



CODE OF CONDUCT

POLICY

This Code of Conduct is to provide Elected Members and Council employees with guidelines for an acceptable standard of professional conduct.

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

The provisions of the Northern Territory Local Government Act and regulations apply to all Elected Members and Council employees in the Shire. These provisions are legally enforceable. The Code, whilst having no legislative force aims to be complementary to the provisions of the Tiwi Islands Shire and regulations.

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

It is recommended that all new Elected Members and Council employees receive a copy of this Code.

Community Expectations

The Shire is the sphere of government closest to the people of the region. The Actions and behaviour of Elected Members and Council employees are likely to be closely monitored by the local community.

In performing their roles and functions, the community expects that Elected Members and Council employees will:

- Be committed to ethical behaviour;
- Deal with all Members of the community honestly, fairly and not to 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 a tension between their public and private roles and in such cases give priority to the public role;
- Ensure that Shire mechanisms are in place to deal promptly and efficiently with the handling of community complaints and concerns.



Role of Elected Members and Council employees

Elected Members and Council employees 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 Shire to perform effectively their contribution to

1. the collective decision making of the Shire;
2. in setting of policies and objectives;
3. in the determination of strategies to achieve the Shire's objectives; and
4. by collectively monitoring the overall performance of the Shire against the stated and objectives
 - Ensuring accountability and sound financial management;
 - Representing the Shire to the community;
 - Being aware of the statutory obligations imposed on Elected Members and on the Shire; and
 - Undertaking appropriate professional development activities.

Council employees in fulfilling their various roles and duties should focus on:

1. Knowing their Shire area and the make up of the community;
2. Cross-cultural competence in all aspects of fulfilling their duties;
3. Maintaining quality Shire services that are efficient and responsive to community needs;
4. Assisting in the formulation of policies and plans;
5. Implementing policies and plans developed by the Shire;
6. Providing experience and expertise to assist Elected Members;
7. Being aware of the statutory obligations imposed on officers and employees and on the Shire; and
8. Undertaking appropriate professional development activities, including cross-cultural training as required



Elected Members and Council employees Relationships

Elected Members and Council employees are required to work effectively together as part of the Shire team.

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

To achieve the teamwork approach, Elected Members and Council employees 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 Members and Council employees and how they work together for the benefit of the community;
- Accept that the Elected Member's role is a community representative and leadership one to determine goals and policies;
- Observe Shire policy and practice regarding the various staff Members to approach the Chief Executive Officer to obtain routine reports or other information;
- Be aware that Elected Members have a right to view and access information relative to matters being considered at Shire meetings in order to undertake their Shire responsibilities in an effective and appropriate manner.
- Not publicly criticise individuals in a way that casts doubts on their competency and integrity;
- Not use their position to improperly influence an individual to gain an advantage for themselves or others;
- In addition Elected Members must not individually direct Council employees, as this is the responsibility of the Chief Executive Officer.

Communications and Public Relations

All aspects of communication by staff (including verbal, written or personal), involving the Shire's activities should reflect the status and objectives of the Shire. Communications should be accurate and professional.

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

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

Usage of Information

Elected Members and Council employees are often provided with information that is required to be handled in a sensitive or confidential manner.

The usage of Shire information obtained through their role with the Shire for financial or other personal advantage is illegal. Elected Members and Council employees are expected to:

- Observe any legal requirements and any specific policies that the Shire has on the use of Shire 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 Shire to be confidential;
- Not use or disclose information in a way that may cause:
 - a. significant damage of distress to a person;
 - b. significant damage to the interests of the Shire or a person; or
 - c. unfair commercial or financial advantage.
- Observe any order made by the Shire or a Shire Committee that a document is to remain confidential until such time as that order ceases to apply.



Conflict of Interest and Disclosure of Information

Conflict of Interest

- Elected Members and Council employees 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 Members and Council employees will not engage in private work with or for any person or body with an interest in a proposed or current contract with the Shire, without first making full disclosure to the Chief Executive Officer.
- Elected Members and Council employees 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 recognised that such convictions are not a basis for discrimination and this is supported by anti discriminatory legislation.

Pecuniary Interest

Elected Members and Council employees will adopt the principles of disclosure of pecuniary interest as contained within the Northern Territory Local Government Act.

Disclosure of Interest

Elected Members and Council employees will disclose at the relevant meeting any interests which has the capacity to be in conflict with their public or professional duties.

Personal Benefit

Use of Confidential Information

Elected Members and Council employees 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 organisation.

Improper or Undue Influence

Elected Members and Council employees 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.



Gifts and Bribery

Elected Members and Council employees 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 Shire or their performance of any duty or work which touches or concerns the Shire.

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.

Conduct of Members and Staff Personal

General Behaviour

Elected Members and staff 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 Shire 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 Shire 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
- Act in a responsible and socially acceptable manner whilst on duty, including when travelling on council business

Specific Behaviour

- Ensure that where accommodation is provided to either an Elected Member or staff member, whether it be when representing the shire outside the shire or in a residential context that that person's behaviour is appropriate, respectful at all times, does not result in damage or in bringing Council or the Tiwi Islands into disrepute.
- Have proper regard to and comply with the access and permit provisions of the Aboriginal Land Rights Act (Northern Territory)
- Council finds domestic violence unacceptable and consequently any staff member or Elected member responsible for domestic violence will have committed a serious breach of this code of conduct, to have brought Council into disrepute and, in the case of a staff member may be



disciplined or even dismissed summarily. In the case of an Elected member such instances will be referred initially to Council and subsequently to the Local Government disciplinary Tribunal.

- Council requires that staff and Elected Members or cognizant of mandatory reporting of domestic violence and considers that failure by staff or Elected members to do so is also a breach of this Code of Conduct.

Honesty and Integrity

Elected Members and Council employees will:

- Observe the highest standards of honesty and integrity and avoid conduct which may suggest departure from these standards
- Bring to the notice of the President/Mayor any dishonesty or possible dishonesty on the part of any other Members and in the case of an employee to the Chief Executive Officer.
- Be frank and honest in their official dealings with each other

Performance of Duties

- While on duty, staff will give their complete time and attention to the Local Government's business and ensure that their work is carried out efficiently, economically and effectively, and that their standard of work reflects favourably both on them and on the Shire.
- Elected Members 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 Members will be as informed as possible regarding the functions of the Shire and treat all Members of the community honestly and justly.

Legal Compliance

Elected Members and Council employees 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 Members and Council employees will give effect to the lawful policies of the Shire, regardless of whether they agree with or approve of them.

Administration and Management Practices

Elected Members and Council employees will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices



Conduct at Meetings

Elected Members and Council employees will not:

- Obstruct or interrupt the proper conduct of the meeting
- Use indecent or offensive language
- Make a statement reflecting adversely on the reputation of the Shire or any committee of the Shire
- Make an intemperate statement reflecting adversely on the character or motives of a Members or officer of the Shire
- Refuse or wilfully fail to comply with a direction given by the chairperson of the meeting

Council Property Use of Council Property

Elected Members and Council employees will:

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

Travelling and Sustenance Expenses

Elected Members and Council employees 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 Shire in accordance with Shire policy and the provision of the Northern Territory Local Government Act.

Appointments to Other Bodies

Elected Members and Council employees may be asked to represent the Shire on external organisations as part of their community representative or corporate role. Some appointments may be to other government communities or as a Shire representative in a particular community interest group.

It is important those Elected Members and Council employees:

- Clearly understand the basis of their Shire nominated appointment and are aware of the ethical and legal responsibilities attached to such appointments
- Are aware of all relevant Shire policies
- Balance and represent the interest of the Shire and the local community
- Remain objective and not seek to influence the Shire so as to give preferential treatment to such bodies
- Provide regular reports to the Shire on the activities of the organisation
- Inform the Shire of any intention to undertake an activity which may interfere with their role.



Compliance with the Code of Conduct

Compliance of Elected Members with these standards of conduct should be monitored by Elected Members 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 Shire. 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 Shire's consideration.

Compliance by Council employees with these standards of conduct is the responsibility of the Chief Executive Officer.

Availability of the Code

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

Adoption of the Code

It is recommended that Council adopts this Code of Conduct for the Elected Members and Council employees and provides a copy to guide all Elected Members and Council employees.

Declaration:

I have read and agree to the Code of Conduct policy.

.....
Signature

.....
Name

Date:...../...../.....

