

Code of Conduct for Council Employees

LOCAL GOVERNMENT (GENERAL) REGULATIONS 2013 NOTICE UNDER SCHEDULE 2A, CLAUSE 1(2)

Code of Conduct for Council Employees

For the purposes of clause 1(2) of Schedule 2A of the Local Government (General) Regulations 2013, I determine the amount of \$50.

This notice will come into operation on 2 April 2018.

*Dated: 9 February 2018
HON GEOFF BROCK MP
Minister for Local Government*

Local Government (General) (Employee Code of Conduct) Variation Regulations 2018 under the *Local Government Act 1999*

Code of conduct for employees

1. Gifts and benefits

- (1) An employee of a council must not seek out or receive a gift or benefit that is, or could reasonably be taken to be, intended or likely to create a sense of obligation on the part of the employee to a person or influence the employee in the performance or discharge of the employee's functions or duties.
- (2) If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer.

(as noted above the Minister has determined this amount to be \$50.00)
- (3) The chief executive officer of a council must maintain a register of gifts and benefits received by employees of the council and must ensure that the details of each gift and benefit provided under this clause are included in the register.
- (4) A register maintained under this clause must be—
 - (a) made available for inspection at the principal office of the council during ordinary office hours without charge; and
 - (b) published on a website determined by the chief executive officer.
- (5) A register maintained under this clause—
 - (a) need not include information available in another register published by, or available for inspection at, the council or otherwise available under the Act; and

- (b) may include information by reference to another register or document, provided the register or document is published by, or available for inspection at, the council and the register maintained under this clause identifies that other register or document.
- (6) For the purposes of this clause, a gift or benefit received by a person related to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) Unless the contrary intention appears, terms and expressions used in this clause and in Schedule 3 of the Act have the same respective meanings in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a **member** will be taken, for the purposes of this clause, to be a reference to an **employee**.

Note—

The Act requires that certain gifts and benefits must be disclosed by employees and recorded on the Register of Interests relating to employees.

2. Complaints

- (1) A complaint alleging that an employee of a council has contravened or failed to comply with the code set out in this Schedule must be dealt with in accordance with a policy prepared and maintained by the council relating to complaints against employees.
- (2) The policy referred to in subclause (1) must nominate a person or persons to whom complaints are to be given and, in the case of a complaint against the chief executive officer of the council, must provide for the complaint to be given to the principal member of the council, except in circumstances where it would be inappropriate to do so (for example, if the matter to which the complaint relates must be kept confidential under an Act or law).

Note—

- 1. *Chapter 13 Part 2 of the Act requires a council to develop and maintain policies, practices and procedures for dealing with (among other things) complaints about the actions of employees of the council.*
- 2. *The code set out in this Schedule is in addition to and does not—*
 - (a) *limit the operation of the Fair Work Act 1994; or*
 - (b) *operate to lessen any rights or obligations on employees or employers under the Fair Work Act 1994 or any award, industrial agreement or contract of employment; or*
 - (c) *affect the jurisdiction of the South Australian Employment Tribunal conferred under the Fair Work Act 1994.*

Note—

As required by section 10AA(2) of the Subordinate Legislation Act 1978, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations

Made by the Governor

following consultation with the Local Government Association of South Australia and as further required under section 110 of the Act and with the advice and consent of the Executive Council on 13 February 2018 (No 43 of 2018) 15LG07CS

Document history and version control

Date	Version	Authorisation: Council/ Committee/ Senior Management Team	Amendments
2008	1.0	Council	First version: Code of Conduct for Employees
16/10/2009	2.0	Council at the meeting of 16 October 2009	Requirement for staff to sign the code of conduct
17/06/2011	3.0	Council at the meeting of 17 June 2011	Additional requirement for volunteers to adhere to the Code of Conduct and renamed: Code of Conduct for Employees and Volunteers
16/11/2012	4.0	Council at the meeting of 16 November 2012	
12/02/2014	5.0		Mandatory code published by the Minister for Planning: renamed Code of Conduct for Council Employees; Code of Conduct for Volunteers developed
02/04/2018	6.0		Amendments to the mandatory code published by the Minister for Local Government 13 February 2018 and will commence on 2 April 2018; If an employee of a council receives a gift or benefit of an amount greater than the amount determined by the Minister (from time to time), by notice published in the Gazette, the employee must provide details of the gift or benefit to the chief executive officer of the council in accordance with any requirements of the chief executive officer. The Minister determined this amount to be \$50 (Gazettal notice 13 February 2018, page 717)

