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## MISUSE OF COUNCIL RESOURCES

The purpose of this circular is to remind council officials of their obligations with respect to the proper use of council resources.

The improper use of council-branded resources has the potential to seriously damage the reputation of, and erode public confidence in, a council.

Councillors are reminded that section 6.1 of the Model Code of Conduct requires that they must not conduct themselves in a manner likely to bring the council or holders of civic office into disrepute.

The Division's *Councillor Guide* (2008) advocates that, in their dealings with the public or the media, councillors should make it clear whether they are acting on behalf of the council and/or in their representative capacity as an individual councillor. A good practice that has emerged among councils which provide "councillor letterhead", with or without the council crest, for use by councillors in their representative capacity is the inclusion of a disclaimer to make clear that the views expressed in that document are those of the councillor and do not necessarily reflect the views of the council. This approach is supported by the Division.

The use of council resources for election campaigning purposes may represent a breach of the *Local Government Act 1993*, the *Model Code of Conduct for Local Councils in NSW* and, in relation to councillors, the *Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors for Local Councils in NSW*. Such misuse can expose councils and councillors to serious consequences.

Council officials, including councillors, must be scrupulously honest in the use of all council resources, including council's human resources, motor vehicles, information, telecommunications equipment, internet, computer facilities, website, stationery and printing facilities.

In the lead up to the State election in March 2011, for which council officials may be nominating as candidates, particular attention is drawn to the Model Code of Conduct which provides that the interest of a councillor in their re-election to public office is considered to be a personal interest.

The Model Code of Conduct also requires that council officials must:

- not seek or obtain, either directly or indirectly, any financial benefit or other improper advantage for themselves, or any other person or body, from the use of council information or other resources
- use council resources ethically, effectively, efficiently and carefully in the course of their public or professional duties, and must not use them for private purposes (unless such use is lawfully authorised and proper payment is made where appropriate)
- avoid any action or situation which could create the impression that council property, official services or public facilities are being improperly used for their own or any other person or body's private benefit or gain
- not convert any property of the council to their own use unless properly authorised.

Behaviour contrary to the provisions of the Model Code of Conduct may result in action by a council under its code of conduct and by the Division and other regulatory agencies, such as the Independent Commission Against Corruption and the NSW Ombudsman.

Additional guidance can be found in the Independent Commission Against Corruption publication, *No excuse for misuse – preventing misuse of council resources*.

General Managers must ensure that councillors and staff are aware of their responsibilities in relation to the use of council resources and that control mechanisms are in place to ensure that resources are used appropriately. General Managers should promptly bring this circular to the attention of all councillors and council staff.

The Division has previously issued advice to councils on the matter of the misuse of council resources (Circulars 08-24, 06-64, 04-01, 02-34 refer). These Circulars, the *Councillor Guide*, the *Model Code of Conduct for Local Councils in NSW* and the *Guidelines for the Payment of Expenses and the Provision of Facilities for Mayors and Councillors in NSW* are available on the Division's website at [www.dlq.nsw.gov.au](http://www.dlq.nsw.gov.au).



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