



# Tiwi Islands Regional Council

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2	Resolution 9 of 27-04-16	27 April 2016	Revised version
1	Resolution 6.6 of 25-07-12	25 July 2012	Original extract from HR Manual 2012

## **POLICY**

This Code of Conduct is to provide Elected Members, Local Authority 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, Local Authority 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, Local Authority members and Council employees in the Tiwi Islands Regional Council (TIRC). These provisions are legally enforceable. The Code, whilst having no legislative force aims to be complementary to the provisions of the Tiwi Islands Regional Council and regulations.

The Code provides a guide and a basis of expectations for Elected Members, Local Authority members and Council employees and encourages a commitment to ethical and professional behaviour of all Elected Members, Local Authority members and Council employees. All Elected Members, Local Authority 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, Local Authority members and Council employees receive a copy of this Code.

## **Community Expectations**

The Council is the sphere of government closest to the people of the region. The



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actions and behaviour of Elected Members, Local Authority 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, Local Authority 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 Council mechanisms are in place to deal promptly and efficiently with the handling of community complaints and concerns.

## **Role of Elected Members, Local Authority members and Council employees**

Elected Members, Local Authority 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 Council to perform effectively their contribution to

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



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

1. Knowing their Council area and the make up of the community;
2. Cross-cultural competence in all aspects of fulfilling their duties;
3. Maintaining quality Council 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 Council;
6. Providing experience and expertise to assist Elected Members, Local Authority members and Council employees;
7. Being aware of the statutory obligations imposed on officers and employees and on the Council; and
8. Undertaking appropriate professional development activities, including cross-cultural training as required

## **Elected Members, Local Authority members and Council employees Relationships**

Elected Members, Local Authority members and Council employees are required to work effectively together as part of the Council team.

The teamwork of Elected Members, Local Authority members and Council employees 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 Members, Local Authority 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, Local Authority members and Council employees and how they work together for the benefit of the community;
- Accept that the Elected Members, Local Authority members and Council employees role is a community representative and leadership one to determine goals and policies;
- Observe Council policy and practice regarding the various staff Members to approach the Chief Executive Officer to obtain routine reports or other



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information;

- Be aware that Elected Members, Local Authority and Council employees 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 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 and Local Authority 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 Council's activities should reflect the status and objectives of the Council. Communications should be accurate and professional.

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

- As Members 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 ought 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;



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- In expressing personal views, care is taken not to show disrespect for the Council, its decisions, decision making, other Elected Members, Local Authority and Council employees or staff.

## Usage of Information

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

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

- Observe any 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:
  - a. significant damage of distress to a person;
  - b. significant damage to the interests of the Council or a person; or
  - c. unfair commercial or financial advantage.
- Observe any order made by the Council or a Council 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, Local Authority 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.



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- Elected Members, Local Authority 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 Council, without first making full disclosure to the Chief Executive Officer.
- Elected Members, Local Authority 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, Local Authority 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, Local Authority 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, Local Authority 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, Local Authority 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.



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## **Gifts and Bribery**

Elected Members, Local Authority 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 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.

## **Conduct of Members and Staff Personal**

### **General Behaviour**

Elected Members, Local Authority members and Council employees 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
- 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, Local Authority members or staff member, whether it be when representing the Council outside the Council 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, Local Authority members 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 Members, Local Authority members such instances will be referred initially to Council and subsequently to the Local Government disciplinary



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Tribunal.

- Council requires that staff and Elected Members, Local Authority member or cognizant of mandatory reporting of domestic violence and considers that failure by staff or Elected Members, Local Authority 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 Council.
- Elected Members, Local Authority 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, Local Authority members will be as informed as possible regarding the functions of the Council and treat all Members of the community honestly and justly.

## Legal Compliance

Elected Members, Local Authority 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 Council, regardless of whether they agree with or approve of them.

## Administration and Management Practices

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





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## **Conduct at Meetings**

Elected Members, Local Authority 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 Council or any committee of the Council
- Make an intemperate statement reflecting adversely on the character or motives of a Members or officer of the Council
- Refuse or wilfully fail to comply with a direction given by the chairperson of the meeting

## **Council Property Use of Council Property**

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

## **Appointments to Other Bodies**

Elected Members, Local Authority members and Council employees may be asked to represent the Council on external organisations 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.



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It is important those Elected Members, Local Authority members and Council employees:

- 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
- 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 organisation
- Inform the Council of any intention to undertake an activity which may interfere with their role.

## Compliance with the Code of Conduct

Compliance of Elected Members, Local Authority members and Council employees with these standards of conduct should be monitored by Elected Members, Local Authority 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 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.

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 Council.

## Adoption of the Code

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

## Declaration:

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

.....  
Signature

Name

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