

1. INTRODUCTION

This Code of Conduct for Tamworth Regional Council is made under section 440 of the Local Government Act 1993 (LGA) and the Local Government (General) Regulation 2005 ("the Regulation).

The Code of Conduct sets the minimum standards of conduct for Council officials. It is prescribed by regulation to assist Council officials to:

- understand and comply with the standards of conduct that are expected of them;
- enable them to fulfil their statutory duty to act honestly and exercise a reasonable degree of care and diligence (section 439); and
- act in a way that enhances public confidence in local government.

2. GENERAL CONDUCT

You must not conduct yourself in a manner that:

- is likely to bring Council or other Council officials into disrepute;
- is contrary to statutory requirements or Council's administrative requirements or policies;
- is improper or unethical;
- is an abuse of power;
- causes, comprises or involves intimidation or verbal abuse;
- involves the misuse of your position to obtain a private benefit;

constitutes harassment or bullying behaviour under this Code, or is unlawfully discriminatory. You must act lawfully and honestly, and exercise a reasonable degree of care and diligence in carrying out your functions under the LGA or any other Act (section 439). You must treat others with respect at all times.

3. FAIRNESS AND EQUITY

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

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

4. HARASSMENT AND DISCRIMINATION

You must not harass or unlawfully discriminate against others, or support others who harass or unlawfully discriminate against others, on the ground of sex, pregnancy, breastfeeding, race, age, marital or domestic status, homosexuality, disability, transgender status, infectious disease, carer's responsibilities or political, religious or other affiliation.

Harassment is any form of behavior towards a person that is not wanted by the person, offends, humiliates or intimidates the person and create a hostile environment.

5. BULLYING

You must not engage in bullying behaviour towards others. For the purposes of this Code, "bullying behaviour" is any behaviour in which: a person or a group of people repeatedly behaves unreasonably towards another person or a group of persons and the behaviour creates a risk to health and safety.

Bullying behaviour may involve, but is not limited to, any other the following types of behaviour:

- aggressive, threatening or intimidating conduct;
- belittling or humiliating comments;
- spreading malicious rumours;
- teasing, practical jokes or "initiation ceremonies";
- exclusion from work-related events;
- unreasonable work expectations, including too much or too little work, or work below or beyond a worker's skill level;
- displaying offensive material; and/or
- pressure to behave in an inappropriate manner.

6. WORK HEALTH AND SAFETY

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

- take reasonable care for your own health and safety;
- take reasonable care that your acts or omissions do not adversely affect the health and safety of other persons;
- comply, so far as you are reasonably able, with any reasonable instruction that is given to ensure compliance with the WH&S Act and any policies or procedures adopted by Council to ensure workplace health and safety;
- cooperate with any reasonable policy or procedure of Council relating to workplace health or safety that has been notified to Council staff;
- report accidents, incidents and near misses to the General Manager or such other staff member nominated by the General Manager, and take part in any incident investigations; and
- so far as is reasonably practicable, consults, co-operate and coordinate with all others who have a duty under the WH&S Act in relation to the same matter.

7. ALCOHOL AND OTHER DRUGS

Council officials are obliged to present themselves for work in a fit state to ensure that when they are carrying out their work activities, they do not expose themselves, their co-workers or other people in the workplace or members of the community to unnecessary risks to health and safety. This includes being under the influence of alcohol and other drugs. You must notify your supervisor if you are taking prescribed medication that could affect your ability to work. Reference is made to Council's Alcohol and Other Drugs Policy.

8. CHILD PROTECTION

Council actively supports child protection and the prevention of child abuse. Council officials must always report suspicious or actual behaviour occurring towards a child and adhere to the mandatory reporting requirements. Reference is made to Council's Child Protection Policy.

9. FRAUD AND CORRUPTION

Council officials must not engage in behaviour that amounts to fraud or corruption and must report all suspected behaviour to the General Manager or other responsible person. Reference is made to Council's Fraud and Corruption Prevention Policy and Public Interest Disclosures Policy.

10. CONFLICTS OF INTEREST

A conflict of interest exists where a staff member has a conflict between their private life and their Council duty. Conflicts can be financial or non-financial and be your interest or the interest of a close family member. You must disclose in writing to your manager or the General Manager the nature of any conflicts of interest in a matter you are dealing with as soon as practicable after becoming aware of the interest.

11. PERSONAL DEALINGS WITH COUNCIL

You may have reason to deal with your Council in your personal capacity (for example, as a ratepayer, recipient of a Council service or applicant for a development consent granted by Council). You must not expect or request preferential treatment in relation to any matter in which you have a private interest because of your position. You must avoid any action that could lead members of the public to believe that you are seeking preferential treatment.

12. GIFTS AND BENEFITS

You must avoid situations that would give rise to the appearance that a person or body is attempting to secure favourable treatment from you or from Council, through the provision of gifts, benefits or hospitality of any kind to you or someone personally associated with you. Gifts over the value of \$50 must not be accepted and cash or cash like gifts must never be accepted regardless of the value. You must advise your Manager of any gift accepted.

13. USE OF CERTAIN COUNCIL INFORMATION

In regard to information obtained in your capacity as a Council official, you must:

- only access Council information needed for Council business;
- not use that Council information for private purposes;
- not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for yourself, or any other person or body, from any information to which you have access by virtue of your office or position with Council; and
- only release council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

14. USE AND SECURITY OF CONFIDENTIAL INFORMATION

You must maintain the integrity and security of confidential information in your possession, or for which you are responsible. For the purposes of your work experience, you should consider all information private and confidential.

In addition to your general obligations relating to the use of Council information, you must:

- only access confidential information that you have been authorised to access and only do so for the purposes of exercising your official functions;
- protect confidential information;
- only release confidential information if you have authority to do so;
- only use confidential information for the purpose for which it is intended to be used;

- not use confidential information gained through your official position for the purpose of securing a private benefit for yourself or for any other person;
- not use confidential information with the intention to cause harm or detriment to Council or any other person or body; and
- not 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).

15. USE OF COUNCIL RESOURCES

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

16. INTERNET ACCESS

You must not use Council's computer resources or mobile or other devices to search for, access, download or communicate any material of an offensive, obscene, pornographic, threatening, abusive or defamatory nature, or that could otherwise lead to criminal penalty or civic liability and/or damage Council's reputation.

17. SOCIAL MEDIA

You must not use social media to post or share comments, photos, videos, electronic recordings or other information that:

- is offensive, humiliating, threatening or intimidating to other Council officials or those that deal with Council;
- contains content about Council that is misleading or deceptive;
- divulges confidential Council information;
- breaches the privacy of other Council officials or those that deal with Council;
- contains allegations of suspected breaches of this Code or information about the consideration of a matter under the Procedures; or
- could be perceived to be an official comment on behalf of Council where you have not been authorised to make such comment.