

**Code of Conduct for Adelaide Hills Region Waste Management Authority (Subsidiary) Employees**

First Approved	18 February 2016
Review Date	October 2018
Review Frequency	Every Four Years or as required
Responsible Division	Finance / Executive Office
Applicable Legislation	Adelaide Hills Region Waste Management Authority Charter (26 April 2007) Local Government Act 1999, s.1.09 (1) and (2) and 110 (1), Work Health and Safety Act 2012 Fair Work Act 1994 Independent Commissioner Against Corruption Act 2012 (ICAC) Ombudsman Act 1972 Criminal Law Consolidation Act 1935

**This Code of Conduct is to be observed by all Adelaide Hills Region Waste Management Authority (Subsidiary) employees.**

Subsidiary employees must comply with the provisions of this Code in the performance of their duties. Each employee of the Subsidiary is a public officer for the purposes of the *Independent Commissioner Against Corruption Act 2012*.

It is the responsibility of Subsidiary employees to ensure that they are familiar with, and comply with, the standards in the Code at all times. The Subsidiary is expected to provide training and education opportunities that will assist their employees to meet their responsibilities under this Code.

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. This Code does not affect the jurisdiction of the Industrial Relations Commission.

### **Gifts and Benefits**

- Subsidiary employees 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.
- If a Subsidiary employee 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 Executive Officer of the Subsidiary in accordance with any requirements of the Executive Officer.
- The Executive Officer of a Subsidiary must maintain a register of gifts and benefits received by employees of the Subsidiary and must ensure that details of each gift or benefit provided under this clause is included in the register. The register must be available for inspection at the principal office of the Subsidiary and published on the Subsidiary website.
- A gift or benefit received by a person related to a Subsidiary employee will be treated as a gift or benefit (as the case requires) received by the employee.

### **Complaints**

- Any person may make a complaint about a Subsidiary employee under this Code.
- Complaints about an employee's behaviour that is alleged to have breached this Code should be brought to the attention of the Executive Officer of the Subsidiary or a delegated person.
- Complaints about an Executive Officer's behaviour that is alleged to have breached the Code should be brought to the attention of the chair of the Board of Management of the Subsidiary.
- A complaint may be investigated and resolved according to the disciplinary processes of the Subsidiary.
- In considering the lodgement of a complaint against a Subsidiary employee for a breach of the Code, Public Officers should be mindful of the obligations outlined in the *Independent Commissioner Against Corruption - Directions and Guidelines*.

## **General Behaviour**

Subsidiary employees are expected to:

- act honestly in the performance of official duties at all times
- act with reasonable care and diligence in the performance of official duties
- discharge duties in a professional manner
- act in a way that generates community trust and confidence in the Subsidiary
- act in a reasonable, just, respectful and non-discriminatory way when dealing with all people
- ensure that personal interests, including financial interests, do not influence or interfere with the performance of their role.

## **Responsibilities as an Employee of the Subsidiary**

All Subsidiary employees will:

- ensure they are aware of and comply with all Subsidiary policies, codes and resolutions, relevant to their particular role
- deal with information received in their capacity as a Subsidiary employee in a responsible manner
- endeavour to provide accurate information to the Subsidiary, Member Councils and to the public at all times
- 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 considered
- not release or divulge information that the Subsidiary Board or Executive Officer of the Subsidiary has ordered be kept confidential, or that the Subsidiary employee should reasonably know is information that is confidential, including information that is considered by the Subsidiary or the Executive Officer in confidence, subject to the Ombudsman Act 1972 and the Independent Commissioner Against Corruption Act 2012
- not make improper use of information, including confidential information, acquired by virtue of their position

- ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions
- comply with all lawful and reasonable directions given by a person with authority to give such directions
- not make public comment, including through social media, in relation to their duties or other Subsidiary business, except where specifically authorised to do so in accordance with the Subsidiary's Communication's Policy, and restrict such comment to factual information and professional advice in accordance with their duties.

### **Relationships within the Subsidiary**

Subsidiary Employees will:

- not make any public criticism of a personal nature of fellow Subsidiary employees or Board members
- 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
- direct any allegations of breaches of the Code of Conduct for Board Members to the Executive Officer or nominated delegate/s.

### **Use of Subsidiary Resources**

Subsidiary employees using Subsidiary resources must:

- do so effectively, prudently and in accordance with any applicable Subsidiary policy when undertaking Subsidiary work
- not use Subsidiary resources, including staff, venues, property or equipment, for private purposes, unless legally or properly authorised to do so, and payments are made where appropriate
- not use public funds or resources in a manner that is irregular or unauthorised.

### **Conflict of Interest**

- The Executive Officer of a Subsidiary 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 Board of Management and must not, unless the Board of Management otherwise determines during a Board of Management meeting that is open to the public, act in relation to the matter.
- An employee of the Subsidiary (other than the 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 Executive Officer and must not, unless the Executive Officer otherwise determines, act in relation to the matter.
- If an employee is entitled to act in relation to a matter and the employee is providing advice or making recommendations to the Subsidiary Board or a Subsidiary committee

on the matter, the employee must also disclose the relevant interest to the Subsidiary Board or Subsidiary committee.

- An employee (including the Executive Officer) has an interest in a matter in the circumstances described for Council employees in sections 120(5) to 120(7) of the Local Government Act.

### **Register of Interests**

An employee of the Subsidiary 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 Subsidiary to be subject to these provisions.

### **Executive Officer**

The Executive Officer must act in accordance with the provisions specific to their position within the *Local Government Act 1999* and the Subsidiary's Charter at all times.

### **Availability of Code of Conduct for Employees**

This Code of Conduct will be available for inspection on the Subsidiary's website.

## 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 Subsidiary 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 Subsidiary employees.

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

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