



Policy Name	Code of Conduct (Council, Local Authority and Council Committee Members)	
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Custodian:	Chief Executive Officer	
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1. PURPOSE

As determined by the *Local Government Act* (the Act), the Code of Conduct (the Code) set out in Schedule 1 governs the conduct of members of an audit committee, a council, a council committee and a local authority.

2. SCOPE

This policy applies to all members of an audit committee, a council, a council committee and a local authority. The policy also applies to those members of Council staff with responsibility for processes relating to this Code.

3. DEFINITIONS

In the context of this policy the following definitions apply:

The Act means the *Local Government Act 2019 (NT)*.

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

The Code means the Code of Conduct stipulated in Schedule 1 of the Act.

Council Committee includes a Committee established by resolution of the Council, including the Audit Committee.

Member means (according to context) a member of an audit committee, a council, a council committee or a local authority.



4. POLICY STATEMENT

Council, Local Authority, and Council Committee Members are required to abide by the Code of Conduct stipulated in Schedule 1 to the *Local Government Act*. They have a responsibility to uphold and encourage a safe, supportive, productive governance structure, and through good governance meet their responsibilities to the West Arnhem Region.

This policy is intended to provide Council, Local Authority and Council Committee Members with guidance for interpreting, using and applying the Code.

The Breach of Code of Conduct Policy has been developed that sets out how Council will manage a complaint in relation to the contravention of the Code, in accordance with Section 121 of the Act.

Purpose of the Code

The Code provides Council, Local Authority and Council Committee Members 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 fellow Elected Members, and to Council staff.

The Code details the ethical responsibilities of Council, Local Authority and Council Committee Members and encourages a high level of accountability and transparency in Local Government. It also encourages them to commit to the expected standard of ethical and professional behaviour, that reflects community trust in them as individuals and supports the role and public perception of local government.

Application of the Code

The Code places an obligation on all Council, Local Authority and Council Committee Members 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.

1. 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 Chief Executive Officer, for urgent attention.
2. 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 urgent attention.
3. 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 the advice of the Mayor, Deputy Mayor, other Members and/or the Chief Executive Officer (CEO) 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, Members should consult with their peers (e.g. the Mayor and other Members). Where appropriate, Members can also seek support from the CEO.

Members can also refer to the Elected Members Handbook issued by the Department of Housing, Local Government and Community Development.

To support the implementation and application of the Code, it should be:

- Included in the orientation of Council members.
- Made available on the Council website and promoted to our communities.



- Referenced in any Local Authority and Council Committee terms of reference and included in the orientation of any new member.
- Used to inform the performance and professional development review of Council's governing structures.

Content of the Code

As stipulated in Schedule 1 of the Act, the Code of Conduct for Members is as follows:

1. *Honesty and Integrity:* A member must act honestly and with integrity in performing official functions.
2. *Care and diligence:* A member must act with reasonable care and diligence in performing official functions.
3. *Courtesy:* A member must act with courtesy towards other members, council staff, electors and members of the public.
4. *Prohibition on bullying:* A member must not bully another person in the course of performing official functions.
5. *Conduct towards Council staff:* A member must not direct, reprimand, or interfere in the management of, council staff.
6. *Respect for cultural diversity and culture:* 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.

A member must act with respect for cultural beliefs and practices in relation to other members, council staff, electors and members of the public.

7. *Conflict of interest:* A member must avoid any conflict of interest, whether actual or perceived, when undertaking official functions and responsibilities.

If a conflict of interest exists, the member must comply with any statutory obligations of disclosure.

8. *Respect for 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.

9. *Gifts:* Members must not solicit, encourage or accept gifts or private benefits from any person who might have an interest in obtaining a benefit from the council.

A member must not accept a gift from a person that is given in relation to the person's interest in obtaining a benefit from the council.'

10. *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.

11. *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.

In particular, a member must seek to ensure that the member's decisions and actions are based on an honest, reasonable and properly informed judgment about what best advances the best interests of the municipality, region or shire.

12. *Training:* A member must undertake relevant training in good faith.





Responsibilities

- The Mayor’s role shall include responsibility for promoting behaviour among Council members that meets the standards set out in the Code.
- The CEO is responsible for promoting access to and knowledge of the Code in Council and our communities.
- Elected Members, Local Authority Members and Council Committee Members will apply the Code at all times while discharging their duties, and at any time they are representing Council.
- Council members and staff with delegation for policy approval shall ensure that Council policies are consistent with the Code.
- The CEO (or delegate) will ensure that a copy of the Code, and the *Breach of Code of Conduct Complaint Form*, is available on Council’s website.

5. Responsibilities

The Chief Executive 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 Executive 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

Breach of Code of Conduct Policy

Procedures

Nil

Instructions, tools, guidelines, forms and templates

Breach of Code of Conduct Complaint Form

Elected Member Handbook

