

EMPLOYEE CODE OF CONDUCT

Type	Operational
Category	Corporate & Community
Responsible Officer	Director Corporate & Community
First Issued / Adopted	April 2018
Review Period	2 years
Last Reviewed	5 January 2023, 5 February 2020
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Next Review Date	January 2025
Applicable Legislation	<p>Work Health & Safety Act 2012</p> <p>Ombudsman Act 1972</p> <p>Local Government Act 1999</p> <p>Public Interest Disclosure Act 2018</p> <p>Local Government (General) Regulations 2013 (Employee Code of Conduct) Variations 2018; schedule 2A Gifts and Benefits</p> <p>SA Govt Gazette 20 February 2014, Section 110(1) Local Government Act Code of Conduct for Council Employees</p> <p>Local Government Act 1999 Part 4 Section 109 General duty and compliance</p>
Related Documents	<p>LGA (Local Government Association) Employee Code of Conduct Guidelines May 2019</p> <p>Work Health and Safety Policy</p> <p>Grievance Procedure</p> <p>Performance Management & Disciplinary Procedure</p> <p>Social Media Policy</p> <p>Complaints Policy</p>
Public Consultation Required	No
File Reference	9.63.1.3

1. PURPOSE

The purpose of this Policy is to clearly outline the behavioural standards expected of all employees during the performance of their duties. Council employees must comply with the provisions of this Code in carrying out their functions as public officers.

It is the personal responsibility of Council employees to ensure that they are familiar with, and comply with, the standards in this code always.

2. POLICY STATEMENT**2.1 Organisational Values**

- Port Pirie Regional Council values define the way in which we approach our work and are fundamental to progressively strive for excellence, lead with integrity, and deliver positive outcomes for the community.
- This Code of Conduct sets the minimum requirements of behaviour for Council employees, for the purpose of this Code of Conduct includes a consultant engaged by the council, and a person working for the council on a temporary basis.

2.2 Principles and Overarching statement

- Port Pirie Regional 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 as public officers conscientiously and to the best of their ability.
- Port Pirie Regional 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.
- Port Pirie Regional 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 members of the Council.
- The Port Pirie Regional Council Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and the best practices relevant to their position.
- Port Pirie Regional Council employees will make reasonable endeavours to ensure that they have a current knowledge of both statutory requirements and best practices relevant to their position as drawn to their attention by council.

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3. CONDUCT REQUIRED OF COUNCIL EMPLOYEES

In line with the principles and overarching statement above, 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 109(4) of the Local Government Act 1999.

Council employees will:

General behaviour

- Act honestly in the performance of official duties always as required by Section 109 (1) of the Local Government Act.
- Act with reasonable care and diligence in the performance of official duties Section 109 (2) of the Local Government Act 1999.
- Discharge duties in a professional manner.
- Act in a way that generates community trust and confidence in 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.

Responsibilities as an employee of council

- Comply with all relevant Councils policies, codes, values, and resolutions of which they have been made aware, relevant to their role.
- Deal with information received in their capacity as a Council employee in a responsible manner.
- Endeavour to provide accurate information to Council and to the public at all times.
- Take 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 Commission Against Corruption Act 2012.
- Not make improper use of information, including confidential information, acquired by virtue of their position.

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Conduct Required of Council Employees cont'd

- 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 responsible directions given by a person with authority to give such directions.
- 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

- Not make any public criticism of a personal nature of fellow Council employees or Council members.
- Take reasonable care that their acts and omissions do not adversely affect the health and safety of other persons, as required by the Work Health and Safety Act.
- Direct any allegation of breaches of the Code of Conduct for Council Members to the Chief Executive or nominated delegate/s.

4. GIFTS AND BENEFITS

Schedule 2A of the Local Government (General) Employee Code of Conduct) Variation Regulations 2018 aims to maintain the effectiveness of local Government by ensuring that the actions or decisions of council employees are not influenced by self-interest relating to gifts and benefits:

- An employee of a council must 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.
- A gift or benefit received by a person related to an employee of council will be treated as a gift or benefit received by the employee.
- Council employees who receive a gift or benefit valued at an amount greater than \$50¹ to provide details of the gift or benefit to the Chief Executive Officer of the Council (CEO) in accordance with the requirements to the CEO.
- The Chief Executive Officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided.

¹ Clause 1 (2) Code of Conduct; 5 Declaration of Gifts LGA Guideline May 2019

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5. USE OF COUNCIL RESOURCES

- Council employees using Council resources must do so effectively and prudently when undertaking Council work.
- 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
- Council employees must not use public funds or resources in a manner that is irregular or unauthorised.

6. 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.

7. CHIEF EXECUTIVE OFFICER

- Chief Executive Officers must act in accordance with the provisions always specified to their position within the Local Government Act 1999.

8. 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 should be brought to the attention of the Chief Executive Officer of the Council, delegated person or People and Culture Coordinator.
- Complaints about the 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.
- A complaint may be investigated and resolved according to the disciplinary processes of Council.
- In considering the lodgement of a complaint against a Council employee for breach of the Code, Public Officers should be mindful of the obligations outlined in the Director of the Office for Public Authority – Directions and Guidelines.
- 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, and industrial agreement or contract of employment.

9. REPORTING AN ALLEGED BREACH AND COMPLIANCE

Compliance with the Code of Conduct is required by the Local Government Act. If an employee does not comply, then a complaint may be made to the relevant council employee, supervisor or manager, or in any factor prevents a report being made to a direct supervisor or manager, all reports are to be made to the People and Culture Coordinator.

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Reporting an alleged breach and compliance cont'd

Non-compliance with the Code of Conduct may also be a basis for disciplinary action to be taken against a council employee. This disciplinary action may include suspending and dismissing the council employee.

10. AVAILABILITY OF POLICY

This policy will be available to be downloaded, free of charge, from Councils internet site:
www.pirie.sa.gov.au

Copies will be provided to interested parties upon request, and upon payment of a fee in accordance with Councils Schedule of Fees and Charges

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