



Code Section:	1. Corporate Governance
Code Name:	Code of Conduct for Council Subsidiary Employees
Classification:	Public – Council Code of Conduct
Adopted:	August 2014
Frequency of Review:	Biennial
Last Review:	September 2017
Next Review Due:	September 2019
Responsible Officer(s):	Governance Officer
Policy and Code of Practice Manual File Ref:	CC10/2601
Council File Reference:	CR16/37300
Legislation Authority:	Independent Commissioner Against Corruption Act 2012
Related Policies and Codes:	N/A
Related Procedures:	N/A

This Code of Conduct is to be observed by all Town of Gawler Subsidiary employees.

Subsidiary employees must comply with the provisions of this Code in the performance of their duties. Each employee of the Subsidiary is a public officer for the purposes of the *Independent Commissioner Against Corruption Act 2012*.

It is the responsibility of Subsidiary employees to ensure that they are familiar with, and comply with, the standards in the Code at all times. The Subsidiary is expected to provide training and education opportunities that will assist their 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.

CODE OF CONDUCT FOR COUNCIL SUBSIDIARY EMPLOYEES

1. PRINCIPLES

Principles - Overarching Statement

This part does not constitute separate enforceable standards of conduct.

1.1 Subsidiary employees:

1.1.1 Have a commitment to serve the best interests of the people within the communities their [Constituent Councils represent/ Constituent Council represents] and to discharge their duties conscientiously and to the best of their ability.

1.1.2 Will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to the Subsidiary.

1.1.3 Will perform their official duties in such a manner as to ensure that public confidence and trust in the integrity and impartiality of the Subsidiary is strong.

1.1.4 Will respect the law and the resolutions made by the Board of Management of the Subsidiary.

1.2 The Subsidiary's Chief Executive Officer will make reasonable endeavours to ensure that employees have current knowledge of both statutory requirements and best practices relevant to their position.

1.3 Subsidiary employees will make reasonable endeavours 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 the Subsidiary.

2. CONDUCT

2.1 Conduct required of Subsidiary employees

2.1.1 In line with 'PART 1 - Principles' of this Code, the following behaviour is considered essential to upholding the principles of good governance.

2.1.2 A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the employee.

2.1.3 Subsidiary employees must also comply with all relevant statutory requirements under the Local Government Act 1999, the Work Health and Safety Act 2012 and other legislation. A failure to comply with these statutes constitutes a basis for disciplinary action against the employee.

3. GENERAL BEHAVIOUS

Subsidiary employees will:

- 3.1 Act honestly in the performance of official duties at all times.
- 3.2 Act with reasonable care and diligence in the performance of official duties.
- 3.3 Discharge duties in a professional manner.
- 3.4 Act in a way that generates community trust and confidence in the Subsidiary.
- 3.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 3.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

4. RESPONSIBILITIES AS AN EMPLOYEE OF THE SUBSIDIARY

Subsidiary employees will:

- 4.1 Comply with all relevant subsidiary policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 4.2 Deal with information received in their capacity as a Subsidiary employee in a responsible manner.
- 4.3 Endeavour to provide accurate information to the Subsidiary and the public at all times.
- 4.4 Take all reasonable steps to ensure that the information upon which decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 4.5 Not release or divulge information that the Subsidiary employee should reasonably know is information that is confidential, except where disclosure is required by law.
- 4.6 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 4.7 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions or actions.
- 4.8 Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 4.9 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.

5. RELATIONSHIPS WITH THE SUBSIDIARY

Subsidiary employees will:

- 5.1 Not make any public criticism of a personal nature of fellow Subsidiary employees or Board members.
- 5.2 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.
- 5.3 Direct any allegations of breaches of the Code of Conduct for Board Members to the Chief Executive or his or her delegate.

6. GIFTS AND BENEFITS

- 6.1 Subsidiary employees must not:
- 6.1.1 seek gifts or benefits of any kind;
 - 6.1.2 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; or
 - 6.1.3 accept any gift or benefit from any person who is in, or who seeks to be in, any contractual relationship with the Subsidiary.
- 6.2 Notwithstanding the requirements above, Subsidiary employees may accept hospitality provided in the context of performing their duties, including:
- 6.2.1 free or subsidised meals, beverages or refreshments of reasonable value provided in conjunction with:
 - 6.2.1.1 Subsidiary work related events such as training, education sessions, workshops and conferences;
 - 6.2.1.2 Subsidiary functions or events; or
 - 6.2.1.3 social functions organised by groups such as Subsidiary committees and community organisations; and
 - 6.2.2 invitations to and attendance at local social, cultural, or sporting events.
- 6.3 Where any Subsidiary employee receives a gift or benefit of more than a value published in the *Government Gazette* by the Minister from time to time, details of each gift or benefit must be recorded within a gifts and benefits register maintained and updated quarterly by the Subsidiary's Chief Executive Officer. This register must be made available for inspection at the principal office of the Subsidiary and on the Subsidiary website. ***[Drafting note: Only include if this register is maintained by the Subsidiary]***

7. CONFLICT OF INTEREST

- 7.1 If the Chief Executive Officer of the Subsidiary 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 he or she:
- 7.1.1 must disclose the interest to the Board of Management; and
 - 7.1.2 must not, unless the Board of Management otherwise determines during a Board of Management meeting that is open to the public, act in relation to the matter.
- 7.2 An employee of the Subsidiary (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:
- 7.2.1 must disclose the interest to the Chief Executive Officer; and
 - 7.2.2 must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter.

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- 7.3 If the Chief Executive Officer determines that an employee with a disclosed interest in a matter may act in relation to that matter and the employee is providing advice or making recommendations to the Subsidiary or a Subsidiary committee on the matter, the employee must disclose the relevant interest to the Subsidiary or Subsidiary committee.
- 7.4 An employee (including the Chief Executive Officer) has an interest in a matter in the circumstances described for Council employees in sections 120(5) to 120(7) of the Local Government Act.

8. USE OF SUBSIDIARY RESOURCES

- 8.1 Subsidiary employees using Subsidiary resources must do so effectively and prudently when undertaking Subsidiary work.
- 8.2 Subsidiary employees must not use Subsidiary resources, including the services of Subsidiary staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 8.3 Subsidiary employees must not use public funds or resources in a manner that is irregular or unauthorised.

9. Chief Executive Officer

- 9.1 The Chief Executive Officer must act in accordance with the provisions specific to their position within the Subsidiary's Charter at all times.

10. COMPLAINTS

- 10.1 Any person may make a complaint about a Subsidiary employee under this Code.
- 10.2 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 Subsidiary or a delegated person.
- 10.3 Complaints about a Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the chair of the Board of Management of the Subsidiary.
- 10.4 A complaint may be investigated and resolved according to the disciplinary processes of the Subsidiary.
- 10.5 In considering the lodgement of a complaint against a Subsidiary 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*.

11. REVIEW AND EVALUATION

The effectiveness of this Code will be reviewed a biennial basis.

The Chief Executive Officer will report to Council on the outcome of the evaluation and if relevant make recommendations for amendments, alteration or substitution of a new Code. The Code will not be altered or substituted so as to affect a process already commenced.

12. FURTHER INFORMATION

Further information about this Policy can be obtained by:-

Telephone: 8522 9211
Fax: 8522 9212
Email: council@gawler.sa.gov.au
Appointment: Town of Gawler Administration Centre, 43 High Street, Gawler East.
Letter: PO Box 130, Gawler SA 5118

13. AVAILABILITY OF POLICY

The Policy is available for inspection during ordinary business hours at the Council principal office, Town of Gawler Administration Centre 43 High Street, Gawler East or is available on the Council website at www.gawler.sa.gov.au.

A copy of this Policy will be provided to interested parties upon request, for a fee as contained in the Register of Fees and Charges.

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 Subsidiary 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 Subsidiary employees.

Alleged breaches of matters outlined in this appendix should be reported to the Office for Public Integrity in the first instance.

Acting in his or her capacity as a public officer, a Subsidiary 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*, 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*, 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.