ensure there is feedback to staff who report concerns about possible code breaches, acknowledging their commitment to reinforcing the code’s standards.

• Include the contact details for the State Services Commission’s integrity and conduct help desk with other information on this issue; phone (04) 495 6722 or email integrityandconduct@ssc.govt.nz

VI Agencies act decisively when breaches occur

• Ensure staff know how to report unacceptable behaviour.

• Ensure that processes are in place to investigate alleged breaches of the code of conduct as soon as the organisation becomes aware of them.

• Raise awareness of the organisation’s Protected Disclosures policy.
• Contact the State Services Commission and/or the monitoring department of your organisation (if a Crown entity) in the event of a likely serious breach of the code. The Commissioner may wish to investigate under section 57C of the State Sector Act, and the responsible Minister may need to be advised.

• Have in place a records system to maintain information on integrity and conduct issues that arise in the organisation. Use this data for review, planning and communication, and to monitor code compliance.
Roles and Responsibilities

It is the responsibility of the organisation (and its employees) to comply with the code. While the overall duty to comply and to reinforce the integrity message lies with the chief executives of Public Service departments and the boards of Crown entities, this guide may assist organisations to allocate specific roles and responsibilities. The precise allocation may vary, depending on factors such as size and organisational form.

*Departmental chief executives and Crown entity boards (or those with delegated powers)*...

Ensure their organisation complies with the standards of integrity and conduct in the State Services Commissioner’s code of conduct (see section 57, State Sector Act 1988), by:

- maintaining an infrastructure of policies, procedures, agreements and training that is consistent with and reinforce the standards set out in the code of conduct
- providing highly visible leadership of the standards – modelling them and articulating what they mean in the particular setting of the organisation
- ensuring staff are imbued with the spirit of service and understand how the organisation gives effect to it
- weaving the code of conduct into plans to meet the Development Goals for the State Services (www.ssc.govt.nz/dev-goals-diagram), including the Trusted State Services Goal
- establishing processes for giving effect to the ‘six elements of trustworthiness’\(^1\) and specify who has “ownership” of the 2010 trust goal milestone
- reinforcing ethical behaviour and dealing decisively with breaches of the code of conduct
- advising the State Services Commission about serious alleged or actual breaches of the code of conduct, as well as advising the monitoring department and/or responsible Minister
- encouraging an environment where individuals feel it is acceptable to openly discuss issues of integrity and conduct
- ensuring staff regularly participate in training on the code of conduct and on integrity and conduct issues generally
- taking responsibility for promoting and enforcing the code of conduct
- being familiar with the measures set out in the Auditor-General’s 2009-2010 annual Plan for giving effect to trust and trustworthiness expectations..

---

\(^1\) State of the Development Goals Report 2006
**HR managers...**

Ensure that all staff know about the code of conduct and the standards of behaviour expected of them, understand these, are kept aware of them, and have access to explanatory resources, by:

- examining processes of recruitment and appointment to give effect to the standards set out in the code of conduct
- ensuring that training on the code of conduct is incorporated into induction training and other training where appropriate
- ensuring regular assessment of the extent of compliance by the organisation with the standards set out in the code of conduct
- being good role models and acting with integrity.

**Communications managers...**

Fully utilise communication tools so that staff and others working with and for the organisation are aware of the code, the obligation to comply, and the importance of maintaining trust in the State Services, by:

- working with chief executives, board members, managers and HR managers to devise an internal communications strategy for raising awareness of the code of conduct and maintaining that awareness in the agency
- incorporating in communications about the code the key messages, as expressed in the speeches and press statements accompanying the launch of the code
- ensuring integrity and conduct issues are included in regular internal communications, such as newsletters, postings on intranets and bulletin boards
- working with chief executives/managers/HR staff if breaches of the code of conduct occur, to discuss the best way of handling the issue and its outcome
- acting with integrity.

**Trainers...**

Integrate the code of conduct into training, by:

- ensuring that the code of conduct is included in the planned training programme for the year, as both induction training and as part of other training updates
- encouraging discussion of integrity and conduct issues, and their implications for public trust in government, as part of any training
- exploring interesting resources on integrity issues, to “bring the code of conduct to life”, using DVDs, videos, scenarios, ethics quizzes and games
- keeping abreast of integrity and conduct issues through the integrity community workspace on the Public Sector Intranet ([https://psi.govt.nz/integrity](https://psi.govt.nz/integrity))
- acting with integrity.
Managers/team leaders....

Show leadership in modelling integrity, by:
- encouraging an environment where ethical issues can be raised and discussed in an open and safe manner
- ensuring all staff members obtain training on the code of conduct at induction
- ensuring staff members get regular training on integrity and conduct issues, when these are offered
- ensuring the code of conduct is prominently displayed in the work area
- including conversations about integrity as part of staff supervision
- discussing integrity and conduct issues in performance reviews
- acting with integrity.

Individual State servants...

Take personal responsibility to comply with the code, by:
- reading and understanding the code of conduct and keeping it handy for reference
- participating in discussions on ethical issues and making it safe for others to do so
- fostering and promoting an integrity-rich workplace
- supporting co-workers, team leaders and managers in upholding the code of conduct
- participating in training on the code of conduct and contributing positively with examples from their own work area
- reporting any suspected breaches of the code of conduct through the appropriate channels
- acting with integrity.
Suggested Policies and Procedures

Organisations must maintain policies and procedures that are consistent with the code. Appropriate policies, guidance or training may already be in place for some areas. Inconsistent policies will need to be rewritten, and where necessary new policies written, to reflect the standards that are set out in the code.

The policies and procedures suggested below are listed in four groups; fair, impartial, responsible and trustworthy. The lists are not mandatory or exhaustive. Organisations will need to consider how issues are best addressed in their own code, employment agreements, specific policies, and training.

The Public Sector Intranet (https://psi.govt.nz/integrity) has examples of policies on the Sharing Good Practice page. Links to other useful material are provided below. In some cases, the principles or guidance contained in the material remain useful despite references to historical documents such as the Public Service Code of Conduct (www.ssc.govt.nz/coc).

See Understanding the code of conduct – guidance for State servants (www.ssc.govt.nz/code-resources-organisations)

### Fair

We must:

- treat everyone fairly and with respect
- be professional and responsive
- work to make government services accessible and effective
- strive to make a difference to the well-being of New Zealand and all its people.

In order to comply with the ‘Fair’ standards in our dealings with the public we serve and the colleagues we work with, organisations should consider what policies, guidance and/or training they require in the following areas:

- Recruitment, review of appointment, and procurement
- Equal Employment Opportunities (EEO) (State Sector Act 1988, section 6 (g))
- Cultural respect/responsiveness both within and outside the organisation
- Health and safety both within and outside the organisation
• Performance management, displaying relevant knowledge and competence in all work responsibilities, and professional development
• Disciplinary procedures
• Internal complaints and investigation process, including responding to and investigating allegations of unacceptable conduct and ensuring staff are aware of the procedures under the Employment Relations Act (section 112 onwards) relating to personal grievances
• Making and investigating disclosures of serious wrongdoing (Protected Disclosures Act)
• External/customer complaints process, including policies on communicating decisions and appeal rights
• Accessibility, hours of service, emergency arrangements, levels of service, translation of information
• Acting lawfully, including supporting parliamentary processes, and giving effect to the organisation’s responsibilities as part of executive government
• Specifying what the spirit of service means for the organisation, and how to demonstrate that spirit of service to the public of New Zealand
• Carrying out obligations to the Government in an efficient, effective and politically impartial way
• Recognising how the Crown’s commitments under the Treaty of Waitangi affect the organisation’s responsibilities
• Delivering services and achieving results through organisational efficiency and fiscal responsibility
• Having regard to the importance of sustainability in the development of policies and in the delivery of services
• Preparing advice, delivering services, and reaching decisions by using analytically sound, well-rounded, informed and inclusive approaches
• Promoting, advocating and giving effect to the standards of integrity and conduct set by the State Services Commissioner, and additional organisational standards.
Impartial
We must:

- maintain the political neutrality required to enable us to work with current and future governments
- carry out our agency functions, unaffected by our personal beliefs
- support our agency to provide robust and unbiased advice
- respect the authority of the government of the day.

In order to comply with the ‘Impartial’ standards, organisations should consider what policies, guidance and/or training they require in the following areas:

- Political neutrality (see Political Neutrality: Fact Sheet 1 - What is 'political neutrality' and what does it mean in practice? www.ssc.govt.nz/political-neutrality-fact-sheet-1)

- Political views and participation in political activities (see Political Neutrality: Fact Sheet 2 - Political Views and Participation in Political Activities www.ssc.govt.nz/political-neutrality-fact-sheet-2; see also State Services Commissioner’s message to chief executives re the Foreshore and Seabed Bill Hiko, 28 April 2004, link to “All documents” on the Public Sector Intranet https://psi.govt.nz/Integrity)

- Political neutrality for staff who interact with the public (front line staff) (see Political Neutrality: Fact Sheet 5 - For staff who interact with the public (front line staff) www.ssc.govt.nz/political-neutrality-fact-sheet-5)


- Standing for election to Parliament (see section 52 Electoral Act, and Political Neutrality: Fact Sheet 2 - Political Views and Participation in Political Activities http://www.ssc.govt.nz/political-neutrality-fact-sheet-2)

- Secondary employment, undertaking private business and voluntary work

- An agency’s relationship with MPs (see Political Neutrality: Fact Sheet 4 - The Relationship Between the Public Service and MPs http://www.ssc.govt.nz/political-neutrality-fact-sheet-4) and with Ministers (see Political Neutrality: Fact Sheet 3 - The Relationship Between the Public Service and Ministers http://www.ssc.govt.nz/political-neutrality-fact-sheet-3)

- Agency staff appearing before a select committee (see Public Servants and Select Committees – Guidelines http://www.ssc.govt.nz/select-committees-guidelines)

- Serving on public bodies, and appointment of public servants to statutory boards (see Appointment of Public Servants to Statutory Boards, CO (02) 5, 22 March 2002)
- Media policy and public comment about the organisation’s business
- What to do if an employee has a conscientious objection to carrying out particular organisational activities.
Responsible
We must:
- act lawfully and objectively
- use our organisation’s resources carefully and only for intended purposes
- treat information with care and use it only for proper purposes
- work to improve the performance and efficiency of our organisation.

In order to comply with the ‘Responsible’ standards, organisations should consider what policies, guidance and/or training they require in the following areas:
- Delegations of financial and other authorities
-Expenditure on entertainment and hospitality, including donations, koha and gifts
- Use of the organisation’s premises, facilities and equipment
- Conference attendance, coverage of costs and processes for subsequent information sharing
- Travel and accommodation, including taking leave in connection with officially funded travel
- Use of personal credit cards and corporate credit cards
- Official Information Act and responding to OIA requests
- Privacy Act and protecting the privacy of people accessing services
- Information and technology security, (see Revised Security Classifications System: Application to Cabinet Documents, CO (01) 10, 31 July 2001)
- Acceptable use of information and communication technology (see State Services Commissioner’s letter to chief executives, 22 April 2005; link to “All documents” on https://psi.govt.nz/Integrity)
- Security clearance and vetting
- Staff support and welfare – e.g. clothing, care of dependants, social club, farewells, sponsorship
- Records management and compliance with the Public Records Act
- Responsibility to alert senior managers to incidents involving breaches of obligations – including statutory, business rules and code
- Demonstrating a strong sense of personal responsibility and commitment to the public good.
Trustworthy

We must:
- be honest
- work to the best of our abilities
- ensure our actions are not affected by our personal interests or relationships
- never misuse our position for personal gain
- decline gifts or benefits that place us under any obligation or perceived influence
- avoid any activities, work or non-work, that may harm the reputation of our organisation or of the State Services.

In order to comply with the ‘Trustworthy’ standards, organisations should consider what policies, guidance and/or training they require in the following areas:
- Reporting and investigating serious wrongdoing (Protected Disclosures Act)
- Identifying, disclosing, and managing conflicts of interest
- Use of personal credit cards and corporate credit cards
- Air point schemes and loyalty cards
- Corporate hospitality (see State Services Commissioner’s email to chief executives, 21 October 2003; link to “All documents” on [https://psi.govt.nz/Integrity](https://psi.govt.nz/Integrity))
- Entity use of private assets
- Declaration of interests on beginning employment and any subsequent changes
- Approval process before undertaking secondary employment and voluntary work.
Further Information Resources

State Services Commission Helpdesk
State Services Commission Integrity and Conduct helpdesk.
- Email integrityandconduct@ssc.govt.nz
- Phone (04) 495 6722

Relevant websites – New Zealand
- State Services Commission www.ssc.govt.nz/code
- Public Sector Intranet, Integrity and Conduct workspace. https://psi.govt.nz/Integrity

Guidance from other jurisdictions
- United Kingdom: www.civilservice.gov.uk/about/values/cscode/CS-Values.aspx
- Canada: www.tbs-sct.gc.ca/chro-dphv/ve-eng.asp
- Australia: www.apsc.gov.au/conduct
- United States: www.usoge.gov/ (in particular “Common Ethics issues”)

Relevant reports and guidance – New Zealand
State Services Commission. www.ssc.govt.nz
- The Public Service and the Public. www.ssc.govt.nz/pep-series
- The Public Service and Official Information. www.ssc.govt.nz/pep-series
- The Senior Public Servant. www.ssc.govt.nz/pep-series


Office of the Controller and Auditor-General www.oag.govt.nz/

• Controlling Sensitive Expenditure: Guidelines for Public Entities. 2007.
• Procurement: a Statement of Good Practice. 2007.
• Managing Conflicts of Interest ; Guidance for Public Entities. 2007

Relevant reports and guidance – international

OECD

• Managing Conflict of Interest in the Public Sector: a Toolkit. 2005 www.oecdbookshop.org


Other international sources


Training materials on ethics and integrity – New Zealand

- Department of Labour. *Code of Conduct Trainer Guide*. Available from the HR Capability Team, Department of Labour, PO Box 3705, Wellington. Phone (04) 915 4000.

- State Services Commission.
Training materials on ethics and integrity – international

- integrity@work™ - Public Sector Ethics and Integrity. www.tiri.org

Australian Public Service Commission


Public Sector Standards Commissioner, State Services Authority, Victoria, Australia


Queensland Health


Texas Ethics Commission

- Online Ethics Training for State Officers and Employees in the Executive Branch of State Government. 2007. Ethics training presentation: www.ethics.state.tx.us/ethics500/Online_Ethics_Training
CONSULTATION DRAFT

THE MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW
October 2017

ACCESS TO SERVICES
The Office of Local Government located at:
Street Address: Levels 1 & 2, 5 O’Keefe Avenue, NOWRA NSW 2541
Postal Address: Locked Bag 3015, Nowra, NSW 2541
Phone: 02 4428 4100
Fax: 02 4428 4199
TTY: 02 4428 4209
Email: olg@olg.nsw.gov.au
Website: www.olg.nsw.gov.au

OFFICE HOURS
Monday to Friday
9.00am to 5.00pm
(Special arrangements may be made if these hours are unsuitable)
All offices are wheelchair accessible.

ALTERNATIVE MEDIA PUBLICATIONS
Special arrangements can be made for our publications to be provided in large print or an alternative media format. If you need this service, please contact us on 02 4428 4100.

DISCLAIMER
While every effort has been made to ensure the accuracy of the information in this publication, the Office of Local Government expressly disclaims any liability to any person in respect of anything done or not done as a result of the contents of the publication or the data provided.

© NSW Office of Local Government, Department of Planning and Environment 2017
Produced by the NSW Office of Local Government, Department of Planning and Environment
## Contents

<table>
<thead>
<tr>
<th>PART 1</th>
<th>INTRODUCTION</th>
<th>4</th>
</tr>
</thead>
<tbody>
<tr>
<td>PART 2</td>
<td>DEFINITIONS</td>
<td>6</td>
</tr>
<tr>
<td>PART 3</td>
<td>GENERAL CONDUCT OBLIGATIONS</td>
<td>10</td>
</tr>
<tr>
<td>PART 4</td>
<td>PECUNIARY INTERESTS</td>
<td>14</td>
</tr>
<tr>
<td>PART 5</td>
<td>NON-PECUNIARY CONFLICTS OF INTEREST</td>
<td>22</td>
</tr>
<tr>
<td>PART 6</td>
<td>PERSONAL BENEFIT</td>
<td>28</td>
</tr>
<tr>
<td>PART 7</td>
<td>RELATIONSHIPS BETWEEN COUNCIL OFFICIALS</td>
<td>32</td>
</tr>
<tr>
<td>PART 8</td>
<td>ACCESS TO INFORMATION AND COUNCIL RESOURCES</td>
<td>36</td>
</tr>
<tr>
<td>PART 9</td>
<td>MAINTAINING THE INTEGRITY OF THIS CODE</td>
<td>42</td>
</tr>
<tr>
<td>SCHEDULE 1:</td>
<td>DISCLOSURES OF INTEREST</td>
<td>46</td>
</tr>
<tr>
<td>SCHEDULE 2:</td>
<td>FORM OF RETURN - DISCLOSURE OF INTEREST</td>
<td>54</td>
</tr>
<tr>
<td>SCHEDULE 3:</td>
<td>FORM OF SPECIAL DISCLOSURE OF PECUNIARY INTEREST</td>
<td>58</td>
</tr>
</tbody>
</table>

**CONSULTATION DRAFT**
Part 1: Introduction
This Model Code of Conduct for Local Councils in NSW ("the Model Code of Conduct") is made under section 440 of the Local Government Act 1993 ("LGA") and the Local Government (General) Regulation 2005 ("the Regulation").

Section 440 of the LGA requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct. A council’s adopted code of conduct may include provisions that supplement the Model Code of Conduct.

A council’s adopted code of conduct has no effect to the extent that it is inconsistent with the Model Code of Conduct. However, a council’s adopted code of conduct may prescribe requirements that are more onerous than those prescribed in the Model Code of Conduct.
Part 2:
Definitions
In the Model Code of Conduct the following definitions apply:

**LGA**
the Local Government Act 1993

**act of disorder**
see the definition in clause 256 of the Local Government (General) Regulation 2005

**administrator**
an administrator of a council appointed under the Act other than an administrator appointed under section 66

**Chief Executive**
Chief Executive of the Office of Local Government

**Code**
means the Model Code of Conduct for Local Councils in NSW

**committee**
a council committee

**conflict of interest**
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

**council committee**
a committee established by resolution of council other than a wholly advisory committee

**council committee member**
a person other than a councillor or member of staff of a council who is a member of a council committee other than a wholly advisory committee

**council official**
includes councillors, members of staff of council, administrators, council committee members, delegates of council and, for the purposes of clause 4.16, council advisers

**councillor**
any person elected or appointed to civic office, including the mayor

**conduct**
includes acts and omissions

**delegate of council**
a person (other than a councillor or member of staff of a council) or body, and the individual members of that body, to whom a function of the council is delegated

**designated person**
a person referred to in clause 4.8

**election campaign**
includes council, state and federal election campaigns

**environmental planning instrument**
has the same meaning as in the Environmental Planning and Assessment Act 1979
Office

personal information information or an opinion about a person whose identity is apparent, or can be ascertained from the information or opinion

the Procedures The Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Regulation

the Regulation the Local Government (General) Regulation 2005

The term “you” used in the Model Code of Conduct refers to council officials.

The phrase “this code” used in the Model Code of Conduct refers also to the Procedures for the Administration of the Model Code of Conduct for Local Councils in NSW prescribed under the Local Government (General) Regulation 2005.
Part 3:
General Conduct
Obligations
General conduct

3.1 You must not conduct yourself in carrying out your functions in a manner that:
   a) is likely to bring the council or other council officials into disrepute
   b) is contrary to statutory requirements or the council’s administrative requirements or policies
   c) is improper or unethical
   d) is an abuse of power
   e) causes, comprises or involves intimidation or verbal abuse
   f) involves the misuse of your position to obtain a personal benefit
   g) constitutes harassment or bullying behaviour under this code, or is improperly discriminatory.

3.2 You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act. (section 439).

Fairness and equity

3.3 You must consider issues consistently, promptly and fairly. You must deal with matters in accordance with established procedures, in a non-discriminatory manner.

3.4 You must take all relevant facts known to you, or that you should be reasonably aware of, into consideration and have regard to the particular merits of each case. You must not take irrelevant matters or circumstances into consideration when making decisions.

3.5 An act or omission in good faith, whether or not it involves error, will not constitute a breach of clauses 3.3 or 3.4.

Harassment and discrimination

3.6 You must not harass or improperly discriminate against others, and you must not support anyone who harasses or improperly discriminates against others. This includes, but is not limited to, harassment or discrimination on the grounds of sex, pregnancy, age, race, marital status, disability, sexuality, political or other affiliation. It also includes discrimination against those who are carers, those who identify as transgender persons, and those who have infectious diseases.

3.7 For the purposes of this code, “harassment” is any form of behaviour towards a person that is:
   a) not wanted by the person
   b) offends, humiliates or intimidates the person, and
   c) creates a hostile environment.

Bullying

3.8 You must not engage in bullying behaviour towards another council official.

3.9 For the purposes of this code, “bullying behaviour” is any behaviour in which:
   a) a person or a group of people repeatedly behaves unreasonably towards another council official or a group of council officials and
   b) the behaviour creates a risk to health and safety.

3.10 Bullying behaviour may involve, but is not limited to, any of the following types of behaviour:
   a) aggressive or intimidating conduct
   b) belittling or humiliating comments

Attachment B

Item 18
c) spreading malicious rumours
d) teasing, practical jokes or ‘initiation ceremonies’
e) exclusion from work-related events
f) unreasonable work expectations, including too much or too little work, or work below or beyond a worker’s skill level
g) displaying offensive material
h) pressure to behave in an inappropriate manner.

3.11 Reasonable management action carried out in a reasonable manner does not constitute bullying behaviour for the purposes of this code. Examples of reasonable management action may include, but are not limited to:

a) performance management processes
b) disciplinary action for misconduct
c) informing a worker about unsatisfactory work performance or inappropriate work behaviour
d) directing a worker to perform duties in keeping with their job
e) maintaining reasonable workplace goals and standards.

Work health and safety

3.12 All council officials, including councillors, owe statutory duties under the Work Health and Safety Act 2011 (WH&S Act). You must comply with your duties under the WH&S Act and your responsibilities under any policies or procedures adopted by the council to ensure workplace health and safety. Specifically, you must:

a) take reasonable care for your own health and safety
b) take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons
c) comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by the council to ensure workplace health and safety
d) cooperate with any reasonable policy or procedure of the council relating to workplace health or safety that you have been notified of
e) report accidents, incidents, near misses, to the general manager and take part in any incident investigations.

Land use planning, development assessment and other regulatory functions

3.13 You must ensure that land use planning, development assessment and other regulatory decisions are properly made, and that all parties are dealt with fairly. You must avoid any occasion for suspicion of improper conduct in the exercise of land use planning, development assessment and other regulatory functions.

3.14 In exercising land use planning, development assessment and other regulatory functions, you must ensure that no action, statement or communication between yourself and others conveys any suggestion of willingness to improperly provide concessions or preferential or unduly unfavourable treatment.

3.15 You must keep a written record of all meetings and other communications with applicants or objectors to planning
applications. Councillors must disclose in writing any meetings and other communications with applicants or objectors to a planning application at a council or committee meeting where the planning application is under consideration.

3.16 For the purposes of clause 3.15, a “planning application” is:

a) an application for development consent, or for the modification of a development consent, or

b) an application for a complying development certificate, or an application for the modification of a complying development certificate, or

c) a formal request to initiate the making of an environmental planning instrument or development control plan in relation to development on a particular site.

3.20 Clause 3.17 does not apply to a decision to elect the mayor or deputy mayor, or to nominate a person to be a member of a council committee or a representative of the council on an external body.

Banding caucus votes

3.17 You must not participate in binding caucus votes in relation to matters to be considered at a council or committee meeting.

3.18 For the purposes of clause 3.17, a binding caucus vote is a process whereby a group of councillors are compelled by a threat of disciplinary or other adverse action to comply with a predetermined position on a matter before the council or committee, irrespective of the personal views of individual members of the group on the merits of the matter before the council or committee.

3.19 Clause 3.17 does not prohibit councillors from discussing a matter before the council or committee prior to considering the matter in question at a council or committee meeting, or from voluntarily holding a shared view with other councillors on the merits of a matter.

3.21 You must comply with rulings by the chair at council and committee meetings or other proceedings of the council.

3.22 You must not harass the chair, other council officials or any members of the public present during council or committee meetings or other proceedings of the council.

3.23 You must not engage in conduct that disrupts council or committee meetings or other proceedings of the council, or that would otherwise be inconsistent with the orderly conduct of meetings.

3.24 If you are a councillor, you must not engage in any acts of disorder or other conduct that is intended to prevent the proper or effective functioning of the council, or of a committee of the council. Without limiting this clause, you must not:

a) leave a meeting of the council or a committee for the purposes of depriving the meeting of a quorum, or

b) submit a rescission motion with respect to a decision for the purposes of voting against it to prevent another councillor from submitting a rescission motion with respect to the same decision, or

c) submit a large number of notices of motion, questions with notice or other business for consideration at a meeting of the council or a committee for the purposes of impeding the consideration of other business in the agenda for the meeting.
Part 4:
Pecuniary Interests
What is a pecuniary interest?

4.1 A pecuniary interest is an interest that you have in a matter because of a reasonable likelihood or expectation of appreciable financial gain or loss to you or a person referred to in clause 4.3.

4.2 You will not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision you might make in relation to the matter, or if the interest is of a kind specified in clause 4.6.

4.3 For the purposes of this Part, you will have a pecuniary interest in a matter if the pecuniary interest is:

(a) your interest, or

(b) the interest of your spouse or de facto partner, your relative, or your partner or employer, or

(c) a company or other body of which you, or your nominee, partner or employer, is a member.

4.4 For the purposes of clause 4.3:

(a) Your “relative” is any of the following:

i) your parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

ii) your spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

(b) “de facto partner” has the same meaning as defined in section 21C of the Interpretation Act 1987.

4.5 You will not have a pecuniary interest in relation to a person referred to in subclauses 4.3(b) or (c):

(a) if you are unaware of the relevant pecuniary interest of your spouse, de facto partner, relative, partner, employer or company or other body, or

(b) just because the person is a member of, or is employed by, a council or a statutory body, or is employed by the Crown, or

(c) just because the person is a member of, or a delegate of a council to, a company or other body that has a pecuniary interest in the matter, so long as the person has no beneficial interest in any shares of the company or body.

What interests do not have to be disclosed?

4.6 You do not have to disclose the following interests for the purposes of this Part:

(a) your interest as an elector

(b) your interest as a ratepayer or person liable to pay a charge

(c) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to the public generally, or to a section of the public that includes persons who are not subject to this code

(d) an interest you have in any matter relating to the terms on which the provision of a service or the supply of goods or commodities is offered to your relative by the council in the same manner and subject to the same conditions as apply to persons who are not subject to this code
(e) an interest you have as a member of a club or other organisation or association, unless the interest is as the holder of an office in the club or organisation (whether remunerated or not)

(f) if you are a council committee member, an interest you have as a person chosen to represent the community, or as a member of a non-profit organisation or other community or special interest group, if you have been appointed to represent the organisation or group on the council committee

(g) an interest you have relating to a contract, proposed contract or other matter, if the interest arises only because of a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company

(h) an interest you have arising from the proposed making by the council of an agreement between the council and a corporation, association or partnership, being a corporation, association or partnership that has more than 25 members, if the interest arises because your relative is a shareholder (but not a director) of the corporation, or is a member (but not a member of the committee) of the association, or is a partner of the partnership

(i) an interest you have arising from the making by the council of a contract or agreement with your relative for, or in relation to, any of the following, but only if the proposed contract or agreement is similar in terms and conditions to such contracts and agreements as have been made, or as are proposed to be made, by the council in respect of similar matters with other residents of the area:

   i) the performance by the council at the expense of your relative of any work or service in connection with roads or sanitation

   ii) security for damage to footpaths or roads

   iii) any other service to be rendered, or act to be done, by the council by or under any Act conferring functions on the council, or by or under any contract

   (j) an interest relating to the payment of fees to councillors (including the mayor and deputy mayor)

   (k) an interest relating to the payment of expenses and the provision of facilities to councillors (including the mayor and deputy mayor) in accordance with a policy under section 252 of the LGA,

   (l) an interest relating to an election to the office of mayor arising from the fact that a fee for the following 12 months has been determined for the office of mayor

   (m) an interest of a person arising from the passing for payment of a regular account for the wages or salary of an employee who is a relative of the person

   (n) an interest arising from being covered by, or a proposal to be covered by, indemnity insurance as a councillor or a council committee member

   (o) an interest arising from the appointment of a councillor to a body as a representative or delegate of the council, whether or not a fee or other recompense is payable to the representative or delegate.

4.7 For the purposes of clause 4.6, “relative” has the same meaning as in clause 4.4, but includes your spouse or de facto partner.
What disclosures must be made by a designated person?

4.8 Designated persons include:

(a) the general manager

(b) other senior staff of the council for the purposes of section 332 of the LGA

(c) a person (other than a member of the senior staff of the council) who is a member of staff of the council or a delegate of the council and who holds a position identified by the council as the position of a designated person because it involves the exercise of functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the person’s duty as a member of staff or delegate and the person’s private interest

(d) a person (other than a member of the senior staff of the council) who is a member of a committee of the council identified by the council as a committee whose members are designated persons because the functions of the committee involve the exercise of the council’s functions (such as regulatory functions or contractual functions) that, in their exercise, could give rise to a conflict between the member’s duty as a member of the committee and the member’s private interest

4.10 A designated person must as soon as practicable disclose in writing to the general manager (or if the person is the general manager, to the council) the nature of any pecuniary interest the person has in any council matter with which the person is dealing.

4.11 Clause 4.10 does not require a designated person who is a member of staff of the council to disclose a pecuniary interest if the interest relates only to the person’s salary as a member of staff, or to his or her other conditions of employment.

4.12 The general manager must, on receiving a disclosure from a designated person, deal with the matter to which the disclosure relates or refer it to another person to deal with.

4.13 A disclosure by the general manager must, as soon as practicable after the disclosure is made, be laid on the table at a meeting of the council and the council must deal with the matter to which the disclosure relates or refer it to another person to deal with.

What disclosures must be made by council staff other than designated persons?

4.14 A member of staff of council, other than a designated person, must disclose in writing to their supervisor or the general manager the nature of any pecuniary interest they have in a matter they are dealing with as soon as practicable.

4.15 The staff member’s supervisor or the general manager must, on receiving a disclosure under clause 4.14, deal with the matter to which the disclosure relates or refer it to another person to deal with.
What disclosures must be made by council advisers?

4.16 A person who, at the request or with the consent of the council or a council committee, gives advice on any matter at any meeting of the council or committee, must disclose the nature of any pecuniary interest the person has in the matter to the meeting at the time the advice is given. The person is not required to disclose the person's interest as an adviser.

4.17 A person does not breach clause 4.16 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

What disclosures must be made by a council committee member?

4.18 A council committee member must disclose pecuniary interests in accordance with clause 4.29 and comply with clause 4.30.

4.19 For the purposes of clause 4.18, a “council committee member” includes a member of staff of council.

What disclosures must be made by a councillor?

4.20 A councillor:

(a) must prepare and submit written returns of interests in accordance with clause 4.21, and

(b) must disclose pecuniary interests in accordance with clause 4.29 and comply with clause 4.30.

Disclosure of interests in written returns

4.21 A councillor or designated person must make and lodge with the general manager a return in the form set out in schedule 2 to this code, disclosing the councillor’s or designated person’s interests as specified in schedule 1 to this code within 3 months after:

(a) becoming a councillor or designated person, and

(b) 30 June of each year, and

(c) the councillor or designated person becoming aware of an interest they are required to disclose under schedule 1 that has not been previously disclosed in a return lodged under paragraphs (a) or (b).

4.22 A person need not make and lodge a return under clause 4.21, paragraphs (a) and (b) if:

(a) they made and lodged a return under that clause in the preceding 3 months, or

(b) they have ceased to be a councillor or designated person in the preceding 3 months.

4.23 A person must not make and lodge a return that the person knows or ought reasonably to know is false or misleading in a material particular.

4.24 The general manager must keep a register of returns required to be made and lodged with the general manager.
4.25 Returns required to be lodged with the general manager under clause 4.21(a) and (b) must be tabled at the first meeting of the council after the last day the return is required to be lodged.

4.26 Returns required to be lodged with the general manager under clause 4.21(c) must be tabled at a council meeting as soon as practicable after the return is lodged.

4.27 The general manager must cause the information contained in returns made and lodged by councillors and the general manager under clause 4.21, other than information disclosing the address of the councillor’s or general manager’s principal place of residence, to be published on the council’s website as soon as practicable after the returns are lodged. The general manager must cause the information published on the council’s website to be kept up to date.

4.28 Information contained in returns made and lodged by designated persons other than the general manager is not to be publicly disclosed (including in the tabling of the returns under clauses 4.25 and 4.26) unless the council decides to grant access to the information in response to an access request made under the Government Information (Public Access) Act 2009.

Disclosure of pecuniary interests at meetings

4.29 A councillor or a council committee member who has a pecuniary interest in any matter with which the council is concerned, and who is present at a meeting of the council or committee at which the matter is being considered, must disclose the nature of the interest to the meeting as soon as practicable.

4.30 The councillor or council committee member must not be present at, or in sight of, the meeting of the council or committee:

   (a) at any time during which the matter is being considered or discussed by the council or committee, or

   (b) at any time during which the council or committee is voting on any question in relation to the matter.

4.31 A disclosure made at a meeting of a council or council committee must be recorded in the minutes of the meeting.

4.32 A general notice may be given to the general manager in writing by a councillor or a council committee member to the effect that the councillor or council committee member, or the councillor’s or council committee member’s spouse, de facto partner or relative, is:

   (a) a member of, or in the employment of, a specified company or other body, or

   (b) a partner of, or in the employment of, a specified person.

   Such a notice is, unless and until the notice is withdrawn, sufficient disclosure of the councillor’s or council committee member’s interest in a matter relating to the specified company, body or person that may be the subject of consideration by the council or council committee after the date of the notice.

4.33 A councillor or a council committee member is not prevented from being present at and taking part in a meeting at which a matter is being considered, or from voting on the matter, merely because the councillor or council committee member has an interest in the matter of a kind referred to in clause 4.6.
4.34 A person does not breach clauses 4.29 or 4.30 if the person did not know, and could not reasonably be expected to have known, that the matter under consideration at the meeting was a matter in which he or she had a pecuniary interest.

4.35 Despite clause 4.30, a councillor who has a pecuniary interest in a matter may participate in a decision to delegate consideration of the matter in question to another body or person.

4.36 Clause 4.30 does not apply to a councillor who has a pecuniary interest in a matter that is being considered at a meeting if:

(a) the matter is a proposal relating to:

(i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council's area, or

(ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council's area, and

(b) the pecuniary interest arises only because of an interest of the councillor in the councillor's principal place of residence or an interest of another person (whose interests are relevant under clause 4.3) in that person's principal place of residence, and

(c) the councillor made a special disclosure under clause 4.37 in relation to the interest before the commencement of the meeting.

4.37 A special disclosure of a pecuniary interest made for the purposes of clause 4.36(c) must:

(a) be in the form set out in schedule 3 of this code and contain the information required by that form, and

(b) be laid on the table at a meeting of the council as soon as practicable after the disclosure is made, and a copy of the special disclosure is to be recorded in the minutes of the meeting.

4.38 The Minister for Local Government may, conditionally or unconditionally, allow a councillor or a council committee member who has a pecuniary interest in a matter which the council is concerned to be present at a meeting of the council or committee, to take part in the consideration or discussion of the matter and to vote on the matter if the Minister is of the opinion:

(a) that the number of councillors prevented from voting would be so great a proportion of the whole as to impede the transaction of business, or

(b) that it is in the interests of the electors for the area to do so.
Part 5:
Non-pecuniary Conflicts of Interest
What is a non-pecuniary conflict of interest?

5.1 Non-pecuniary interests are private or personal interests a council official has that do not amount to a pecuniary interest as defined in clause 4.1 of this code. These commonly arise out of family or personal relationships, or out of involvement in sporting, social or other cultural groups and associations, and may include an interest of a financial nature.

5.2 A non-pecuniary 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.

5.3 Non-pecuniary conflicts of interest must be identified and appropriately managed to uphold community confidence in the probity of council decision-making. The onus is on you to identify any non-pecuniary conflict of interest you may have in matters that you deal with, to disclose the interest fully and in writing, and to take appropriate action to manage the conflict in favour of your public duty.

5.4 When considering whether or not you have a non-pecuniary conflict of interest, it is always important to think about how others would view your situation.

5.5 The political views of a councillor do not constitute a private interest for the purposes of clause 5.2.

Managing non-pecuniary conflicts of interest

5.6 Where you have a non-pecuniary conflict of interest for the purposes of clause 5.2, you must disclose the relevant private interest fully and in writing as soon as practicable.

5.7 If a disclosure is made at a council or committee meeting, both the disclosure and the nature of the interest must be recorded in the minutes. This disclosure constitutes disclosure in writing for the purposes of clause 5.6.

5.8 How you manage a non-pecuniary conflict of interest will depend on whether or not it is significant.

5.9 As a general rule, a non-pecuniary conflict of interest will be significant where it does not involve a pecuniary interest for the purposes of clause 4.1, but it involves:

a) a relationship between a council official and another person that is particularly close, for example, a current or former spouse or de facto partner, a relative for the purposes of clause 4.4 or another person from the council official’s extended family that the council official has a close personal relationship with, or another 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 council official and an organisation, sporting body, club, corporation or association that is particularly strong, including, but not limited to, active participation in its management or administration and other activities

d) a financial interest that is not a pecuniary interest for the purposes of clause 4.1.

e) the conferral or loss of a personal benefit other than one conferred or lost as a member of the community or a broader class of people affected by a decision.
5.10 If you have a significant non-pecuniary conflict of interest, you must manage it in one of two ways:

a) by removing yourself from consideration of the matter in which you have a significant non-pecuniary conflict of interest and arranging to have your duties in relation to the matter allocated to another person, or

b) if the significant non-pecuniary conflict of interest arises in relation to a matter you are required to consider at a council or committee meeting, by managing the conflict of interest as if you had a pecuniary interest in the matter by complying with clauses 4.29 and 4.30.

5.11 If you determine that you have a non-pecuniary conflict of interest in a matter that is not significant and does not require further action, when disclosing the interest you must also explain why you consider that the non-pecuniary conflict of interest is not significant and does not require further action in the circumstances.

5.12 If you are a member of staff of council, the decision on which option should be taken to manage a non-pecuniary conflict of interest must be made in consultation with your manager.

5.13 Despite clause 5.10(b), a councillor who has a significant non-pecuniary conflict of interest in a matter, may participate in a decision to delegate consideration of the matter in question to another body or person.

5.14 Councillors should be aware that matters before council or committee meetings involving their political donors may also give rise to a non-pecuniary conflict of interest.

5.15 Where a councillor has received or knowingly benefitted from a reportable political donation:

a) made by a major political donor in the previous four years, and

b) where the major political donor has a matter before council, the councillor must declare a non-pecuniary conflict of interest, disclose the nature of the interest, and manage the conflict of interest as if they had a pecuniary interest in the matter by complying with clauses 4.29 and 4.30.

5.16 For the purposes of this Part:

a) a “reportable political donation” is a “reportable political donation” for the purposes of section 86 of the Election Funding, Expenditure and Disclosures Act 1981

b) a “major political donor” is a “major political donor” for the purposes of section 84 of the Election Funding, Expenditure and Disclosures Act 1981.

5.17 Councillors should note that political donations below $1000, or political donations to a registered political party or group by which a councillor is endorsed, may still give rise to a non-pecuniary conflict of interest. Councillors should determine whether or not such conflicts are significant for the purposes of clause 5.9 and take the appropriate action to manage them.

5.18 If a councillor has received or knowingly benefitted from a reportable political donation of the kind referred to in clause 5.15, that councillor is not prevented from participating in a decision to delegate consideration of the matter in question to another person (see clause 5.13 above).
Loss of quorum as a result of compliance with this Part

5.19 Where a majority of councillors is precluded from consideration of a matter by compliance with a requirement under this Part, the council or committee must resolve to delegate consideration of the matter in question to another person.

5.20 Where a majority of councillors is precluded under this Part from consideration of a matter, and the matter in question concerns the exercise of a function that may not be delegated under section 377 of the LGA, the councillors may apply in writing to the Chief Executive to be exempted from complying with a requirement under this Part relating to the management of a non-pecuniary conflict of interest.

5.21 The Chief Executive will only exempt a councillor from complying with a requirement under this Part where:

a) compliance by councillors with a requirement under the Part in relation to a matter will result in the loss of a quorum, and

b) the matter relates to the exercise of a function of the council that may not be delegated under section 377 of the Act.

5.22 Where the Chief Executive exempts a councillor from complying with a requirement under this Part, the councillor must still disclose any interests they have in the matter the exemption applies to, in accordance with clause 5.6.

5.23 A councillor who would otherwise be precluded from participating in the consideration of a matter under this Part because they have a non-pecuniary conflict of interest in the matter is permitted to participate in consideration of the matter if:

a) the matter is a proposal relating to

i) the making of a principal environmental planning instrument applying to the whole or a significant portion of the council’s area, or

ii) the amendment, alteration or repeal of an environmental planning instrument where the amendment, alteration or repeal applies to the whole or a significant portion of the council’s area, and

b) the non-pecuniary conflict of interest arises only because of an interest that a person has in that person’s principal place of residence, and

c) the councillor discloses the interest they have in the matter that would otherwise have precluded their participation in consideration of the matter under this Part in accordance with clause 5.6.

Other business or employment

5.24 The general manager must not engage, for remuneration, in private employment or contract work outside the service of the council without the approval of the council.

5.25 A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council or that might conflict with the staff member’s council duties unless he or she has notified the general manager in writing of the employment or work.
5.26 The general manager may at any time prohibit a member of staff from engaging, for remuneration, in private employment or contract work outside the service of the council that relates to the business of the council, or that might conflict with the member’s council duties.

5.27 A member of staff must not engage, for remuneration, in private employment or contract work outside the service of the council if prohibited from doing so.

5.28 Members of staff must ensure that any outside employment or business they engage in will not:
   a) conflict with their official duties
   b) involve using confidential information or council resources obtained through their work with the council
   c) require them to work while on council duty
   d) discredit or disadvantage the council
   e) pose, due to fatigue, a risk to their health or safety, or to the health and safety of their co-workers.

**Personal dealings with council**

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

5.30 You must undertake any personal dealings you have with the council in a manner that is consistent with the way other members of the community deal with the council. In particular, you must not:
   a) access council information for personal purposes
   b) undertake personal dealings with the council during work time, or
   c) approach council staff in staff only areas to discuss your personal dealings with the council.

You must also ensure that you disclose and appropriately manage any conflict of interest you may have in any matter in accordance with the requirements of this code.
Part 6:
Personal Benefit
For the purposes of this section, a reference to a gift or benefit does not include a political donation for the purposes of the Election Funding, Expenditure and Disclosures Act 1981.

**Gifts and benefits**

6.1 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 council.

6.2 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 include parents, spouses or de facto partners, children and siblings.

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

6.3 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 value

   e) accept an offer of cash or a cash-like gift, regardless of the amount

   f) participate in competitions for prizes where eligibility is based on the council being in a customer-supplier relationship with the competition organiser

   g) personally benefit from reward points programs when purchasing on behalf of the council.

6.4 Where you are offered or receive a gift or benefit, you must disclose this promptly to your supervisor or the general manager in writing. The recipient, supervisor, or general manager must ensure that, at a minimum, the following details are recorded in the council’s gift register:

   a) whether the gift was accepted or refused

   b) the nature of the gift

   c) the estimated monetary value of the gift

   d) the name of the person who offered the gift, and

   e) the date on which the gift was offered or received.

6.5 Where you receive a gift or benefit of 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.

**Token gifts and benefits**

6.6 Generally speaking, token gifts and benefits include:

   a) one or more gifts or benefits received from a person over a 12-month period that do not exceed a cumulative value of $50.

   b) free or subsidised meals, beverages or refreshments provided in conjunction with:

      i) the discussion of official business

      ii) council work-related events such as council-sponsored 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
c) invitations to and attendance at local social, cultural or sporting events with a ticket value that does not exceed $50
d) gifts of single bottles of alcohol to individual council officials at end of year functions, public occasions or in recognition of work done (such as providing a lecture/training session/address) that do not exceed a value of $50
e) ties, scarves, coasters, tie pins, diaries, chocolates or flowers
f) prizes that do not exceed $50 in value.

codes with a ticket value that exceeds $50, corporate hospitality at a corporate facility at major sporting events, discounted products for personal use, the frequent use of facilities such as gyms, the use of holiday homes, free or discounted travel.)

6.10 Clause 6.9 does not apply to events that have been organised or sponsored by the council, where the person is required to attend the event for the purposes of performing their official functions.

6.11 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”

6.12 For the purposes of clause 6.3(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 internal credit, memberships or entitlements to discounts.

Gifts and benefits of value

6.7 Gifts or benefits that exceed $50 in value are to be treated as gifts or benefits of value and must not be accepted.

6.8 Where you have accepted a token gift or benefit from a person, you must not accept a further gift or benefit from the same person or another person associated with that person 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 a person associated with that person, during the same 12-month period would exceed $50 in value.

6.9 Gifts and benefits of value include, but are not limited to, tickets to major sporting events (such as international matches or matches in national sporting

Improper and undue influence

6.13 You must not use your position to influence other council officials in the performance of their public or professional duties to obtain a private benefit for yourself or for somebody else. A councillor will not be in breach of this clause where they seek to influence other council officials through the proper exercise of their role as prescribed under the LGA.

6.14 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.
Obligations of councillors and administrators

7.1 Each council is a body politic. The councillors or administrator/s are the governing body of the council. **Under section 223 of the LGA, the role of the governing body of the council includes the development and endorsement of the strategic plans, programs, strategies and policies of the council, including those relating to workforce policy.**

7.2 Councillors or administrators must not:

a) direct council staff other than by giving appropriate direction to the general manager in the performance of the council’s functions by way of council or committee resolution, or by the mayor or administrator exercising their power under section 226 of the LGA (Section 352)

b) in any public or private forum, direct or influence, or attempt to direct or influence, any other 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

c) contact a member of the staff of the council on council-related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the general manager

d) contact or issue instructions to any of council’s contractors or tenderers, including council’s legal advisers, unless by the mayor or administrator exercising their power under section 226 of the LGA. Councillors may contact the council’s external auditor or the chair of the council’s audit risk and improvement committee to provide information reasonably necessary for the external auditor or audit, risk and improvement committee to effectively perform their functions.

Obligations of staff

7.3 Under section 335 of the LGA, the role of the general manager includes conducting the day-to-day management of the council in accordance with the strategic plans, programs, strategies and policies of the council, implementing without undue delay, lawful decisions of the council and ensuring that the mayor and other councillors are given timely information and advice and the administrative and professional support necessary to effectively discharge their official functions.

7.4 Members of staff of council must:

a) give their attention to the business of the council while on duty

b) ensure that their work is carried out efficiently, economically and effectively

c) carry out lawful directions given by any person having authority to give such directions

d) give effect to the lawful decisions, policies and procedures of the council, whether or not the staff member agrees with or approves of them

e) ensure that any participation in political activities outside the service of the council does not conflict with the performance of their official duties.

Inappropriate interactions

7.5 You must not engage in any of the following inappropriate interactions:
a) councillors and administrators
approaching staff and staff
organisations to discuss individual or
operational staff matters, including
but not limited to industrial relations
matters such as grievances, workplace
investigations and disciplinary matters

b) council staff approaching councillors
and administrators to discuss
individual or operational staff matters
including but not limited to industrial
relations matters such as grievances,
workplace investigations and
disciplinary matters

c) subject to clause 8.6, council staff
refusing to give information that is
available to other councillors to a
particular councillor

d) councillors and administrators
who have lodged a development
application with council, discussing the
matter with council staff in staff-only
areas of the council

e) councillors and administrators
being overbearing or threatening to
council staff

f) councillors and administrators making
personal attacks on council staff in
public forums including social media

g) councillors and administrators
directing or pressuring council staff
in the performance of their work, or
recommendations they should make

h) council staff providing ad hoc advice
to councillors and administrators
without recording or documenting
the interaction as they would if the
advice was provided to a member of
the community

i) council staff meeting with applicants
or objectors alone AND outside
office hours to discuss applications
or proposals

j) councillors attending on-site
inspection meetings with lawyers
and/or consultants engaged by the
council associated with current or
proposed legal proceedings unless
permitted to do so by the council’s
general manager or, in the case of the
mayor or administrator, unless they
are exercising their functions under
section 226 of the LGA.
Part 8:
Access To Information and
Council Resources
Councillor and administrator access to information

8.1 The general manager is responsible for ensuring that councillors and administrators can access information necessary for the performance of their official functions. The general manager and public officer are also responsible for ensuring that members of the public can access publicly available council information under the Government Information (Public Access) Act 2009 (the GIPA Act).

8.2 The general manager must provide councillors and administrators with the information necessary to effectively discharge their official functions.

8.3 Members of staff of council must provide full and timely information to councillors and administrators sufficient to enable them to exercise their official functions and in accordance with council procedures.

8.4 Members of staff of council who provide any information to a particular councillor in the performance of their official functions must also make it available to any other councillor who requests it and in accordance with council procedures.

8.5 Councillors and administrators who have a private interest only in council information have the same rights of access as any member of the public.

8.6 Notwithstanding clause 8.4, councillors who are precluded from participating in the consideration of a matter under this code because they have a pecuniary or significant non-pecuniary conflict of interest in the matter, are not entitled to access to council information in relation to the matter unless the information is otherwise available to members of the public, or the council has determined to make the information available under the GIPA Act.

Councillors and administrators to properly examine and consider information

8.7 Councillors and administrators must ensure that they comply with their duty under section 439 of the LGA to act honestly and exercise a reasonable degree of care and diligence by properly examining and considering all the information provided to them relating to matters that they are required to make a decision on.

Refusal of access to documents

8.8 Where the general manager or public officer determine to refuse access to a document sought by a councillor or administrator, they must act reasonably. In reaching this decision they must take into account whether or not the document sought is required for the councillor or administrator to perform their official functions (see clause 8.2). The general manager or public officer must state the reasons for the decision if access is refused.

Use of certain council information

8.9 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 office or position with council.

d) only release council information in accordance with established council policies and procedures and in compliance with relevant legislation.

g) not disclose any information discussed during a confidential session of a council or committee meeting or any other confidential forum.

**Use and security of confidential information**

8.10 You must maintain the integrity and security of confidential documents or information in your possession, or for which you are responsible.

8.11 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

**Personal information**

8.12 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**

8.13 You must use council resources ethically, effectively, efficiently and carefully in the course of your official duties, and must not use them for private purposes (except when supplied as part of a contract of employment) unless this use is lawfully authorised and proper payment is made where appropriate.

8.14 Union delegates and consultative committee members may have reasonable access to council resources for the purposes of carrying out their industrial responsibilities, including but not limited to:

a) the representation of members with respect to disciplinary matters

b) the representation of employees with respect to grievances and disputes

c) functions associated with the role of the local consultative committee.
8.15 You must be scrupulous in your use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body.

8.16 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.

8.17 You must not use council resources, property or facilities for the purpose of assisting your election campaign or 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.

8.18 You must not use the council letterhead, council crests or other information that could give the appearance it is official council material for:
   a) the purpose of assisting your election campaign or the election campaign of others, or
   b) for other non-official purposes.

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

8.21 You must not use social media to post comments, photos, sound recordings or other information that:
   a) compromises your capacity to perform your official duties in an unbiased manner
   b) has the potential to have a negative impact on your working relationships within the council or with external parties
   c) is offensive, humiliating, threatening or intimidating to other council officials or those that deal with the council
   d) has the capacity to damage the council's reputation or contains content about the council that may be misleading or deceptive
   e) divulges confidential council information
   f) breaches the privacy of other council officials or those that deal with council
   g) contains allegations of suspected breaches of this code or information about the consideration of a matter under this code, or
   h) could be perceived to be an official comment on behalf of the council where you have not been authorised to make such comment.

Internet access and use of social media

8.20 You must not use council's computer resources or other mobile 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.
Council record keeping

8.22 All information received in your official capacity is a council record and must be managed in accordance with the council’s approved record management practices and policies.

8.23 All information stored in either soft or hard copy on council supplied resources is deemed to be related to the business of the council and can be used by the council as a council record regardless of whether the original intention was to create the information for personal purposes.

Councillor access to council buildings

8.24 Councillors and administrators are entitled to have access to the council chamber, committee room, mayor’s office (subject to availability), councillors’ rooms, and public areas of council’s buildings during normal business hours and for meetings. Councillors and administrators needing access to these facilities at other times must obtain authority from the general manager.

8.25 Councillors and administrators must not enter staff-only areas of council buildings without the approval of the general manager (or delegate) or as provided in the procedures governing the interaction of councillors and council staff.

8.26 Councillors and administrators must ensure that when they are within a staff area they refrain from conduct that could be perceived to improperly influence council staff decisions.
Part 9: Maintaining the Integrity of This Code
9.1 You must not conduct yourself in a manner that is likely to undermine confidence in the integrity of this code or its administration.

Complaints made for an improper purpose

9.2 You must not make a complaint or cause a complaint to be made under this code for an improper purpose.

9.3 For the purposes of clause 9.2, a complaint is made for an improper purpose where it is trivial, frivolous, vexatious or not made in good faith, or where it otherwise lacks merit and has been made substantially for one or more of the following purposes:

a) to intimidate or harass another council official

b) to damage another council official's reputation

c) to obtain a political advantage

d) to influence a council official in the exercise of their official functions or to prevent or disrupt the exercise of those functions

e) to influence the council in the exercise of its functions or to prevent or disrupt the exercise of those functions

f) to avoid disciplinary action under this code

g) to take reprisal action against a person for making a complaint under this code

h) to take reprisal action against a person for exercising a function prescribed under the Procedures for the administration of this code

i) to prevent or disrupt the effective administration of this code.

Detrimental action

9.4 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for a complaint they have made under this code.

9.5 You must not take detrimental action or cause detrimental action to be taken against a person substantially in reprisal for any function they have exercised under this code.

9.6 For the purposes of clauses 9.4 and 9.5, a detrimental action is an action causing, comprising or involving any of the following:

a) injury, damage or loss

b) intimidation or harassment

c) discrimination, disadvantage or adverse treatment in relation to employment

d) dismissal from, or prejudice in, employment

e) disciplinary proceedings.

Compliance with requirements under this code

9.7 You must not engage in conduct that is calculated to impede or disrupt the consideration of a matter under this code.

9.8 You must comply with a reasonable and lawful request made by a person exercising a function under the Procedures. A failure to make a written or oral submission invited under the Procedures will not constitute a breach of this clause.

9.9 You must comply with a practice ruling made by the Office.
9.10 Where you are a councillor or the general manager, you must comply with any council resolution requiring you to take action as a result of a breach of this code.

### Disclosure of information about the consideration of a matter under this code

9.11 All allegations of breaches of this code must be dealt with under and in accordance with the Procedures.

9.12 You must not allege breaches of this code other than by way of a complaint made or initiated under the Procedures.

9.13 You must not make allegations about, or disclose information about, suspected breaches of this code at council, committee or other meetings, whether open to the public or not, or in any other forum, whether public or not.

9.14 You must not disclose information about a complaint you have made under this code or a matter being considered under this code except for the purposes of seeking legal advice, unless the disclosure is otherwise permitted under the Procedures.

### Complaints alleging a breach of this part

9.15 Complaints alleging a breach of this Part by a councillor, the general manager or an administrator are to be managed by the Office. The Office may delegate the consideration of an alleged breach of this Part to the general manager, the mayor or to another person.

9.16 Complaints alleging a breach of this Part by other council officials are to be managed by the general manager.
# Schedule 1: Disclosures of Interest

| Item 18 |  
| --- | --- |
Part 1: Preliminary

Definitions

1. For the purposes of the schedules to this code, the following definitions apply:

   **address** means:
   
   a) in relation to a person other than a corporation, the last residential or business address of the person known to the councillor or designated person disclosing the address, or
   
   b) in relation to a corporation, the address of the registered office of the corporation in New South Wales or, if there is no such office, the address of the principal office of the corporation in the place where it is registered, or
   
   c) in relation to any real property, the street address of the property.

   **de facto partner** has the same meaning as defined in section 21C of the Interpretation Act 1987.

   **disposition of property** means a conveyance, transfer, assignment, settlement, delivery, payment or other alienation of property, including the following:

   a) the allotment of shares in a company
   
   b) the creation of a trust in respect of property
   
   c) the grant or creation of a lease, mortgage, charge, easement, licence, power, partnership or interest in respect of property
   
   d) the release, discharge, surrender, forfeiture or abandonment, at law or in equity, of a debt, contract or chose in action, or of an interest in respect of property
   
   e) the exercise by a person of a general power of appointment over property in favour of another person
   
   f) a transaction entered into by a person who intends by the transaction to diminish, directly or indirectly, the value of the person’s own property and to increase the value of the property of another person.

   **gift** means a disposition of property made otherwise than by will (whether or not by instrument in writing) without consideration, or with inadequate consideration, in money or money’s worth passing from the person to whom the disposition was made to the person who made the disposition, but does not include a financial or other contribution to travel.

   **interest** means:

   a) in relation to property, an estate, interest, right or power, at law or in equity, in or over the property, or
   
   b) in relation to a corporation, a relevant interest (within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth) in securities issued or made available by the corporation.

   **listed company** means a company that is listed within the meaning of section 9 of the Corporations Act 2001 of the Commonwealth.

   **occupation** includes trade, profession and vocation.

   **professional or business association** means an incorporated or unincorporated body or organisation having as one of its objects or activities the promotion of the economic interests of its members in any occupation.

   **property** includes money.

   **return date** means:
a) in the case of a return made under clause 4.21(a), the date on which a person became a councillor or designated person

b) in the case of a return made under clause 4.21(b), 30 June of the year in which the return is made

c) in the case of a return made under clause 4.21(c), the date on which the councillor or designated person became aware of the interest to be disclosed.

**relative** includes any of the following:

a) a person’s spouse or de facto partner

b) a person’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

c) a person’s spouse’s or de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child

d) the spouse or de facto partner of a person referred to in paragraphs (b) and (c).

**travel** includes accommodation incidental to a journey.

**Matters relating to the interests that must be included in returns**

2. **Interests etc. outside New South Wales:** A reference in this schedule or in schedule 2 to a disclosure concerning a corporation or other thing includes any reference to a disclosure concerning a corporation registered, or other thing arising or received, outside New South Wales.

3. **References to interests in real property:** A reference in this schedule or in schedule 2 to real property in which a councillor or designated person has an interest includes a reference to any real property situated in Australia in which the councillor or designated person has an interest.

4. **Gifts, loans etc. from related corporations:** For the purposes of this schedule and schedule 2, gifts or contributions to travel given, loans made, or goods or services supplied, to a councillor or designated person by two or more corporations that are related to each other for the purposes of section 50 of the **Corporations Act 2001** of the Commonwealth are all given, made or supplied by a single corporation.

---

**Part 2: Pecuniary interests to be disclosed in returns**

**Real property**

5. A person making a return under clause 4.21 of this code must disclose:

a) the **street** address of each parcel of real property in which he or she had an interest on the return date, and

b) the **street** address of each parcel of real property in which he or she had an interest in the period since 30 June of the previous financial year, and

c) the nature of the interest.

6. An interest in a parcel of real property need not be disclosed in a return if the person making the return had the interest only:

a) as executor of the will, or administrator of the estate, of a deceased person and not as a beneficiary under the will or intestacy, or
b) as a trustee, if the interest was acquired in the ordinary course of an occupation not related to his or her duties as the holder of a position required to make a return.

7. An interest in a parcel of real property need not be disclosed in a return if the person ceased to hold the interest prior to becoming a councillor or designated person.

8. For the purposes of clause 5 of this schedule, “interest” includes an option to purchase.

**Gifts**

9. A person making a return under clause 4.21 of this code must disclose:
   a) a description of each gift received in the period since 30 June of the previous financial year, and
   b) the name and address of the donor of each of the gifts.

10. A gift need not be included in a return if:
   a) it did not exceed $1000, unless it was among gifts totalling more than $1000 made by the same person during a period of 12 months or less, or
   b) it was a political donation disclosed, or required to be disclosed, under Part 6 of the Election Funding Expenditure and Disclosures Act 1981, or
   c) the donor was a relative of the donee, or
   d) subject to paragraph (a), it was received prior to the person becoming a councillor or designated person.

11. For the purposes of clause 10 of this schedule, the amount of a gift other than money is an amount equal to the value of the property given.

**Contributions to travel**

12. A person making a return under clause 4.21 of this code must disclose:
   a) the name and address of each person who made any financial or other contribution to the expenses of any travel undertaken by the person in the period since 30 June of the previous financial year, and
   b) the dates on which the travel was undertaken, and
   c) the names of the states and territories, and of the overseas countries, in which the travel was undertaken.

13. A financial or other contribution to any travel need not be disclosed under this clause if it:
   a) was made from public funds (including a contribution arising from travel on free passes issued under an Act or from travel in government or council vehicles), or
   b) was made by a relative of the traveller, or
   c) was made in the ordinary course of an occupation of the traveller that is not related to his or her functions as the holder of a position requiring the making of a return, or
   d) did not exceed $500, unless it was among gifts totalling more than $500 made by the same person during a 12-month period or less, or
   e) was a political donation disclosed, or required to be disclosed, under Part 6 of the Election Funding Expenditure and Disclosures Act 1981, or
   f) was made by a political party of which the traveller was a member and the travel was undertaken for the purpose of political activity of the party in New Zealand.
South Wales, or to enable the traveller to represent the party within Australia, or

\[ g) \text{ subject to paragraph (d) it was received prior to the person becoming a councillor or designated person.} \]

14. For the purposes of clause 13 of this schedule, the amount of a contribution (other than a financial contribution) is an amount equal to the value of the contribution.

**Interests and positions in corporations**

15. A person making a return under clause 4.21 of this code must disclose:

\[ a) \text{ the name and address of each corporation in which he or she had an interest or held a position (whether remunerated or not) on the return date, and} \]

\[ b) \text{ the name and address of each corporation in which he or she had an interest or held a position in the period since 30 June of the previous financial year, and} \]

\[ c) \text{ the nature of the interest, or the position held, in each of the corporations, and} \]

\[ d) \text{ a description of the principal objects (if any) of each of the corporations, except in the case of a listed company.} \]

16. An interest in, or a position held in, a corporation need not be disclosed if the corporation is:

\[ a) \text{ formed for the purpose of providing recreation or amusement, or for promoting commerce, industry, art, science, religion or charity, or for any other community purpose, and} \]

\[ b) \text{ required to apply its profits or other income in promoting its objects, and} \]

\[ c) \text{ prohibited from paying any dividend to its members.} \]

17. An interest in a corporation need not be disclosed if the interest is a beneficial interest in shares in a company that does not exceed 10 per cent of the voting rights in the company.

18. An interest or a position in a corporation need not be disclosed if the person ceased to hold the interest or position prior to becoming a councillor or designated person.

**Interests as a property developer or a close associate of a property developer**

19. A person making a return under clause 4.21 of this code must disclose whether they were a property developer, or a close associate of a corporation that is a property developer, on the return date.

20. For the purposes of clause 19:

**Close associate of a corporation** means each of the following:

\[ a) \text{ a director or officer of the corporation, or a related body corporate of the corporation, or the spouse of such a director or officer} \]

\[ b) \text{ a person whose voting power in the corporation, or a related body corporate of the corporation, is greater than 20% or the spouse of such a person} \]

\[ c) \text{ if the corporation is a trustee, manager or responsible entity in relation to a trust—a person who holds more than 20% of the units in the trust (in the case of a unit trust) or is a beneficiary of the trust (in the case of a discretionary trust)} \]

\[ d) \text{ if the corporation or a related body corporate of the corporation is a stapled entity in relation to a stapled} \]
security—a person who holds more than 20% of the units in the trust that is the other stapled entity.

**officer, related body corporate** and **voting power** have the same meanings as they have in the Corporations Act 2001 of the Commonwealth.

**property developer** means a person engaged in a business that regularly involves the making of relevant planning applications by or on behalf of the person in connection with the residential or commercial development of land, with the ultimate purpose of the sale or lease of the land for profit.

**spouse of a person** includes a de facto partner of that person.

**Positions in trade unions and professional or business associations**

21. A person making a return under clause 4.21 of the code must disclose:

   a) the name of each trade union, and of each professional or business association, in which he or she held any position (whether remunerated or not) on the return date, and

   b) the name of each trade union, and of each professional or business association, in which he or she has held any position (whether remunerated or not) in the period since 30 June of the previous financial year, and

   c) a description of the position held in each of the unions and associations.

22. A position held in a trade union or a professional or business association need not be disclosed if the person ceased to hold the position prior to becoming a councillor or designated person.

**Dispositions of real property**

23. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property by the person (including the street address of the affected property) in the period since 30 June of the previous financial year, under which he or she wholly or partly retained the use and benefit of the property or the right to re-acquire the property.

24. A person making a return under clause 4.21 of this code must disclose particulars of each disposition of real property to another person (including the street address of the affected property) in the period since 30 June of the previous financial year, that is made under arrangements with, but is not made by, the person making the return, being a disposition under which the person making the return obtained wholly or partly the use of the property.

25. A disposition of real property need not be disclosed if it was made prior to a person becoming a councillor or designated person.

**Sources of income**

26. A person making a return under clause 4.21 of this code must disclose:

   a) each source of income that the person reasonably expects to receive in the period commencing on the first day after the return date and ending on the following 30 June, and

   b) each source of income received by the person in the period since 30 June of the previous financial year.

27. A reference in clause 26 of this schedule to each source of income received, or reasonably expected to be received, by a person is a reference to:
a) in relation to income from an occupation of the person:

(i) a description of the occupation, and

(ii) if the person is employed or the holder of an office, the name and address of his or her employer, or a description of the office, and

(iii) if the person has entered into a partnership with other persons, the name (if any) under which the partnership is conducted, or

b) in relation to income from a trust, the name and address of the settlor and the trustee, or

c) in relation to any other income, a description sufficient to identify the person from whom, or the circumstances in which, the income was, or is reasonably expected to be, received.

28. The source of any income need not be disclosed by a person in a return if the amount of the income received, or reasonably expected to be received, by the person from that source did not exceed $1000, or is not reasonably expected to exceed $1000, as the case may be.

29. The source of any income received by the person that they ceased to receive prior to becoming a councillor or designated person need not be disclosed.

30. A fee paid to a councillor or to the mayor or deputy mayor under sections 248 or 249 of the LGA need not be disclosed.

Debts

31. A person making a return under clause 4.21 of this code must disclose the name and address of each person to whom the person was liable to pay any debt:

a) on the return date, and

b) at any time in the period since 30 June of the previous financial year.

32. A liability to pay a debt must be disclosed by a person in a return made under clause 4.21 whether or not the amount, or any part of the amount, to be paid was due and payable on the return date or at any time in the period since 30 June of the previous financial year, as the case may be.

33. A liability to pay a debt need not be disclosed by a person in a return if:

a) the amount to be paid did not exceed $1000 on the return date or in the period since 30 June of the previous financial year, as the case may be, unless:

   (i) the debt was one of two or more debts that the person was liable to pay to one person on the return date, or at any time in the period since 30 June of the previous financial year, as the case may be, and

   (ii) the amounts to be paid exceeded, in the aggregate, $1000, or

b) the person was liable to pay the debt to a relative, or
c) in the case of a debt arising from a loan of money the person was liable to pay the debt to an authorised deposit-taking institution or other person whose ordinary business includes the lending of money, and the loan was made in the ordinary course of business of the lender, or

d) in the case of a debt arising from the supply of goods or services:

(i) the goods or services were supplied in the period of 12 months immediately preceding the return date, or were supplied in the period since 30 June of the previous financial year, as the case may be, or

(ii) the goods or services were supplied in the ordinary course of any occupation of the person that is not related to his or her duties as the holder of a position required to make a return, or

e) subject to paragraph (a), the debt was discharged prior to the person becoming a councillor or designated person.

Discretionary disclosures

34. A person may voluntarily disclose in a return any interest, benefit, advantage or liability, whether pecuniary or not, that is not required to be disclosed under another provision of this Schedule.
Schedule 2:
Form of Return – Disclosure of Interest
‘Disclosures by councillors and designated persons’ return

1. The pecuniary interests and other matters to be disclosed in this return are prescribed by Schedule 1 of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

2. If this the first return you have been required to lodge with the general manager after becoming a councillor or designated person, do not complete Parts C, D and I of the return. All other parts of the return should be completed with appropriate information based on your circumstances at the return date, that is, the date on which you became a councillor or designated person.

3. If you have previously lodged a return with the general manager and you are completing this return for the purposes of disclosing a new interest that was not disclosed in the last return you lodged with the general manager, you must complete all parts of the return with appropriate information for the period from 30 June of the previous financial year to the return date which is the date you became aware of the new interest to be disclosed in your updated return.

4. If you have previously lodged a return with the general manager and are submitting a new return for the new financial year, you must complete all parts of the return with appropriate information for the 12-month period commencing on 30 June of the previous year to 30 June this year.

5. This form must be completed using block letters or typed.

6. If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

7. If there are no pecuniary interests or other matters of the kind required to be disclosed under a heading in this form, the word “NIL” is to be placed in an appropriate space under that heading.

8. “***” means delete whichever is inapplicable.

Important information

This information is being collected for the purpose of complying with clause 4.21 of the Model Code of Conduct.

You must not lodge a return that you know or ought reasonably to know is false or misleading in a material particular (see clause 4.23 of the Model Code of Conduct). Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the council, the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

The information collected on this form will be kept by the general manager in a register of returns. The general manager is required to table all returns at a council meeting.

If you are a councillor or the general manager, information in this return other than information about your principal place of residence will be published on the council’s website.

If you are a designated person other than the general manager, information in this return is not to be publicly disclosed by the council unless the council decides to grant access in response to an access request made under the Government Information (Public Access) Act 2009.

You have an obligation to keep the information contained in this return up to date. If you become aware of a new interest that must be disclosed in this return, or an interest that you have previously failed to disclose, you must submit an updated return within three months of becoming aware of the previously undisclosed interest.
Disclosure of pecuniary interests and other matters by [full name of councillor or designated person]

*as at [return date]

*in respect of the period from [date] to [date]

[councillor’s or designated person’s signature]

[date]

---

**A. Real Property**

**Street address** of each parcel of real property in which I had an interest *at the return date/*at any time since 30 June

<table>
<thead>
<tr>
<th>Nature of interest</th>
</tr>
</thead>
</table>

---

**B. Sources of income**

1 *Sources of income I reasonably expect to receive from an occupation in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of income I received from an occupation at any time since 30 June:

<table>
<thead>
<tr>
<th>Description of occupation</th>
<th>Name and address of employer or description of office held (if applicable)</th>
<th>Name under which partnership conducted (if applicable)</th>
</tr>
</thead>
</table>

2 *Sources of income I reasonably expect to receive from a trust in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of income I received from a trust since 30 June:

<table>
<thead>
<tr>
<th>Name and address of settlor</th>
<th>Name and address of trustee</th>
</tr>
</thead>
</table>

3 *Sources of other income I reasonably expect to receive in the period commencing on the first day after the return date and ending on the following 30 June:

*Sources of other income I received at any time since 30 June:

[include description sufficient to identify the person from whom, or the circumstances in which, that income was received]

---

**C. Gifts**

Description of each gift I received at any time since 30 June

<table>
<thead>
<tr>
<th>Name and address of donor</th>
</tr>
</thead>
</table>

---

CONSULTATION DRAFT
### D. Contributions to travel

<table>
<thead>
<tr>
<th>Name and address of each person who made any financial or other contribution to any travel undertaken by me at any time since 30 June</th>
<th>Dates on which travel was undertaken</th>
<th>Name of States, Territories of the Commonwealth and overseas countries in which travel was undertaken</th>
</tr>
</thead>
</table>

### E. Interests and positions in corporations

<table>
<thead>
<tr>
<th>Name and address of each corporation in which I had an interest or held a position &quot;at the return date&quot;/&quot;at any time since 30 June</th>
<th>Nature of interest (if any)</th>
<th>Description of position (if any)</th>
<th>Description of principal objects (if any) of corporation (except in case of listed company)</th>
</tr>
</thead>
</table>

### F. Were you a property developer or a close associate of a corporation that is a property developer on the return date? (Y/N)

### G. Positions in trade unions and professional or business associations

<table>
<thead>
<tr>
<th>Name of each trade union and each professional or business association in which I held any position (whether remunerated or not) &quot;at the return date&quot;/&quot;at any time since 30 June</th>
<th>Description of position</th>
</tr>
</thead>
</table>

### 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

---

**CONSULTATION DRAFT**
Schedule 3: Form of Special Disclosure of Pecuniary Interest
1 This form must be completed using block letters or typed.

2 If there is insufficient space for all the information you are required to disclose, you must attach an appendix which is to be properly identified and signed by you.

### Important Information

This information is being collected for the purpose of making a special disclosure of pecuniary interests under clause 4.36(c) of the Model Code of Conduct for Local Councils in NSW (the Model Code of Conduct).

The special disclosure must relate to a pecuniary interest that arises only because of an interest of the councillor in the councillor’s principal place of residence, or an interest of another person (whose interests are relevant under clause 4.3 of the Model Code of Conduct) in that person’s principal place of residence.

You must not make a special disclosure that you know or ought reasonably to know is false or misleading in a material particular. Complaints about breaches of these requirements are to be referred to the Office of Local Government and may result in disciplinary action by the Chief Executive of the Office of Local Government or the NSW Civil and Administrative Tribunal.

This form must be completed by you before the commencement of the council or council committee meeting in respect of which the special disclosure is being made. The completed form must be tabled at the meeting. Everyone is entitled to inspect it. The special disclosure must be recorded in the minutes of the meeting.
Special disclosure of pecuniary interests by [full name of councillor]

in the matter of [insert name of environmental planning instrument]

which is to be considered at a meeting of the [name of council or council committee (as the case requires)]

to be held on the day of 20.

Pecuniary interest

Address of land in which councillor or an associated person, company or body has a proprietary interest (the identified land)?

☐ Councillor has interest in the land (e.g. is owner or has other interest arising out of a mortgage, lease, trust, option or contract, or otherwise).

☐ Associated person of councillor has interest in the land.

☐ Associated company or body of councillor has interest in the land.

Relationship of identified land to councillor [Tick or cross one box.]

Matter giving rise to pecuniary interest?

Current zone/planning control [insert name of current planning instrument and identify relevant zone/planning control applying to the subject land]

Proposed change of zone/planning control [insert name of proposed LEP and identify proposed change of zone/planning control applying to the subject land]

Effect of proposed change of zone/planning control on councillor or associated person [insert one of the following: “Appreciable financial gain” or “Appreciable financial loss”]

[If more than one pecuniary interest is to be declared, reprint the above box and fill in for each additional interest.]

Councillor’s signature

Date

[This form is to be retained by the council’s general manager and included in full in the minutes of the meeting]
1. Clause 4.1 of the Model Code of Conduct provides that 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. A person does not have a pecuniary interest in a matter if the interest is so remote or insignificant that it could not reasonably be regarded as likely to influence any decision the person might make in relation to the matter, or if the interest is of a kind specified in clause 4.6 of the Model Code of Conduct (for example, an interest as an elector or as a ratepayer or person liable to pay a charge).

2. Clause 4.3 of the Model Code of Conduct provides that you may have a pecuniary interest in a matter because of the pecuniary interest of your spouse or your de facto partner or your relative or because your business partner or employer has a pecuniary interest. You may also have a pecuniary interest in a matter because you, your nominee, your business partner or your employer is a member of a company or other body that has a pecuniary interest in the matter.

3. “Relative” is defined by clause 4.4 of the Model Code of Conduct as meaning your, your spouse’s or your de facto partner’s parent, grandparent, brother, sister, uncle, aunt, nephew, niece, lineal descendant or adopted child and the spouse or de facto partner of any of those persons.