

Code of Conduct for EPLGA Office Bearers

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This Code of Conduct is consistent with the Code of Conduct for Councillors made pursuant to section 63(1) of the *Local Government Act 1999*.

This Code is to be observed by all Office Bearers of the EPLGA.

Office Bearers of the EPLGA must comply with the provisions of this Code in carrying out their functions and duties under the Charter of the EPLGA.

It is the personal responsibility of Office Bearers to ensure that they are familiar with, and comply with, the standards in the Code at all times.

Part 1 – Principles

Part 2 – Behavioural Code

Appendix – Criminal Matters

PART 1 – PRINCIPLES

1. Higher Principles – Overarching Statement

Office Bearers of the EPLGA have a commitment to consider the interests of the Councils they represent and the Board, and to discharge their duties actively, conscientiously, and to the best of their ability, for public, not private, benefit at all times.

Office Bearers will work together constructively as a Board and will uphold the values of honesty, integrity, accountability, transparency, in turn fostering community confidence and trust in the EPLGA and Local Government.

As representatives of Councils in the Eyre Peninsula Local Government Zone, Office Bearers are committed to considering all relevant information and opinions and giving each due weight, in line with EPLGA and LGA of SA policies.

Office Bearers will make every endeavour to ensure that they have current knowledge of both statutory requirements and best practices relevant to their role. The EPLGA Member Councils and the EPLGA are expected to provide training and education opportunities that will assist the Office Bearers to meet their responsibilities under the EPLGA Charter.

Office Bearers will comply with all requirements of their role and abide by this Code of Conduct.
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PART 2 BEHAVIOURAL CODE

2. Behavioural Code

In line with 'PART 1 – Higher Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance in the activities and operations of the EPLGA.

This Part is for the management of the conduct of Office Bearers that does not meet reasonable community expectations. It deals with conduct that does not, and is not likely to, constitute criminal matters such as those contained in the Appendix to this document.

Robust debate within the Board that is conducted in a respectful manner is not a breach of this Part.

Office Bearers must:

General behaviour

- 2.1. Show commitment and discharge duties conscientiously.
- 2.2. Act in a way that generates community trust and confidence in the EPLGA and Local Government.
- 2.3. Act in a reasonable, just, respectful and non-discriminatory way when dealing with people.
- 2.4. Show respect for others if making comments publicly.
- 2.5. Ensure that personal comments to the media or other public comments, on EPLGA Board decisions and other matters; clearly indicate that it is a private view, and not that of the EPLGA.

Responsibilities as an Office Bearer of the EPLGA

- 2.6. Comply with all EPLGA policies, codes and resolutions.
- 2.7. Deal with information received in their capacity as an Office Bearer in a responsible manner.
- 2.8. Endeavour to provide accurate information to the EPLGA and to Councils and the public at all times.

Relationship with fellow Office Bearers

- 2.9. Endeavour to establish and maintain a respectful relationship with all Officer Bearers, regardless of differences of views and opinions.
- 2.10. Not bully or harass other Office Bearers.

Relationship with EPLGA staff

- 2.11. Direct all requests for information from the EPLGA to the Executive Officer.
- 2.12. Direct all requests for work or actions by EPLGA to the Executive Officer.

2.13. Refrain from directing or influencing EPLGA staff with respect to the way in which these employees perform their duties.

2.14. Not bully or harass EPLGA staff.

Gifts and Benefits

2.15. Office Bearers must not:

2.15.1 Seek gifts or benefits of any kind.

2.15.2 Accept any gift or benefit that may create a sense of obligation on their part or may be perceived to be intended or likely to influence them in carrying out their duty.

2.15.3 Accept any gift or benefit from any person who is in, or seeks to be in, any contractual relationship with the EPLGA.

2.16. Office Bearers may accept hospitality provided in the context of performing their duties including;

2.16.1 Free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:

- the discussion of official business;
- EPLGA work related events such as training, education sessions, workshops and conferences;
- EPLGA functions or events; and
- Social functions organised by groups such as EPLGA committees and related bodies and organisations.

2.16.2 Invitations to and attendance at local social, cultural or sporting events.

The EPLGA Board may determine a value of gift or benefit to any Office Bearer, above which details of this gift must be recorded in a gifts and benefits register maintained by the EPLGA and available for inspection.

Misuse of EPLGA resources

2.17. EPLGA Office Bearers using EPLGA resources must do so effectively and prudently.

2.18. EPLGA Office Bearers must not use EPLGA resources, including services of EPLGA staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.

2.19. EPLGA Office Bearers must not use public funds or resources in a manner that is irregular or unauthorised.

Complaints

2.20. Any person may make a complaint about an Office Bearer under the Behavioural Code, to the EPLGA President or Vice President.

2.21. Prior to referral to the Executive Committee, it is expected that the Board (President and/or Vice President) will consider the value of conciliation or mediation in seeking a resolution of the matter.

2.22. A report of the EPLGA Executive Committee will be the subject of a confidential report to a EPLGA Board meeting.

Findings

2.23. If, following investigation by the EPLGA Executive Committee, a breach of the Behavioural Code by an Office Bearer is found, the EPLGA Board may, by resolution:

2.23.1. Take no action;

2.23.2. Pass a censure motion in respect to the Office Bearer;

2.23.3. Request a public apology, whether written or verbal;

2.23.4. Request the Office Bearer to attend training on the specific topic found to have been breached;

2.23.5. Request the Office Bearer to repay monies to the EPLGA.

An investigation under Part 2 of this Code does not preclude an investigation being launched as a potential breach of the criminal matters listed in the appendix to this document.

Conflict of Interest

2.24. Office Bearers must be committed to making decisions without bias and in the best interest of the whole community.

2.25. An Office Bearer has an interest in a matter before the Board if there is a possibility of conflict between the Office Bearer's private interests and the impartial fulfilment of their official duties.

2.26. An Office Bearer with an actual or perceived interest in a matter before the Board must disclose that interest and not participate in discussions or decisions on that matter.

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 EPLGA Office Bearers. They are included within this document only in order to provide a complete overview of the standards of conduct and behaviour expected of EPLGA Office Bearers.

Alleged breaches of matters outlined in this Appendix should be reported to the Independent Commissioner Against Corruption in the first instance.

Breaches of the Independent Commissioner Against Corruption Act

Acting in their capacity as a public officer, an EPLGA Office Bearer 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*, 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; and
- 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; and
- conspiring with others to effect the commission of the offence.