



An  
Introduction to  
Council's

# Code of Conduct

---

For contractors,  
consultants &  
suppliers

March 2005

The *Local Government Act, 1993*, requires every council to adopt a Code of Conduct that incorporates the provisions of the The Model Code of Conduct for Local Councils in NSW. Councillors, members of staff of council and delegates (**which includes contractors**) of the council must comply with the applicable provisions of council's code of conduct. It is the personal responsibility of council officials (**which includes contractors**) of council to comply with the standards in the code and regularly review their personal circumstances with this in mind.

Failure by council officials (**including contractors**) to comply with council's code of conduct may give rise to disciplinary action. **Read this summary brochure and, in addition, take the time to read and become familiar with the complete Code of Conduct.**

*R J Ball*  
General Manager

## **Contractors Consultants & Suppliers General Conduct Obligations**

Contractors working with council will be required to adhere to the relevant provisions of council's code of conduct during their contract period.

Specifically you must avoid conduct that:

- ◆ contravenes the Act; associated regulations and council's relative administrative requirements;
- ◆ is detrimental to the pursuit of the charter of the council;
- ◆ is improper or unethical;
- ◆ is an abuse of power or otherwise amounts to misconduct;
- ◆ causes, comprises or involves intimidation, harassment or verbal abuse;
- ◆ causes, comprises or involves prejudice in the provision of a service to the community. (*Schedule 6A of the Act*)

Remember—you have the right to question any instruction or direction given to you by a council official which you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from a trusted senior officer or the Department of Local Government, the Ombudsman and the Independent Commission Against Corruption.

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

### **Conflict of Interests**

- ◆ A conflict of interests exists when you could be influenced, or a reasonable person would perceive that you could be influenced by a personal interest when carrying out your public duty on council's behalf.
- ◆ You must appropriately resolve any conflict or incompatibility between your personal/company interests and the impartial performance of your public or professional duties in your dealings with council.
- ◆ Any conflict between your interests or your companies interests and those of council must be resolved to the satisfaction of the council, and always think about how others would view your situation.

It is essential that you properly address a conflict of interests that may arise. You must:

- ◆ try to understand the concept of and practical implications of conflicts of interests;
- ◆ accept that failure to resolve an actual or reasonably perceived conflict of interests is unacceptable in local government;
- ◆ take timely and appropriate action to avoid, or if not, to disclose any actual, potential or reasonably perceived conflict of interests.

The onus is on each council official (**which includes contractors**) to identify and declare possible conflicts of interests and also pecuniary interests which are interests that may involve a monetary gain or loss to you.

### **Other Business or Employment by Staff**

A member of staff of council who is considering outside employment or contract work that relates to the business of the council that might conflict with their council duties, must notify and seek approval of the general manager in writing (*section 353 of the Act*)

Before staff engage in outside employment or business they must ensure that it will **not**:

- ◆ conflict with their official duties
- ◆ interfere with their council work
- ◆ involve using confidential information or council resources obtained through your work with the council
- ◆ require them to work in the outside employment while on council duty
  
- ◆ discredit or disadvantage the council.

Contractors, consultants and suppliers who deal with council are not permitted to offer council staff outside employment or business proposals of any kind.

Such offers would immediately create:

- ◆ a conflict of interests situation for the staff member involved;
- ◆ the perception that the contractor, consultant or supplier is attempting to offer an inappropriate gift or benefit with the intent to influence the staff member.

### **Personal Benefit**

Representatives of council should not accept gifts and benefits of more than a nominal value nor are they to seek gifts and benefits under any circumstances.

Please refrain from offering council officers any type of gifts and benefits as this may jeopardise your work relationship with council and compromise the council officer dealing with you.

Council officers must not:

- ◆ seek or accept a bribe or other improper inducement;
- ◆ by virtue of their position acquire a personal profit or advantage which has a monetary value, other than one of a token value.

Council officers may accept gifts and benefits of a nominal or token value that do not create a sense of obligation on their part.

Council officers must never accept an offer of money, regardless of the amount.

Council officers (including contractors, consultants and suppliers) must not take advantage of their position or situation to improperly influence other council officials in the performance of their public or professional duties to secure a private benefit for themselves their company or for somebody else.

Nor can they take advantage of their position to obtain unauthorised or unfair benefits for themselves or others.

### **Obligations of Staff**

Staff and contractors, consultants and suppliers likewise when working for Hornsby Shire Council have an obligation to:

- ◆ give their attention to the business of council while on duty;
- ◆ ensure that their work is carried out efficiently, economically and effectively;
- ◆ carry out lawful directions given by any person having authority to give such directions; and
- ◆ give effect to the lawful policies, decisions and practices of the Council, whether or not they personally agree with or approve of them.

### **Access to Information**

Contractors, consultants and suppliers must not use confidential information in ways which are an abuse of their role, function or position, or which put them in a position which is inconsistent with their legal and professional obligations to the council.

Also they must:

- ◆ protect confidential information
- ◆ only access information needed for council business
- ◆ not use confidential information for any non-official purpose
- ◆ only release confidential information if they have authority to do so
- ◆ only use confidential information for the purpose it is intended to be used

- ◆ only release other information in accordance with established council policies and procedures and in compliance with relevant legislation
- ◆ not use council information for personal or commercial purposes
- ◆ not disclose any information discussed during a confidential session of a council meeting.

### **Use of Council's Resources**

Contractors may only use council resources and equipment if in accordance with specific conditions of a formal contract.

### **Breaches**

It is everybody's responsibility (**including contractors, consultants and suppliers**) to not only act in accordance with the Code of Conduct but also to report any breaches of the Code immediately to either your supervisor, executive manager or the general manager. Sanctions will be imposed for any reported and proven breaches.

### **Contact with Children & Young People**

You must respect the rights of every child & young person including the right to:

- ◆ safety and a safe environment
- ◆ freedom from abuse, neglect and exploitation of any kind
- ◆ protection from harm and risk of harm
- ◆ personal space and privacy
- ◆ dignity, and to be treated with respect.

### **Public Comment**

Only staff who are specifically delegated to do so by the general manager may make public comment about council matters.

NB. A council contractor, consultant or supplier who is aware of possible corruption, maladministration or serious wastage must report it immediately to their supervisor, executive manager, contact manager or the general manager. External reporting can also be made to:

Independent Commission Against Corruption	8281 5999
NSW Ombudsman	9286 1000
NSW Department of Local Government	4428 4100

---

### **For More Information**

Consult council's internal auditor on 9847 6662

Copies of the Code may also be obtained from the General Manager's Division or downloaded from Council's website. [www.hornsby.nsw.gov.au](http://www.hornsby.nsw.gov.au)

Via options:

"Your Council"

"Council Policies & Procedures"

"Statutory Documents Required by Local Govt Act"

"Code of Conduct"

For independent ethical advice, contact the  
St James Ethics Centre on 1800 672 303

---