

# Advisory Committee Handbook

June 2022

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## 1. Introduction

Your Advisory Committee is a Committee of Council. It does not have a basis for exercising the authority of Council and functions only to advise Council. Nevertheless, this role is highly valued by Council as your Committee brings a community voice, informed by expertise and experience, to a particular area of Council's activities. The Committee's responsibilities are set out in the Terms of Reference (ToR) adopted by Council for your Committee.

Council values your contribution as a member of the Committee. If you have any questions about these guidelines or how your Committee operates, please consult with the Committee's Secretary in the first instance or with Council's Governance Section.

## 2. Contacts in Council

For all administrative matters and all enquiries about your Committee, including meeting procedure, AGMs, Terms of Reference, Code of Conduct and the like, please liaise with the Committee Secretary in the first instance. In the event of a need for clarification, please contact Council's Governance Officer on 6643 0200.

## 3. The Terms of Reference (ToR)

Your Committee has a Terms of Reference (ToR). A copy is attached. You should read through the ToR as it sets out your Committee's scope.

## 4. Changing the ToR

If there is anything in your Committee's ToR that your Committee wishes to change, then the Committee may ask Council to make that change. The procedure for doing this is:

- 4.1 Your Committee, at an ordinary meeting, discusses the change(s) that it would like made to the ToR, and it then considers a motion to ask Council to make that change(s).
- 4.2 The members then vote on that motion, and, if it is carried, the Secretary writes to Council's Governance Officer requesting that they forward the desired changes to the ToR to Council. The Governance Officer will consider the request and may liaise with the Secretary of the Committee to check and/or refine it.
- 4.3 Once the request has been settled, the Governance Officer will liaise with the Executive and, if approved, include it as part of their report to a meeting of Council. If your Committee wishes to have a delegate address a Council meeting about the requested change(s), it may appoint a delegate to represent it and address the Council. Council meetings are held on the 4<sup>th</sup> Tuesday of the month.
- 4.4 Whether Council agrees to change your ToR will depend on the nature of the change(s) sought.
- 4.5 Your Committee will be advised as soon as possible after the Council meeting of the outcome of your request, and, if the ToR is to be changed, copies of the ToR, with the changes made to it, will be sent to your Committee.

## 5. Appointment of a committee and members

- 5.1 Clarence Valley Council resolves that an Advisory Committee will be appointed at a Council meeting.
- 5.2 Council will call for expressions of interest from people to become members of Committees. Council will select people for the Committee from those expressions of interest.
- 5.3 At a Council meeting, Council formally appoints the members nominated or selected for the Committee.
- 5.4 Council prepares and adopts a Terms of Reference (ToR) for the Committee.
- 5.5 Council will usually appoint a Councillor delegate or delegates to the Committee.
- 5.6 Council will appoint a Secretary of the Committee who will usually be a Council officer.
- 5.7 Committees must be reconstituted under the authority of a new Council within six months of a Council election being declared.

## 6. Conduct of committee members

Council, as guided by the NSW Office of Local Government (OLG), has a set of principles and standards that set out the conduct that Council expects from its Councillors, staff, and other Council officials. These are contained in Council's **Code of Conduct**. This applies directly and specifically to all Committee members. The **Code of Conduct** has been supplied to your Committee and can also be accessed on Council's website.

The Code of Conduct sets out, in addition to general conduct obligations, provisions concerning conflicts of interests; personal benefit; access to information (personal and confidential) and council resources.

In particular, while acting in your capacity as a member of the Committee, you must:

- Conduct yourself in a manner that will not bring Council or your Committee into disrepute.
- Act lawfully and honestly, and exercise due care.
- Treat others with respect and not harass or discriminate against them or support others who do so.
- Consider issues consistently, promptly and fairly.
- Disclose and appropriately manage conflicts of interest (please refer to the section on pecuniary interests and conflicts of interest in the Code of Conduct).
- Use and secure information appropriately and not disclose confidential information.
- Use Council resources ethically, effectively and efficiently.

## 7. Role of the Councillor delegate/s

If a Councillor is appointed to represent Council on your Committee, they have the full rights of a member of your Committee, including voting rights. They may hold an executive position, including the Chair. The Councillor may also:

- 7.1 Advise the Committee on Council policies that may affect it and ensure that it is complying with its ToR, especially about its powers and remembering that whatever its ToR, the role of an advisory Committee is to advise Council—it has no decision-making authority of its own.
- 7.2 Assist the Committee in lobbying Council; and
- 7.3 Report to Council on the activities of your Committee, noting It is not the job of a Councillor to take on any requests that a Committee may have—this happens through recommendations that the Committee makes to Council in its reports.
- 7.4 The responsibilities of Chairpersons are provided on p. 16 (below).

## 8. Role of the Secretary

A nominated Council officer will fulfil the role of Secretary. This role will include:

- 8.1 Forwarding an agenda and any relevant documents for meetings to members no less than seven (7) days prior to each meeting.
- 8.2 Minutes: Taking, distributing thereof.
- 8.3 The Minutes will be issued to members no later than seven (7) days prior to the next meeting.
- 8.4 For further details about the role of the Secretary in relation to Minutes, see also **10. 6 Minutes of Meetings** (below, p. 7).
- 8.5 Preparation of reports to Council, including highlighting any recommendations of the Committee for Council to consider.
- 8.6 The Committee Secretary does not have voting rights.

8.7 The responsibilities of secretaries are summarised on p. 17 (below).

## **9. Committee membership**

9.1 Membership is either (a) open to all interested citizens from the local community, provided they reside in the Council area; (b) in the case of some specialist committees, by invitation, or both (a) and (b).

9.2 No Committee member may be under 15 years of age or over 90.

9.3 Committees must have a minimum of six to a maximum of fifteen members (although some specialist committees may have a greater number of members).

9.4 In the case of most Committees, members are generally appointed every four (4) years following the Council elections.

9.5 Committee members hold membership until they:

9.5.1 Fail to attend three consecutive meetings without a leave of absence

9.5.2 Move their permanent place of residence outside the Council area

9.5.3 Deliver their written resignation to Council; or

9.5.4 Receive written notification from Council that their membership of the Committee has been terminated.

## **10. Committee meetings**

### **10.1. Conduct of Committee members at meetings**

All Committee members are governed by Council's Code of Conduct governs all Committee members. Committee members are explicitly referred to in the Code about meetings and more broadly. It details:

- General conduct obligations
- Pecuniary interests and disclosures required
- Non-pecuniary interests and disclosures required
- Personal benefit (gifts)
- Relationships between Council officials
- Access to information and Council records, and:
- Maintaining the integrity of the Code.

All committee members should be familiar with Council's Code of Conduct and its application. A copy of the Code of Conduct is provided to all committee members at the appointment of the committee. Where necessary, updates will also be provided.

### **10.2. Frequency of meetings**

10.2.1 The ToR for your Committee will state the minimum number of meetings that your Committee must hold each year.

10.2.2 This minimum number is 2 each year. There is no restriction on the number of additional meetings your Committee may wish to hold.

### **10.3. Quorum**

10.3.1 No meeting can be held unless a quorum of members is present. A quorum is 50% plus one (1) of the total number of elected members on your Committee.

10.3.2 If there is no quorum at the start time of your meeting, you should wait for 10 to 15 minutes. The meeting must be abandoned if a quorum is still not present 15 minutes after the scheduled start time. You can then either reschedule that meeting for another date or cancel it and not meet again until the date for the next meeting. In any event, minutes of the cancelled meeting should be kept and forwarded to Council, as with any other minutes. These minutes would only list those present and the fact that no quorum was present when it was decided to abandon the meeting.

### **10.4. Office bearers**

10.4.1 At the first meeting following the appointment of members to your Committee, your Committee should acknowledge the Chairperson and a Secretary. The Chairperson will be the Councillor nominated for the Committee, and the Secretary will be the Council officer (or their delegate) that has been allocated to your Committee. Your Committee may, if it chooses, appoint other office-bearers.

10.4.2 The Chairperson presides at all meetings of your Committee. However, if they are not in attendance at any particular meeting, the members present at that meeting should elect a Chair for that meeting. Guidelines on the responsibilities of the Chairperson and Secretary are set out on pp. 15-16.

### **10.5. Meeting agenda**

10.5.1 An agenda should be prepared for each meeting and circulated to all members prior to the meeting. This is generally done by the Secretary.

10.5.2 For your assistance, a model agenda is set out on p.12 (below).

### **10.6. Minutes of meetings**

10.6.1 The Secretary is responsible for keeping the minutes of each meeting.

10.6.2 The Secretary should also circulate a copy of the minutes to all members. They should be aware that the minutes are public documents and are available to all members of the public. The Secretary should therefore ensure that no defamatory comments are recorded in the minutes.

10.6.3 The Minutes for each meeting are confirmed and the next meeting of the Committee.

10.6.4 The Secretary is responsible for ensuring that the confirmed minutes of all meetings are tabled at the next available Council Meeting. There are two ways to do this:

10.6.4.1.1 The Minutes are for noting only: forward a copy of the Minutes to Executive Support, and they

will attach them to the Information Report for the Council Meeting.

- 10.6.4.1.2 The Minutes are making a recommendation to Council: Prepare an individual Report to Council, making the recommendation(s). Note: If the Secretary as a Council officer disagrees with the recommendation(s) of the Committee, work through the risks associated with Council adopting the recommendation by consulting your Manager.
- 10.6.5 A copy of the Minutes must be saved in the appropriate folder for the Committee Council's shared drive.
- 10.6.6 Once the Minutes have been before Council, they should be posted on Council's website. If assistance is required, contact the Governance Officer.
- 10.6.7 For your assistance, model minutes are set out on pp.13-15 (below).

## **10.7. Voting rights**

- 10.7.1 Each member except for the Secretary has one vote. The Chairperson does NOT have a casting vote. In the event of a tied vote, the Secretary of your Committee should refer the matter to Council for resolution.

## **10.8. Pecuniary interests**

- 10.8.1 Any member of your Committee with an interest, whether pecuniary or non-pecuniary, in any matter before the Committee must declare that interest when the matter arises for discussion. If it is a pecuniary interest, then the member MUST refrain from participating in any discussion of the matter and abstain from voting on the matter. If it is a non-pecuniary interest, then the member has several options as set out in the Code of Conduct. For more detail on what constitutes a pecuniary interest, refer to the Code of Conduct.

## **10.9. Attendance by members of the public**

- 10.9.1 Every Committee meeting is a public meeting, and members of the public may attend. As such, it should be held in a public place. It is up to your Committee to determine whether to allow members of the public to address it. However, no public member may vote on any issue considered by the meeting, regardless of whether they have been allowed to speak on that issue.

## **10.10. Correspondence**

- 10.10.1 All correspondence either received by or sent by your Committee (generally, this will be sent or received by the Secretary on behalf of your Committee) shall be tabled at the next meeting of the Committee and recorded in the minutes. Members should have the opportunity at each Committee meeting to discuss the correspondence and, if appropriate, determine how the Committee will respond to the correspondence.

## **10.11. Meeting procedure**

- 10.11.1 Each committee may adopt its own meeting procedures. Meeting procedures can be very complex, technical and legalistic. Council considers that its Community Advisory Committees should not be burdened with a complex meeting procedure but that meetings should proceed based on some fundamental rules and the use of common sense. These rules relate to keeping minutes, the tabling of correspondence, the tabling of relevant reports, and the moving of motions and recording any resolutions resulting from them. Some guidelines for the procedure for motions and amendments are provided on pp. 9-10.



- 10.11.2 Meetings should follow the Agenda. Matters not listed on the Agenda can be raised in General Business (which should always be included as an Agenda item). The Chair should ensure that the meeting is conducted in an orderly manner. In General Business, some discussion may be permitted, but this should be limited to matters relevant to the Committee. All decisions of the Committee should be in the form of a resolution passed following discussion of a motion – see p.9 for the procedure for motions.
- 10.11.3 However, should you doubt the correct procedure on any point, you can discuss the issue with Council's Governance Officer.
- 10.11.4 All motions that are put to the meeting must have a mover and a seconder. The motion should first be discussed and, following the discussion, put to the meeting. The meeting then votes on the motion, and if adopted by the meeting, it becomes a resolution of your Committee, and your Committee must act on it. Once a motion is adopted, it's a good idea to note in the minutes which of your members is responsible for seeing that it is acted on. Otherwise, you may come to your next meeting and find that no action has been taken on it because everyone thought that someone else was looking after it. There is provision in the model minutes for the actioning member to be noted.

## 10.12. Minutes

A model form of Minutes is on pp. 13-15. Secretaries should ensure that the Minutes of the Committee adheres to this model: Councillors and members of the public will find it easier to absorb the contents of all Minutes if they are presented consistently. The Minutes of each meeting must include the following:

- (a) the time, date and place of meeting
  - (b) a list of those members in attendance
  - (c) a list of apologies received from members unable to attend
  - (d) the adoption of the Minutes of the previous meeting
  - (e) any business arising from those Minutes
  - (f) a list of correspondence tabled at the meeting
  - (g) a record of all motions moved and seconded at each meeting, together with the names of the movers and seconders and also a record of whether the motion was adopted or lost
  - (h) the date, time and place of the next meeting.
- 10.12.1 Once the Minutes of a meeting have been adopted at the next meeting, they should be signed by the Chairperson (of the meeting at which the minutes are adopted) and kept by the Secretary.
- 10.12.2 The minutes the Secretary forwards to Council will be unsigned minutes because they should be submitted to Council as soon as they are prepared. They should be received by Council at the next available Council Meeting.

## 10.13. Procedure for motions

10.13.1 A motion should be lawful, productive, relevant, appropriate, easily identifiable, and positive in its intent. If the motion does not meet these requirements, then it can be rejected by the Chairperson. If it is rejected, then both the rejection and the reasons for rejecting it should be recorded in the minutes of that meeting.

10.13.2 Any motion must have both a mover and a seconder before it can be accepted for discussion. The motion lapses if there is no seconder and should not be discussed. Once a motion has been moved and seconded, the order of debate is:

- Mover
- Secunder
- Speaker for the motion
- Speaker against the motion
- Speaker for the motion
- Speaker against the motion.

The debate continues in this manner until there are no further speakers.

10.13.3 Generally, a member of the Committee should not speak more than once on any motion, except the mover of the motion who has the opportunity to respond to the motion once all other speakers have been heard (i.e., 'a right of reply' at the end of the debate). After the mover has spoken, the Chairperson must put the motion to the vote.

## 10.14. Amendments

10.14.1 An amendment to a motion may be made once the motion has been moved and seconded. The amendment should be:

- Clear and be part of the motion being considered
- Have a seconder
- Not exceed the power of the Committee
- Not be a direct negative of the original motion
- Be put to the vote before the motion.
- If adopted, the amendment becomes the motion that should be put to the vote.
- If the amendment is not adopted, a further amendment can be considered, or the debate and voting revert to the original motion.

## 11. Council support to committees

11.1 Members of your Committee will be provided with information relating to the operation of, and their position on the Committee and any relevant Codes, Policies and documents. These will

include Council's Code of Conduct and WHS Policy and Procedures. Information will be provided to Committees as Council reviews its operations.

- 11.2 Council's Governance Section, in association with the director, Corporate and Governance, will provide advice on aspects of membership, meetings and the Committee's ToR.

## 12. Insurance

- 12.1 As a member of one of Council's Committees, while you are acting in your capacity as a member of that Committee and your actions are within the scope of the Committee's ToR., you are covered by:
- a. Council's Public Liability insurance, and
  - b. Council's Personal Accident insurance
- 12.2 Council's Public Liability insurance covers you for any claim that may be made against you (as a member of a Committee acting within the scope of the ToR) by a third party, where it is claimed that your negligence has caused injury to someone or damaged property. This insurance will cover claims up to \$400,000,000. Nevertheless, your Committee only makes recommendations to Council.
- 12.3 Council's personal accident insurance provides you with certain benefits should you be accidentally injured while on approved Committee business. The policy provides certain capped benefits in the case of such injury occurring.

## **MODEL ADVISORY COMMITTEE MEETING AGENDA**

### **XYZ COMMITTEE**

#### **Meeting Agenda**

*[Insert time, date, place of meeting]*

#### **AGENDA**

1. Apologies
2. Minutes of the previous meeting
3. Business arising from those minutes
4. Correspondence - inward and outward
5. Treasurer's report
6. *Here is a list of specific items of business that it is intended to discuss at the meeting*
7. General business
8. Date of next meeting

## MODEL ADVISORY COMMITTEE MINUTES

### XYZ COMMITTEE

#### Meeting Agenda

*[Insert time, date and place of meeting]*

*Present [list the members present and separately list anyone else in attendance]*

*Apologies [list any apologies received]*

#### *Item*

#### *Discussion*

#### *Responsible person & deadline*

#### **1. Adoption of previous minutes**

*A motion should be moved to adopt these. The resolution from that motion should be set out here. That resolution should include any changes that the meeting resolved to make to those minutes.*

#### **2. Business arising**

*Deal with any matters that were to be completed since the last meeting or that have arisen from items in those minutes.*

<i>Item</i>	<i>Discussion</i>	<i>Responsible person &amp; deadline</i>
<p><b>3. Particular items of business (list)</b></p> <p><i>There is no need to record any discussion on any item of business, but you may do so if preferred. However, if the meeting wishes to decide on any matter raised, that decision should be framed as a motion and put to the meeting. Remember, all motions must have a mover and a seconder.</i></p>		
<p><b>4. General Business</b></p> <p><i>Any member may raise any matter relevant to the Committee in general business. Again, if any decision is to be made on any matter raised, a motion must be framed and put to the meeting.</i></p>		
<p><b>5. Treasurers report</b></p> <p><i>This should include:</i></p> <ul style="list-style-type: none"> <li>• <i>the balance of the Committee's bank account as of the last report;</i></li> <li>• <i>all transactions on that account since the last report;</i></li> <li>• <i>the balance of the account as at the date of preparation of the report, which should not be more than 7 days prior to the date of the meeting;</i></li> <li>• <i>a bank reconciliation.</i></li> </ul> <p><i>There should be a motion to accept the Treasurer's Report.</i></p>		

<b>Item</b>	<b>Discussion</b>	<b>Responsible person &amp; deadline</b>
<b>6. Correspondence</b> <i>All items of correspondence should be listed here under the headings 'inward' and 'outward'. There should be a motion accepting the correspondence, including any decisions the meeting may have made regarding any of the correspondence.</i>		
<b>7. Date and venue of next meeting</b> <i>A date should be set for the next meeting.</i>		
<b>8. Preparation of Agenda &amp; Minutes for next meeting</b>		
<b>9. Close</b>		

## **13. Responsibilities of the Chairperson**

The Chairperson generally has the following specific duties:

### **13.1. Before a meeting**

- Prepare the agenda (in consultation with the Secretary or other members), setting out the items of business to be considered.
- Ensure the meeting is correctly convened in accordance with the Committee's TOR and this document– e.g., a quorum is present.

### **13.2. During the meeting**

- Chair the meeting, open the meeting, welcome and introduce members and guests.
- Keep individuals at the meeting focused on the topics being discussed and encourage all members to participate. Give all members an opportunity to speak on each topic.
- Ensure correct meeting procedures are followed and that control of the meeting is maintained, keeping track of time.
- Make sure that motions are properly framed, that there is a mover and seconder for each, that members understand them and that they are correctly put to the vote. Ensure that the minute taker has recorded all decisions (whether the motion is successful or not).
- Act impartially and use their discretionary powers in the best interests of members and by the Committee's ToR and ensure that all statutory regulations and the provisions of the ToR and Code of Conduct are observed.
- Close the meeting.



## 14. Responsibilities of the Secretary

### 14.1. Before a meeting

- Prepare the agenda (in consultation with the Chairperson).
- Make copies of the agenda if required and distribute them to all members no less than seven (7) days prior to each meeting.
- Put a notice of meeting date and time in an appropriate local public location (public notice board/newspaper/community newsletter/etc.).

### 14.2. During the meeting

- Take the minutes.
- Provide a list of correspondence to the Committee and summarise any important points, i.e., in addition to the Agenda
- Record all motions and their outcome (whether passed or not) as well as the movers and seconders.
- Record any disclosures by members of any pecuniary interests or conflicts of interest and how they will deal or how they have dealt with it.

### 14.3. After the meeting

- Draw up the draft minutes and distribute them to Committee members no less than 7 days prior to the next meeting for confirmation at that meeting.
- The Secretary is responsible for ensuring that the confirmed minutes of all meetings are tabled at the next available Council Meeting. There are two ways to do this:
  - The Minutes are for noting only: forward a copy of the Minutes to Executive Support, and they will attach them to the Information Report for the Council Meeting.
  - The Minutes are making a recommendation to Council: Prepare an individual Report to Council, making the recommendation(s). Note: If the Secretary as a Council officer does not agree with the recommendation(s) of the Committee, work through the risks associated with Council adopting the recommendation by consulting your Manager.
- A copy of the Minutes must be saved in the appropriate folder for the Committee Council's shared drive.
- Once the Minutes have been before Council, they should be posted on Council's website. If assistance is required, contact the Governance Officer.

### 14.4. Outside the meeting

- Keep all correspondence – it remains the property of Council.
- Keep all meeting minutes – they remain the property of Council.

- Inform members of any urgent correspondence that is received.

## 15. Your Workplace Health and Safety Responsibilities

Even as volunteers, you have responsibilities under the Workplace Health and Safety (WHS) legislation. As volunteers of Council, Council has responsibilities to ensure that your workplace and any equipment or machinery you use is safe and that you are using safe work practices in compliance with that legislation. As volunteers, you have a legal duty of care to carry out your activities with due care for the safety and wellbeing of others.

Council will consult with you regarding the WHS legislation and both its responsibility under it and your responsibility.

### **Council's responsibility is to:**

- explain that volunteers have a legal duty of care to carry out their activities with due care for the safety and well-being of others
- explain how workplace health and safety is managed
- detail any hazards and risks involved with the volunteer's activities, and
- instruct them on how to control these risks and how to undertake their activities safely
- train volunteers in how to use, store and maintain the materials, chemicals, work equipment and personal protective equipment (PPE) they will use
- outline how to record and report a workplace injury, illness, 'near miss' or hazard.

**The Secretary of your Committee is your point of contact with Council in relation to these matters.**

### **Your responsibility is to:**

- comply with all reasonable requests from Council staff or Council's authorised representatives or the co-worker assigned to supervise your activities
- co-operate with the Council or other persons to enable compliance with all work health and safety requirements
- in liaison with your other co-workers, assign someone to conduct a risk assessment of the area where the work is being undertaken. This is to identify any hazards and risks involved with the activity
- comply with all relevant Safe Working Method Statements (SWMS)
- wear appropriate personal protective clothing and/or equipment (PPE) as required when undertaking any Committee work
- sign on and sign off when undertaking any work for the Committee
- report any near miss, accident or injury immediately.

## 16. Pecuniary Interests and Conflicts of Interest

A conflict of interests exists where a reasonable and informed person would perceive that you could be influenced by a private interest when carrying out your public duty.

A conflict of interest can arise when you have other involvements or interests that make it difficult for you to always remain impartial when involved in Committee discussions and decision-making. These can include:

- business or professional activities
- employment or accountability to other people or organisations
- membership of other community organisations or clubs
- ownership of property or other assets

The conflict may lead to:

- Pecuniary (Financial) benefit – e.g., sale of goods or privileged information
- Political benefit – e.g., gaining or losing political support
- Personal benefit – e.g., career advancement or increased standing in the community

It is your responsibility to disclose and appropriately manage conflicts of interest.

Please refer to Council's **Code of Conduct** Part 4 Conflicts of Interest for information about what are pecuniary interests and non-pecuniary interests and how you should manage them.