Code of Conduct for Council Employees
Information only Policy

Keywords: Conduct, employees, staff

Corporate Plan:	*Employees are to ensure compliance with Council's Corporate Plan*
Classification:	*Local Government Association – Policy for ALL Council Employees*
First Issued/Approved:	*Gazetted 13th February 2014; Effective 1st September 2013 (Local Government Circular 35.2)*
Review Frequency:	*N/A - This is a mandatory Policy pursuant to Section 63(1) of the Local Government Act* *Reviews not determined by Council*
Last Reviewed:	*July 2023*
Next Review Due:	*July 2026*
Responsible Officer(s):	*Chief Executive Officer/Executive Assistant*
Council File Reference:	*Council Policies (P)*
Applicable Legislation:	*Local Government Act 1999 – Section 63* *Local Government (General) Variation Regulation 2013*
Relevant Policies:	*Code of Conduct for Elected Members and Committee Members; Confidentiality Provisions - Code of Practice; Delegations under the Development Act 1993 and Development Regulations 2008; Fraud & Corruption Prevention Policy; Media & Communications Policy; Whistleblowers Protection Policy; Equal Employment Opportunity; LG Elections Caretaker's Policy.*
Related Procedures:	*As determined by the Local Government Act*
Delegations:	*N/A*

1. Purpose

This Code of Conduct is to be observed by all Council employees (including contractors and those undertaking work on behalf of the Council), who must comply with the provisions of this Code in the performance of their duties. Each employee of the Council is a public officer for the purposes of the Independent Commissioner Against Corruption Act 2012. It is the responsibility of Council employees to ensure that they are familiar with and comply with the standards in the Code at all times. The Council will, from time to time, provide training and education opportunities that will assist employees to meet their responsibilities under this Code. 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. This Code does not affect the jurisdiction of the Industrial Relations Commission.

2. Definitions

Conflict of Interest	Defined by the Local Government Act. For employees: "An employee has an interest in a matter if the employee, or a person with whom the employee is closely associated, would, if the employee acted in a particular manner in relation to the matter, receive or have a reasonable expectation of receiving a direct or indirect pecuniary (financial) benefit or a nonpecuniary benefit or suffer or have a reasonable expectation of suffering a direct or indirect pecuniary detriment or a non-pecuniary detriment"

Council	The Berri Barmera Council as an employer
Secondary Employment	Where the employee holds other paid employment in addition to their Council role. This also includes when the employee works in their own or family business.
Related Procedures:	Title of documents (created or used by Council) which provide procedures, standards, frameworks, plans, guidelines etc about the delivery of the named policy or code

3. Principles

This Policy applies to all employees at all times when representing Council, regardless of whether it is during or outside of work hours, within or outside of the workplace. This includes, for example, at conferences, training events, business trips, and attending work-related social events. This Policy also applies to all employees at all times when using Berri Barmera Council email and internet facilities

4. Policy Statement

4.1. Gifts and Benefits

- Council employees will not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- If a Council employee receives a gift or benefit, the employee must provide details of the gift or benefit to the Governance Administration Officer, as a requirement of the Chief Executive Officer. A gift or benefit received by a person related to a Council employee will be treated as a gift or benefit received by the employee.
- The Council will maintain a register of gifts and benefits received by employees of the Council and details of each gift or benefit provided under this clause will be included in the register, and will be maintained and updated quarterly.
- The register will be available for inspection at the principal office of the Council and published on the Council website. This register need not include information available in another register published by, or available for inspection at, the Council office or otherwise available under the Local Government Act 1999

4.2. Complaints

- Any person may make a complaint about a Council employee under this Code.
- Complaints about an employee's behaviour that is alleged to have breached this Code will be brought to the attention of the Chief Executive Officer.
- Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Principle member.
- A complaint may be investigated and resolved according to the disciplinary processes of the Council.
- 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.

4.3. General behaviour

All Council employees are expected to:

- act honestly in the performance of official duties at all times, as required by section 1.09 (1) of the Local Government Act 1999
- act with reasonable care and diligence in the performance of official duties, as required by section 1.09 (2) of the Local Government Act 19

- discharge duties in a professional manner
- act in a way that generates community trust and confidence in the Council
- act in a reasonable, just, respectful and non-discriminatory way when dealing with all people
- ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

4.4. Responsibilities as an Employee of Council

All Council employees will:

- ensure they are aware of and comply with all Council policies, codes and resolutions, relevant to their particular role
- deal with information received in their capacity as a Council employee in a responsible manner
- endeavour to provide accurate information to the Council and to the public at all times
- 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 considered 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
- not make improper use of information, including confidential information, acquired by virtue of their position
- ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions
- comply with all lawful and reasonable directions given by a person with authority to give such directions
- not make public comment, including through social media, in relation to their duties or other Council business, except where specifically authorised to do so in accordance with the Council's
- Communication's Policy and restrict such comment to factual information and professional advice in accordance with their duties.

4.5. Relationships within Council

Council employees will:

- not make any public criticism of a personal nature of fellow Council employees or Elected members
- 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
- direct any allegations of breaches of the Code of Conduct for Elected Members to the Chief Executive Officer or nominated delegate/s.

4.6. Use of Council Resources

Council employees using Council resources must:

- do so effectively, prudently and in accordance with any applicable Council policy when undertaking Council work
- not use Council resources, including staff, venues, property or equipment, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate
- not use public funds or resources in a manner that is irregular or unauthorised.

4.7. Register of Interests:

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.

4.8. Chief Executive Officer

The Chief Executive Officer must act in accordance with the provisions specific to their position within the Local Government Act 1999 at all times.

4.9. Availability of Code of Conduct for Employees

This Code of Conduct will be available for inspection at Council's principal office during ordinary business hours and on the Council's website www.berribarmera.sa.gov.au. Copies will also be provided to interested members of the community upon payment of a fee in accordance with Council's Schedule of Fees and Charges.

5. 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)).

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.

Gift Register for Employees

Date of Receipt	Description of Gift or Benefit Received	Estimated Value $	Details of Gift Donor	Name of Recipient	Disposition Details: a) Retained by Recipient b) Surrendered to Council c) Other (Provide Details)	Signature of Recipient	Signature of Authorising Officer

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