

# CODE OF CONDUCT FOR EMPLOYEES

2 April 2018

non-legislative

## PURPOSE

All City of Adelaide (CoA) employees must comply with the provisions of this Code in carrying out their functions as public officials. It is the personal responsibility of CoA employees to ensure that they are familiar, and comply, with the standards in the Code at all times. For the purposes of this document the term 'employee' refers to all CoA employees including subsidiaries and casuals.

For the purposes of this document, all temporary labour hire personnel engaged through external agencies are expected to behave in accordance with this Code while performing their duties for the City of Adelaide.

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 South Australian Employment Tribunal.

## STATEMENT

CoA employees have a commitment to serve the best interests of the people within the community the Council represents and to discharge their duties conscientiously and to the best of their ability.

CoA employees will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

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.

CoA employees will respect the law, and the resolutions made by the elected member body of the Council.

The 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.

CoA 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 organisation.

## OTHER USEFUL DOCUMENTS

### related documents

- The Corporation of the Adelaide City Council, Wages Enterprise Agreement, No. 9, 2017
- The Corporation of the Adelaide City Council, Salaried Enterprise Agreement, 2014
- The Corporation of the Adelaide City Council, Leisure Services Enterprise Agreement No. 7, 2014
- The Corporation of the Adelaide City Council, UPark Enterprise Agreement No. 8, 2014
- Adelaide City Council Corporation Award
- Municipal Employees (Adelaide City Council) Award, 2012
- All City of Adelaide Policies and Operating Guidelines

**relevant legislation**

- *Local Government Act 1999.*
- Local Government (General) (Employee Code of Conduct) Variation Regulations 2018
- *Work Health and Safety Act 2012*
- *Other Acts as applicable*

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**COMPLYING WITH  
THE CODE OF  
CONDUCT**

**Conduct required of CoA employees**

In line with the 'Complying with the Code of Conduct' Section of this Code, the following behaviour is considered essential to upholding the principles of good governance within CoA.

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

CoA 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. A failure to comply with these statutes, as identified within this Part, can also constitute grounds for disciplinary action against the employee, including dismissal, under section 110(5) of the *Local Government Act 1999*.

CoA employees will:

**General behaviour**

- 1.1. Act honestly in the performance of official duties at all times, as required by s109(1) of the *Local Government Act 1999*.
- 1.2. Act with reasonable care and diligence in the performance of official duties, as required by s109(2) of the *Local Government Act 1999*.
- 1.3. Discharge duties in a professional manner.
- 1.4. Act in a way that generates community trust and confidence in the Council.
- 1.5. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 1.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

**Responsibilities as an employee of the City of Adelaide**

- 1.7. Comply with all relevant CoA policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 1.8. Deal with information received in their capacity as a CoA employee in a responsible manner.
- 1.9. Endeavour to provide accurate information to the Council and to the public at all times.
- 1.10. 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.
- 1.11. Not release or divulge information that the Council or Chief Executive Officer has ordered be kept confidential, or that the CoA 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 Commissioner Against Corruption Act 2012*.

- 1.12. Not make improper use of information, including confidential information, acquired by virtue of their position.
- 1.13. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 1.14. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 1.15. 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**

- 1.16. Not make any public criticism of a personal nature of fellow CoA employees or Elected Members.
- 1.17. 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*.
- 1.18. Direct any allegations of breaches of the '*Code of Conduct for Council (Elected Members)*' to the Chief Executive or nominated delegate/s.

#### **Gifts and Benefits**

- 1.19. Refer to [Code of Conduct for Council Employees – prescribed by Schedule 2A of the Local Government \(General\) Regulations 2013](#).

#### **Use of Council Resources**

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

#### **Register of Interests**

- 1.23. A CoA employee 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.

#### **The Chief Executive Officer**

- 1.24. Chief Executive Officers must act in accordance with the provisions specific to their position within the *Local Government Act 1999* at all times.

#### **Complaints**

- 1.25. Any person may make a complaint about a CoA employee under this Code.
- 1.26. 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, the Associate Director People & Governance, or a delegated person.

- 1.27. Complaints about the Chief Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the Lord Mayor.
- 1.28. A complaint may be investigated and resolved according to the disciplinary processes of the City of Adelaide.
- 1.29. In considering the lodgement of a complaint against a CoA employee for a breach of the Code, CoA employees should be mindful of the obligations outlined in the *Independent Commissioner Against Corruption—Directions and Guidelines*.
- 1.30. Nothing in this Code in any way derogates from the rights of a CoA employee or duties of an employer under the *Fair Work Act 1994*, other legislation, an award, an industrial agreement or contract of employment.

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## **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 CoA 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 CoA 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**

A CoA 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 CoA 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 Chief Executive Officer or is made at a meeting of the Council, a Council committee or a subsidiary of the Council (Section 119(1)).

#### **Conflict of Interest**

Where the Chief Executive Officer 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 must disclose the interest to the Council and must not, unless the Council otherwise determines during a Council meeting that is open to the public, act in relation to the matter (Section 120(1)).

An employee of the City of Adelaide (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 must disclose the interest to the Chief Executive Officer and must not, unless the Chief Executive Officer otherwise determines, act in relation to the matter (Section 120(2)).

If a CoA employee is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Council or a Council committee on the matter, the CoA employee must also disclose the relevant interest to the Council or Council committee (Section 120(4)).

### ***Breaches of other Acts***

Acting in his or her capacity as a public officer, a CoA 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;
- 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;
- conspiring with others to effect the commission of the offence.

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## **ADMINISTRATIVE**

As part of Council's commitment to deliver the City of Adelaide Strategic Plan, services to the community and the provision of transparent information, all policy documents are reviewed for currency at least annually as part of the review of delegations. Those requiring detailed consideration are flagged in the current forward Council Policy Program.

*This code has been adopted from the 2014 Mandated Code of Conduct under the LG Act 1999.*

### **review history:**

*Trim reference: ACC2018/58529, People Services Team, 2 April 2018*

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CITY OF ADELAIDE**

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