

Policy Name	Code of Conduct
Policy Type	Elected Members
Policy Number	EM02
Version	2
Approval Date	January 2019
Renewal Date	January 2022



Policy Number **EM02**

Policy Name **Code of Conduct – Elected Members**

SUMMARY

Section 77 of the *NT Local Government Act* states a council must have a code of conduct, and that Code of Conduct must govern the conduct of Elected Members of the council, Members of Local Authorities and Council Committees.

POLICY STATEMENT

1. Policy

Code of Conduct for Elected Councillors and Members appointed to Local Authorities

1.1 Code of Conduct

This Code of Conduct is to provide Elected Councillors and Members of Local Authorities with guidelines for an acceptable standard of professional conduct.

Elected members must be prepared at all times to take responsibility for their performance and behaviour (conduct) as an elected member of West Daly Regional Council.

The Code addresses in a concise manner the ethical responsibilities of Elected Councillors and Members of Local Authorities and encourages a high level of accountability and transparency in Local Government.

The provisions of the Northern Territory Local Government Act (the Act) and regulations apply to all Elected Councillors and Members of Local Authorities in the Regional Council. These provisions are legally enforceable. Issues arising

Darwin Office

Unit 1/70 Cavenagh Street, Darwin NT 0800 | GPO Box 3775, Darwin NT 0801 | Ph: 08 7922 6403

Email info@westdaly.nt.gov.au | www.westdaly.nt.gov.au | ABN: 25 966 579 574

under the Code of Conduct may be dealt with under section 79 of the Act (complaints of breach of Code of Conduct).

The Code provides a guide and a basis of expectations for Elected Councillors and Members of Local Authorities and encourages a commitment to ethical and professional behaviour. All Elected Councillors and Members of Local Authorities are urged to read the Code and retain a copy as a personal reference source.

Some parts of the Code of conduct Policy applies to Elected Councillors only.

1.2 Community Expectations

The Council is the sphere of government closest to the people of the region. The actions and behaviour of Elected Councillors and Members of Local Authorities are likely to be closely monitored by the local community.

In performing their roles and functions, the community expects that Elected Councillors and Members of Local Authorities will:

- Be committed to ethical behaviour
- Deal with all members of the community honestly, fairly and not offend or embarrass individuals or groups
- Not discriminate against people on the basis of sex, sexuality, marital status, pregnancy, race, physical impairment, intellectual impairment or age
- Be aware of situations that may cause tension between their public and private roles and in such cases give priority to the public role
- Ensure that Council mechanisms are in place to deal promptly and efficiently with the handling of community complaints and concerns.

1.3 Role of Elected Councillors

Elected Councillors should generally conduct themselves in a professional manner that reflects community trust and confidence in them as individuals and enhances the role and image of local government. They should be well informed about the roles, functions and processes of their Council.

Elected Councillors in fulfilling their various roles and activities of office should focus on:

- provision of community leadership
- Consultation with Local Authorities Members and providing representation of the community
- Contribution to the decision making of the Council
- Setting policies and objectives, and determination of strategies to achieve the objectives
- Collectively monitoring the overall performance of the Council against the stated objectives
- Ensuring accountability and sound financial management
- Representing the Council to the community
- Being aware of the statutory obligations imposed on Elected Councillors and on the Council
- Undertaking appropriate professional development activities

1.4 Elected Councillors, Members of Local Authorities and Staff Relationships

Elected Councillors, Members of Local Authorities and staff are required to work effectively together as part of the Council team.

The teamwork of Elected Councillors, Members of Local Authorities and staff must be based on mutual respect and co-operation in order to achieve the Council's goals and implement its policies.

To achieve the teamwork approach, Elected Councillors, Members of Local Authorities and staff need to:

- Develop a mature and constructive working relationship based on mutual trust
- Establish an effective means of communication and be clear regarding the distinction in roles of Elected Councillors, Members of Local Authorities and staff and how they work together for the benefit of the community
- Accept that Elected Councillors role is as a community representative and leadership one to determine goals and policies
- Observe Council policy and procedures in approaching the various staff members to obtain routine reports or other information
- Be aware that Elected Councillors have a right to view and access information relative to matters being considered at Council meetings in order to undertake their Council responsibilities in an effective and appropriate manner.
- Not publicly criticize individuals in a way that casts doubts in their competency and integrity
- Not use their position to improperly influence an individual to gain an advantage for themselves and others

In addition, Elected Councillors and Members of Local Authorities must not direct, reprimand, pressure or interfere with the management of Council staff, as this is the responsibility of the Chief Executive Officer.

1.5 Communications and Public Relations

As a representative of the community, Elected Councillors are required to be responsive to community views and to adequately communicate the attitudes and decisions of the Council. In doing so, Elected Councillors should acknowledge that:

- As a member of the Council there is a respect for the decision making processes of the Council which are based on a decision of the majority of the Council
- Information of a confidential nature must not be communicated until it is no longer treated as confidential
- Information relating to decisions of the Council on approvals or permits should only be communicated in an official capacity by a designated officer of the Council
- Information concerning adopted policies, procedures and decisions of the Council is conveyed accurately
- In addressing the community or the media, it must be made clear whether or not they are representing the Council in accordance with an adopted viewpoint or as an individual
- In expressing personal views, care is taken not to show disrespect for the Council, its decisions, decision making, other Elected Councillors or staff.

1.6 Usage of Information

Elected Councillors and Members of Local Authorities are often provided with information that is required to be handled in a sensitive or confidential manner. When confidential information is provided to elected members, be it verbally or by document, there is a responsibility of the elected member to act in an honest and professional manner, which means that that information cannot be shared with anyone outside of the confidential section of a Council meeting.

The use of Council information obtained through their role with the Council for financial or other personal advantage is illegal. Elected Councillors and members of Local Authorities are expected to:

- Observe legal requirements and any specific policies that the Council has on the use of Council information
- Be careful and prudent about how they collect and use confidential or controversial information

- Balance the interests of the community and its right to information with the potential for significant damage to occur if confidentiality is not maintained in relation to information of documents that are likely to be determined by the Council to be confidential.
- Not use or disclose information in a way that may:
 - cause significant damage of distress to a person
 - cause significant damage to the interests of the Council or a person
 - cause unfair commercial or financial advantage
- Observe any order made by the Council that a document is to remain confidential until such time as that order ceases to apply.

2. Conflict of Interest and Disclosure of Information

2.1 Conflict of Interest

- Elected Councillors and Members of Local Authorities are to ensure that there is no actual or perceived conflict of interest between their personal interests and the impartial fulfillment of their professional duties.
- Elected Councillors will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Council, without first making full disclosure to the Chief Executive Officer
- Elected Councillors and Members of Local Authorities who exercise recruitment or other discretionary functions will make a disclosure before dealing with relatives or close friends and will disqualify themselves from dealing with those persons.
- An individual's rights to maintain their own political convictions are not impinged upon by this clause. It is recognized that such convictions are not a basis for discrimination and this is supported by anti-discriminatory legislation.

2.2 Pecuniary Interest

- Elected Councillors and members of Local Authorities will adopt the principles or disclosure of pecuniary interest as contained within the Northern Territory Local Government Act.

2.3 Disclosure of Interest

- Elected Councillors and members of Local Authorities will disclose at the relevant meeting any interests which has the capacity to be in conflict with their public or professional duties.

2.4 Personal Benefit

2.4.1 Use of Confidential Information

- Elected Councillors and Members of Local Authorities are not permitted to use confidential information in which to gain improper advantage for themselves or for any other person or body, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organization.

2.4.2 Improper or Undue Influence

- Elected Councillors and Members of Local Authorities will not take advantage of their position to improperly influence other members of staff in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or body.

2.4.3 Gifts and Bribery

- Elected Councillors will not seek or accept (directly or indirectly) from any person or body, any immediate or future gift, reward or benefit (other than gifts of a token kind, or moderate acts of hospitality) for themselves or for any other person or body, relating to their status within the Council or their performance of any duty or work which touches or concerns the Council.
- If any gift, reward, or benefit is offered (other than gifts of a token kind or moderate acts of hospitality), disclosure is to be in a prompt and full manner to the CEO.

3. Conduct of Elected Councillors and Members of Local Authorities

3.1 Personal behaviour

Elected Councillors and Members of Local Authorities will:

- Act and be seen to act, properly and in accordance with the requirements of the law and the terms of this Code
- Perform their duties impartially and in the best interests of the Council uninfluenced by fear or favour
- Act in good faith (i.e. honestly, for the appropriate, and without exceeding their powers) in the interests of the Council and the community
- Make no allegations which are improper or derogatory (unless true and in the

public interest) and refrain from any form of conduct, in the performance of their official or professional duties, which may cause any reasonable person unwarranted offence or embarrassment

3.2 Honesty and Integrity

Elected members must act honestly and with integrity in performing official functions and not dishonour oneself, one's family and Council.

3.2.1 Elected Councillors and Members of Local Authorities:

- Observe the highest standards of honesty and integrity and avoid conduct which may suggest departure from these standards
- Bring to the notice of the Mayor any dishonesty or possible dishonesty on the part of any other member
- Be frank and honest in their official dealings with each other

3.2.2 Performance of Duties

- Elected Councillors will at all times, exercise reasonable care and diligence in the performance of their duties, be consistent in their decision making although treat all matters on individual merits.
- Elected Councillors will be as informed as possible regarding the functions of the Council and treat all members of the community honestly and justly.

4. Legal Compliance

- Elected Councillors will comply with any lawful order given by any person having authority to make or give such an order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order, and if resolution is unable to be achieved, with the Chief Executive Officer.
- Elected Councillors will give effect to the lawful policies of the Council, regardless of whether they agree with or approve of them.

5. Administration and Management Practices

Elected Councillors will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices

6. Conduct at Meetings

Elected Councillors and members of Local Authorities will not:

Darwin Office

Unit 1/70 Cavenagh Street, Darwin NT 0800 | GPO Box 3775, Darwin NT 0801 | Ph: 08 7922 6403

Email info@westdaly.nt.gov.au | www.westdaly.nt.gov.au | ABN: 25 966 579 574

- Obstruct or interrupt the proper conduct of the meeting
- Use indecent or offensive language
- Make a statement reflecting adversely on the reputation of the Council or any committee of the Council
- Make an intemperate statement reflecting adversely on the character or motives of a member or officer of the Council
- Refuse or wilfully fail to comply with a direction given by the chairperson of the meeting
- Must not be under the influence of alcohol (zero tolerance) and/or drugs before or during the conduct of any meeting

7. Use of Council Property

Elected Councillors and Members of Local Authorities will:

- Be scrupulously honest in their use of the Council's property and shall not misuse or permit misuse by any other person or body
- Use Council property entrusted to them effectively and economically in the course of their duties
- Not use Council property (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorized to do so

8. Traveling and Sustenance Expenses

Elected Councillors will only claim or accept travelling and sustenance expenses arising out of travel related matters which have a direct bearing on the services, policies or business of the Council in accordance with Council policy and the provision of the Northern Territory Local Government Act.

9. Appointments and other Bodies

- Elected Councillors and Members of Local Authorities may be asked to represent the Council on external organizations as part of their community representative or corporate role. Some appointments may be to other government communities or as a Council representative in a particular community interest group.
- It is important that Elected Councillors and members of Local Authorities:
 - Clearly understand the basis of their Council nominated appointment and are aware of the ethical and legal responsibilities attached to such appointments
 - Are aware of all relevant Council policies
 - Balance and represent the interest of the Council and the local community

Darwin Office

Unit 1/70 Cavenagh Street, Darwin NT 0800 | GPO Box 3775, Darwin NT 0801 | Ph: 08 7922 6403

Email info@westdaly.nt.gov.au | www.westdaly.nt.gov.au | ABN: 25 966 579 574

- Remain objective and not seek to influence the Council so as to give preferential treatment to such bodies
- Provide regular reports to the Council on the activities of the organization

10. Compliance with the Code of Conduct

Compliance of Elected Councillors and Members of Local Authorities with these standards of conduct should be monitored by Elected Councillors themselves and their electors. Alleged breaches or failure to comply with the Code of Conduct that are not subject to any statutory provisions of the Northern Territory Local Government Act or other legislation should be dealt with internally by the Council. Where an alleged breach of the Code is considered and found to be of substance, the Chief Executive Officer should prepare a report on the matter for the Council's consideration.

Breaching the Code of Conduct is a serious issue. A proven breach of the Code of Conduct by an elected member may lead to prosecution due to an offence being committed under the Local Government Act and/or other relevant Acts.

11. Availability of the Code

The availability of this Code should be promoted to the local community and displayed in a prominent position at the offices of the Council.

TERMINOLOGY AND REFERENCES

REFERENCES

Local Government Act
Australian Constitution
Anti-Discrimination Act
Conflict of Interest Policy

FURTHER INFORMATION:

Chief Executive Officer

Darwin Office

Unit 1/70 Cavenagh Street, Darwin NT 0800 | GPO Box 3775, Darwin NT 0801 | Ph: 08 7922 6403

Email info@westdaly.nt.gov.au | www.westdaly.nt.gov.au | ABN: 25 966 579 574