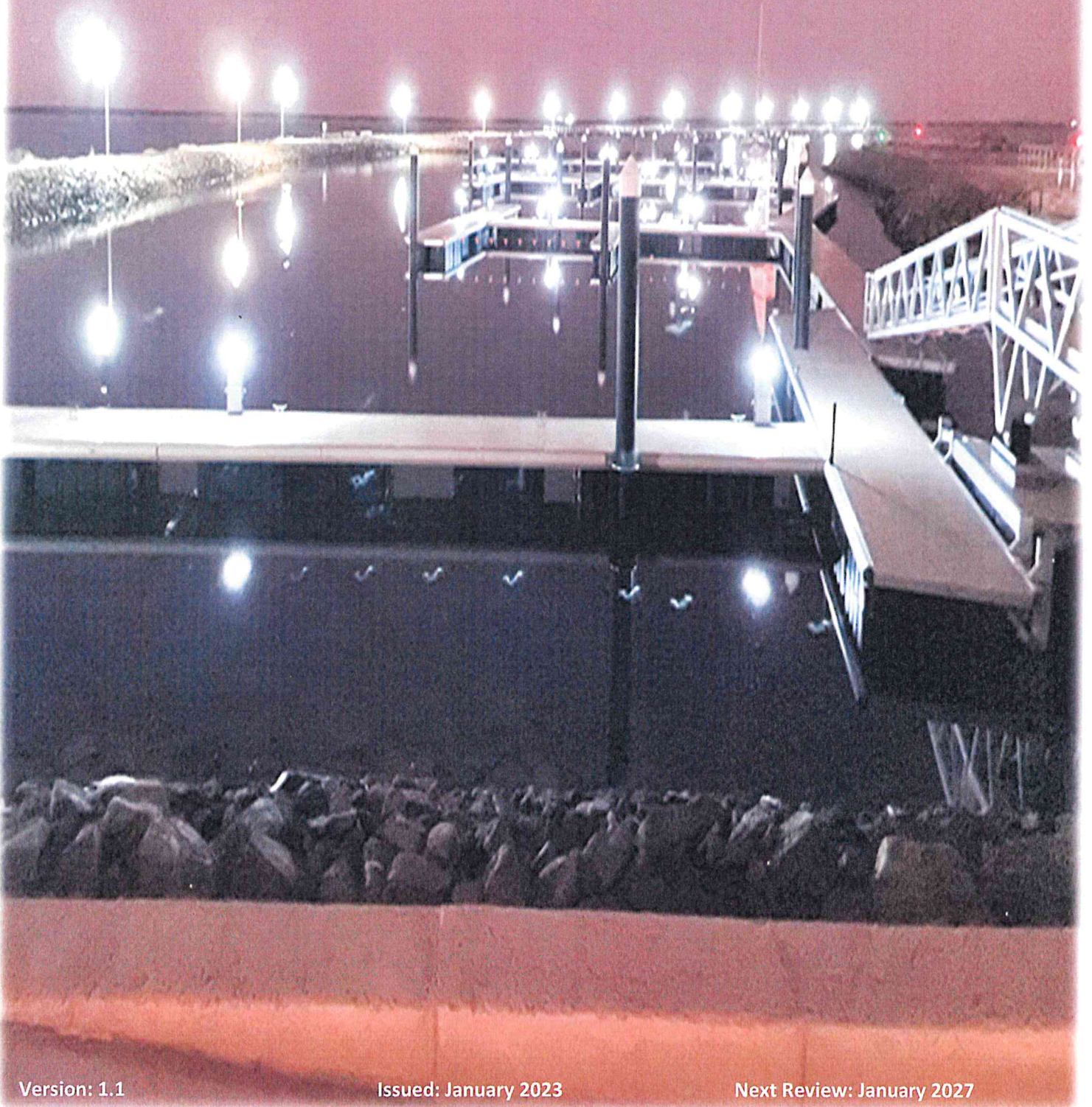




Code of Conduct – Council Contractors and their employees / Sub contractors





CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

Name of Council	District Council of Franklin Harbour
Responsibility:	Governance
Version:	1.1
Effective date:	January 2023
Last revised date:	September 2018
Minutes reference:	02/01/23
Next review date:	January 2027

This Code of Conduct is to be observed by all Council Contractors and their employees/sub-contractors.

Council Contractors and their employees/sub-contractors must comply with the provisions of this Code in carrying out their functions while engaged by Council. It is the personal responsibility of Council Contractors to ensure that they and their employees/sub-contractors are familiar with, and comply with, the standards in the Code at all times.

PART 1—PRINCIPLES

1. Principles—Overarching Statement

This part does not constitute separate enforceable standards of conduct.

Council Contractors and their employees/sub-contractors in South Australia have a commitment to serve the best interests of the people within the community their Council represents and to discharge their duties conscientiously and to the best of their ability.

Council Contractors and their employees/sub-contractors will act honestly in every aspect of their work and be open and transparent when making decisions or providing advice to their Council.

Council Contractors and their employees/sub-contractors 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.

Council Contractors and their employees/sub-contractors will respect the law, and the resolutions made by the elected member body of the Council.

Council Contractors and their employees/sub-contractors 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 Council.



CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

PART 2—CONDUCT

2. Conduct required of Council Contractors and their employees/sub-contractors

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

A failure to comply with any of these behaviours can constitute a ground for disciplinary action against the contractor, including voiding current contracts and removal from Councils Preferred Contractors Register.

Council Contractors and their employees/sub-contractors 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 a ground for disciplinary action against the contractor including voiding current contracts and removal from Councils Preferred Contractors Register.

Council Contractors and their employees/sub-contractors will:

General behaviour

- 2.1 Act honestly in the performance of official duties at all times.
- 2.2 Act with reasonable care and diligence in the performance of their duties.
- 2.3 Discharge duties in a professional manner.
- 2.4 Act in a way that generates community trust and confidence in the Council.
- 2.5 Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 2.6 Ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

Responsibilities as Contractor/employee/sub-contractor to Council

- 2.7 Comply with all relevant Council policies, codes and resolutions of which they have been made aware, relevant to their particular role.
- 2.8 Deal with information received in their capacity while engaged by Council in a responsible manner.
- 2.9 Endeavour to provide accurate information to the Council and to the public at all times.
- 2.10 Take all reasonable steps to ensure that the information upon which Contractors and their employees/sub-contractors make decisions or actions are based is factually correct and that all relevant information has been obtained and is considered.
- 2.11 Not release or divulge information that the Council or Chief Executive Officer of the Council has ordered be kept confidential, or that the Contractor/employee/sub-contractor 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*.



CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

- 2.12 Not make improper use of information, including confidential information, acquired by virtue of their position.
- 2.13 Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 2.14 Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 2.15 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

- 2.16 Not make any public criticism of a personal nature of fellow Council employees, Contractors and their employees/sub-contractors or Council members.
- 2.17 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*.
- 2.18 Direct any allegations of breaches of the Code of Conduct for Council Members and the Code of Conduct for Employees to the Chief Executive or nominated delegate/s.

Gifts and Benefits

- 2.19
 - 1) Contractors and their employees/sub-contractors engaged by 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 Contractor and their employees/sub-contractors to a person or influence the Contractor and their employees/sub-contractors in the performance or discharge of their functions or duties.
 - 2) If a Contractor and their employees/sub-contractors engaged by 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 Contractor and their employees/sub-contractors 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 Contractors and their employees/sub-contractors 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.



CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

- 6) for the purposes of this clause, a gift or benefit received by a person related to a Contractor and their employees/sub-contractors engaged by a Council will be treated as a gift or benefit (as the case requires) received by the Contractor and their employees/sub-contractors.

Use of Council Resources

- 2.20 Council Contractors and their employees/sub-contractors using Council resources must do so effectively and prudently when undertaking Council work.
- 2.21 Council Contractors and their employees/sub-contractors must not use Council resources, including the services of Council staff, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate.
- 2.22 Council Contractors and their employees/sub-contractors must not use public funds or resources in a manner that is irregular or unauthorised.

Register of Interests

- 2.23 NA

Chief Executive Officers

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

Complaints

- 2.25 Any person may make a complaint about a Contractor and their employees/sub-contractors under this Code.
- 2.26 Complaints about a Contractor and their employees/sub-contractors behaviour that is alleged to have breached this Code should be brought to the attention of the Chief Executive Officer of the Council, or a delegated person.

Contractor Name: _____

Contractor Signature: _____

Date:



CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

APPENDIX—CRIMINAL MATTERS

The matters within this appendix are matters for which a criminal penalty is attached. As separate legislation operates to cover such conduct, this part does not form part of the Code of Conduct for Council Contractors and their employees/sub-contractors.

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 Council Contractors and their employees/sub-contractors.

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

Conflict of Interest

A Contractor and their employees/sub-contractors 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 Contractor and their employees/sub-contractors is entitled to act in relation to a matter and is providing advice or making recommendations to the Council or a Council committee on the matter, they 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 of engagement, a Contractor and their employees/sub-contractors 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*.

SIGNED:

 SHANE GILL

Responsible Officer

Date: 20 / 01 / 2023



CODE OF CONDUCT FOR COUNCIL CONTRACTORS AND THEIR EMPLOYEES/SUB-CONTRACTORS

Change History

Version	Issue Date	Change
1.0	14 November 2018	New Policy
1.1	January 2023	Reviewed and Updated (post election)