

### Scope

This Code of Conduct is made for the purposes of section 440 of the *Local Government Act 1993* (“the Act”) and the Local Government (General) Regulation 2005 (“the Regulation”). Section 440 of the Act requires every council to adopt a code of conduct that incorporates the provisions of the Model Code of Conduct.

For the purposes of section 440 of the Act, the City of Ryde Code of Conduct is in three Parts:

- **Part 1: Policy** - defines and describes the purpose of the Code, and the principles and values that are used to interpret the Standards in the Code. This Part does not constitute separate enforceable standards of conduct.
- **Part 2: Standards of Conduct** - set out the conduct obligations required of all council officials. The City of Ryde Charter of Respect is included and exists to strengthen the working relationship between Councillors and Council’s Senior Management Team. This Part contains the enforceable Standards of Conduct.
- **Part 3: Complaints Procedure** - contains the methods to make a complaint, and the operating guidelines for the conduct reviewer. This Part should be used to guide the management of complaints about breaches of the Code.

The City of Ryde Code of Conduct – [April 2019], is based on the Model Code of Conduct and Procedures prescribed by the NSW Government and issued by the Office of Local Government on 14 December 2018. The City of Ryde Code also includes a number of supplementary provisions to further strengthen the Code and reflect City of Ryde policies and values.

The City of Ryde Code of Conduct – commenced 30 April 2019.

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### Purpose

The City of Ryde Code of Conduct is based on the Model Code of Conduct which sets the minimum requirements of conduct for council officials in carrying out their functions. The Model Code is prescribed by regulation. It is the personal responsibility of Council Officials to comply with the standards in the City of Ryde Code and regularly review their personal circumstances with this in mind.

Council Officials are defined in the Code as including “Councillors, administrators, members of staff of council, delegates of council, (including

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members of council committees that are delegates of council).” The City of Ryde Code of Conduct also applies to contractors, volunteers and members of wholly advisory committees established by the Council.

Failure by a Councillor to comply with the standards of conduct prescribed under this Code constitutes misconduct for the purposes of the *Local Government Act 1993*. The Act provides for a range of penalties that may be imposed on Councillors for misconduct, including suspension or disqualification from civic office.

A councillor who has been suspended on three or more occasions for misconduct is automatically disqualified from holding civic office for five years.

Failure by a member of staff to comply with Council’s Code of Conduct may give rise to disciplinary action.

**Key Principles and Values**

The Code of Conduct is based on a number of key principles and values. They underpin, and thus can inform and guide Councillors and Council Officers’ understanding of the Standards of Conduct.

They may be used as an aid to interpret and apply the Standards of Conduct, but do not themselves constitute separate enforceable standards of conduct.

<p><b>Integrity</b>                  You must not place yourself under any financial or other obligation to any individual or organisation that might reasonably be thought to influence you in the performance of your duties.</p>	<p><b>Accountability</b>                  You are accountable to the public for your decisions and actions and should consider issues on their merits, taking into account the views of others. <i>This means recording reasons for decisions; submitting to scrutiny; keeping proper records; establishing audit trails.</i></p>
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<p><b>Selflessness</b>                  You have a duty to make decisions in the public interest. You must not act in order to gain financial or other benefits for yourself, your family, friends or business interests. <i>This means making decisions because they benefit the public, not because they benefit the decision maker.</i></p>	<p><b>Leadership</b>                  You have a duty to promote and support the key principles by leadership and example and to maintain and strengthen the public's trust and confidence in the integrity of the council. <i>This means promoting public duty to others in the council and outside, by your own ethical behaviour.</i></p>
<p><b>Impartiality</b>                  You should make decisions on merit and in accordance with your statutory obligations when carrying out public business. This includes the making of appointments, awarding of contracts or recommending individuals for rewards or benefits. <i>This means fairness to all; impartial assessment; merit selection in recruitment and in purchase and sale of council's resources; considering only relevant matters.</i></p>	<p><b>Honesty</b>                  You have a duty to act honestly. You must declare any private interests relating to your public duties and take steps to resolve any conflicts arising in such a way that protects the public interest. <i>This means obeying the law; following the letter and spirit of policies and procedures; observing the code of conduct; fully disclosing actual or potential conflict of interests and exercising any conferred power strictly for the purpose for which the power was conferred.</i></p>
<p><b>Openness</b>                  You have a duty to be as open as possible about your decisions and actions, giving reasons for decisions and restricting information only when the wider public interest clearly demands. <i>This means recording, giving and revealing reasons for decisions; revealing other avenues available to the client or business; when authorised, offering all information; communicating clearly.</i></p>	<p><b>Respect</b>                  You must treat others with respect at all times. <i>This means not using derogatory terms towards others, observing the rights of other people, treating people with courtesy and recognising the different roles others play in local government decision-making.</i></p>

**Questions to Guide Council Officials**

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

- Is the decision or conduct lawful?

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- Is the decision or conduct consistent with the City of Ryde Code of Conduct, policies and objectives
- Does the decision or conduct reflect City of Ryde Values of *Safety, Teamwork, Ethics* and *Professionalism*
- What will the outcome be for the employee or councillor, work colleagues, the council, persons with whom you are associated and any other parties?
- Do these outcomes raise a conflict of interest or lead to the expectation of a private gain or loss at public expense?
- Can the decision or conduct be justified in terms of the public interest and would it withstand public scrutiny?

If you are unsure as to whether or not you have a conflict of interests in relation to a matter, you should consider:

- Do you have a personal interest in a matter you are officially involved with?
- Is it likely you could be influenced by a personal interest in carrying out your public duty?
- Would a reasonable person believe you could be so influenced?
- What would be the public perception of whether or not you have a conflict of interests?
- Do your personal interests conflict with your official role?
- What steps do you need to take and that a reasonable person would expect you to take to appropriately manage any conflict of interests?

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### Seeking advice

You have the right to question any instruction or direction given to you that you think may be unethical or unlawful. If you are uncertain about an action or decision, you may need to seek advice from other people. This may include your supervisor or trusted senior officer, your union representatives, the Office of Local Government, the NSW Ombudsman's Office, and/or the Independent Commission Against Corruption.

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## Review Process and Endorsement

This Policy should be reviewed annually.

Council must, within 12 months after each ordinary election, review its adopted Code of Conduct, and make such adjustments as it considers appropriate.

## Attachments

Document Title	Trim Reference
Code of Conduct – Standards of Conduct – April 2019	D19/70503
Code of Conduct – Complaints Procedure – April 2019	D19/70501

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