

# Code of Conduct Policy – CEO

GS08-CP



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## 1. Purpose

The purpose of this policy is to outline the code of conduct for the Chief Executive Officer (CEO) of the MacDonnell Regional Council (MRC).

## 2. Scope

This policy applies to the CEO of MRC.

## 3. Objectives

The objectives of this policy are to:

- 3.1. Outline the expectations of the CEO of the MRC, in their duties in running and administering the operations of the Council.
- 3.2. To ensure that conduct of the CEO maintains the trust and confidence of the Council and the constituents of the MRC area.

## 4. Definitions

Elected members	Refers to individuals elected by the constitutions of the MRC area. This includes: ordinary members (Councillors), principal member (President) and deputy principal member (Deputy President).
Member	Both appointed and elected members
Ordinary members	Elected members excluding the principal (The President) and acting principal (Deputy President)
Principal and deputy principal	The President and Deputy President of council.
Statutory power	The power that is assigned through law. In this case statutory power that the CEO has is assigned from the Local Government Act 2019.

## 5. Statement

### 5.1. Support for Council

The CEO must:

- 5.1.1. provide full support to Council;
- 5.1.2. provide accurate, frank and impartial advice to Council;
- 5.1.3. implement council policies and decisions;
- 5.1.4. be familiar with and comply with the requirements of the Local Government Act 2019 and other legislative, industrial or administrative requirements relevant to the CEO's official responsibilities;

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5.1.5. 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; and

5.1.6. comply with the council employee code of conduct.

## 5.2. Management of council employees

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

5.2.1. appropriate documented processes and procedures are in place;

5.2.2. selection processes for appointment or promotion are fair, equitable and based on merit;

5.2.3. employees have reasonable access to training and development and opportunities for advancement and promotion;

5.2.4. employees are treated fairly and consistently and are not be subject to arbitrary or capricious decisions;

5.2.5. there are suitable processes for dealing with employment-related complaints and grievances; and

5.2.6. working conditions are safe and healthy.

## 5.3. Use of information

The CEO must not misuse information gained in the CEO's official capacity. Misuse includes, but is not limited to:

5.3.1. seeking to gain personal advantage for self, or for another person, on the basis of information held on official records;

5.3.2. initiating or spreading gossip or rumours on the basis of personal or other information held on official records; and

5.3.3. 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.

## 5.4. Use of official facilities, equipment and resources

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

## 5.5. Disclosure of offences against the law

5.5.1. 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.

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## 5.6. Outside employment

- 5.6.1. Outside employment for the CEO is not allowed, except in exceptional circumstances and approved by the Council in writing.
- 5.6.2. When considering an application from the CEO to undertake outside employment, the Council will give approval only if the outside employment:
  - a. could not be perceived by a reasonable person to be a conflict of interest; and
  - b. will not interfere with the performance of the CEO's duties.
- 5.6.3. Any outside employment or voluntary work must be performed wholly in the CEO's private time.

## 5.7. Decisions based on statutory power

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

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

## 5.8. Anti-discrimination

- 5.8.1. 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).

## 5.9. Breaching the code of conduct

- 5.9.1. If any individual (a member of the public or an employee) believes that the CEO has breached the code of conduct they are advised to refer to the HR05-CP Whistleblowers policy.
- 5.9.2. If a member is concerned about the conduct of the CEO they are advised to contact the principal or deputy member (the President or the Deputy President). The President may engage with the legal counsel of MRC and the Director of Corporate services as required in response to this information.
- 5.9.3. If a member of the public is concerned about the conduct of the CEO they may make a complaint as per the GS03-CP Customer Complaints and Feedback Policy and GS03-P1 Customer Complaints and Feedback Procedure.
- 5.9.4. If an employee is concerned about the conduct of the CEO they may make a complaint through the relevant Employee Complaints Policy.

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## 6. Policy Details

<b>Replaces Policy No: (if applicable)</b>	N/A
<b>Responsible Directorate/Department:</b>	Corporate Services - Governance and Engagement
<b>Approval Date:</b>	28 May 2021
<b>Minutes Reference and Resolution number:</b>	OCM Item # 15.2 – OC2021-064
<b>Review Cycle:</b>	May 2025. Review every four (4) years or after changes to relevant legislation or Council policy

## 7. Legislation and References

<b>Related Legislation:</b>	Section 175(1) of the <i>Local Government Act 2019</i>
<b>Related Policies:</b>	HR21-CP Employees Code of Conduct HR05-CP Whistleblowers policy GS03-CP Customer Complaints and Feedback Policy
<b>Associated Documents:</b>	GS03-P1 Customer Complaints and Feedback Procedure

## 8. Version Control

<b>Version No</b>	<b>Approval Date</b>	<b>Policy No.</b>	<b>Minutes reference (previous version)</b>
1	28 May 2021	GS08-CP	N/A