
**SALEYARDS COMMITTEE
TO BE HELD IN THE COUNCIL CHAMBERS ON
TUESDAY, 22 APRIL 2025 AT 8:30 AM**

- 1 Apologies
- 2 Declarations of Interest
- 3 Items of Business
 - CL01 p2 Terms of Reference
 - CL02 p9 Proposed Meeting Dates 2025
 - CL03 p10 Induction of Committee Members - Mandatory
 - CL04 Griffith Livestock Marketing Centre - Electronic Identification (eID) Tagging System
 - CL05 Griffith Livestock Marketing Centre
- 4 General Business
- 5 Next Meeting

DISTRIBUTION LIST

Councillor Scott Groat (Chair), Councillor Christine Stead, Councillor Doug Curran, Donald Barbaro (Community Representative), Grant Elwin (Community Representative), Rodney Evans (Community Representative)

Director Utilities, Graham Gordon; Team Leader – Saleyards, Les Warren and Minute Secretary, Jessica Bertacco

Quorum = 3

If you are unable to attend this meeting please notify the Minute Secretary prior to commencement of the meeting by email or by telephoning Council on 1300 176 077.

This Committee meeting may be attended remotely and recorded by audio or audio-visual means for administrative purposes. No other recording is permitted.

Acknowledgement of Country

Griffith City Council acknowledges the Wiradjuri people as the traditional owners and custodians of the land and waters, and their deep knowledge embedded within the Aboriginal community.

Council further pays respect to the local Wiradjuri Elders, past, present and those emerging, for whom we acknowledge have responsibilities for the continuation of cultural, spiritual and educational practices of the local Wiradjuri people.

CLAUSE **CL01**

TITLE **Terms of Reference**

FROM **Joanne Bollen, Governance Officer**

TRIM REF **25/27824**

SUMMARY

Committee to review the Terms of Reference attached.

RECOMMENDATION

The Committee adopt the Terms of Reference attached to the report.

REPORT

Not Applicable

LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 3.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards.

ATTACHMENTS

- (a) (TOR-030) Saleyards Committee - Terms of Reference [↓](#) 3



SALEYARDS COMMITTEE

(TOR-030)

1. Establishment and Guidelines:

1.1 The Saleyards Committee is established under section 355 of the Local Government Act 1993 which states:

*A function of Council may, subject to this Chapter, be exercised:
(b) By a committee of the council*

1.2 The Saleyards Committee and its members are bound by practices as established in Council policies including:

- GC-CP-402 – Council Committees
- GC-CP-404 – Code of Conduct
- GC-CP-413 – Code of Meeting Practice
- COMM-CP-401 - Media Policy
- COMM-PO-401 - Social Media Policy
- GOV-CP-316 - Child Safe Policy

Each Committee member will be required to sign an acknowledgment form indicating their acceptance of the above policies which are available on Council’s Committee Induction webpage.

2. Authority to Act:

- 2.1 The Saleyards Committee does not have authority to implement actions in areas over which Council has responsibility. The Committee does not have any management functions and is therefore independent of management.
- 2.2 The Saleyards Committee has no delegated authority to make decisions, it can only refer or recommend matter to the Council for consideration. The Committee forwards the Minutes of every meeting, including any specific recommendations, to the next practicable Ordinary Meeting of the Council for determination.
- 2.3 The Saleyards Committee does not have any authority to commit or expend any Council funds that are not contained within an adopted budget or subsequent variation to that budget via resolution of Council.
- 2.4 Any recommendation for expenditure other than within an adopted budget must be endorsed by Council through adoption of Committee minutes at the next practicable Ordinary Meeting of Council and cannot be acted upon until the adoption of Committee Minutes at the next Ordinary Meeting of Council.

3. Purpose & Scope:

The Saleyards Committee will be established for the purpose of providing advice and recommendations on the future development of the Griffith Livestock Marketing Centre (GLMC) ensuring efficiency, stakeholder satisfaction and alignment with industry standards including:

- 3.1 Development of a Masterplan to include roof over entire saleyards structure.
- 3.2 Recycled water use at the GLMC.
- 3.3 Expansion of holding yards.

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(TOR-030)

3.4 Decommissioning of cattle yards.

4. Alignment to Community Strategic Plan

Objective 1.2 Actively engage with and seek direction from our community and Stakeholders

Objective 5.1 Be a location of choice for innovative agriculture and manufacturing.

Objective 5.3 Promote opportunities for business to establish and grow.

Objective 6.1 Provide, renew and maintain a range of quality infrastructure, assets, services and facilities.

5. Frequency of Meetings:

5.1 Meetings will be held quarterly at dates and times as determined.

The Committee may also call a special meeting in extraordinary circumstances where a majority of members believes this to be necessary.

5.2 Meetings will normally be held at either the Council Administration Building at 1 Benerambah Street, Griffith, or at another accessible venue.

6. Membership and Quorum:

6.1 The membership of the Saleyards Committee will be:

- 1 Mayor Doug Curran**
- 1 Councillor Scott Groat (Chair)**
- 1 Councillor Christine Stead**
- 3 Community Representatives as endorsed by Council**

6.2 Membership shall be appointed by resolution of Council.

6.3 The Mayor, by virtue of holding the office of Mayor, is appointed as a member to all Committees established by Council.

6.4 Minimum number for quorum will be 3.

6.5 Number of voting members will be 6 (including the Mayor if in attendance).

6.6 A quorum is not required for meetings to take place. However, for a decision to be made at a meeting, a quorum of members must be present. If a quorum is not reached, the meeting can be held for information purposes only and discussion recorded as a Report of the Meeting (in lieu of Minutes of the Meeting).

7. Voting:

7.1 For the vote to be carried, a majority (more than half) of the voting members present is required.

7.2 In the event of a tied vote, the Chair will have the casting vote.

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- 7.3 The Mayor will have a voting right at any meeting the Mayor attends.
- 7.4 Council staff do not have the authority to move or second motions nor vote on issues.
- 8. Chairperson:**
 - 8.1 Councillor appointed Chairperson is **Councillor Scott Groat**
 - 8.2 Duties of the Chairperson:
 - 8.2.1 Ensure preparation of agenda before the meeting.
 - 8.2.2 Chair meetings in accordance with Council's Code of Meeting Practice and agreed Terms of Reference. Ensure agenda items are discussed, decisions are made and recorded, as appropriate.
 - 8.2.3 Approve draft meeting minutes.
 - 8.2.4 Represent the Committee as spokesperson.
 - 8.2.5 Comment to the media on minor matters only. Media contact on larger projects are to be channelled through the Mayor's Office.
 - 8.2.6 The Chairperson may cancel scheduled meetings if there are no scheduled Agenda items for consideration.
- 9. Directorate and Staff Support**
 - 9.1 The Responsible Directorate is Utilities.
 - 9.2 The Director Utilities will determine staff support to the Committee.
 - 9.3 Duties of the Director:
 - Be the nominated contact officer for the Committee.
 - Be the main conduit between the Committee and Council.
 - Be the custodian of information required for the Committee.
 - Coordinate meetings.
 - Provide and or collect reports for inclusion in the Agenda.
 - Approve items for inclusion in Agenda.
 - Monitor and follow-up Action Report.
- 10. Secretary:**
 - 10.1 Griffith City Council Governance staff will provide a Minute Secretary and administrative support to the Committee for the purpose of preparing Agendas, Minutes and Action Reports.

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10.2 Duties of the Secretary:

- Preparation and distribution of agendas.
- Issuing notices for meetings (Agendas) at least three days prior to the meeting, ensuring all necessary documents requiring discussion or comment are attached to the Agenda.
- Taking minutes and notes of proceedings and preparing and distributing minutes of the meeting. Minute taking at Meetings may be shared among Governance staff and technical staff attending the meeting depending on staff loads.
- Update Action Report and distribute to responsible officer for action.

11. Responsibility of Committee Members:

- 11.1 Attend meetings and be punctual.
- 11.2 Send an apology if unable to attend a meeting.
- 11.3 Read business papers in advance and undertake necessary research.
- 11.4 Raise issues and concerns, and report on initiatives and issues which may be relevant to or of interest to other members.
- 11.5 Participate in discussions and decision making.
- 11.6 Follow through actions minuted and subsequently adopted by Council.
- 11.7 It is the responsibility of all Committee members to familiarise themselves with and follow practices as contained in the governing Council policies. Refer to Council policies - Section 1.2.
- 11.8 Members must declare any real or perceived conflicts of interest at the start of each meeting or before discussion of a relevant agenda item or topic. Details of any conflicts of interest are to be recorded in the minutes. If members or those invited to Committee meetings find they do have a real or perceived conflict of interest or pecuniary interest they are not allowed to be a part of Committee discussions on the issue. Refer to Council's Code of Conduct for management of conflicts of interest.
- 11.9 Members must only use Council and Committee information for Council purposes and for the purposes for which it was collected. Members are required to maintain the integrity and security of confidential information for which they are responsible.

12. Attendance at Meetings

Attendance at meetings may be by audio visual (such as Zoom).

13. Other Attendees:

Members of the public/agency representatives who are not Committee members may attend Committee meetings by invitation of the Chairperson or Committee only. Such persons shall not be entitled to vote on any decision arising out of that meeting. It is preferred that if a member of the public/agency representative wish to attend a meeting that

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(TOR-030)

they address the Committee in relation to the item and leave the meeting before any vote is taken on the matter.

14. Term of Office:

The term of office for Section 355 committees will be the same term as the current Council, unless established as a sunset committee i.e. with a finite time specified.

15. Reporting Framework:

The Committee will report to Griffith City Council via minutes presented to Ordinary Council Meetings.

16. Media Contact

The Chairperson of a Council Committee is the primary spokesperson on matters that have been discussed by a Committee. Priority should be given to the Chairperson to comment on Council decisions, projects and initiatives associated to the relevant Committee unless the Mayor elects to do so.

Contact with the media should be done in the first instance (where possible) by Media Release. All Chairpersons should notify Council’s Communications and Integrated Planning team of any contact with the media that relates to Council matters.

Committee members may not speak to the media on behalf of the Committee or Council without approval in advance from Council’s Communications and Integrated Planning team.

When communicating with the media, Council Committee members are not to use or disclose information gained during the ordinary course of business of Council in a way that may:

- (a) cause significant damage or distress to a person;
- (b) damage to the interests of Council or a person; or
- (c) confer an unfair commercial or financial advantage on a person or business when dealing with the media; and
- (d) disclose any confidential information discussed during a confidential session of a council or committee meeting or any other confidential forum (such as, but not limited to, Workshops or briefing sessions).

17. Expenses of Committee Members

Council will not generally authorise payment or provide remuneration to Committee members.

18. Insurance

Committee members are covered by Council’s public liability and professional indemnity insurance.

19. Recording of Meetings

Meetings may be recorded by audio or audio-visual means for administrative and minute taking purposes. No other recording is permitted.

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Committee Terms of Reference 2024 – 2028

SALEYARDS COMMITTEE

(TOR-030)

20. Review of Terms of Reference

The Terms of Reference for the Committee will be adopted for the duration of the Council Term. Any amendment to the Terms of Reference as accepted by the Committee shall be forwarded to Council for consideration but cannot be applied until adopted by Council.

Adopted: Council Meeting – 11 March 2025

Minute No: 25/069

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CLAUSE **CL02**

TITLE **Proposed Meeting Dates 2025**

FROM **Joanne Bollen, Governance Officer**

TRIM REF **25/27823**

SUMMARY

The Saleyards Committee will meet quarterly on the fourth Tuesday of the month.

The proposed meeting dates for 2025 are:

- Tuesday, 22 April
- Tuesday, 22 July
- Tuesday, 21 October

RECOMMENDATION

The Committee note the proposed meeting dates for 2025.

REPORT

As above.

ATTACHMENTS

Nil

CLAUSE **CL03**

TITLE **Induction of Committee Members - Mandatory**

FROM **Joanne Bollen, Governance Officer**

TRIM REF **25/27821**

SUMMARY

Community members appointed to Council Committees are required to undertake the Committee Induction process as outlined in this report.

RECOMMENDATION

The Committee members note the Committee Induction requirements and complete induction process outlined in this report.

REPORT

Members appointed to Council Committees are required to undertake the Committee Induction process as outlined below:

Mandatory Induction Requirements:

Step 1: Read the following Policies and Information on the [Committee Webpage](#) [Committee Member Induction](#)

- Code of Conduct Policy
- Model Code of Conduct at a Glance Committee Members & Delegates
- Code of Meeting Practice Policy
- Statements to the Media Policy
- Social Media Policy
- Information Protection Principles
- Child Safe Policy and Code of Conduct

Step 2: Complete the online [Committee Acknowledgment of Policies Form](#) after reading the above policies.

Conflicts of Interest

Your obligations to disclose and manage conflicts of interest that arise in your role will depend on what type of conflict of interest you have. Part 4 & 5 of the Code of Conduct policy describes Committee members' responsibilities for declaring Pecuniary and Non-Pecuniary conflicts of interests.

[Conflicts of interest forms](#) may be filled in on-line prior to the meeting or completed in writing at the meeting.

Gift and Benefits Register

Part 6 of the Code of Conduct policy deals with gifts and benefits and outlines requirements for Committee members to submit a [Gift and Benefits form](#).

Social Media / Media Policies

- When discussing Council or Committee matters, only share publicly available information and participate in conversations where you have sufficient knowledge.
- The Chairperson of a Council Committee is the primary spokesperson for matters discussed by the Committee.
- Follow the Code of Conduct and treat all individuals and with respect.
- Be mindful that your comments do not bring Council's reputation into disrepute.
- You must not use or disclose information obtained in the course of Committee business in a manner that reveals confidential discussions.

Terms of Reference

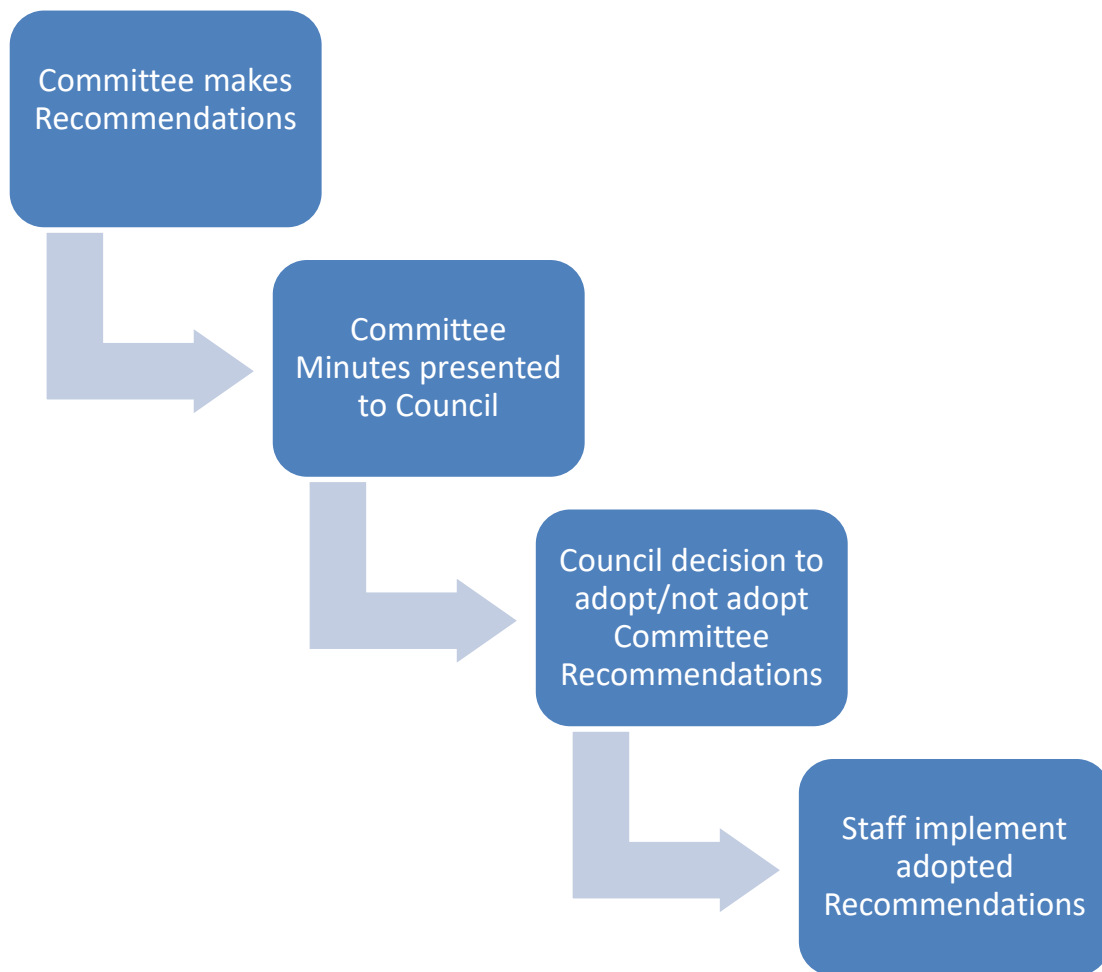
The Terms of Reference for a Council Committee outline its purpose, structure, and operational guidelines, including its objectives, membership composition, meeting procedures, roles and responsibilities, decision-making authority and reporting obligations. They define how the Committee functions within the Council structure, ensuring clarity on delegation limits and governance requirements.

Agenda Items

Committee Secretary will confer with the Chair and responsible Director regarding Agenda items. Should Committee members wish to raise a matter as part of the Agenda, they may email the Committee Secretary 2 weeks before the meeting date.

Alternatively, matters may be raised for discussion during General Business.

Committee Recommendation Process



LINK TO STRATEGIC PLAN

This item links to Council's Strategic Plan item 3.1 Undertake Council activities within a clear framework of strategic planning, policies, procedures and service standards.

ATTACHMENTS

- | | | |
|-----|--|----|
| (a) | Code of Conduct At a Glance ↓ | 13 |
| (b) | OLG Code of Conduct Presentation ↓ | 19 |

MODEL CODE OF CONDUCT FOR LOCAL COUNCILS IN NSW

‘AT A GLANCE’ GUIDE FOR COUNCIL COMMITTEE MEMBERS AND DELEGATES



Introduction

This guide summarises the key elements of the *Model Code of Conduct for Local Councils in NSW* that apply to committee members and delegates of councils and joint organisations.

The Model Code of Conduct is available at www.olg.nsw.gov.au.

Each council's and joint organisation's code of conduct must reflect the requirements of the Model Code of Conduct and may contain additional requirements.

While this guide refers to "councils" for simplicity, all references in it to "councils" are to be taken as including local and county councils and joint organisations.

Committee members and delegates should familiarise themselves with their council's code of conduct and understand their obligations and the obligations of others.

Who is a committee member?

A council committee member is any person (other than a councillor or council staff member) who is a member of a council committee that exercises functions of the council under delegation. It may also include members of advisory committees if your council has extended the application of its code of conduct to members of advisory committees.

Who is a delegate?

A delegate of a council is any person (other than a councillor or council staff member) who exercises a council function under delegation.

General Conduct

It is important that the local community has confidence in the council and those that serve it, whether as elected representatives, members of staff or as delegates or committee members.

As a committee member or a delegate of the council, you must ensure that your conduct and behaviour towards others meets the high standards that the community is entitled to expect of all council officials.

What conduct is expected of council committee members and delegates?

(Clauses 3.1 - 3.21)

You **must**:

- act lawfully and honestly and exercise care and diligence in undertaking your functions
- consider matters consistently, promptly and fairly and in accordance with established procedures
- ensure land use planning, development assessment and other regulatory decisions are properly made and that all parties are dealt with fairly, and
- comply with your duties under the *Work Health and Safety Act 2011* and take care of your own and others' health and safety.

You **must not** conduct yourself in a way that:

- will bring the council into disrepute
- is contrary to law and council policies
- is improper, unethical or an abuse of power
- involves misuse of your position for personal benefit
- constitutes harassment or bullying or is unlawfully discriminatory, or
- is intimidating or verbally abusive.

Submitting returns of interests

Delegates of councils or members of committees that exercise functions of the council that may give rise to conflicts of interest are required to disclose their personal interests in publicly available returns of interests.

These operate as a key transparency mechanism for promoting community confidence in council decision making, whether by councillors or by staff or others under delegation.

Do I need to submit a written return of interests?

(Clauses 4.8 – 4.10)

Delegates or committee members who are “designated persons” must complete and submit returns of their interests to the general manager.

When do I need to submit a written return of interests?

(Clause 4.21)

If you are a designated person, you must submit a return of interests within three months of your appointment and submit a new return annually (within three months of the start of each financial year).

If you become aware of any new interest that needs to be disclosed in the return, you must submit a new return within three months of becoming aware of the interest.

What interests do I need to disclose?

(Schedule 1)

If you are a designated person you will be required to disclose, among other things, the following types of interests in your return:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether you are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income, and
- debts.

Conflicts of interest

As a member of the local community, it is inevitable that at some point you will have a conflict of interest in a matter that you are dealing with. What is important is that you are able to identify that you have a conflict of interest and that you disclose and manage it appropriately.

There are two types of conflicts of interest – pecuniary and non-pecuniary. Your obligations to disclose and manage conflicts of interest will depend on what type of conflict of interest you have.

What is a pecuniary conflict of interest?

(Clauses 4.1 – 4.5)

You will have a pecuniary interest in a matter you are dealing with where there is a reasonable likelihood or expectation that you or a related person (eg a relative, your employer or business partner or a company you hold shares in), will gain or lose financially appreciably as a result of any decision made in relation to the matter.

How do I manage pecuniary conflicts of interest that I have in matters I am dealing with?

(Clauses 4.10, 4.12 and 4.18)

You must disclose in writing any pecuniary interest you may have in a matter you are dealing with as soon as you become aware of it.

The general manager will decide how the matter will be dealt with.

If you are a member of a committee, you must disclose any pecuniary interest you have in any matter being dealt with by the committee at each committee meeting that the matter arises and leave the meeting while the matter is being considered and voted on.

What is a non-pecuniary conflict of interest?

(Clauses 5.1, 5.2 and 5.8)

Non-pecuniary interests are private or personal interests that are not pecuniary interests.

You will have a non-pecuniary conflict of interest in a matter you are dealing with if a reasonable and informed person would perceive that you could be influenced by a private interest that you have in that matter. This is also known as the “pub test”.

How you deal with a non-pecuniary conflict of interest will depend on whether it is significant.

How do I know if I have a significant non-pecuniary conflict of interest in a matter I am dealing with?

(Clause 5.9)

You will have a significant non-pecuniary conflict of interest in a matter you are dealing with where you have a:

- close relationship (including a business relationship) with a person who will be affected by any decision made in relation to the matter
- strong affiliation with an organisation that will be affected by any decision made in relation to the matter, or
- financial interest in the matter that is not a pecuniary interest, or you otherwise stand to gain or lose a personal benefit as a result of a decision made in relation to that matter.

How do I manage significant non-pecuniary conflicts of interest that I have in matters I am dealing with?

(Clauses 5.9 and 5.10)

If you have a significant non-pecuniary conflict of interest in a matter you are dealing with, you must:

- disclose it in writing to the general manager
- disclose it on each occasion the matter arises, and
- not participate in any consideration of the matter.

If you are a member of a council committee you must also disclose your interest at each committee meeting that the matter arises and leave the meeting while the matter is being considered or voted on.

How do I manage non-pecuniary conflicts of interest that are not significant?

(Clauses 5.6, 5.7 and 5.11)

If you believe that you have a non-pecuniary conflict of interest in a matter you are dealing with that is not significant and that does not require further action, you must still disclose your interest in writing to the general manager as soon as possible and explain why you believe it is not significant.

The general manager will help you decide how to manage your interest.

If you are a member of a committee, you must also disclose your interest at each committee meeting the matter arises and explain why you believe it is not significant and no further action is necessary to manage it.

What if I am not sure?

(Clause 5.4)

Remember, no one knows your personal circumstances better than you and for that reason, the onus is on you to identify and disclose any potential conflict of interest you may have in a matter you are dealing with and to manage it appropriately.

If you are not sure whether you have a conflict of interest in a matter you are dealing with or what type of conflict of interest it is, always err on the side of caution. Disclose the interest in writing to the general manager and discuss with them whether you should continue to deal with the matter.

How do I deal with council in my private capacity as a resident or ratepayer?

(Clauses 5.28 and 5.29)

As a member of the community, it is inevitable that you will need to deal with your council in your private capacity. Where this occurs, you should deal with the council in the same way as other members of the public. You should not expect or seek any preferential treatment.

You must not use your position to obtain a private benefit for yourself or for someone else or to influence others in the performance of their functions to obtain a private benefit for yourself or for someone else.

Gifts and benefits

In the course of performing your duties you may be offered a gift or a personal benefit. There are strict rules that govern what gifts or benefits you may accept and those that you must refuse.

These rules are informed by the following principles:

- you must not benefit personally from the performance of your duties on behalf of the council other than through the remuneration and any other benefits you receive as a delegate or committee member, and
- you must not be influenced or be seen to be influenced in the performance of your duties as a result of the receipt of a gift or personal benefit.

What is a gift or benefit?

(Clauses 6.1 and 6.2)

A gift or benefit is something offered to or received by you or someone closely associated with you for personal use or enjoyment.

Gifts and benefits do not include:

- items with a value of \$10 or less
- a gift or benefit provided to the council as part of a cultural exchange or sister city relationship (provided it is not used for your personal use and enjoyment)
- attendance at a work-related event or function for the purpose of undertaking your council duties, or
- meals, beverages or refreshments that are provided to you while you are carrying out your council duties.

What gifts or benefits must I refuse?

(Clause 6.5)

You **must not**:

- seek or accept bribes
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation, or that may be perceived as intended or likely to influence you in undertaking your duties
- accept any gift or benefit that is worth more than \$100
- accept tickets to major sporting or cultural events with a ticket value of over \$100 or corporate hospitality at such events
- accept cash or cash-like gifts (such as gift vouchers, credit cards, debit cards with credit on them, phone or internet credit, lottery tickets etc) of any amount
- participate in competitions for prizes where eligibility is based on the council being a customer of the competition organiser, or
- personally benefit from reward points programs when purchasing on behalf of council.

What if I can't refuse a gift or benefit?

(Clause 6.7)

If you are offered a gift or benefit that is worth more than \$100 that cannot be reasonably refused, you must surrender it to the council.

What gifts can I accept and who must I report this to?

(Clauses 6.6, 6.8 and 6.11)

You may accept gifts with a value of under \$100. However, if you receive further gifts from the same person or another person associated with them in the next 12 months with a value which, when combined with the value of the first gift exceeds \$100, you must refuse to accept the additional gifts.

If you accept a gift of any value above \$10, you must disclose this promptly to the general manager in writing. The following details must be recorded in the council's gift register:

- the nature of the gift or benefit
- the estimated monetary value of the gift or benefit
- the name of the person who provided the gift or benefit, and
- the date on which the gift or benefit was received.

Use of council information and resources

Council resources (including council information) are public resources. You must use council resources ethically, effectively, efficiently and carefully when performing your duties.

You must not use council resources for private purposes, or convert council property for your own use unless you are authorised to do so.

What records should I keep?

(Clauses 8.21 – 8.24)

All information created, sent or received in your official capacity (whether or not stored on a council device or a council email account) and any information stored in either soft or hard copy on council resources is considered to be a council record and must be kept in accordance with the *State Records Act 1998* and your council's records management policy.

Do not destroy, alter or dispose of records unless authorised to do so.

What are my obligations in relation to the use of council information?

(Clauses 8.9 – 8.11)

You can only access and use council information for council business. You must not use council information for private purposes and you must not seek to privately benefit from any council information you have obtained in your role as a delegate or committee member.

You must only release council information in accordance with established council policies and procedures and in compliance with relevant legislation (including privacy legislation).

You must maintain the integrity and security of any confidential or personal information you have access to. In particular, you must:

- only access confidential or personal information that you have been authorised to access and only for the purposes of performing your duties
- protect confidential and personal information
- only release confidential or personal information if authorised to do so
- only use confidential or personal information for the purpose for which it is intended to be used
- not use confidential or personal information to obtain a private benefit for you or for someone else
- not use confidential or personal information to cause harm to the council or anyone else, and
- not disclose confidential information discussed during a closed session of a council or committee meeting or any other confidential forum (such as councillor workshops or briefing sessions).

What are my obligations when using my council computer or mobile device?

(Clause 8.20)

You must not use council's computer or mobile devices to access, download or communicate any material that is offensive, obscene, pornographic, threatening, abusive or defamatory or could lead to civil or criminal liability and/or damage council's reputation.

Making code of conduct complaints

Your council's code of conduct is the key mechanism for promoting and enforcing the ethical and behavioural standards the community rightly expects of those who serve the council.

For this reason, it is important that your council's code of conduct is correctly used and that code of conduct processes are respected and complied with.

How do I make a code of conduct complaint?

(Part 4 of the Procedures)

Complaints alleging breaches of the code of conduct must be made in writing to the general manager. Complaints about the general manager must be made in writing to the mayor. Complaints must be made within 3 months of the conduct occurring or you becoming aware of the conduct.

To be dealt with under the council's code of conduct, a complaint must show or tend to show conduct by a member of staff, a councillor or a person exercising council functions under delegation or who is otherwise subject to the council's code of conduct in connection with their official role or the exercise of their official functions that would constitute a breach of the council's code of conduct if proven.

The following types of complaints must not be dealt with under a council's code of conduct and should instead be dealt with under the council's routine complaints management processes:

- complaints about the standard or level of service provided by the council or a council official
- complaints that relate solely to the merits of a decision made by the council or a council official or the exercise of a discretion by the council or a council official
- complaints about the policies or procedures of the council, and
- complaints about the conduct of a council official arising from the exercise of their functions in good faith, whether or not involving error, that would not otherwise constitute a breach of the council's code of conduct.

Model Code of Conduct for Local Councils in NSW – 'At a Glance' Guide for Council Committee Members and Delegates

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What happens if a code of conduct complaint is made about me?

(Clauses 5.10 – 5.17 of the Procedures)

The general manager (or another member of staff authorised by the general manager) is responsible for dealing with code of conduct complaints about committee members and delegates.

In dealing with a complaint, the general manager may determine to take no action, to resolve it informally or to take disciplinary action. Prior to taking disciplinary action, the general manager must comply with certain procedural fairness requirements.

Where proven, code of conduct complaints may result in:

- censure
- requirement for an apology
- prosecution for any breach of the law
- removal or restriction of a delegation, and/or
- removal from membership of a committee

What are my responsibilities in relation to code of conduct complaints?

(Clauses 9.1 – 9.7, and 9.13)

You have certain obligations in relation to any code of conduct complaints that you make or that are made about you. These obligations are designed to safeguard the integrity of your council's code of conduct and the processes for investigating and dealing with alleged breaches by ensuring code of conduct matters are dealt with in a manner that is robust, fair and confidential. Breaches of these obligations may themselves constitute a breach of your council's code of conduct.

In particular you must not:

- make code of conduct complaints for an improper purpose
- take or cause reprisal action to be taken against someone for making or dealing with a code of conduct complaint
- disclose any information about a code of conduct complaint you have made or that has been made about you except for the purpose of seeking legal advice, or
- impede or disrupt the consideration of a code of conduct complaint and you must comply with any reasonable and lawful requests.



Model Code of Conduct Training

Committee Members and Delegates




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Overview

- General conduct
- Submitting returns of interest
- Conflicts of interest
- Gifts and benefits
- Use of council information and resources
- Code of conduct complaints





What is the code of conduct?

- A council's code of conduct sets the minimum standards of conduct for all council officials.
- Every council and joint organisation must adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.
- It is important that the local community has confidence in the council and you.





General Conduct





General Conduct

you must...

You must:

- act lawfully and honestly and exercise care and diligence
- consider matters consistently, promptly and fairly and in accordance with procedures
- ensure regulatory decisions are properly made and that all parties are dealt with fairly
- take care of your own and others' health and safety



General Conduct

you must not...

You **must not** conduct yourself in a way that:

- will bring the council into disrepute
- is contrary to law and council policies
- is improper, unethical or an abuse of power
- involves misuse of your position for personal benefit
- constitutes harassment or bullying or is unlawfully discriminatory
- is intimidating or verbally abusive.



Returns of Interests





Returns of interests

disclosures by “designated persons”

- People who exercise council functions that may give rise to conflicts of interest (ie “designated persons”) are required to disclose their personal interests in publicly available returns of interests.
- “Designated persons” must complete and submit returns of their interests to the general manager.
- A return of interest must be submitted:
 - within 3 months of appointment and then annually
 - within 3 months of becoming aware of any new interest.



Returns of interests

What interests do I need to disclose?

A designated person is required to disclose:

- interests in real property
- gifts
- contributions to travel
- interests and positions in corporations
- whether you are a property developer or a close associate of a property developer
- positions in trade unions and professional or business associations
- dispositions of real property
- sources of income
- debts





Conflicts of Interest





Conflicts of Interest

- There are two types of conflicts of interest:
 - pecuniary and
 - non-pecuniary.
- Your obligations to disclose and manage conflicts of interest will depend on what type of conflict of interest you have.





Conflicts of Interest

What is a pecuniary interest?

You will have a **pecuniary interest** in a matter where there is a reasonable likelihood or expectation that you or a related person will gain or lose financially as a result of any decision made in relation to that matter.






Conflicts of interest

managing pecuniary interests

- Where you have a pecuniary interest in a matter you are dealing with, you must disclose it as soon as you become aware of it in writing to the general manager.
- The general manager will decide how the matter will be dealt with.
- If you are a member of a committee, you must disclose any pecuniary interest you have in any matter being dealt with by the committee at each committee meeting that the matter arises and leave the meeting while it is being considered and voted on.



Conflicts of Interest

What is a non-pecuniary interest?

- **Non-pecuniary interests** are private or personal interests that are not pecuniary interests.
- You will have a non-pecuniary conflict of interest in a matter you are dealing with if a reasonable and informed person would perceive that you could be influenced by a private interest that you have in that matter.
- How you deal with a non-pecuniary conflict of interest will depend on whether it is **significant**.



Conflicts of Interest

significant non-pecuniary conflicts of interest

You will have a **significant non-pecuniary conflict of interest** in a matter where you have:

- a close relationship (including a business relationship) with a person who will be affected by a decision
- a strong affiliation with an organisation that will be affected by a decision
- a financial interest in the matter that is not a pecuniary interest, or you otherwise stand to gain or lose a personal benefit as a result of a decision



Conflicts of Interest

managing significant non-pecuniary conflicts of interest

- Disclose it in writing to the general manager as soon as possible,
- disclose it on each occasion the matter arises, and
- do not participate in any consideration of the matter.
- If you are a member of a council committee you must also disclose your interest at each committee meeting that the matter arises and leave the meeting while the matter is being considered and voted on.



Conflicts of Interest

managing non-pecuniary conflicts of interest
that are not significant

- A **non-pecuniary conflict of interest will not be significant** where it arises from a relationship or affiliation that is not particularly strong.
- You must still disclose your interest in writing to the general manager as soon as possible and explain why you believe it is not significant. They will help you decide how to manage it.
- If you are a member of a committee, you must also disclose your interest at each committee meeting the matter arises and explain why you believe it is not significant and no further action is necessary to manage it.



Conflicts of Interest

What if I am not sure?

- The onus is on you to identify and disclose any potential conflict of interest you may have in a matter you are dealing with and to manage it appropriately.
- If you are not sure, always err on the side of caution. Disclose the interest in writing to the general manager and discuss it with them.



Conflicts of Interest

dealing with council as a resident

- You should deal with the council in the same way as other members of the public.
- You should not expect or seek any preferential treatment.
- You must not use your position to obtain a private benefit for yourself or for someone else or to influence others to obtain a private benefit for yourself or for someone else.



Gifts and Benefits





Gifts and Benefits

- **A gift or benefit is** something offered to or received by you, or someone closely associated with you, for personal use or enjoyment.
- Key principles:
 - You must not benefit personally from your work other than through the remuneration and any other benefits you receive as a delegate or committee member.
 - You must not be influenced or be seen to be influenced as a result of the receipt of a gift or personal benefit.



Gifts and Benefits

What is not a gift or a benefit?

Gifts and benefits **do not** include:

- items with a value of \$10 or less
- a gift or benefit provided to the council as part of a cultural exchange or sister city relationship
- attendance at a work-related event for the purpose of undertaking your council duties
- meals, beverages or refreshments that are provided to you while you are carrying out your council duties.



Gifts and Benefits

you must not...

You must not:

- seek or accept bribes
- seek gifts or benefits of any kind
- accept any gift or benefit that may create a sense of obligation, or that may be perceived as intended or likely to influence you
- accept any gift or benefit that is worth more than \$100
- accept tickets to major sporting or cultural events with a ticket value of over \$100 or corporate hospitality at such events
- accept cash or cash-like gifts of any amount
- participate in competitions for prizes where eligibility is based on the council being a customer of the competition organiser
- personally benefit from reward points programs when purchasing on behalf of council.



Gifts and Benefits

What if you can't refuse?

If you are offered a gift or benefit that is worth more than \$100 that cannot be reasonably refused, you must surrender it to the council.





Gifts and Benefits

What you can accept?

- You can accept gifts valued under \$100.
- **But**, if the same person, or someone associated with them, offers you another gift in the next 12 months, which, if added to the value of the first gift, has a value that exceeds \$100, you must refuse to accept the additional gift.
- You must promptly disclose any gift of any value over \$10 to the general manager in writing for entry into council's gift register.



Use of Council Resources





Use of Council Resources

- Council resources are public resources.
- You must use council resources ethically, effectively, efficiently and carefully when performing your duties.
- You must not use council resources for private purposes, or convert council property for your own use unless you are authorised to do so.



Use of Council Resources

What records should be kept?

- All information created, sent or received in your official capacity and any information stored on council resources is considered to be a council record and must be kept in accordance with the *State Records Act 1998* and the council's records management policy.
- Do not destroy, alter or dispose of records unless authorised to do so.





Use of Council Resources using council information

- You can only access and use council information for council business.
- You must not use council information for private purposes.
- You must not seek to privately benefit from any council information you have obtained in your role.
- You must only release council information in accordance with council policies and procedures and in compliance with relevant legislation.



Use of Council Resources

protecting council information

You must maintain the integrity and security of any confidential or personal information you have access to. In particular, **you must:**

- only access confidential or personal information that you have been authorised to access and only for the purposes of performing your functions
- protect confidential and personal information
- only use confidential or personal information for the purpose for which it is intended to be used
- only release confidential or personal information if authorised



Use of Council Resources

protecting council information

You must not:

- use confidential or personal information to obtain a private benefit for you or for someone else
- use confidential or personal information to cause harm to the council or anyone else
- disclose confidential information discussed during a closed session of a council or committee meeting or any other confidential forum.



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Use of Council Resources

using council devices

You **must not** use council's computer or mobile devices to access, download or communicate any material that is:

- offensive
- obscene
- pornographic
- threatening
- abusive or defamatory
- could lead to civil or criminal liability and/or damage council's reputation.



Code of Conduct Complaints





Code of Conduct Complaints

- The council's code of conduct is the key mechanism for promoting and enforcing ethical and behavioural standards.
- It is important that the council's code of conduct is correctly used and that code of conduct processes are respected and complied with.





Code of Conduct Complaints

How are code of conduct complaints made?

To be dealt with under the code of conduct, complaints must:

- be made in writing to the general manager, or if about the general manager, to the mayor
- be made within 3 months
- show conduct that would constitute a breach of the council's code of conduct if proven





Code of Conduct Complaints

What is not a code of conduct complaint?

Complaints about the following **are not** “code of conduct complaints” and should not be dealt with under the council’s code of conduct:

- the standard or level of service provided by the council
- the merits of a decision
- policies or procedures of the council
- conduct in good faith, that would not otherwise constitute a breach of the council’s code of conduct.



Code of Conduct Complaints

How are complaints about delegates and committee members dealt with?

- The general manager is responsible for dealing with code of conduct complaints about committee members and delegates.
- The general manager may determine to take no action, to resolve the complaint informally or to take disciplinary action.
- Prior to taking disciplinary action, the general manager must comply with certain procedural fairness requirements.



Code of Conduct Complaints

How are complaints about delegates and committee members dealt with?

Where proven, code of conduct complaints about delegates and members of committees may result in:

- censure
- requirement for an apology
- prosecution for any breach of the law
- removal or restriction of a delegation
- removal from membership of a committee





Code of Conduct Complaints

your obligations

You **must not**:

- make code of conduct complaints for an improper purpose
- take reprisal action for making or dealing with a code of conduct complaint
- disclose any information about a code of conduct complaint
- impede or disrupt the consideration of a code of conduct complaint and comply with any reasonable and lawful requests



Questions?

