



COUNCIL EMPLOYEE
CODE OF CONDUCT

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Responsible Department/Officer	Administrator
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Related Procedures/Policies	
Reference to Strategic Plan	

1. INTRODUCTION

Under Section 109 of the Local Government Act 1999 ("the Act") an employee of a Council must at all times act honestly and with reasonable care and diligence in the performance of official duties

In addition under Section 110 of the Act a Council must prepare and adopt a Code of Conduct to be observed by all employees.

This Code of Conduct has therefore been prepared to detail the principles of good conduct and standards of behaviour that Roxby Downs Council ("the Council") has decided that its stakeholders can reasonably expect of Council employees.

The standards in this Code of Conduct are in addition to statutory requirements of the Local Government Act 1999 or any other relevant Act or Regulation or for any other professional codes of conduct some employees might have to meet under their relevant professional organisations.

2. GENERAL DUTY

The general duty of Council employees is to act honestly and with proper care and diligence in the performance and discharge of their functions and duties. Council employees must not make improper use of information obtained or make improper use of their position as an employee of the Council.

3. STATEMENT OF COMMITMENT

Council staff are committed to discharging their duties conscientiously and to the best of their ability.

In the performance of their duties they will act with honesty and integrity and conduct themselves in a manner that generates community trust and confidence in them as individuals, and enhances the role and image of the Council and local government generally.

In addition to all legislative requirements, employees of the Council recognise the requirements of this Code of Conduct as the standards that they will adopt in the performance of their functions and duties.

4. PRINCIPLES

The following principles shall apply to all Council staff in the performance under this code of conduct.

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

This may be achieved by:

- understanding and giving proper consideration to legal requirements
- reasonable, just and non-discriminatory behaviour in all aspects of carrying out their roles and responsibilities;

- actions to be undertaken in good faith and not for improper or ulterior motives;
- behaviour that maintains and enhances the image of Council and does not reflect adversely on Council;
- guidelines as to the appropriateness of the acceptance of gifts and gratuities is detailed at clause 4.7 hereof; and
- impartiality in implementing Council decisions or when exercising delegated authority.

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

Examples include:

- carrying out lawful policies, decisions and practices of Council in a professional manner;
- professional respect for decisions of Council within their working responsibilities;
- being aware of the effectiveness and efficiency of activities and service delivery for which they are responsible or contribute; and
- the proper and responsible use of Council resources.

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 Council staff and the community.

Actions include:

- honest and fair dealing with all members of the community;
- courteous and sensitive behaviour that does not discriminate against any person;
- awareness and disclosure of any situation that may create tension and/or conflict between an employee's public and private roles. e.g. *the membership of organisations undertaking other paid work, or entering into private business dealings or property ownership arrangements with the Council;*
- respect for individual community members opinions and property;
- prevention of misuse of an employee's position to gain an advantage for themselves and/or others; and
- when representing Council in the community staff are to provide an accurate and fair representation of the Council decisions and to conduct themselves in a manner that will not reflect unfavourably on the Council

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

This may be achieved by:

- mature and constructive working relationships based on mutual trust and respect;
- conduct of the relationship with courtesy and respect; and
- acceptance and respect for their different but complementary roles in achieving the Council's objectives.

4.5. Council staff will establish a working relationship with other Council staff that recognises and respects the diversity of work and opinion and achieves the best possible outcomes for the community.

This may be achieved by:

- conduct of the relationship with courtesy and respect;

- behaviour that seeks to establish mature and constructive working relationships; and
- the right of all points of view to be heard and considered.

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

Examples include:

- information obtained by an employee as a result of his or her role is not to be used for any purpose other than Council business;
- staff not making comments to the media on matter of Council decisions, policy, procedure or process unless instructed by the Administrator to do so;
- information given in relation to the Council or Council decisions should be accurate and not be a misuse of information;
- respect for and maintenance of confidentiality at all times.

4.7. Gifts and Gratuities

The community has expectations that Council employees will not be influenced in the performance of their official duties by any form of bribery.

Accordingly employees should, under no circumstances, seek or accept money from any source in connection with the performance of their official duties. This also applies to offers of free travel/free accommodation, unless the Administrator has approved its acceptance, or if he is aware and has agreed. It must be demonstrated that the travel or accommodation is to be taken in conjunction with official Council business, and that the Council and community are likely to obtain a tangible benefit from the arrangements.

Great care should be exercised by employees when it comes to accepting other gifts, rewards or benefits of a non-pecuniary nature. Generally speaking employees should indicate to prospective gift bearers that the Council and its employees do not accept gifts from those with whom the Council has or is likely to have official dealings either directly or indirectly.

Employees may however accept token gifts provided that they are obviously mementos or gifts of a symbolic nature, except in circumstances where such gifts:

- are likely to acquire historical or cultural significance or are likely to appreciate significantly in value; or
- are valued in excess of \$50 per item.

However, employees in accepting token gifts must take into account:

- what an impartial observer may think;
- the frequency of occurrence; and
- the degree of "openness" surrounding the occasion or gift.

A register of gifts will be maintained by the Council, and the Administrator, in approving an employee to receive a gift, will notify the officer responsible for the maintenance of the register of such approval.

In each of the above cases the Administrator must be notified of the gift who may decide that it should be retained by Council, or that it be donated to a relevant local cultural body. If the Administrator decides that the gift may be retained by the recipient, the recipient may be required to pay to a Council Fund the amount by which the valuation of the gift exceeds \$50.

4.8. Other Remunerated Work

As a general rule, Council does not support employees seeking to engage in other remunerated work where such work may be in conflict with Council.

Council is prepared, however, to consider an application by an employee who wishes to engage in other remunerated work where Council can be satisfied that no conflict will exist and as a consequence may grant its consent.

In considering any such application, the Council may form the view that there are substantive circumstances whereby it would be appropriate for the Council not to support an application. Such substantive circumstances could include situations where:

- a potential conflict of interest is likely to arise;
- there is a potential for the Council to have its image and/or standing adversely affected through the work arrangements; and
- where the outside work is of an extent and nature that could have a detrimental effect on the employee's work and performance during normal hours of work at the Council

In these circumstances it may be prudent and not unreasonable for the Council not to support an application from an employee to engage in other remunerated work where such work may be in conflict with the Council.

4.9. Council employees will identify, evaluate and resolve risks and embrace risk management.

The Council recognises the importance and value of risk management and the ongoing benefits to the community. As a part of embracing risk management, staff are to identify and evaluate threats that present themselves from time to time, and are committed to the Council's continuous improvement process.

4.10 Invitations to Corporate Events

Acceptance of an invitation by an employee to attend a social event hosted by a corporate sponsor is acceptable, where groups of people will be in attendance and there is no possibility of the attendance being construed as providing an advantage to an organisation seeking to conduct business with the Council in the future.

Employees are required to advise the Administrator of all offers and/or receipt of an invitation or tickets to an event.

4.11 Use of Council Resources

Employees are provided with the appropriate resources to undertake their official duties and responsibilities. These resources are not provided for the private use of the employee and must not be used by the employee for private activities unless specifically stated or documented to the employee.

Employees shall at all times:

- be honest in the use of the Council's resources, both physical and human;
- seek to utilise the Council's resources as efficiently and effectively as possible in the performance of their official duties; and
- advise the appropriate manager if circumstances arise necessitating the storage of council resources on private property for a short period.

4.12 Conflict of Interest

All employees of the Council have public responsibilities and duties and therefore need to ensure that they are not seen to be gaining a private benefit or avoiding a private detriment by the nature of their position. Employees should at all times be guided by the Act when dealing with conflicts of interest, i.e. all employees must ensure that there is no conflict between personal interests, or those people closely associated with them and the performance of their duties.

Employees should advise the Administrator in writing if there could be a situation involving a potential conflict of interest. If in doubt employees should consult with the Administrator, and if necessary, legal advice will be sought.

4.13 Decision Making

Employees should, at all times, whilst understanding Council responsibilities and/or duties:

- take all reasonable steps to ensure that the information upon which decisions are based, is accurate and that all relevant information has been obtained and considered;
- act in good faith, and not for an ulterior purpose; and
- deal with all situations consistently and equitably.

4.14 Corrupt and Unethical Conduct

The Council encourages openness and transparency in its management and in all dealings.

An employee who knows of or has good reason to suspect, any fraudulent, corrupt, criminal or unethical conduct must report it immediately to their manager or the Administrator.

4.15 Corporate Image and Work Attire

Employees should be aware that they are representing the Council while performing their duties at work, and while attending meetings or functions external to the Council in a business capacity. Hence, employees should exercise good judgment in determining appropriate attire and accessories for work.

Clothing accessories which may be considered offensive or contravene any legislation dealing with equal opportunity, harassment or discrimination cannot be worn at work.

4.16 Communication to the Media

The Administrator is authorised to speak publicly or to the media on behalf of the Council. Any other employee must be specifically authorised to do so by the Administrator.

The Council recognises that employees as members of the community may wish to make public comments and enter into public debate on social and political issues. In such cases, care must be taken by the employee to ensure that no impression is conveyed that such comments are official comments made in their capacity as employees of the Council.

No employee may provide confidential information to the media.

4.17 Access to and use of Information

Employees often have access to, or are provided with, information that may need to be treated confidentially. Such information should be treated in a prudent and careful manner, and the interests of the community must be balanced with the potential for damage if confidentiality is not maintained.

Particular care is required to be exercised when discussing or dealing with information which if improperly disclosed may:

- cause significant damage or distress to a person;
- cause significant damage to interests of the Council; or
- confer a commercial or financial advantage or disadvantage to a person.

4.18 Corporate Intellectual Property

All intellectual property developed and/or enhanced through the course of an employment relationship with the Council, either through the use of resources or during hours of work, will remain the property of the Council, and employees must not use it in a manner inconsistent with the Council's rights thereto.

5. COMPLIANCE WITH THIS CODE OF CONDUCT

Staff are committed to the self application of this code. However, it is ultimately the Administrators responsibility to ensure compliance.

Questions of compliance raised by staff or the community shall, in the first instance, be considered by the Administrator. At all stages in any review, staff are entitled to representation in the consideration of any question of non-compliance against them. Any investigation and management of the matter will have regard to the principles of fairness, equity and natural justice and the matter will be handled confidentially.

If a question of compliance with the code relates to the Administrator then that matter shall be considered by Council's Financial Accountant who will determine the manner in which to address the matter. If necessary the Financial Accountant can seek outside impartial assistance from the Council's solicitors or other appropriately qualified person (such as an accountant), other than the Councillor's Auditor.. Any investigation and management of the matter will have regard to the principles of fairness, equity and natural justice and the matter will be handled confidentially.

Where a non compliance with this code is reported to Council regarding an employees actions then:

- the substance of the non compliance will be conveyed in writing to the employee concerned within five (5) working days;
- the employee concerned must respond to the non compliance allegation within five (5) working days;
- the Administrator and the employee concerned shall then meet to discuss the alleged non-compliance and attempt to agree on an outcome to resolve the matter;
- copies of any allegation, response(s), notes of meetings held to resolve the matter will be always treated confidentially and will be placed on the employees personal file;
- documents referred to in the previous dot point will be retained on the relevant employees personal file for up to twelve (12) months (depending on the severity of the non compliance) and provided there has been no continuing breach of this code on the same matter, then the documents can be removed and destroyed.

6. REVIEW AND EVALUATION

In accordance with the Local Government Act 1999 the Council is required to review this Code of Conduct within 12 months after each general election. While Roxby Downs Council is not strictly required to comply with this requirement it will as a matter of best practice undertake a review that is consistent with the requirements that apply to other Councils across South Australia.

The Council may at any time alter its Code of Conduct, or substitute a new Code of Conduct.

7. FURTHER INFORMATION

Members of the public may inspect (without charge) this Code of Conduct at Council's Principal Office at Richardson Place Roxby Downs during normal office hours. A person is entitled, on payment of a fixed fee by the Council, to a copy of the Code of Conduct.

This Code of Conduct is available on the Council's website.

Any enquiries in relation to this Code of Conduct should be directed to the Administrator.

Bill Boehm
Administrator