

CONFIDENTIAL ITEMS 2003 – SEPTEMBER 2011

#	Date	Item Title	Confidential Order Details	Item being kept confidential - Agenda/ Attachment/ Minutes	Reason regarding retention or recommend-action to release	Resolution Regarding Action	Last Review Date	Next Review Date	Date Released
25	15 Jun 09	Ombudsman's Report	Reason: S 90(3)(a) Information the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any persons (living or dead) 2. Pursuant to Section 91(7) That having considered Agenda Item 16.2, in confidence under 90(2) and 3(a) of the Local Government Act 1999, the Council pursuant to Section 91(7)(b) of the Act orders that the reports, attachments and all minutes regarding the Ombudsman's reports dated: 20 October 2008 15 December 2008, 15 June 2009 be retained in confidence until the staff members are no longer employed by Council and that this order be reviewed every 12 months.	Discussion, Agenda, Attachment (other than Code documents) & Minutes	Matter relates to personal affairs of a staff member. Under delegated authority release attachments Policy document – Code of Conduct for Employees	Be retained in confidence until the staff members are no longer employed by Council and that this order be reviewed every 12 months. The Chief Executive Officer be delegated the authority to revoke all or part of the order and directed to present a report containing the item for which the confidentiality has been revoked.	5 Sept 11	4 Sept 12	29/8/12 Policy Doc Att only.

**4.5 TITLE: Code of Conduct for Employees**

RESPONSIBLE DEPARTMENT:	CEO
ASSOCIATED PROCEDURE(S) AND POLICY(S):	Disciplinary and Termination of Employment Procedure Media
ASSOCIATED LAW(S) AND ACT(S):	Section 110 of the Local Government Act 1999 Criminal Law Consolidated Act 1935
REFERENCE(S):	Local Government Association HRM Code of Conduct Guidelines
ASSOCIATED DELEGATION(S):	
DATE OF LAST REVIEW:	October 2008

1 Introduction

This Code of Conduct is a public declaration of the principles of good conduct and standards of behavior that the District Council of Mount Barker have decided it's community should reasonably expect Council employees to demonstrate in the performance of their duties as a Public Officer, and in the representation of the Council.

The codes and standards contained in this document are developed in accordance with Section 110 of the Local Government Act, the Criminal Law Consolidated Act 1935 and other relevant legislation, Policies and Procedures, and are in addition to any statutory requirement of the Local Government Act 1999, Industrial Awards, Enterprise Agreements and other relevant Acts, Regulations, and Codes of Practice that apply to and govern public responsibilities and duties of the Local Government Industry.

All employees are required to comply with the provisions of this code.

Failure to comply with the Code of Conduct requirements may result in disciplinary action (as per Disciplinary and Termination of Employment Procedure).

2 Our Approach**Strategic Direction****Our Values**

Council aims to achieve a sense of mutual respect by focusing on collective outcomes to deliver quality services to the community. We embrace the following values on a daily basis:

*DISTRICT COUNCIL OF MOUNT BARKER POLICY MANUAL
Section 4 – Staff*



Page 2 of 5

- Accountability and transparency
- Respect for diversity
- Delivery of quality customer service
- Enriching the standard of living
- Best work practice
- Commitment to social inclusion
- Listening to community needs
- Protection and development of natural and built environments

The general duty of Council employees is to act honestly and with reasonable care and diligence in the performance and discharge of their roles and responsibilities to generate community trust and confidence in them as individuals and enhance the role and image of the Council and Local Government generally.

3 Scope and Objectives

The requirements within this Code of Conduct extends to all employees engaged to provide services on behalf of The District Council of Mount Barker. In addition to all relevant legislative requirements, employees of the District Council of Mount Barker recognise the requirements of this Code of Conduct as the standards that will be adopted in the performance of their functions and duties.

This Code:

- informs all parties of their rights and obligations.
- identifies standards of behaviour.

4 Definition(s)

'Employee' – a person engaged directly with Council to provide a service on behalf of Council. This includes paid employees, volunteers and casual staff. For the purpose of this Code the definition of Employee will also encompass 'Contractor' - the provider of physical, managerial, administrative or consultancy tasks and/or the provision of machinery, equipment and associated goods.

'Resources' – all property of Council including consumables, plant (eg vehicles), equipment (eg computers) and facilities (eg internet, telephones).

'Gift' – token received to a value greater than \$50.00.

'Benefit' – any immediate or future gain received for completing the duties of your office or position, includes vouchers, invitations, discounts, financial reward.

5 Key Principles

According to the law and this Code, Council employees must act in a fair, honest and professional manner in their dealings with individuals and organisations.

BEHAVIOUR

In undertaking their duties employees will:

DISTRICT COUNCIL OF MOUNT BARKER POLICY MANUAL
Section 4 – Staff



- exhibit reasonable, just and non discriminatory behaviour in all aspects of carrying out their roles and responsibilities.
- behave in a manner that maintains and enhances the image of the Council and does not reflect adversely on the Council.
- provide accurate, complete, unbiased and professional responses to all reasonable requests for information.
- always comply with Equal Opportunity legislation.
- undertake their duties impartially, without fear or favour.
- act fully and promptly on all policies and decisions of Council, displaying respect for the decisions of the Council.
- willingly obey all lawful and reasonable work instructions (if you believe a Council decision or work instruction may be unlawful, speak to the Chief Executive Officer).
- contribute to the effectiveness and efficiency of activities and service delivery for which they are responsible or contribute.
- display courteous and sensitive behavior that does not discriminate against people or cause offence and embarrassment.

PERSONAL BENEFIT

Employees must not seek or accept:

- any financial or other benefit for completing the duties of office or position.
- any benefit for a friend or close associate from any other person who wants to do business with Council including gifts, hospitality, discount or free travel or any other benefit, whether it is for now or some time in the future. It is essential that employees immediately advise Council or the Chief Executive Officer if offered any such gift, reward or benefit.

Employees will:

- properly and responsibly use Council resources (including facilities, equipment, money or employees), avoiding waste, damage and misuse – following policy and/or procedure where relevant.
- ensure that travel, accommodation and meal expenses claimed relate directly to Council business.
- not use any information obtained through work with Council for personal or financial gain. In particular employees must not make investments or other business dealings based on confidential information that might give the employee or someone they know an unfair advantage.

If refusal of a gift would cause embarrassment, the gift can be accepted and given to Council to determine distribution.

INFORMATION, CONFIDENTIALITY AND CONFLICT OF INTEREST

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

All intellectual property developed or enhanced through the course of employment relationship with The District Council of Mount Barker, either through the use of resources or during hours of work will remain the property of The District Council of Mount Barker.

Employees must:

- obey the laws dealing with conflict of interest (Conflict of Interest, Local Government Act 1999 Chapter 5 Part 4 and Chapter 7 Part 4).
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DISTRICT COUNCIL OF MOUNT BARKER POLICY MANUAL
Section 4 – Staff



Page 4 of 5

- respect and maintain confidentiality.
- not make investments or other business dealings based on confidential information that might give the employee or someone known to the employee an unfair advantage. It is illegal for employees to use any information obtained through your work with Council for personal or financial gain.
- reveal any financial interests in contracts being negotiated by either the employee or someone else on their behalf on any land, building or service within the district.
- not make comments to the media unless instructed by the CEO or General Manager (refer to Council's Media Policy).
- not talk outside of work about Council business.
- complete 'Primary or Ordinary Return' document available from Governance Officer
- declare interests, including if hold office in interest groups involved in local politics within Council's area, as they occur to their Manager in writing.
- accurately maintain records.

CORPORATE OBLIGATIONS

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.

Employees will:

- facilitate mature and constructive working relationships based on mutual trust and respect.
- conduct working relationships with courtesy and respect, avoiding any conduct or behaviour that may cause offence or embarrassment to others.
- accept and respect the different but complementary roles in achieving the Council's objectives.
- respect Elected Members' roles in policy and planning and the employees' role in providing professional opinion, guidance and expertise.

6 Compliance with this Code of Conduct.

All employees are required to comply with the provisions of this Code.

- Questions of compliance raised by employees or the community regarding the Code will be considered by the CEO or his/her nominee.
- Employees are entitled to representation in the consideration of a question of non-compliance against them and investigation and management of the matter will have regard to the principles of fairness, equity and natural justice.
- Investigations undertaken regarding compliance with the Code will be kept confidential.
- The CEO has responsibility for ensuring compliance with the Code occurs.

The consideration of questions raised regarding compliance with the Code by the CEO may need to be reflected in a different manner, for example:

- If a question of compliance with the Code by the CEO is raised the Presiding Member will determine, with Council, the manner in which to address the matter. Where Council or the Presiding Officer or a Committee of Council addresses the matter, principles of fairness, equity and natural justice will apply and the matter will be handled confidentially.

7 Availability of Code

This Code shall be provided to all employees of The District Council of Mount Barker via the intranet and the Council's Internet site www.dcmtbarker.sa.gov.au

Members of the public may inspect this Code of Conduct for Council Employees at the District Council of Mount Barker Local Government Centre located at 6 Dutton Road, Mount Barker and, on payment of a fee obtain a copy.

8 Officer Responsible for The Code of Conduct

Any enquiries in relation to this Code of Conduct should be directed to General Manager Corporate.

9 Statement of adoption

This Code of Conduct was adopted on October 2008.

10 Review of the Code of Conduct

This Code of Conduct will be reviewed by the District Council of Mount Barker in consultation with employees.
