



# CODE OF CONDUCT - PRECINCT OFFICE BEARERS AND MEMBERS

D5-11

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**Policy Owner:** Director City Strategy

**Direction:** 5. Our Civic Leadership

## 1. INTRODUCTION

The North Sydney Precinct System, whilst under the auspice of North Sydney Council, operates with a degree of independence from Council, and with independence of mind. However, as the Precinct System is publicly regarded as an open-government initiative of the Council, we ask all participants to commit to our ethical standards and perform your activities or responsibilities with integrity, honesty and fairness. The intent of this Code of Conduct is to strengthen the Precinct System and public perception.

## 2. KEY RESPONSIBILITIES

When attending a committee meeting or carrying out other activities on behalf of the Precinct Committee, the Officer Bearers and Members are responsible for your own good conduct. As part of good conduct, you are asked to:

- a) be inclusive and courteous to the public, Council staff and Councillors, other volunteers and Precinct Committee members;
- b) help create an environment that is free of harassment and discrimination;
- c) show respect to all members on the Precinct Committee including new members (includes first time attendees, casual attendees and DA applicants); and
- d) approach your involvement in Precinct Committee activities with honesty and integrity.

Each Precinct Committee must have a minimum of two (2) Office Bearers, being a Convenor and the Secretary, or Co-Convenors. Office Bearers must comply with the *North Sydney Precinct System Guidelines*.

## 3. CONFLICT OF INTERESTS

A conflict of interest arises when your own interests, or those of people close to you, conflict with your obligations to the Council.

It is recognised that Precinct meeting attendees will have interests in the matters under consideration. This interest is understood and would not need to be disclosed. However, were an attendee may be perceived to have a pecuniary interest in a specific matter being discussed, this inference should be disclosed to the meeting.

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:

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- a) your spouse, de facto partner<sup>1</sup>, your relative<sup>2</sup>, your partner or your employer, or a person as defined in Clause 4.6 of Council's *Code of Conduct - Councillors and Staff*, or
  - b) a company or other body of which you, or your nominee, partner or employer, is a shareholder or member.

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 of Council's *Code of Conduct - Councillors and Staff*.

As an Office Bearer, you need to ensure that any interest you may have in a matter does not influence, and could not be perceived as influencing, the way in which a matter is discussed, or any decision made by the Precinct Committee.

Example:

- if an Office Bearer or Member is opposed to a high-rise development proposed in the Precinct area this would not be considered a conflict.
- if the high rise development proposed is next door or close by, so as to affect the value of the property of the Office Bearer or Member it would be appropriate that they declare a personal interest and that the Office Bearer temporarily step down from their position during discussion of the item.

The declaration of interests by Office Bearers protects the reputation of the Precinct Committee and the Office Bearers. Declarations ensure that people can be confident that the personal interests of the Office Bearer do not unduly influence the decisions of the Precinct Committee.

Example:

- a Convenor would be considered to have a conflict of interest if they misuse their position, because of an interest, to inappropriately direct discussion or not allow free discussion of a matter.
- a Secretary would be considered to have a conflict of interest if they, because of an interest, inaccurately record the minutes dealing with a matter.

When an Office Bearer or Member discloses of a conflict of interest:

- a) the Secretary must record, in the minutes, who declared the interest and the nature of the interest declared.
- b) if they are an Office Bearer, they should temporarily step down from their position while the matter is being discussed and pass their role to another member.
- c) the point at which the Officer Bearer steps down and then resumes their position should be recorded in the minutes/summary of actions arising as per the *North Sydney Precinct System Guidelines*.

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<sup>1</sup> "de facto partner" has the same meaning as defined in section 21C of the *Interpretation Act 1987*.

<sup>2</sup> 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; or
- iii) the spouse or de facto partner of a person referred to in paragraphs (i) and (ii).

Contact Council's Public Officer on Ph 9936 8100 if you are unsure whether you have a conflict of interest.

#### 4. GIFTS AND BENEFITS

As a Precinct Member, you should not offer to a Councillor or Council staff member, a gift or benefit (including cash incentives) that:

- a) is designed to gain advantage for yourself or a group you represent; or
- b) may be perceived by the public to give advantage to you or a group you represent.

Similarly, as a Precinct Member you should not accept gifts or benefits from a third party e.g. external agency or developer that could appear to gain someone an advantage or influence him or her in their Committee's role/activities.

Token gifts may be given or accepted; token gifts include small items such as flowers, a bottle of wine or chocolates.

The standards for gifts and benefits in this Code are the same as the standards in Council's *Code of Conduct - Councillors and Staff*.

Example:

- it is not acceptable for a Precinct Committee to accept from a developer, who has a proposal in their Precinct, an offer to take Precinct members to a restaurant or to provide refreshments to the members.

If you are offered a gift or benefit that you consider being more than token, report it to Council's Public Officer. Contact Council's Public Officer on Ph 9936 8100 if you are unsure if a gift or benefit is token.

Openness about such matters prevents unfair criticism. If you have any doubts whether or not you should accept a gift received in relation to your role as Precinct Member, it is best not to accept it.

#### 5. CONFIDENTIAL AND PERSONAL INFORMATION

As a Precinct Member or Office Bearer, you may have contact with confidential or personal information retained by Council and the Precinct Committees. If so, we ask that you maintain the security of such information and not access, use or remove any information, unless you are authorised to do so.

Privacy legislation governs the collection, holding, use, correction, disclosure and transfer of personal information. Office Bearers must only use contact details collected by the Precinct Committee for the purpose it was collected - communicating on Precinct Committee matters or an any matter that may be objectively perceived to be in the public interest.

Office bearers must ensure attendance records and minutes are maintained in accordance with the *North Sydney Precinct System Guidelines*. Unauthorised

disclosures of personal information may cause people harm or give an individual or agency an improper advantage. The Precinct Committee's credibility may be damaged if Office Bearers do not keep personal information secure.

Example:

- it would be considered inappropriate for an Office Bearer to provide Precinct Member contact details to another person, group or agency without permission from the individual Precinct Member or using contact details for a non-Precinct matters/purpose i.e. promoting election campaign material.

Contact Council's Public Officer on Ph 9936 8100 for more information about privacy legislation or if you become aware of any breach of the security or misuse, of a Precinct Committee's confidential/personal information.

### **6. PRECINCT COMMITTEE FUNDING**

The Council provides annual funding for Precinct Committees to meet their operating expenses - such as printing, flyer distribution, stationery, refreshments and telephone/internet expenses of Office Bearers.

You must use operational funding, ethically, effectively, efficiently and carefully in your role as an Office Bearer and or Member and must not use it for private purposes.

Council funding is only to be expended for Precinct operations and not for personal benefit. Council funding cannot be used for political purposes, including lobbying and election campaigns regarding any level of government, including local government elections; and cannot be used for membership of any other associations or organisations.

Expenditure of funds must be accounted for, and financial reports provided to Council as per the *North Sydney Precinct System Guidelines*.

### **7. COUNCIL RESOURCES**

Council resources (including operational funding, venues, equipment etc) should only be used for Precinct related purposes.

You must use Council resources ethically, effectively, efficiently and carefully in your role as an Office Bearer and/or Member, and must not use them for private purposes.

### **8. PUBLIC COMMENT**

Precinct Committees are not established as separate legal entities. Any comments made are therefore to be made in the personal capacity with reference to the individual making the comments, Office Bearers and members should be cognisant that they are personally responsible for comments they make.

From time to time, the media may contact Precinct members for information or comment. If the Precinct Committee has determined a matter, Office Bearers can speak on behalf of the Precinct Committee, if authorised to do so. If the matter has

only been discussed, but no determination made, you can express your personal views but not the views of the Precinct Committee.

While you may speak as a member of the public, or as a representative of the Precinct Committee, we ask that you do not make any public statement to the media or at public events that would lead someone to believe that you are speaking on behalf of Council or expressing its views or policies. Instead refer such inquiries to Council's Manager Communication & Events on Ph 9936 8100.

### **9. SOCIAL MEDIA**

All Office Bearers and Members must comply with social media use guidelines included as Appendix A. A failure to comply with these guidelines may constitute a breach of this Code of Conduct.

Precinct Committees may use social media, as defined in Appendix A, either in their capacity as an Office Bearers or in a personal capacity. If the Precinct Committee has determined by at least informal consensus a position on a matter, you can comment/post on behalf of the Precinct Committee, if authorised to do so. If the matter has only been discussed, but no determination made, you can express your personal views but not the views of the Precinct Committee.

Example:

- failure to adhere to the Code via use of social media includes making in inappropriate, derogatory or obscene posts about someone or something (e.g. Council project or decision, Councillor or another member of the public) on a social networking site where the account is in the name of a Precinct Committee; or an Officer Bearer or Member posting from their personal account.

### **10. REPRESENTATION AT COUNCIL MEETINGS (PUBLIC FORUMS)**

Office Bearers and members may register to speak at a Public Forum preceding a Council Meeting in accordance with Council's guidelines. Per Clause 8, Office Bearers and members should be cognisant that they are personally responsible for comments they make.

Office Bearers cannot speak in their official capacity unless the topic has been discussed and determination made by their respective Precinct Committee, this includes the Co-Conveners of the Combined Precincts Committee speaking on behalf of that Committee, if authorised to do so.

If addressing the Council on a personal matter (i.e. not as representative of a Precinct Committee), the Office Bearer cannot refer to their Office Bearer capacity as an attempt to influence the decision of the Council.

## 11. ALCOHOL AND DRUGS

Council asks that you do not participate in Precinct Committee meetings while under the influence of alcohol or other drugs that could impair your ability to make informed decisions or cause danger to the safety of yourself and/or others.

This does not mean that Precinct Committee members cannot have a glass of wine during their meeting. This standard allows Precinct Committee members and Office Bearers to exclude intoxicated people who attend a Precinct meeting and thereby protect the safety of members and the reputation of the Precinct Committee.

If your Precinct Committee serves or provides alcohol as a refreshment option at your Committee meeting, please ensure that it is served responsibly. Providers of alcohol must prevent drunkenness and minors accessing liquor and must understand that irresponsible liquor practices may lead to problems both on and off the premises.

## 12. DISORDER

In accordance with Council's *Code of Meeting Principles and Practices* the following step should be taken if disorder arises:

- a) the Convenor may adjourn the meeting for a period of 15 minutes.
- b) if after the meeting has resumed, disorder by the Precinct member continues they may be expelled by resolution of the Committee (i.e. majority decision).
- c) if order is not re-established the Convenor should bring the meeting to a close.
- d) once expelled, a Precinct member cannot go back into that meeting, regardless of whether he or she withdraws and apologises. They may attend the next and subsequent meetings if no further resolutions are carried.
- e) Council should be informed immediately after the event, preferably in writing.

Call the Police and request assistance if you believe there is any threat or fear of violence, or if you believe that someone could be injured because you have refused entry or requested they leave. Also inform Council's Community Engagement Coordinator on 9936 8285 or Council's After Hours Service Ph 9936 8100 of all incidents within 24 hours. Debriefing services can also be arranged on request.

## 13. VOTING ON MOTIONS

An individual who is unable to attend a General Meetings or Annual General Meeting cannot delegate voting rights to another individual or representative to vote in their absence. Voting by 'proxy' at General Meetings and Annual General Meetings is not permitted, including at the Combined Precincts Committee<sup>3</sup>, with the exception of the following clause applicable in the case of an emergency (including a pandemic).

Where Precinct Committees are prohibited from meeting physically due to a Public Health Order, an individual Precinct Committee (excluding the Combined Precincts Committee) may conduct their meeting by way of a Vote Out of Committee (VOC), which permits voting on motions, by way of email or phone, advertised via an agenda

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<sup>3</sup> Office Bearer nominations are permitted by proxy i.e. a person does not have to be present at an AGM to be elected to an office bearer position, provided they have given written consent prior to that meeting.

which has been circulated in advance of the meeting, in accordance with the guidance issued by Council staff.

Office Bearers can (where invited) attend another Precinct Committee as an observer or guest speaker capacity only, i.e. cannot vote at that meeting.

### **14. RECORDING OF RESOLUTIONS AND DISCUSSION**

No names should be recorded in minutes or summaries of actions arising; rather initials can be used in accordance with the *North Sydney Precinct System Guidelines*.

The Secretary is responsible for accurately recording any resolution (motion) of the Precinct Committee. Allegations made against an individual Council staff member or Councillor must not be recorded in the minutes but must be made directly to the General Manager.

Similarly, allegations made against Precinct Committee members, the general public including developers and local businesses, must not be recorded, but must be made directly to the General Manager. Any allegations of improper behaviour need to be investigated and should never be published without substantiation. Such matters may lead to defamation proceedings.

### **15. RELATIONSHIP BETWEEN COUNCILLORS/STAFF AND THE PRECINCT COMMITTEE**

The Councillors are the governing body of North Sydney Council and have the responsibility of directing and controlling the affairs of the Council in accordance with the *Local Government Act 1993*. Council and its staff have an obligation to give effect to the lawful policies, decisions and practices of the Council.

The Mayor and General Manager are the official spokespersons for the Council. As such, they should be approached first for presentations to Precinct Committees on Council issues. Such requests are to be coordinated through Council's Community Engagement Coordinator.

Precinct Office Bearers and/or members may not directly contact Council staff regarding any issues arising from Precinct Committee meetings, with the exception of a Department Manager or the Community Engagement Coordinator (main contact person), who can facilitate contact with the appropriate Department/staff. This process has been established to ensure a consistent level of service to all Precincts-related enquiries.

Precinct Office Bearers and members must not use threatening or intimidating language when talking with staff.

Precinct Committees must treat Councillors equally. If one (1) Councillor is invited to a present to a Precinct Committee, other Councillors are also to be given equal opportunity.

Councillors and staff cannot propose motions at a Precinct meeting, in their capacity as a Councillor or staff member.

Officer Bearers must not take advantage of their position to improperly address or attempt to influence Councillors and staff in the performance of their duties to secure a private benefit for themselves or for somebody else.

### **16. DEALING WITH THIRD PARTIES OUTSIDE OF PRECINCT MEETINGS**

Council acknowledges that inherent to the role and function of Precinct Committees is the capacity to lobby and advocate on issues of local importance. However Council discourages Precinct Committees from directly approaching third parties to resolve an issue (except for Councillors and/or Members of Parliament and Ministers).

If seeking cooperation of a third party e.g. local business, community organisation and/or private citizen, an Officer Bearer and/or members must not take advantage (or seek to take advantage) of their status or position with, or functions performed for the Precinct Committee in order to obtain unauthorised or unfair benefit for themselves or for any other person or body.

Office bearers and/or members must not directly or indirectly engage in any activity that could, by association, cause public embarrassment or other damage to Council or the Precinct Committee.

Precinct Committee members may approach the third party as a group of residents to raise concerns regarding an issue that has been previously raised at a formal Precinct Committee meeting. Similarly Office Bearers may use their role to gather further information on an issue that has been previously raised at a formal Precinct Committee meeting. The information/issue can then be passed on, through a formal resolution, requesting Council to resolve or address.

Furthermore, Office Bearers and/or members must not use threatening or intimidating language when talking to a third party.

### **17. REPORTING BREACHES OF THE CODE OF CONDUCT**

One of the ways in which you can help to maintain high ethical standards is to report any suspected breaches of the Code by a Councillor, Council staff member or Precinct member.

You can report any suspected breaches to Council's Manager Integrated Planning & Special Projects in writing in the first instance and must refrain from making allegations at Precinct Committee meetings. Such allegations should not be recorded in Precinct Committee minutes.

Where appropriate, the General Manager (or their delegate) will make enquiries, or cause enquiries to be made, into breaches of the Code and will determine the matter in accordance with Council's complaints handling procedures.

Office Bearers and Members who are found to have breached these standards may, depending on the extent of the breach, be asked to cease their involvement with the Precinct System.



Alternatively, you can report any suspected instances of corruption to the Independent Commission Against Corruption (ICAC) on Ph 1800 464 909 and any suspected instances of misadministration to the NSW Ombudsman on Ph 9286 1000.

## **18. NORTH SYDNEY COUNCIL'S COMMITMENT**

North Sydney Council is committed to the standards in this Code. They reflect the high standards expected by our community and you are expected to maintain these standards and principles when participating in Precinct activities.

If you have any questions or are unsure about any matter relating to this Code you can contact the Council's Public Officer or the Manager Integrated Planning & Special Projects on Ph 9936 8100.

## **19. RELATED POLICIES/DOCUMENTS/LEGISLATION**

The Policy should be read in conjunction with the following Council policies and documents:

- Access to Council Information Policy
- Code of Conduct - Councillors and Staff
- Code of Conduct - Volunteer and Community Representatives
- Code of Meeting Principles and Practices
- Community Engagement Policy
- Complaints Handling Policy
- Gifts and Benefits Policy
- Open Government Policy
- Managing Unreasonable Complainant Conduct Policy
- Precinct System Guidelines
- Precinct System Policy
- Privacy Management Plan
- Volunteer Policy

The Policy should be read in conjunction with the following documents/legislation:

- Independent Commission Against Corruption Act 1988
- Local Government Act 1993
- Model Code of Conduct for Local Councils in NSW (December 2018)

## **20. FOR ASSISTANCE/INFORMATION ABOUT THIS CODE:**

For more information or assistance with this Code of Conduct contact Council's Public Officer or the Integrated Planning and Special Projects Department on Ph 9936 8100.

<b>Version</b>	<b>Date Approved</b>	<b>Approved by</b>	<b>Resolution No.</b>	<b>Review Date</b>
1	30 June 2008	Council	422	2009/10
2	16 February 2009	Council	61	2012/13
3	18 February 2013	Council	61	2016/17
4	30 November 2020	Council	181	2021/22

## APPENDIX A: SOCIAL MEDIA GUIDELINES

The Guidelines govern the use of social media by Precinct Committees, so that Office Bearers and Members feel enabled to participate, while being mindful of their responsibilities and obligations.

The Guidelines assist to establish a culture of openness, trust and integrity in all social media activities relating to individual Precinct Committees, including the Combined Precincts Committee and the North Sydney Precinct System at large. They are applicable when using social media:

- a) as an officially designated individual representing a Precinct Committee i.e. Office Bearer; or
- b) if you are posting content in a personal capacity that relates to your Office Bearer role within a Precinct Committee.

What you publish on the internet can remain public for a long time. Content can also be replicated and shared beyond the original intended audience and sent recipients who were never expected to see it, who may view it out of context. Be aware that according to the terms and conditions of some third-party sites, the content you create is the property of the site where it is posted and so may be re-used in ways which you had not intended.

Before posting to social media you should understand the tool/platform you are using. Read the terms of service/user guides and look through existing content to get an idea of the posting etiquette and any associated cultural and behavioral norms before you engage.

### Social Media Definition

The term social media applies to all tools/platforms for publishing, sharing and discussion information, including, but not limited to:

- Social networking sites e.g. Facebook, Twitter, LinkedIn, Yammer etc.
- Instant messaging e.g. SMS, Skype, Snapchat, WhatsApp etc.
- Video/photo sharing websites/apps e.g. Instagram, Vimeo, Flickr, YouTube etc.
- Blogs and micro-blogging platforms e.g. Tumblr, Wordpress, Blogger etc.
- Review sites e.g. Urban Spoon, Yelp etc.
- Live broadcasting apps
- Podcasting e.g. iTunes, Stitcher, Sound cloud etc.
- Geo-spatial tagging e.g. Foursquare etc.
- Online encyclopedias e.g. Wikipedia etc.
- Online multiplayer gaming platforms e.g. Secondlife etc.
- Online voting or polls
- Public and private online forums and discussion boards
- Any other technologies that allow individual users to upload and share content.

### Official use of social media (on behalf of a Precinct Committee)

Office Bearers and/or designated members of a Precinct Committee assigned the responsibility for administering an individual Precinct Committee's social media account(s) must apply the following principles:

- a) Approved activity - before commencing a social media initiative (e.g. setting up a Facebook account), the activity must be endorsed by your Precinct Committee.
- b) Identity and authenticity - always use an authorised identity and not a personal identity when posting to, or responding from your Precinct Committee's social media accounts, on behalf of your Precinct Committee.
- c) Maintain confidentiality - only post publicly available information. Don't disclose or discuss confidential information, make commitments or engage in activities on behalf of your Precinct Committee.
- d) Protect and respect privacy - check the account privacy settings are appropriate for the scope of engagement you wish to undertake. Protect your own privacy and personal information. Don't share the private details of others. Don't disclose details of private conversations unless you have obtained explicit consent from the relevant parties (this includes using "snippets" of someone else's post/comment etc.). If an online discussion involves specific individual circumstances or personal details, the moderator must 'switch channel' by directing members of the public to an alternative medium e.g. telephone, email, face-to-face as appropriate.
- e) Be impartial - avoid statements that advocate or criticise of Council or political parties. Avoid conflicts of interest through endorsement or criticism of third-party providers, partners, products or services. Avoid expressions of personal opinion.
- f) Be respectful - be courteous and polite. Be sensitive to diversity. Avoid arguments and don't make personal attacks. Do not post obscene, offensive, defamatory, threatening, harassing, discriminatory, embarrassing, intimidating, sexually explicit, bullying, racist, sexist or hateful content, or otherwise inappropriate.
- g) Be accurate - make sure the information you publish on behalf of the Precinct Committee is correct and cite sources or provide web links where appropriate; people may make decisions based on information you post.
- h) Consider intellectual property - respect copyright. Always get permission to use words, images or materials online that you do not own.
- i) Think first - review your content before you post it. Remember that you are responsible for your actions. You should consider the impact your activities could have on yourself, your Precinct Committee or the Precinct System at large and/or Council. Use your common sense and best judgement.

### **Personal use of social media (as an Office Bearer and/or Member)**

Office Bearers and Members should be aware that content published on social media is, or may become publicly available, even from personal social media accounts. Office Bearers and Members must ensure they:

- a) are mindful that their behaviour, when posting/commenting in a Precinct related context, must reflect Council's values and the Code of Conduct, even when material is posted anonymously or using an alias or pseudonym;
- b) make clear that any views expressed are their own, and not those of their Precinct Committee, the Combined Precincts Committee or Council;
- c) don't make comments/post content that are obscene, defamatory, threatening, harassing, discriminatory or hateful;
- d) don't post comments or images that are, or could be perceived to be; and

- e) point out any vested interest or if are making an endorsement or recommendation about something you are affiliated with, or have a close relationship with, you must disclosure that affiliation. use disclaimers, wherever practical, including a prominent disclaimer stating which Precinct Committee you are affiliated with and that anything you publish is your personal opinion and that you are jot speaking officially. Whilst this is good practice and is encouraged, it may not have legal effect.