



CODE OF CONDUCT – Council Employees (Legislated)

GAZETTAL NOTICE

In *Government Gazette* No. 11, dated 13 February 2014 on pages 833-839, the notice was printed with errors and should be replaced with the following:

NOTICE under Clause 2.21 of the Code of Conduct for Council Employees published by the Minister for Planning for the purpose of Section 110(1) of the Local Government Act 1999.

For the purpose of Clause 2.21 of the Code of Conduct for Council Employees adopted for the purpose of Section 110(1) of the Local Government Act 1999 and published in the *Gazette* on the day on which this Notice is made, the value of the \$100 is specified.

Dated 24 February 2014

JOHN RAU, Deputy Premier, Minister for Planning

REGULATION

These regulations may be cited as the *Local Government (General)(Employee Code of Conduct) Variation Regulations 2018*

SCHEDULE 2A – CODE OF CONDUCT FOR EMPLOYEES

1 - Gifts and benefits

- 1) An employee of council must not seek out or receive a gift or benefit that is, or could be 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 employees' function 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.
- 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 the 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.



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- 6) For the purpose 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 meaning in this clause as they have in that Schedule, provided that a reference in Schedule 3 to a **member** will be taken, for the purpose 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 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 the 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 nor the South Australian Employment Tribunal conferred under the *Fair Work Act 1994*.



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DOCUMENT CONTROL

COUNCIL POLICY	
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Related Policies Management Guidelines Frameworks	Local Government Act 1999 Code of Conduct – Council Employees
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Author (to whom changes are to be recommended)			
Position	Incumbent		
Deputy Premier, Minister for Planning	John Rau		
Contributors			
Position	Incumbent		
Reviewed by			
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Chief Executive Officer	Matthew Morgan	24 April 2019	
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Council		TBA	
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This policy is available for inspection at Council's office at 11 Railway Terrace, Karoonda or via the Council website, www.dckem.sa.gov.au .			