

TITLE:	Code of Conduct Policy – Staff & Contractors		
DIVISION:	Corporate		
ADOPTED BY:	Council		
DATE OF ADOPTION:	29 June 2017	DATE OF REVIEW:	29 June 2019
MOTION NUMBER:	OC 114/17		
POLICY NUMBER:	CP000052		
AUTHORISED:	Barkly Regional Council		

THIS POLICY APPLIES TO:

All employees of the Barkly Regional Council, Contractors and Contractors staff

PURPOSE OF POLICY

The aim of all policy is to provide strategic input into the effective operational framework of the organisation under S11 of the Local Government Act (LGA).

SUMMARY

The Code of Conduct is a statement of the standard to which Barkly Regional Council aims to conduct its business as well as its obligations to comply with all local government laws and regulations.

This Code of Conduct provides staff with consistent guidelines for an acceptable standard of professional conduct. This Code of Conduct also addresses the ethical responsibilities of all staff and details the high level of accountability and transparency expected in all activities of council.

OBJECTIVES

Local government is the sphere of government closest to the people of the Barkly Region. The actions and behaviour of staff are likely to be closely monitored by the local community. The community expects that staff will be committed to ethical behaviour.

The Code of Conduct has been developed to assist staff to:-

- Understand the standards of professional and ethical conduct that are expected of them
- Act in a way that enhances public confidence in the integrity of local government

BACKGROUND

This Code of Conduct has been adopted by Council under Part 7.4 of the Local Government Act.

Staff in fulfilling their roles and responsibilities are expected to prove sound community leadership, consult with and represent the community fairly, contribute to the collective

decision making of council, set policies, goals and objectives with appropriate and relevant strategies and monitor overall council performance against the same. Staff is also expected to represent council to the community, be aware of statutory obligations and undertake appropriate professional development.

Staff are expected to know the council area and makeup of the community, provide services that are efficient and responsive to need, assist the policy formulation and implementation of all adopted policies and plans and provide assistance to members.

POLICY STATEMENT

- **Honesty and integrity**
 - All staff of the Barkly Regional Council must act honestly and with integrity in performing official functions and not bring the organisation into disrepute
 - Such integrity extends to all functions, activities and dealings which members or staff might have or carry out on behalf of themselves as a result of their professional involvement with the region
- **Care and diligence**
 - Staff must act with reasonable care and diligence in performing official functions or duties in accordance with council policies and approved plans. Staff must:-
 - Endeavour to ensure that they have current knowledge of both statutory requirements and best practice relevant to their position
 - Consider issues consistently, promptly and fairly
 - Deal with matters in accordance with established procedures, in a non-discriminatory manner
 - Ensure that their decisions and actions are based on an honest, reasonable and properly informed judgment about what will best advance the best interest of the council
 - Take all relevant facts known to them or that they should be reasonably aware of, into consideration and have regard to the particular merits of each case when making decisions; and not take irrelevant matters or circumstances into consideration when making decisions
- **Courtesy**
 - Staff must act with courtesy towards members, other council staff, Electors and members of the public. Staff must: -
 - Not obstruct or interrupt the proper conduct of meetings, use indecent or offensive language, make any statement that reflects adversely on the reputation of council or a council committee or elected members or other staff member
 - Act in accordance with council's Code of Practice policy during council, local authority, local board and committee meetings
 - Show respect to the chair, other members and staff, and any members of the public present during council, local authority, local board and committee meetings or other formal proceedings of the council
 - Not refuse or wilfully fail to comply with a direction given by the chairperson of a council or committee meeting.
 - Staff are expected to develop a mature and constructive working relationship based on mutual trust, establish effective and courteous communications and be clear about the distinction between the roles of elected members and staff and all work together for the benefit of the community.
 - Staff must not publically criticise individuals or other members in a way that reflects on their competence or integrity. Staff must not act in a way that:-

- Contravenes the LGA, associated regulations, council's relevant administrative requirements and policies
 - Is improper or unethical
 - Is an abuse of power
 - Causes, comprises or involves intimidation, harassment or verbal abuse
 - Causes, comprises or involves discrimination, disadvantage or adverse treatment in relation to employment
 - Causes, comprises or involves prejudice in the provision of a service to the community
- **Conduct towards council staff**
 - Staff must treat others with respect at all times. Staff are expected to develop a mature and constructive working relationship based on mutual trust, establish effective and courteous communications and be clear about the distinction between the roles of members and staff and all work together for the benefit of the community. Staff must not: -
 - Direct, reprimand, or interfere in the management of, other council staff
 - In any public or private forum, direct or influence or attempt to direct or influence other staff of the council or a delegate of the council in the exercise of the functions of the member or delegate.
 - Contact staff of the council on council related business unless in accordance with the policy and procedures governing the interaction of councillors and council staff that have been authorised by the council and the Chief Executive Officer.
 - Contact or issue instructions to any of council's contractors or tenderers, including council's legal advisers. This does not apply to council's external auditors or the Chair of council's audit committee who may be provided with any information by individual councillors reasonably necessary for the external auditor or audit committee to effectively perform their functions.
Members can:-
 - Expect all staff to be courteous at all times
 - Mix in the same social circles, or have associations through sporting, business or family interests with staff. General social interaction and conversation in these situations is acceptable
 - Contact the Chief Executive Officer regarding Council matters specific to their area of business
 - For their part, staff members must accept that the role of an elected member is that they are a representative of the community and collectively determine council goals and policies.
- **Cultural beliefs and backgrounds**
 - Staff are derived from various backgrounds with differing cultural beliefs and practices. Staff must respect cultural diversity and must not discriminate against others, or the opinions of others, on the ground of their cultural background or origin.
- **Conflict of interest**
 - Staff must avoid conflict of interest between their private interests and official functions, duties and responsibilities.
 - A conflict of interest exists where a reasonable and informed person would perceive that one could be influenced by a private interest when carrying out their public duty.

- **Disclosing and Managing Conflicts of Interest**
 - Where a conflict in fact exists, staff should comply with requirements for disclosing and managing conflicts of interest are set out in the Council Conflict of Interest Policy
 - The onus is on the individual to identify a conflict of interests and take the appropriate action to manage the conflict in favour of their public duty.
 - Any conflicts of interest must be managed to uphold the probity of council decision making. When considering whether or not a member has a conflict of interests, it is always important to think about how others would view your situation.

- **Offences**
 - In accordance with s74 of the LGA, a member is guilty of an offence if the member:-
 - fails to disclose an interest as soon as practicable after a member becomes aware of a conflict of interest; or
 - without the Minister's approval:-
 - Is present at a meeting of the council, local authority, local board or council committee while a question in which the member has a conflict of interest is under consideration; or
 - Participates in any decision on the question
 - If the Civil and Administrative Tribunal finds that a member has participated in the decision of the council, a local authority, a local board or a council committee contrary to this section, the Tribunal may, on application by an elector or ratepayer, declare the decision void
 - In accordance with s107 of the LGA, a staff member is guilty of an offence if the staff member:-
 - Fails to disclose an interest in a matter in regard to which the staff member is required or authorised to act or give advice
 - Acts in the matter (except as authorised by the CEO or the council, as the case requires)

- **Other business or employment**
 - Staff considering outside employment or contract work that relates to the business of the council or that might conflict with your council duties, you must notify and seek the approval of the Chief Executive Officer in writing
 - Staff must ensure that any outside employment or business you engage in will not:-
 - Conflict with your official duties
 - Involve using confidential information or council resources obtained through your work with the council
 - Require you to work while on council duty
 - Discredit or disadvantage the council

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

- **Former Staff**
 - Former staff must not use, or take advantage of confidential information obtained in the course of the official duties that may lead to gain or profit
 - At the end of their involvement with Council, staff must return all Council property, documents or items and not make public or otherwise use any confidential information gained as a consequence of their involvement with Council
- **Voluntary Declarations**
 - Declarations by staff are to be made in accordance with Council Conflict of Interest Policy and on the specified form and entered into the Conflict of Interests Register
- **Declarations as part of recruitment or tendering processes**
 - Declarations regarding conflicts of interest will be required to be made by members and staff participating in a recruitment panel
 - This is to be undertaken in accordance with the Barkly Regional Council procurement framework
- **Improper and undue influence**
 - Staff must not use their position to influence other members and staff in the performance of their public or professional duties to obtain a private benefit for themselves or for somebody else
 - Staff will not be in breach of this clause where they seek to influence other members through the appropriate exercise of their representative functions
- **Respect for Confidences**
 - *Access to Information* - Access to information is to be in accordance with existing Council policies
 - *Use of security of confidential information* - Staff must maintain the integrity and security of confidential documents or information in their possession, or for which they are responsible. Members and staff must:-
 - Only access council information needed for council business
 - Only use confidential information for the purpose it is intended to be used, and 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 by virtue of your office or position with council
 - Protect confidential information
 - Only release confidential information if you have authority to do so and in accordance with established council policies and procedures and in compliance with the LGA
 - Not use confidential information with the intention to cause harm or detriment to your council or any other person or body
 - Not disclose any information discussed during a confidential session of a council meeting
 - *Disclosure and Use of Confidential Information by Staff* - Improper disclosure of confidential information by staff is governed by s75 of the LGA. A person who discloses confidential information acquired as a member is guilty of an offence, where:-
 - The person makes the disclosure intentionally or recklessly; and
 - The person knows or ought to know that the information is confidential.Confidential information may be disclosed by a member:-
 - For the purposes of carrying out functions as a member; or
 - As authorised by the person to whom the duty of confidence is owed; or

- To a court or tribunal; or
 - To a law enforcement agency; or
 - To an inspector
 - Improper use of confidential information by members is governed by s76 of the LGA.
 - A person who intentionally makes improper use of information acquired as a staff member is guilty of an offence
 - A person makes improper use of information if the person uses it to gain some private benefit, or to inflict harm on another
 - *Disclosure and Use of confidential information by Staff* - Staff must not disclose confidential information obtained in the course of the staff member's work except as may be required for the staff member's official duties. The staff member is guilty of an offence, where:-
 - Staff makes the disclosure intentionally or recklessly; and
 - Staff knows or ought to know that the information is confidential
 - Staff must not intentionally make improper use of confidential information obtained in the course of the staff member's work.
 - Staff makes improper use of information if the staff member uses it to gain some private benefit, or to inflict harm on another
 - *Personal Information* - When dealing with personal information members and staff must comply with the Council Privacy Policy
- **Gifts**
 - Staff must not solicit gifts or private benefits from any person who might have an interest in obtaining a benefit from council
 - Gifts and benefits are to be dealt with in accordance with the Council Gifts and Benefits Policy
 - In normal circumstances, all gifts and/or benefits offered to Members and staff are to be declined in accordance with Council's Gifts and Benefits Policy
 - Where staff receive a gift or benefit of more than token value that cannot reasonably be refused or returned, this must be disclosed promptly to the staff member's supervisor or a Director or the CEO (or in the case of Members to the CEO or President). The gift or benefit must be surrendered to council, unless the nature of the gift or benefit makes this impractical
- **Accountability**
 - *Resources* - Staff must be prepared at all times to account for the staff performance as a staff member's use of council resources. Staff must:-
 - Use council resources ethically, effectively, efficiently and carefully in the course of their official duties
 - Be scrupulous in their use of council property, including intellectual property, official services and facilities, and must not permit their misuse by any other person or body
 - Avoid any action or situation that could create the appearance that council property, official services or public facilities are being improperly used for your benefit or the benefit of any other person or body
 - *Communications and Public Relations* - All communications, internal and public, that reflect council activities or opinion, are to be accurate and professional.
 - The President or CEO will generally be the spokesperson on Council business or matters before the Council. Only staff with specific delegations are authorised to make public comment about Council business or matters before Council.

- In responding to the community or media, elected members should acknowledge respect for the decisions of council and, when providing comment to the media, should make it clear whether or not they are representing council or communicating a personal opinion.
- Any comment is to be made in accordance with Council's associated Policies.
- **Interests of municipality, region or shire to be paramount**
 - Staff must act in what the member genuinely believes to be the best interests of the municipality, region or shire.
 - Staff cannot subordinate the best interests of the council to those of the member's own personal interests, except in obtaining the correct allowances, expenses and other benefits to which the member is lawfully entitled.
 - In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable, and properly informed judgment about what will best advance the best interests of the municipality, region or shire.
- **Compliance with code**
 - *Compliant to Agency* - In accordance with s79 of the LGA, a person who believes that a member has committed a breach of this code may lodge a complaint with the department or departmental unit responsible for administering the LGA ('the Agency'). The complaint must:-
 - be made within 6 months after the date of the alleged breach.
 - be in the approved form.
 - include a statutory declaration verifying the allegations of fact made against the respondent
 - *Disciplinary Committee* - As soon as practicable after a complaint is lodged with the Agency under s79 of the Local Government Act, the Agency must refer the complaint to the disciplinary committee.
 - The disciplinary committee may summarily reject a complaint if it appears to the committee that:-
 - The complaint would more appropriately form the subject matter of a criminal charge; or
 - The complaint is frivolous, vexatious or lacking in substance.
 - If the disciplinary committee decides to proceed to hear the complaint, the committee must give the complainant and the respondent an opportunity to make representations to the committee
 - The complainant and the respondent are each entitled to be represented by a legal practitioner in the proceedings
 - If the disciplinary committee is satisfied that the alleged breach of the code is established, the disciplinary committee may-
 - Decide to take no disciplinary action;
 - Administer a reprimand;
 - Impose a fine;
 - Recommend to the minister that the member be removed from office on disciplinary grounds
 - The disciplinary committee must make a decision as soon as practicable after the conclusion of the proceeding, and must give a decision notice to each of the complainant and the respondent without delay
 - *Appeal* - NT Civil and Administrative Tribunal (NTCAT). A party to proceedings before a disciplinary committee may, within 28 days after the date of the

notification of the disciplinary committee's decision, appeal to the NT Civil and Administrative Tribunal against the decision.

- A party to a proceeding before the Tribunal may appear personally or be represented by a legal practitioner or other representative.
- *Supreme Court.* A party may appeal to the Supreme Court against a decision or order of the Tribunal.
- *Offences* - A Member may be prosecuted for an offence under the LGA or any other relevant Act.

RISK MANAGEMENT

In the implementation of the Barkly Regional Council policy development, all Elected Members, employees, Local Authority Members, Council Committee Members, communities and stakeholders are encouraged to communicate any risks they perceive to the Chief Executive Officer.

Consequences of (no mitigation strategy)			
Risk Category	Probability	Consequence	Severity
Cultural	Likely	Minor transgression of cultural protocol resulting in low level discomfort. Interference with cultural event or practice.	High Risk
Environmental	No Likelihood	No Environmental risk assessed	Nil Risk
People & Health	Likely	Serious injury causing hospitalisation medical treatment	High Risk
Reputation	Likely	Substantiated, public embarrassment very high multiple impacts high widespread multiple news profile third party actions	Extreme High Risk
Operation	Likely	Non achievement of major deliverables	Extreme High Risk
Financial	Likely	\$20,000 to \$100,000	High Risk

Consequences of (mitigation strategy in place)			
Risk Category	Severity	Treatment	Responsibilities
Cultural	High Risk	Design a new business process with adequate built-in risk control and containment measures from the start.	CEO & Directors
Environmental	Nil Risk	Nil	Nil
People & Health	High Risk	Detailed action plan required	Needs senior management attention
Reputation	Extreme High Risk	Extreme risk – detailed action plan required	Must be reported to Senior management and require detailed treatment plans to reduce the risks to low or medium
Operation	Extreme High Risk	Design a new business process with adequate built-in risk control and containment measures from the start.	Needs senior management attention
Financial	High Risk	High risk – needs senior management attention	Must be reported to Senior management and require detailed treatment plans to reduce the risks to low or medium

TERMINOLOGY AND DEFINITIONS

LGA	Local Government Act
CEO	Chief Executive Office of Barkly Regional Council, and includes an acting Chief Executive Officer
Code	Barkly Regional Council Code of Conduct
Confidential Information	Meaning is prescribed by Part 4 - Regulation 8 of the Local Government (Administration) Regulations 2008
Council or BRC	Both Barkly Regional Council as a body corporate and members acting together as an elected body unless the context requires one or other meaning
Delegate of Council	A person (other than a Member or part of council staff) or body, and the individual members of that body, to whom a function of the council is delegated
Staff	An Officer or Employee of Council, however described
Personal Information	Information from which a person's identity is apparent or is reasonably able to be ascertained
Regulations	Local Government (Administration) Regulations 2008 or the Local Government (Accounting) Regulation

REFERENCES

Conflict of Interest Policy
Delegation Policy
Gifts and Benefits Policy
Media (Incl. Social Media) Policy
Privacy Policy
Purchasing and Procurement Policy

LEGISLATION AND STANDARDS

This Code of Conduct has been adopted by Council under the Local Government Act and is enforceable under that legislation.

Local Government Act (Northern Territory)
Local Government (Administration) Regulations
Local Government (Accounting) Regulations
Right to Information Act
Integrity Act

LINKS

https://legislation.nt.gov.au/LegislationPortal/Acts/By-Title#header_act_acc_L

RESPONSIBILITY AND DELEGATION

This code of conduct applies to all Staff. This policy is delegated to the CEO for implementation.

EVALUATION AND REVIEW

This policy will be reviewed every two (2) years. 29 June 2019