

<b>TITLE:</b>	Code of Conduct Policy - Members		
<b>DIVISION:</b>	Corporate		
<b>ADOPTED BY:</b>	Barkly Regional Council		
<b>DATE OF ADOPTION:</b>	27 April 2017	<b>DATE OF REVIEW:</b>	27 April 2019
<b>MOTION NUMBER:</b>	OC38/17		
<b>POLICY NUMBER:</b>	CP000040		
<b>AUTHORISED:</b>	Chief Executive Officer		

**THIS POLICY APPLIES TO:**

All Barkly Regional Council Elected Members, Local Authority Members, Council Committee Members

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

**OBJECTIVES**

The aim of all policy is for members to provide strategic input into the effective operational framework of the organisation under S77, S78 and Schedule 2 of the *Local Government Act* (LGA).

**BACKGROUND**

The *Local Government Act* requires Councils to have a code of Conduct.

Section 77 – Obligations to have a code of conduct

- (1) A council must have a code of conduct
- (2) The code of conduct must govern the conduct of members of the council, members of local boards, and members of council committees
- (3) A council's code of conduct must be accessible on its website

Section 78 – Making or adoption of code of conduct

- (1) A council may, by ordinary resolution:
  - (a) Make or adopt a code of conduct; or
  - (b) Amend its code of conduct

- (2) Unless a council has a code of conduct that the council has itself made or adopted, the provisions set out in Schedule 2 constitute the council's code of conduct

Barkly Regional Council has chosen to adopt the Code contained with Schedule 2 of the Act as the Code governing the conduct of the Barkly Council Members, Local Board Members, and Council Committee Members.

## **POLICY**

### *Local Government Act – Schedule 2*

- **Honesty and integrity**
  - A Member must act honestly and with integrity in performing official functions
- **Care and diligence**
  - A Member must act with reasonable care and diligence in performing official functions
- **Courtesy**
  - A Member must act with courtesy towards other members, council staff, Electors and members of the public.
- **Conduct towards council staff**
  - A Member not direct, reprimand, or interfere in the management of, council staff
- **Respect of cultural diversity**
  - A Member must respect cultural diversity and must not therefore discriminate against others, or the opinions of others, on the ground of their cultural background
- **Conflict of interest**
  - A Member must, if possible, avoid conflict of interest between the member's private interests and official function and responsibilities.
  - Where a conflict in fact exists, the member must comply with the member's statutory obligations of disclosure
- **Respect of confidences**
  - A member must respect the confidentiality of information obtained in confidence in the member's official capacity
  - A member must not make improper use of confidential information obtained in an official capacity to gain a private benefit or to cause harm to another
- **Gifts**
  - A member must not solicit or encourage gifts or private benefits from any person who might have an interest in obtaining a benefit from the council
- **Accountability**
  - A member must be prepared at all times to account for the member's performance as a member and the member's use of council resources
- **Interests of municipality, region or shire to be paramount**
  - A member must act in what the member genuinely believes to be the best interests of the municipality, region or shire.

## 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.

Risk Consequence	Catastrophic	Serious	Moderate	Minor	Insignificant
Risk Probability	Almost Certain	Likely	Possible	Unlikely	Rare
Risk Treatment	Monitor	Minimise	Spread	Transfer	
Risk Category	Probability	Consequence	Treatment	Responsibilities	
Cultural	1-3	1-3	Minimise	DC	
Environmental	1	1	Monitor	DI	
People & Health	3-4	3-4	Minimise	CEO - DCS	
Reputation	4-5	4-5	Minimise	CEO	
Operation	4-5	4-5	Minimise	CEO - DCS	
Financial	4-5	4-5	Minimise	CEO - DCS	

## TERMINOLOGY AND DEFINITIONS

<b>LGA</b>	Local Government Act
<b>Agency</b>	The Northern Territory Government, Department of Local Governments and Community Services
<b>CEO</b>	Chief Executive Office of Barkly Regional Council, and includes an acting Chief Executive Officer
<b>Code</b>	Barkly Regional Council Code of Conduct
<b>Confidential Information</b>	Meaning is prescribed by Part 4 - Regulation 8 of the Local Government (Administration) Regulations 2008
<b>Council or BRC</b>	Both Barkly Regional Council as a body corporate and members acting together as an elected body unless the context requires one or other meaning
<b>Delegate of Council</b>	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
<b>Election Campaign</b>	Includes council, State and Federal election campaigns
<b>Staff</b>	An Officer or Employee of Council, however described
<b>Member</b>	A member of a council, a local authority, a local board, and a council committee (unless the context particularly relates to one of these groups)
<b>NTCAT</b>	Northern Territory Civil and Administrative Tribunal

<b>President</b>	The President of the Council
<b>Personal Information</b>	Information from which a person's identity is apparent or is reasonably able to be ascertained
<b>Regulations</b>	Local Government (Administration) Regulations 2008 or the Local Government (Accounting) Regulation

## REFERENCES

Code of Meeting Practice Policy  
Conflict of Interest Policy  
Councillor Portfolio Policy  
Delegation Policy  
Elected Member Access to Information Policy  
Gifts and Benefits Policy  
Media (Incl. Social Media) Policy  
Presidential Protocol 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

## LINKS

<https://legislation.nt.gov.au/en/Legislation/LOCAL-GOVERNMENT-ACT>

## RESPONSIBILITY AND DELEGATION

This code of conduct applies to all: -

- Elected Members
- Local Authority Members
- Council Committee Members
- Chief Executive Officer (delegated for implementation)

## EVALUATION AND REVIEW

This policy will be reviewed every two (2) years. 21 April 2019