



CODE OF CONDUCT AND GOVERNANCE CHARTER

ADOPTED BY COUNCIL 12 JUNE 2012

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Governance Principles

This Charter is intended to be used in several ways:

- To provide the legislative context for governance
- To raise awareness of and provide general guidelines for good governance
- To assist in the clarification of roles and responsibilities for Coomalie Council
- To assist in the review of performance of Coomalie Council

Coomalie Shire Information

The Coomalie Shire covers an area of 1,510 square kilometres and has a population of approximately 1,650.

Statutory Requirements

The Coomalie Shire has obligations under the following legislation:

Local Government Act (NT) 2008

Provides for the constitution of municipalities and Shire areas and for:

- The election of self-governing authorities to control municipalities and Shire areas.
- A similarity of power and function between self-governing authorities and for other purposes.

Local Government Accounting Regulations

Prescribe accounting procedures that local governments in the Northern Territory are required to follow, including the accounting system, records, internal controls, reporting, rates and financial management procedures.

Local Government Administration Regulations

Prescribe administrative procedures that local governments in the Northern Territory are required to follow, including records management, register of interests, confidential matters and use of common seal.

Local Government Electoral Regulations

Prescribe electoral procedures that local governments in the Northern Territory are required to follow, including infringements and nominations.

Government Principles

The Coomalie Shire Council will be guided by the following principles for 'Good Governance'. They provide a reference point for the Shire's structures and processes to minimize potential problems and encourage performance and accountability.

- Build upon the foundations of governance best practice
- Build upon existing community strengths and capacities
- Ensure plans and services are driven by clear vision that draws from both indigenous and non-indigenous values, principles and practices.
- Promote ethical and responsible decision making including separation of roles between Council and Management.
- Promote cultural inclusiveness, including mechanisms for indigenous involvement
- Strong internal and external accountabilities, including a strong focus on delivering outcomes for constituents
- Ensure openness and integrity in financial reporting
- Recognise and manage risk
- Encourage improved performance
- Recognise the legitimate interest of stakeholders

Roles and Responsibilities

Overview

The primary roles of the Shire's elected representatives are strategic planning, policy direction and resource allocation for the entire shire. Responsibility for implementing the strategic plan and policies are devolved to the Chief Executive Officer.

Advocacy to achieve improved outcomes on behalf of the residents is critical for the future of the Shire. The Shire must be capable of playing a far greater role in lobbying and developing partnerships with Government and other relevant organisations.

The Shire Council

The Northern Territory *Local Government Act* vests the Shire Council with the power to control and manage the business of the Shire. The Shire Council governs the operation of the Shire through the Chief Executive Officer. The Shire Council does not become involved in the day to day management of the Shire – this is the responsibility of the Chief Executive Officer.

The Shire Council is responsible for focusing on activities including:

- determine, monitor and review the Shire's strategic plan and business plan
- determine strategic/governance policies of the Shire
- recommend the appointment of members to communities within and outside of the Shire
- monitor and evaluate the Chief Executive Officer's performance
- approve Shire debts being written off
- monitor the Shire's compliance with its legal obligations
- review where necessary the Shire's code of conduct, meeting procedures and delegation of Shire Council powers
- determine the remuneration to be paid to the president
- attend Shire Council and general meetings of the Shire to obtain and exchange information and decision making
- act in accordance with the Shire's code of conduct

The President

The roles and responsibilities of the President are to:

- ensure that the policies determined by the Shire Council are effectively advocated and represented
- act as spokesperson for the Shire at official functions, to the media and in other public arenas
- chair meetings of the Shire Council
- seek consensus, where required, with the Chief Executive Officer over the directions to be taken on issues of policy or decisions of the Shire Council and then determine those actions with the Chief Executive Officer
- make decisions or delegate powers where so delegated by the Shire Council
- work with the Chief Executive Officer in establishing the agenda for the Shire Council meetings
- along with the Shire Councillors, undertake an annual evaluation of the Chief Executive Officer's performance and recommend to the Shire Council remuneration of the Chief Executive Officer based on his or her performance and the provisions of his or her employment contract
- deputise matters to the Shire Council where necessary
- act as ceremonial head of the Shire at official functions
- establish a close working relationship with the Shire Councillors and the Chief Executive Officer

Roles and Responsibilities (continued)

The Deputy President

The role of the Deputy President is to:

- support the work of the President and the Chief Executive Officer in their roles
- deputise for the President as required
- deputise media matters to the Chief Executive Officer as required
- undertake the annual evaluation of the Chief Executive Officer as required

Chief Executive Officer

The Chief Executive Officer is responsible for the overall management of the Shire in accordance with its strategic and business plans, policies, programs and decisions approved by the Council.

The Chief Executive Officer is also required to:

- represent and advocate the Shire's policies, plans, programs and decisions to the public, private and government agencies and where required, the media
- deputise for the President as required
- provide the Council with sufficient, timely information to allow it to exercise its role as detailed in this Charter
- develop revisions of the Shire strategic plan, business plan, policies, organisation structure and delegations for consideration by Council
- establish a close working relationship with the President
- recruit and negotiate the terms and conditions of appointment of other employees and arrange for them to receive annual performance, and
- perform other functions as required under a contract of employment and in accordance with the Local Government Act

Staff of the Shire Council

Staff of the Coomalie Council are required to perform duties as specified by the Council under the direction of the CEO.

Responsibilities of Council Staff:

- support the Chief Executive Officer in performance of his/her duties
- production of timely and relevant information for Council meetings
- an understanding of the Shire community
- advise the CEO of conflicts of interest
- ensure confidentiality of Council information
- understand the application of laws affecting Council

Council Processes

Elections for the Council

Elections for the Council shall be held in accordance with the relevant Legislation.

Roles and Responsibilities (continued)

Professional Development for Council Members

As a general principle, the Council is committed to the ongoing development of individual Council members and the Council as a whole.

Immediately following an election of the Council, the Chief Executive Officer shall arrange for all members to receive an induction session to assist with their understanding of their roles and responsibilities and that of the Shire's:

- policies
- strategic plan and business plan
- organisation structure
- delegations
- financial position and performance
- code of conduct
- schedule of meetings
- representation on committees
- charter of governance

Communications between Council Members and Staff

Council members will obtain and exchange information at Council meetings. However, on occasion they may need to seek clarification or additional information from staff of the Shire.

When seeking information, Council members should contact the Chief Executive Officer.

Outside of Council meetings, communication between Council members and the CEO will normally be by e-mail (if practical) or telephone.

Emails sent to Council members outside of Council Meetings will normally include:

- media releases put out by the President or the Chief Executive Officer
- media releases from other sources that relate to local government
- information of an important urgent nature

All Council members are to receive details of relevant email communications.

Decision Making Process

Decisions of the Shire are made at Shire Council meetings when resolutions (decisions) are passed. These decisions can range from a decision requiring a single action (e.g. write a letter to a Minister) or to a decision that can put in place or authorise a whole set of actions (e.g. approve the annual business of the Shire).

Once decisions have been made at meetings the Chief Executive Officer is responsible for implementation and progress reports.

Decisions are made by resolutions based on a simple majority of members present and voting at Shire Council meetings.

Roles and Responsibilities (continued)

Shire Council Meetings

The President or the Chief Executive Officer may call special Shire Council meetings after conferring and gaining the agreement with each other that such meetings should be held and that sufficient other Shire Council members will be able to form a quorum.

The agenda for a Shire Council meeting is required to be forwarded to Shire Council members three business days before a meeting. The Chief Executive Officer is responsible for ensuring that the agenda is prepared and circulated to the Shire Council on time.

Members of the Shire Council may participate at Shire Council Meetings by electronic means such as through the use of video conferencing. However, prior arrangements are required to be made.

Agenda Papers and Minutes of Meetings

In preparing agenda papers the Chief Executive Officer shall have regard to the following structure:

- Notice of meeting
- Persons present or via telephone
- Apologies
- Notification of conflicts of interest
- Confirmation of the minutes of the previous meeting
- Acceptance of the agenda and notification of any items of general business
- Decisions the Shire Council has been asked to make at this meeting
- Business the Shire Council is only asked to receive and note
- Policies for decision
- Questions - With notice
- Business that is incomplete
- General business
- Completed business
- Next meeting
- Closure

Papers are to be written in clear English to ensure maximum understanding of the issue at hand.

Items for decision each Shire Council meeting shall include:

- a business paper that confirms whether or not the accounting records of the Shire are up to date, if the Shire is solvent and include the following attachments for the period ending the previous month:
 - a budget comparison report
 - balance sheet
 - banking reconciliations
 - investments
 - debtors, and
- decisions which require adoption

Minutes of the Shire Council meetings are to be circulated by e-mail, Australia Post or by facsimile to members within a fortnight of the date of the meeting. These minutes are then subject to confirmation and once this has occurred, they are to be placed on the Shire's Website in an accessible form and in each of the regional offices for all Shire Councillors and members of the community to access.

Where a resolution is made to change the minutes of a meeting the minutes shall be changed in accordance with the resolution, in the Shire's records.

Roles and Responsibilities (continued)

Urgent Business

Where an urgent matter arises that cannot reasonably be delayed until the next Council meeting, it may be considered and determined with the approval of the absolute majority of members of the Council.

Where a matter is of such urgency that there is insufficient time to seek an absolute majority of Council, the President may make a decision subject to the Council ratifying it at its next meeting. This methodology is to be only utilised in the instance where:

- the matter is of such urgency that it is not reasonably practical to seek an absolute majority of support from the Council, and
- the matter is of such significance that a delay in making a decision will have serious implications for the achievement of significant outcomes for the Shire.

Matters of an urgent nature may not include:

- amendments to this Charter
- variations to delegations approved by the Council
- policy amendments

Handling the Media

The President shall have major responsibility for handling interviews with the media. The President may deputise the Deputy President to handle an interview with the media. In the event of their unavailability, the President may deputise interviews to the Chief Executive officer.

The Chief Executive Officer shall cause all media releases to be prepared, (and amended if required) and circulated after consultation with the President, Deputy President.

Appointments to Committees

Occasionally, the Shire will be called to nominate delegates to committees established by other spheres of the Government under legislation. The Council shall determine membership of such committees in accordance with Shire policy.

President's Allowance

The Council shall determine the President allowance as part of the Shire's business plan and annual budget adoption process.

The allowance is paid in recognition of the responsibilities and work associated with the President role.

Shire Council Member and Staff Travel

Shire Council member travel to Council meetings is to be reimbursed. Other meetings which are the business of the Shire Council shall be paid for by the Shire.

All staff travel shall be authorised by the Chief Executive Officer.

The Shire Council shall pay for all accommodation and travel expenses associated with the President, the Deputy President and the Chief Executive Officer attendance at meetings.

The President shall have the authority to decide on Shire Council member representation and the Chief Executive Officer shall have the authority to decide on staff representation at other Territory, Australian and Local Government meetings or conferences.

Roles and Responsibilities (continued)

Key Council Functions

The Strategic Plan

The Council is responsible for the development and approval and of the Shire's strategic plan.

In October or November of each year a workshop shall be held to review the strategic plan in preparation for development of the following year's business plan.

The Annual Business Plan and Budget

The Chief Executive Officer is responsible for developing the Shire's business plan and budget and presenting it at a Council meeting(s) for consideration.

The Council is responsible for approving the business plan and budget.

Policy Development

The Council is responsible for approving Shire strategic/governance policy. This policy is required to be clear and in sufficient detail to enable the President and the Council members and Shire staff to represent and advocate those policies to the Territory and Australian Governments and their respective bureaucracies.

Where there is dispute over matters of policy, the Council should do all it can to resolve any differences.

The Chief Executive Officer is responsible for ensuring that Shire's policy document is kept up to date after the Council approval of alterations.

Monitoring and Review

An essential element of the Council's work is to monitor the strategic plan, the business plan and budget and Shire strategic/governance policy. The Council does this largely by attending meetings and reviewing reports in the agenda at Council meetings.

Representation of Members' Views

A key role for the Council is to represent community views. The actions for achieving this are largely incorporated in the Shire's strategic plan.

Risk Management

The Chief Executive Officer is responsible for implementing appropriate risk management systems within the Shire.

The Chief Executive officer should provide the Council with a report of any significant risks that have been identified and the strategy that is being applied to minimise the exposure to those risks.

Evaluation of Chief Executive's Performance

The Chief Executive Officer's performance is to be reviewed annually.

Delegation of Shire

The Council may delegate any of its powers to a person, persons or committee as permitted by the Northern Territory *Local Government Act*.

Any delegation by the Council must be by formal resolution. The Chief Executive Officer shall maintain a register of delegations approved by the Council and himself/herself.

Code of Conduct

This Code of Conduct is to provide Shire Councillors and staff with guidelines for an acceptable standard of professional conduct.

The Code addresses in a concise manner the ethical responsibilities of Shire Councillors and staff 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 Shire Councillors and staff in the Shire. These provisions are legally enforceable. The Code, whilst having no legislation force aims to be complementary to provisions of the Coomalie Shire and regulations.

The Code provides a guide and a basis of expectations for Shire Councillors and staff and encourages a commitment to ethical and professional behavior of all Shire Councillors and staff. All Shire Councillors and staff are urged to read the Code and retain a copy as a personal reference source.

It is recommended that all new Shire Councillors and staff 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 behavior of Shire Councillors and staff are likely to be closely monitored by the local community.

In performing their roles and functions, the community expects that Shire Councillors and staff will:

- Be committed to ethical behavior
- Deal with all members of the community honestly, fairly and not 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 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 Shire Councillors and Staff

Shire Councillors and staff 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.

Shire Councillors in fulfilling their various roles and activities of office should focus on:

- provision of community leadership
- Consultation with and representation of the community
- Contribution to the collective decision making of the Shire
- Setting policies and objectives, and determination of strategies to achieve the objectives
- 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 Shire Councillors and on the Shire
- Undertaking appropriate professional development activities

Code of Conduct (continued)

Shire staff in fulfilling their various roles and duties should focus on:

- Knowing their Shire and the make up of the community
- Cross-culture competence in all aspects of fulfilling their duties
- Maintaining quality Shire services that are efficient and responsive to community needs
- Assisting in the formation of policies and plans
- Implementing policies and plans developed by the Shire
- Providing experience and expertise to assist Shire Councillors
- Being aware of the statutory obligations imposed on officers and employees and on the Shire
- Undertaking appropriate professional development activities

Shire Councillors and Staff Relationships

Shire Councillors and staff are required to work effectively together as part of the Shire team.

The teamwork of Shire Councillors and staff 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, Shire Councillors and staff 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 Shire Councillors and staff and how they work together for the benefit of the community
- Accept that the Shire Councillor'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 and to obtain routine reports or other information
- Be aware that Shire Councillors 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 criticize individuals in a way that casts doubts in their competency and integrity
- Not use their position to improperly influence an individual to gain an advantage for themselves and others

In addition Shire Councillors must not direct Shire staff, as this is the responsibility of the Chief Executive Officer.

Code of Conduct (continued)

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

- As a member 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 Shire Councillors or staff.

Usage of Information

Shire Councillors and staff 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. Shire Councillors and staff are expected to:

- Observe 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 significant damage of distress to a person
 - cause significant damage to the interests of the Shire or a person
 - cause unfair commercial or financial advantage
- Observe any order made by the Shire that a document is to remain confidential until such time as that order ceases to apply.

Code of Conduct (continued)

Conflict of Interest and Disclosure of Information

Conflict of Interest

- Shire Councillors and staff 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.
- Shire Councillors and staff 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
- Shire Councillors and staff 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 recognized that such convictions are not a basis for discrimination and this is supported by anti discriminatory legislation.

Pecuniary Interest

- Shire Councillors and staff will adopt the principles or disclosure of pecuniary interest as contained within the Northern Territory Local Government Act.

Disclosure of Interest

- Shire Councillors and staff 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

- Shire Councillors and staff 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 organization.

Improper or Undue Influence

- Shire Councillors and staff 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

- Shire Councillors and staff 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.

Code of Conduct (continued)

Conduct of Members and Staff

Personal behavior

Shire Councillors 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

Honesty and Integrity

Shire Councillors and staff 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 any dishonesty or possible dishonesty on the part of any other member 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
- Shire Councillors 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. Shire Councillors will be as informed as possible regarding the functions of the Shire and treat all members of the community honestly and justly.

Legal Compliance

- Shire Councillors and staff 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.
- Shire Councillors and staff will give effect to the lawful policies of the Shire, regardless of whether they agree with or approve of them.

Administration and Management Practices

- Shire Councillors and staff will ensure compliance with proper and reasonable administrative practices and conduct, and professional and responsible management practices

Code of Conduct (continued)

Conduct at Meetings

Shire Councillors and staff 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 member or officer of the Shire
- Refuse or willfully fail to comply with a direction given by the chairperson of the meeting

Shire Property

Use of Shire Property

Shire Councillors and staff 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 Shire staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorized to do so

Traveling and Sustenance Expenses

Shire Councillors and staff 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 and other Bodies

Shire Councillors and staff may be asked to represent the Shire on external organizations 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 that Shire Councillors and staff:

- 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 organization
- Inform the Shire of any intention to undertake an activity which may interfere with their role

Compliance with the Code of Conduct

Compliance of Shire Councillors with these standards of conduct should be monitored by Shire Councillors 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 staff 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 in a prominent position at the offices of the Shire.

Adoption of the Code

It is recommended that Shire adopts this Code of Conduct for the Shire Councillors and staff and provides a copy to guide all members and officers.

Key Governance Functions

Good Governance is about having the structures, processes and capacity in place to make sound, informed decisions through strong leadership and accountability. The following section provides an overview of the key functions and considerations of Good Governance that have direct applicability to the Coomalie Shire.

Leadership

Leaders in local government must not only lead effectively and be accountable to their community, they must also be able to relate to people, build relationships and be positive role models.

Leadership is important in a wide range of areas including the critical areas of health, education, training and employment, to ensure resources are appropriately allocated and service delivery is coordinated.

The leadership role for Shire Councillors must fit with the culture and tradition of the community and people represented within the region. It involves creating an environment in which the community and outside stakeholders are encouraged to improve the quality of life, while protecting the environment and cultural heritage of the region.

Corporate Planning, Policy and Financial Management Frameworks

Coomalie Council will need to oversee the development and management of legal, policy, planning and financial management frameworks and supporting systems to ensure effective governance.

Councillors have an important policy-making role, requiring the identification of community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The policy framework and the strategic plan provide the direction for the ongoing management and operation of Council activities.

The accounting system and financial management processes and procedures need to meet Local Government Accounting Regulations but must be comprehensible to local managers. As well as meeting financial reporting requirements of the Northern Territory Government, the Shire needs to ensure it meets Australian Government requirements e.g. BAS reports, ABS reports, acquittal of Commonwealth grants and a variety of other demands for financial information.

Good asset management practice by local government is essential to ensuring the long term viability of regional communities.

Complaint Resolution Process Adopted by Council 28/03/05

The preliminary procedure for affected persons to raise concerns about alleged failure of Council to follow due processes as required by the Local Government Act and for clarifying and, if possible, resolving those concerns is:

- The Council will delegate to the Chief Executive Officer the authority to act as the review officer;
- The complainant will be requested to express their concerns in writing (including name and address and contact details) and these will be immediately referred to the CEO who will provide written acknowledgement of those concerns to the complainant;
- The CEO will seek to establish the facts relating to the concerns expressed by the person. Investigation of the matter may involve meeting with the person, collecting data, and holding further meetings;
- The review officer will develop a proposed response to the concerns and seek, within a reasonable time, the person's view on the proposed response;
- The CEO will provide a report to Council on the concerns, which shall include the proposed response to the person, and the person's views on the proposed response; and
- The CEO shall make a response, as directed by Council and also inform the complainant of any avenues of appeal;
- If the complainant is not satisfied with Council's response, a mediation meeting may be convened between the CEO and the complainant, with the mediator being a person acceptable to both the complainant and the Council.
- The CEO will report outcomes of mediation meetings to Council.

Complaint Resolution Process (continued)

Recording System

The recording system to record concerns expressed:

- Details of complaint process established by Council shall be notified to the public by publication in the local newsletter 'Stop Press'.
- Where persons express concerns, those concerns will be recorded as well as the outcome of the preliminary procedures;
- Where persons make a complaint in writing to Council, details of the complaint will be recorded as well as any record of interview.
- Details will be kept of when the complaint was sent to a third party for investigation;
- Where a person has made a complaint to Council, and the CEO has determined not to investigate the complaint, the notification issued to the complainant will be recorded.
- Where the CEO has issued a report on the complaint, the receipt of the report and any recommendations contained in the report will be recorded;
- Where Council has made a decision on a report by the CEO, Council is required to record the resolution incorporating the decision, the date of the resolution and directions to implement the decision.
- Where Council has advised relevant persons of its decision, the notification issued will be recorded.

Process for dealing with Unacceptable, Unreasonable, Aggressive or Abusive conduct towards Councillors and Council Staff Members - Adopted by Council 17/03/09

(To be read in conjunction with Council's Complaint Resolution Process)

Publicising a Grievance

Members of the community who do not believe Council has fulfilled its commitments have the option of attempting to draw attention to their grievance in the community. This may involve writing to newspapers, contacting media or distributing leaflets explaining the grievance.

However, in running a publicity campaign, members of the public should be aware of the need to abide by the laws of defamation.

Appropriate Behaviour

Council recognises and accepts as part of customer behaviour that sometimes members of the local community may be angry when they deal with Council.

Communication is a two-way process. To be effective, both Council and the public should strive to adopt a fair and reasonable approach to communication with each other. When communicating with Council, members of the public will as far as possible:

- Focus their dissatisfaction on the conduct or performance of the Council, Councillors and/or staff members rather than on personal criticism of Councillors and/or staff members
- Behave appropriately, avoiding use of abusive or profane language and/or threatening behaviour
- Provide Council with all relevant information in order that their opinion, concern or complaint can be readily understood
- Accept that Council operates under resource constraints, noting that the allocation of resources is a matter for Council to determine
- Pursue alternative means of resolving complaints and disputes through external agencies, publicity and/or taking legal action if the complaint or dispute cannot be resolved to their satisfaction

Council is entitled to expect that behaviour of members of the local community who are angry with Council must stay within acceptable limits. If behaviour strays beyond these limits, Council is entitled to consider placing and enforcing limits on contact between Council and the person(s) displaying the inappropriate behaviour.

Council considers the following matters before imposing any limitations:

- Members of the public are entitled to seek advice and assistance and utilize services and facilities provided by Council. It is unacceptable to unconditionally deprive any member of the community of the right to have their complaints and concerns examined
- Complaints and criticism are legitimate and potentially constructive aspects of the relationship between Council and its community. They are a valuable means of reflecting on the operations of Council and improving both those operations and the quality of Council's relationship with the community
- Anger is an understandable and, to some degree, an acceptable emotion on the part of members of the community frustrated with the actual or perceived misconduct or inaction of Council. It is an emotion which needs to be properly managed so that effective service can be delivered, communication can take place and Councillors, Council staff members and Council facilities are not put at risk
- Limits on contact with Councillors and Council staff members will only be applied following a warning to the person that limits will be applied unless the specified unacceptable behaviour ceases. Decisions on limiting contact will be made by Council resolution or delegated to the Chief Executive Officer
- Where correspondence from a community member contains substantial and clearly inappropriate content (such as abusive, profane or threatening language or adverse personal reflections on individuals) Council is entitled to warn the author that they will not receive a substantive reply. In this way, the sender is given an opportunity to reframe the correspondence
- Further instances of inappropriate correspondence (after the above warning has been issued) may result in Council declining to respond
- During a telephone call if the caller continues to use inappropriate language after being given due warning that this is not acceptable, then the Councillor or Council staff member taking the call may terminate the call
- It is appropriate for a Councillor or Council staff member to terminate face to face contact where, following due warning, the person in question continues to:
 - Use inappropriate language (such as abusive, profane or threatening language or adverse personal reflections on individuals) or;
 - Behave otherwise inappropriately (such as acting in an overtly aggressive or threatening manner)

Any abuse, harassment or threats to the safety or welfare of Councillors or staff will result in immediate discontinuation of the complaint and contact with the complainant will cease.