

<b>CODE OF CONDUCT EMPLOYEES</b>	<b>Version No:</b>	1
	<b>Issued:</b>	30 June 2017
	<b>Next Review:</b>	30 June 2020

*As Published by the Minister for Planning for the purposes of Section 110(1) of the Local Government Act 1999 in the SA Government Gazette, 20 February 2014.*

This Code of Conduct is to be observed by all Eyre Peninsula Local Government Association employees.

Eyre Peninsula Local Government Association employees must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of Eyre Peninsula Local Government Association employees to ensure that they are familiar with, and comply with, the standards in the Code at all times.

The Eyre Peninsula Local Government Association is 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**

### **Principles - Overarching Statement**

*This part does not constitute separate enforceable standards of conduct.*

Eyre Peninsula Local Government Association employees have a commitment to serve the best interests of the regional community the Eyre Peninsula Local Government Association represents and to discharge their duties conscientiously and to the best of their ability.

Eyre Peninsula Local Government Association employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the Eyre Peninsula Local Government Association. Board and Committees

Eyre Peninsula Local Government Association employees will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of the Eyre Peninsula Local Government Association Board is strong.

Eyre Peninsula Local Government Association employees will respect the law, and the resolutions made by the Eyre Peninsula Local Government Association Board.

Eyre Peninsula Local Government Association employees will make reasonable endeavors 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 Eyre Peninsula Local Government Association Board.

## **PART 2 - CONDUCT**

### **2. Conduct required of Eyre Peninsula Local Government Association employees**

In line with 'PART 1 - Principles' of this Code, the following behavior is considered essential to upholding the principles of good governance in Eyre Peninsula Local Government Association.

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

Eyre Peninsula Local Government Association 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. 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*.

Eyre Peninsula Local Government Association employees will:

#### **General behavior**

- 2.1 Act honestly in the performance of official duties at all times, as required by Section 109(1) of the *Local Government Act 1999*.
- 2.2 Act with reasonable care and diligence in the performance of official duties, as required by Section 109(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 Eyre Peninsula Local Government Association.
- 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 Eyre Peninsula Local Government Association**

- 2.7 Comply with all relevant Eyre Peninsula Local Government Association 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 an Eyre Peninsula Local Government Association employee in a responsible manner.
- 2.9 Endeavour to provide accurate information to the Eyre Peninsula Local Government Association Board, constituent Councils 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 Eyre Peninsula Local Government Association Board has ordered be kept confidential.
- 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 authorized to do so, and restrict such comment to factual information and professional advice.

**Relationships within Eyre Peninsula Local Government Association**

- 2.16 Not make any public criticism of a personal nature of fellow Eyre Peninsula Local Government Association employees or Eyre Peninsula Local Government Association Board 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*.
- 2.18 Direct any allegations of breaches of the Code of Conduct for Eyre Peninsula Local Government Association Board Members to the President and/or Eyre Peninsula Local Government Association Executive Committee.

### **Gifts and Benefits**

- 2.19 Eyre Peninsula Local Government Association 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; and
  - 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 Eyre Peninsula Local Government Association.
- 2.20 Notwithstanding Code 2.19.3, Eyre Peninsula Local Government Association employees may accept hospitality provided in the context of performing their duties, including:
- 2.20.1 free or subsidized meals, beverages or refreshments of reasonable value provided in conjunction with:
    - 2.20.1.1 Eyre Peninsula Local Government Association work related events such as training, education sessions, workshops and conferences;
    - 2.20.1.2 Eyre Peninsula Local Government Association functions or events; and
    - 2.20.1.3 social functions organized by groups such as Eyre Peninsula Local Government Association committees, regional and community organisations; and
  - 2.20.2 Invitations to and attendance at local social, cultural, or sporting events.
- 2.21 Where any Eyre Peninsula Local Government Association employee receives a gift or benefit of more than a value of \$250, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Eyre Peninsula Local Government Association's Executive Officer. This register must be made available for inspection at the principal office of the Eyre Peninsula Local Government Association and on the Eyre Peninsula Local Government Association website.

### **Use of Eyre Peninsula Local Government Association Resources**

- 2.22 Eyre Peninsula Local Government Association employees using Eyre Peninsula Local Government Association resources must do so effectively and prudently when undertaking Eyre Peninsula Local Government Association work.
- 2.23 Eyre Peninsula Local Government Association employees must not use Eyre Peninsula Local Government Association resources for private purposes, unless legally or properly authorized to do so, and payments are made where appropriate.

- 2.24 Eyre Peninsula Local Government Association 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 Eyre Peninsula Local Government Association 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 Eyre Peninsula Local Government Association to be subject to these provisions.

### **Executive Officer**

- 2.26 The Executive Officer must act in accordance with the provisions specific to their position within the Eyre Peninsula Local Government Charter at all times.

### **Complaints**

- 2.27 Any person may make a complaint about an Eyre Peninsula Local Government Association employee under this Code.
- 2.28 Complaints about an employee's behavior that is alleged to have breached this Code should be brought to the attention of the Executive Officer of the Eyre Peninsula Local Government Association, or a delegated person.
- 2.29 Complaints about an Executive Officer's behavior that is alleged to have breached the Code should be brought to the attention of the Eyre Peninsula Local Government Association's Principal Member.
- 2.30 A complaint may be investigated and resolved according to the disciplinary processes of that Eyre Peninsula Local Government Association.
- 2.31 In considering the lodgment of a complaint against a Eyre Peninsula Local Government Association 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.

Adopted by Eyre Peninsula Local Government Association 30/6/17  
Motion No. 553/17  
Review Date: 30/6/20

## **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 Eyre Peninsula Local Government Association 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 behavior expected of Eyre Peninsula Local Government Association 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**

An Eyre Peninsula Local Government Association 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 Eyre Peninsula Local Government Association 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 Executive Officer or is made at a meeting of the Eyre Peninsula Local Government Association Board, a Eyre Peninsula Local Government Association committee or a subsidiary of the Eyre Peninsula Local Government Association (Section 119(1)).

#### **Conflict of Interest**

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

An employee of the Eyre Peninsula Local Government Association (other than the Executive Officer) who has an interest in a matter in relation to which he or she is required or authorized to act in the course of official duties must disclose the interest to the Executive Officer and must not, unless the 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 Eyre Peninsula Local Government Association or a Eyre Peninsula Local Government Association committee on the matter, the employee must also disclose the relevant interest to the Eyre Peninsula Local Government Association or Eyre Peninsula Local Government Association committee (Section 120(4)).

**Breaches of other Acts**

Acting in his or her capacity as a public officer, a Eyre Peninsula Local Government Association 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; 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.