

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

LGA	Local Government Act
Agency	The Northern Territory Government, Department of Local Governments and Community Services
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
Election Campaign	Includes council, State and Federal election campaigns
Staff	An Officer or Employee of Council, however described
Member	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)
NTCAT	Northern Territory Civil and Administrative Tribunal

President	The President of the Council
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

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