



Policy Name	Code of Conduct (CEO)	
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Council Decision (Reference):	SFC11/2021	
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Categorisation:	People and Learning	
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Responsible Officer:	Chief People and Capability Officer	
Version (Revision Number):	1.0	

1. PURPOSE

Under the *Local Government Act 2019*, Council must adopt, by resolution, a Code of Conduct for the West Arnhem Regional Council Chief Executive Officer (CEO). The purpose of this policy is to set out the Code of Conduct for the CEO in accordance with the requirements of the Act.

2. SCOPE

This policy applies to the CEO and to those responsible for approving and upholding compliance with the Code.

3. DEFINITIONS

In the context of this policy the following definitions apply:

Breach means an act of breaking or failing to observe a law, agreement, or code of conduct.

The Code refers to the Code of Conduct.

Employee means all employees of Council, whether employed on a permanent, fixed term or casual basis.

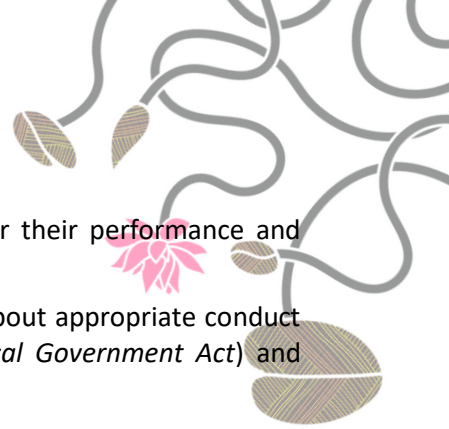
4. POLICY STATEMENT

Purpose of the Code

In order to maintain public confidence in the integrity of the Council, the CEO of the Council must exhibit the highest ethical standards in the administration of the affairs of the Council.

The Code provides the CEO with an ethical framework for acceptable behaviour and decision-making, and to direct their conduct in relation to the people of the Council constituency, the public at large, to Elected Members and to Council employees.





Application of the Code

The Code places an obligation on the CEO to take responsibility at all times for their performance and behaviour (conduct).

The Code sets out standards of behaviour and a framework to inform decisions about appropriate conduct and must be applied in conjunction with relevant legislation (including the *Local Government Act*) and Council's policies and procedures, not as a replacement for them.

- If the application of the Code could or will result in a breach of the law, the law takes precedence. Any inconsistency or issue with the Code should be brought to the attention of the Governance Coordinator, for urgent attention.
- If the application of the Code could or will result in a breach of the Council's policy or procedure, the Code takes precedence, but the specific issue should be notified to the Policy Custodian for attention.
- If the application of the Code could result in both positive and negative outcomes, the relative importance and impact of each should be carefully considered and advice sought, as appropriate.

If there is any doubt as to how the Code is to be applied or what course of action to take in specific circumstances, the CEO should seek support from other members of Council's Executive Team, the Mayor, Deputy Mayor, the Minister, or others as appropriate.

Content of the Code

The Code of Conduct for the CEO is as follows:

Support for Council

The CEO will:

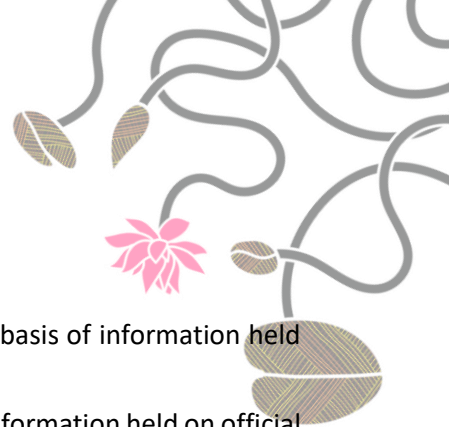
- Provide support to Council.
- Provide accurate, frank and impartial advice to Council.
- Implement council policies and decisions.
- Be familiar with and comply with the requirements of the Local Government Act and other legislative, industrial or administrative requirements relevant to the CEO's official responsibilities.
- Take all reasonable steps to ensure that the information upon which the CEO's decisions or actions are based is factually correct and relevant to the decisions or actions.
- Comply with the Council's *Code of Conduct (employees)*.

Management of Council Staff

In relation to the management of council employees, the CEO must ensure that:

- Appropriate documented processes and procedures are in place.
- Selection processes for appointment or promotion are fair, equitable and based on merit.
- Employees have reasonable access to training and development and opportunities for advancement and promotion.
- Employees are treated fairly and consistently and are not subject to arbitrary or capricious decisions.
- There are suitable processes for dealing with employment related grievances.
- working conditions are safe and healthy.





Use of Information

The CEO must not misuse information gained in the CEO's official capacity.

Misuse includes, but is not limited to:

- Seeking to gain personal advantage for self, or for another person, on the basis of information held on official records.
- Initiating or spreading gossip or rumours on the basis of personal or other information held on official records.
- Providing a person, or appearing to provide a person, with favourable treatment or access to privileged information.

The CEO must take care to maintain the integrity and security of documents and information.

Use of Official Facilities, Equipment and Resources

The CEO must not utilise council equipment, or the skills or working time of council employees, for personal benefit.

Disclosure of Offences Against the Law

If the CEO is charged, convicted or acquitted of an offence, the CEO must advise the Council regardless of whether the CEO believes the offence relates directly to the CEO's assigned duties.

Outside Employment

Outside employment for the CEO is not allowed, except in exceptional circumstances and approved by the Council in writing.

When considering an application from the CEO to undertake outside employment, the Council will give approval only if the outside employment:

- Could not be perceived by a reasonable person to be a conflict of interest; and
- Will not interfere with the performance of the CEO's duties.

Any outside employment or voluntary work must be performed wholly in the CEO's private time.

Decisions Based on Statutory Power

Where the CEO makes a decision based on a statutory power, the CEO must:

- Ensure that the legislation under which the decision is made authorises the making of that decision.
- Ensure that the CEO has the authority or the delegation to make the decision.
- Ensure that any procedures which are required by law to be complied with in the making of a decision have been observed.
- Ensure that the decision, the evidence upon which it is based, and the reasons for the decision are properly documented.

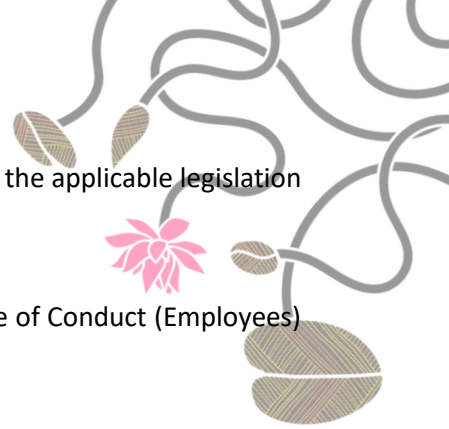
Anti-discrimination

The CEO must not discriminate in relation to a person unless such discrimination is allowed by law and council policy (for example, positive discrimination or special measures).

Breaches of the Code of Conduct

Breaching the Code of Conduct is a serious issue. Any alleged or suspected breaches of the Code will be





managed under Council's *Performance Management Policy* and in accordance with the applicable legislation and regulations.

Responsibilities

The CEO is responsible for complying with the Code of Conduct (CEO) and the Code of Conduct (Employees) at all times.

Acknowledgement

The CEO is requested to read and confirm their commitment to the Code by signing a copy to be stored with their personnel records. The CEO is requested to re-familiarise themselves with, and confirm their commitment to the Code, on an annual basis.

5. Responsibilities

The Chief People and Capability Officer is the Policy Custodian for this policy and is responsible for reviewing the operation of the policy (every 3 years or more frequently as may be required), and for monitoring continuing relevance, effectiveness, and consistency with related documents and the Law.

Following approval of this policy document, the Chief People and Capability Officer (or a nominated delegate) is also responsible for ensuring that the implementation and communication plan is implemented and that all Council employees have access to the policy.

6. Related Documents

Legislation and References

Local Government Act 2019 (NT)

Policy documents

Code of Conduct (Employees)

Performance Management Policy

Procedures

Nil

Instructions, tools, guidelines, forms and templates

Nil

