

Code of Conduct Policy for Council Employees

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Related Policies	Human Resource Policy
Related Documents	Appendix 1 Code of Conduct for Council Employees Human Resource Procedures Manual

1. Introduction

This policy is a public declaration of the principles of good conduct and standards of behaviour that the community can expect of the employees of Coorong District Council.

Council first adopted a Code of Conduct for Employees, as required by the Local Government Act, in 2000, and has continued to ensure that staff have clear guidelines about how they must behave.

A Code of Conduct for Council Employees has now been made by Regulation, gazetted on February 13th 2014. The Code of Conduct (Appendix 1) applies to all Council employees across the Local Government sector.

2. Definitions

This policy applies to all "employees". For the purposes of this policy:

An "**Employee**" is any person who is employed by the Council, but also includes any contractors, volunteers, trainees, work experience students and consultants undertaking

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work for, or on behalf of the Council whether they are working in a full-time, part-time or casual capacity.

3. Statement of commitment

The standards outlined in this policy may exceed the statutory requirements of the Local Government Act or other relevant Acts or Regulations.

Notwithstanding that the principles set in Part 1 of the attached Code of Conduct for Council Employees do not “constitute separate enforceable standards of conduct”, this policy adopts them and the additional principles of this policy for the employees of Coorong District Council.

Staff are committed to performing their duties conscientiously and to the best of their ability. They will act with honesty and integrity and generally conduct themselves in a manner that generates community trust and confidence in them as individuals and enhances the role and image of Council and local government.

4. Principles of this Policy

Employees must observe the Code of Conduct Policy approved by the Council at all times.

4.1 Employees of Council must act in a fair, honest and proper manner according to the law.

In particular, employees will:

- Understand and give proper consideration to legal requirements.
- Use reasonable, just and non discriminatory behaviour when carrying out roles and responsibilities for the Council.
- Ensure actions to be undertaken will be in good faith and not for improper or ulterior motive.
- Ensure behaviour that maintains and enhances the image of Council and does not reflect adversely on the Council.
- Adhere to the mandatory Code of Conduct and the requirements of this policy with regard to gifts and gratuities.
- Be impartial in decision making when exercising a delegated authority and accept the responsibility that goes with that decision.
- Act in a risk adverse manner to protect the interests of the Council, its infrastructure, assets and human resources.

4.2 Council employees must act with reasonable care and be diligent in the performance of their duties and functions.

In particular, employees will:

- respect and carry out lawful policies, decisions and practices of Council in a professional manner
- be aware of the effectiveness and efficiency of activities and service delivery for which they are responsible or contribute to

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- ensure the proper and responsible use of Council resources provided to them to discharge their roles
- act in a professional manner at all times
- address Elected Members by their title at formal functions of Council (“formal functions” include formal meetings of Council and those other functions in which the Council and its employees may be required to act in a formal capacity).

4.3 Council employees must be fair and honest in their dealings with individuals and organisations and behave in a manner that facilitates constructive communication between the Council, other employees, customers and the community at large.

In particular, employees will:

- Be honest and fair in dealings with all members of the community and all customers.
- Be courteous and sensitive and not discriminate against any person or business.
- Be aware of and make full disclosure in any situation which may cause a conflict between discharge of their public and private roles and responsibilities.
- Respect stakeholders’ opinions and property.
- Not misuse information gained or their position to gain an advantage for themselves or others.
- Respect and maintain confidentiality of the business of Council that is disclosed to them for discharge of their respective roles.

When representing Council in the community, employees will:

- Respect and provide an accurate and fair representation of Council decisions.
- Conduct themselves in a manner which will create a positive image for Council.

4.4 Council employees and Elected Members will seek to achieve a team approach in an environment of mutual respect, trust, and acceptance of their different roles in achieving Council's objectives.

The relationship between Members of Council and Council employees will seek to achieve a team approach that values the contribution of each to achieve the desired outcomes for the community. The relationship must be a mature and constructive working relationship based on mutual trust, respect and acceptance of the different but complementary roles in achieving the Council's objectives. This requires courtesy and respect from all parties.

In particular, employees will observe the following in discharge of their role:

- Develop mature and constructive working relationships.
- Conduct the relationship with courtesy trust and respect.
- Accept and respect their different but complementary roles in achieving Council’s objectives.
- Respect Elected Members’ role in policy and planning while providing professional opinion and expertise to Council in an independent and impartial manner.

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- Respect communication processes established by the CEO and Council regarding access by Elected Members to Employees (these processes may change from time to time).
- Prevent the misuse of their position to influence Elected Members to gain an advantage for themselves or their contacts, or to cause detriment to Council.

4.5 Council employees will establish a working relationship with fellow employees that recognise and respect the diversity of opinion and achieves the best possible outcomes for the community.

In particular, employees will:

- Conduct relationships with courtesy, respect and mutual trust.
- Seek to establish mature and constructive working relationships.
- Adhere to the right of all points of view to be heard equally.
- Refrain from making derogatory comments about fellow employees.
- Ensure that their actions do not place at risk the physical or emotional wellbeing of other employees.

4.6 Information obtained by employees in the course of their duties and functions is respected and used in a careful and prudent manner.

In particular, employees will:

- Ensure that information obtained from the performance of their role is not to be used for any purpose other than Council business.
- Not, unless instructed by the CEO or where relevant a Director, make statements to the media or any non Council party.
- Ensure that information given in relation to the Council or Council decisions is accurate and is not a misuse of information.
- Respect and maintain confidentiality on the business of Council.

5. Gifts/Hospitality

The following should be considered when determining whether or not a gift or hospitality should be accepted.

It may be acceptable when:

- it has not been solicited or encouraged
- there is no significant monetary value attached
- it is not offered on a regular basis
- it is not in cash or negotiable instrument

The following criteria should also be taken into consideration:

- what would an impartial observer think?
 - what is the scale or cost of the gift or hospitality? eg less than \$100

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- what is the frequency of the occurrence?
- what is the degree of openness surrounding the gift/occasion?

It is reasonable to expect that employees are able to accept a modest degree of hospitality on infrequent occasions.

The Gift Register that is held by the Executive Assistant to the CEO should be used for declarations of gifts and hospitality and must be logged when the estimated amount is greater than \$100.

The intention of this register is to safeguard against gifts being given and accepted in a clandestine or underhand manner in order to secure some real or imaginary advantage. The circumstances of the gift are of greater importance than the monetary value.

6. Reporting a breach of code

Any person who considers an employee has breached the Code of Conduct should report the matter as soon as possible. Notwithstanding, the concerned person always retains the right to access other procedural remedies such as:

- grievance procedure of the Council
- whistleblower legislation
- report to the Police
- complaint to the Ombudsman

In the event that a question of compliance is raised by an Elected Member, employee or stakeholder this must be referred to the Chief Executive for consideration.

7. Compliance

It is expected that all employees will reasonably comply with the Code of Conduct Policy.

Where a matter of non-compliance by an employee is investigated the employee is entitled to representation from the outset. Investigation and management of the complaint proceeding must have regard to principles of fairness, equity and natural justice and are to be kept confidential by the CEO, investigating officer, party under investigation and their representative(s).

The CEO has responsibility for ensuring compliance for all complaints against employees. Where a complaint is made against the CEO, Council will appoint a Committee to investigate and to report back to Council in confidence.

8. Resolution of a breach of code complaint

Except in criminal matters determination of a breach and the penalty in employee related complaints rests with the CEO. In the event that the CEO is found in breach the determination rests with the Elected Council.

In determining an appropriate penalty for any breach the CEO, or Council in the case of the CEO, will have regard to any penalty imposed by other legislative frameworks: e.g. Criminal Consolidation Act or the Council's human services policies. The determination will have regard to Council's established "Hierarchy of Actions for Resolving a Breach of

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the Employee Code of Conduct” which range from a reprimand to dismissal or referral to another jurisdiction.

9. Review and evaluation

Council will take reasonable steps to consult with employees and the relevant registered industrial associations when revising the discretionary parts of this policy.

10. Further information

This policy will be available for inspection at the Council offices listed below during ordinary business hours and available to be downloaded, free of charge, from Council’s internet site: www.coorong.sa.gov.au

Customer Service Centre
93a Railway Terrace
Taillem Bend
Phone: 8572 3611
Fax: 8572 3822

Meningie Branch Office
49 Princes Highway
Meningie

Tintinara Branch Office
37 Becker Terrace
Tintinara

Copies will be provided to interested parties upon request. Email council@coorong.sa.gov.au

Any grievances in relation to this policy or its application should be forwarded in writing addressed to the Chief Executive Officer of Council.

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*Published by the Minister for Planning for the purposes of section 110(1) of the
Local Government Act 1999.*

This Code of Conduct is to be observed by all Council employees.

Council employees must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, the standards in the Code at all times. All Councils are expected to provide training and education opportunities that will assist their employees to meet their responsibilities under the *Local Government Act 1999*.

This Code does not exclude the operation of the *Fair Work Act 1994*, the rights of employees and their Unions to pursue industrial claims, or any relevant Awards or Enterprise Agreements made under the *Fair Work Act 1994*. This Code does not affect the jurisdiction of the Industrial Relations Commission.

PART 1—PRINCIPLES

1. Principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council employees in South Australia have a commitment to serve the best interests of the people within the community their Council represents and to discharge their duties conscientiously and to the best of their ability.

Council employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

Council employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of their Council is strong.

Council employees will respect the law, and the resolutions made by the elected member body of the Council.

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The Council's Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

Council employees will make reasonable endeavours to ensure that they have such current knowledge of both statutory requirements and best practices relevant to their position as is drawn to their attention by Council.

PART 2—CONDUCT

2. Conduct required of Council employees

In line with 'PART 1—Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in Councils.

A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee, including dismissal, under section 110(5) of the *Local Government Act 1999*.

Council employees must also comply with all relevant statutory requirements within the *Local Government Act 1999*, the *Work Health and Safety Act 2012* and other Acts. A failure to comply with these statutes, as identified within this Part, can also constitute a ground for disciplinary action against the employee, including dismissal, under section 110(5) of the *Local Government Act 1999*.

Council employees will:

General behaviour

- 2.1. Act honestly in the performance of official duties at all times, as required by s109(1) of the *Local Government Act 1999*.
- 2.2. Act with reasonable care and diligence in the performance of official duties, as required by s109(2) of the *Local Government Act 1999*.
- 2.3. Discharge duties in a professional manner.
- 2.4. Act in a way that generates community trust and confidence in the Council.

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- 2.5. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 2.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

Responsibilities as an employee of Council

- 2.7. Comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 2.8. Deal with information received in their capacity as a Council employee in a responsible manner.
- 2.9. Endeavour to provide accurate information to the Council and to the public at all times.
- 2.10. Take all reasonable steps to ensure that the information upon which employees make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 2.11. Not release or divulge information that the Council or Chief Executive Officer of the Council has ordered be kept confidential, or that the Council employee should reasonably know is information that is confidential, including information that is considered by the Council or the Chief Executive Officer in confidence, subject to the *Ombudsman Act 1972* and the *Independent Commissioner Against Corruption Act 2012*.
- 2.12. Not make improper use of information, including confidential information, acquired by virtue of their position.
- 2.13. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 2.14. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 2.15. Only make public comment in relation to their duties when specifically authorised to do so, and restrict such comment to factual information and professional advice.

Relationships within Council

- 2.16. Not make any public criticism of a personal nature of fellow Council employees or Council members.
- 2.17. Take reasonable care that their acts or omissions do not adversely affect the health and safety of other persons, as required by the *Work Health and Safety Act 2012*.

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- 2.18. Direct any allegations of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.

Gifts and Benefits

- 2.19. Council employees must not:
- 2.19.1. Seek gifts or benefits of any kind.
 - 2.19.2. Accept any gift or benefit that may reasonably create a sense of obligation on their part or may be reasonably perceived to be intended to or would reasonably be likely to influence them in carrying out their public duty.
 - 2.19.3. Accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Council.
- 2.20. Notwithstanding Code 2.19.3, Council employees may accept hospitality provided in the context of performing their duties, including:
- 2.20.1. Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 2.20.1.1. Council work related events such as training, education sessions, workshops and conferences; and
 - 2.20.1.2. Council functions or events; and
 - 2.20.1.3. Social functions organised by groups such as Council committees and community organisations.
 - 2.20.2. Invitations to and attendance at local social, cultural, or sporting events.
- 2.21. Where any Council employee receives a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Council's Chief Executive Officer. This register must be made available for inspection at the principal office of the Council and on the Council website.

Use of Council Resources

- 2.22. Council employees using Council resources must do so effectively and prudently when undertaking Council work.

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- 2.23. Council employees must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 2.24. Council employees must not use public funds or resources in a manner that is irregular or unauthorised.

Register of Interests

- 2.25 An employee of the Council must adhere to the statutory requirements to lodge a primary return and submit an ordinary return in accordance with sections 113, 114 and 115 of the *Local Government Act 1999* if they have been declared by the Council to be subject to these provisions.

Chief Executive Officers

- 2.26 Chief Executive Officers must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

Complaints

- 2.27 Any person may make a complaint about a Council employee under this Code.
- 2.28 Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.
- 2.29 Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Council's Principal Member.
- 2.30 A complaint may be investigated and resolved according to the disciplinary processes of that Council.
- 2.31 In considering the lodgement of a complaint against a Council employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the *Independent Commissioner Against Corruption—Directions and Guidelines*.
- 2.32 Nothing in this code in any way derogates from the rights of an employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or contract of employment.

APPENDIX—CRIMINAL MATTERS

The matters within this appendix are matters for which a criminal penalty attaches. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Employees.

Allegations of conduct breaching these matters will be investigated in accordance with the legislation governing that conduct and they are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of Council employees.

Alleged breaches of matters outlined in this appendix should be reported to the Office for Public Integrity in the first instance.

Breaches of the Local Government Act 1999

Provision of false information

A Council employee who submits a return under Chapter 7 Part 4 Division 2 (Register of Interests) and that is to the knowledge of the employee false or misleading in a material particular (whether by reason of information included in or omitted from the return) is guilty of an offence (Section 117).

Restrictions on disclosure

A Council employee must not disclose to any other person any information furnished pursuant to Chapter 7 Part 4 Division 2 (Register of Interests) unless the disclosure is necessary for the purposes of the preparation or use of the Register by the Chief Executive Officer or is made at a meeting of the Council, a Council committee or a subsidiary of the Council (Section 119(1)).

Conflict of Interest

The Chief Executive Officer of a Council who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties must disclose the interest to the Council and must not, unless the Council otherwise determines during a Council meeting that is open to the public, act in relation to the matter (Section 120(1)).

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An employee of the Council (other than the Chief Executive Officer) who has an interest in a matter in relation to which he or she is required or authorised to act in the course of official duties must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter (Section 120(2)).

If an employee is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Council or a Council committee on the matter, the employee must also disclose the relevant interest to the Council or Council committee (Section 120(4)).

Breaches of other Acts

Acting in his or her capacity as a public officer, a Council employee shall not engage in conduct, whether within, or outside the state, that constitutes corruption in public administration as defined by Section 5 of the *Independent Commissioner Against Corruption Act 2012*, including:

An offence against Part 7 Division 4 (Offences relating to public officers) of the *Criminal Law Consolidation Act 1935*, which includes the following offences:

- bribery or corruption of public officers;
- threats or reprisals against public officers;
- abuse of public office;
- demanding or requiring benefit on basis of public office;
- offences relating to appointment to public office.

Any other offence, including an offence against Part 5 (Offences of dishonesty) of the *Criminal Law Consolidation Act 1935*, committed by a public officer while acting in his or her capacity as a public officer, or by a former public officer and related to his or her former capacity as a public officer, or by a person before becoming a public officer and related to his or her capacity as a public officer, or to an attempt to commit such an offence.

Any of the following in relation to an offence referred to in a preceding paragraph:

- aiding, abetting, counselling or procuring the commission of the offence;
- inducing, whether by threats or promises or otherwise, the commission of the offence;
- being in any way, directly or indirectly, knowingly concerned in, or party to, the commission of the offence;
- conspiring with others to effect the commission of the offence.