



Employee Behavioural Standards Policy

Policy Classification	Employee Policy
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Version Number:	1
Applicable Legislation:	<i>Local Government Act 1999 Local Government (General) Regulations 2013 Work Health and Safety Act 2012 (SA) Local Government Act 1999 Equal Opportunity Act 1984 (SA) Age Discrimination Act 2004 (Cth) Sex Discrimination Act 1984 (Cth) Racial Discrimination Act 1975 (Cth) Disability Discrimination Act 1992 (Cth) Australian Human Rights Commission Act 1986 (Cth) Racial Vilification Act 1996 (SA)</i>
Related Policies or Documents:	Bullying & Harassment Policy Employee Disciplinary Procedure Employee Grievance Procedure Employee Gifts & Benefits Register Equal Opportunity Policy General Complaint Policy & Procedure IT Usage Policy Kangaroo Island Council Enterprise Agreement Media Policy Fraud & Corruption Policy
Associated Forms:	Nil
Responsible Manager:	Senior Manager People & Culture
Approved by Council:	10 June 2025
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Employee Behavioural Standards Policy

1. Preamble

- 1.1. These Employee Behavioural Standards have been adopted by Kangaroo Island Council in accordance with section 120A of the Local Government Act 1999. The Kangaroo Island Council has a commitment to adopt standards in line with principles of good governance that serve the best interests of the people within the community.
- 1.2. The Council must serve this vision through a strong culture of service excellence founded on honesty, respect and a productive working relationship with all staff, contractors, volunteers and the community. This relationship must be established on trust and the guarantee that Council employees will act effectively and with the utmost professional integrity.
- 1.3. The Employee Behavioural Standards Policy forms part of the conduct management framework for Kangaroo Island Council employees and it sets out minimum standards of behaviour that are expected of all employees in the performance of their official duties.

2. Purpose

- 2.1. All Kangaroo Island Council employees and volunteers must comply with the provisions of this policy in carrying out their functions as public officials. It is the personal responsibility of all employees to ensure that they always comply with the standards outlined in this policy at all times.
- 2.2. It provides a framework for conduct management, ensuring integrity and ethical behaviour among Council employees and volunteers.

3. Scope

- 3.1. This policy applies to all Kangaroo Island Council employees and volunteers, who are bound by it regardless of the nature or level of their employment or their employment status.
- 3.2. Council employees must comply with the provisions of these Standards in carrying out their functions as public officers. It is the personal responsibility of Council employees and volunteers to ensure that they are familiar with, and comply with the Behavioural Standards at all times.
- 3.3. Each employee of the Council is a public officer for the purposes of the Independent Commissioner Against Corruption Act 2012.
- 3.4. This policy does not exclude the operation of the Fair Work Act 1994, the WHS Act, and the rights of employees and their unions to pursue industrial claims, or any relevant awards or enterprise agreements made under the Fair Work Act 1994. This code does not affect the jurisdiction of the South Australian employment tribunal.

4. Legislation

- 4.1. This policy aligns with the Local Government Act 1999 and the Statutes Amendment (Local Government Review) Act 2021. It acknowledges the separation of 'conduct' into behaviour, integrity, and criminal matters, with a specific focus on Council employees.

- 4.2. Section 109 of the Local Government Act 1999 states that Council employees, must at all times act honestly and with reasonable care and diligence in the performance of official duties.
- 4.3. Failure to comply with any of these behaviours can constitute a ground for suspending, dismissing or taking disciplinary action against the employee, under Section 109 (4) of the Local Government Act 1999.
- 4.4. Subdivision 2A of the Local Government Act 1999 – 119A “Register of gifts and benefits” sets out the obligations in respect to gifts and benefits, which is mandatory across Local Government in South Australia. It is detailed in Appendix 1 to this Policy.
- 4.5. Schedule 4.2.E of the Local Government (General) Regulations 2013 sets out the summary of details including cost of any gift above \$50.
- 4.6. Section 120A of the Local Government Act, allows Councils to establish and review employee behavioural standards.
- 4.7. Work Health and Safety (Psychosocial Risks) Amendment Regulations 2023.
- 4.8. Division 3 of the Local Government Act 1999 – 75 G “Health and Safety duties”.

5. Definitions

CEO means the Chief Executive Officer, Acting Chief Executive Officer or their Nominee of the Kangaroo Island Council.

Confidential Information means any decision, document or discussion which Council resolved to treat as confidential under Section 90 of the Local Government Act 1999, any matter deemed as confidential by the Executive or Senior Leadership Team or any information which would breach a person’s right to confidential protection of their personal information.

Council Elected Members means the Elected Body.

Council Resources means any asset or service owned or administered by Kangaroo Island Council including property, equipment, vehicles, internet and telecommunications, stationery and hospitality services, used in the course of carrying out normal Council business.

Employee and Employees of Council including managers, staff, contractors, agency personnel, volunteers and work experience placements who are performing duties and tasks on behalf of the Council.

Enterprise Agreement means the Kangaroo Island Council Enterprise Agreement.

Kangaroo Island Council (KIC) means the administration.

Principal Member means the Mayor of the Elected Body.

Public Officer is defined under Section 4 and Schedule 1 of the ICAC Act 2012 and includes a Council Member, an Employee or Officer of the Council.

6. Employee Behavioural Standards

6.1. General Behaviour

- 6.1.1. Act honestly in the performance of official duties at all times.
- 6.1.2. Act with reasonable care and diligence in the performance of official duties, within the scope of designated authority and delegations.
- 6.1.3. Discharge duties in a professional manner.
- 6.1.4. Act in a way that generates community trust and confidence in the Council.
- 6.1.5. Act in a reasonable, just, respectful and non-discriminatory way when dealing with all people.
- 6.1.6. Ensure that personal interests, including financial interests, do not influence or interfere with the performance in their role.

6.2. Responsibilities as an Employee of Council

- 6.2.1. Comply with all applicable Council policies, codes, procedures, guidelines and resolutions.
- 6.2.2. Deal with information received in their capacity as a council employee in a responsible manner, ensuring current knowledge of both statutory requirements and best practice approaches relevant to their position.
- 6.2.3. Take all reasonable steps to provide accurate information to the Council and to the public at all times.
- 6.2.4. Take all reasonable steps to ensure that their decisions or actions are based on information which is factually correct and they have obtained and considered all relevant information.
- 6.2.5. Not make improper use of information, including confidential information, acquired by virtue of their position.
- 6.2.6. Ensure that relationships with external parties do not amount to interference by improper influence, affecting judgement, decisions and/or actions.
- 6.2.7. Comply with all lawful and reasonable directions given by a person with authority to give such directions.
- 6.2.8. Only make public comment in relation to their duties where specifically authorised to do so and restrict such comment to factual information and professional advice.
- 6.2.9. Ensure communication is in line with the Media Policy.
- 6.2.10. Not use council resources, including the services of council staff, for private purposes, unless legally or properly authorised by the CEO.
- 6.2.11. Use Council resources effectively and prudently when undertaking Council work.
- 6.2.12. Must not use public funds or resources in a manner that is irregular or unauthorised.

6.3. Relationships within Council

- 6.3.1. Not make any public criticism of a personal nature of fellow Council employees or Council Elected Members.
- 6.3.2. Take reasonable care that their acts or omissions do not adversely affect the health and safety of themselves or other persons, as required by the Work Health and Safety Act 2012.
- 6.3.3. Report any reasonable suspicion of a breach of these Employee Behavioural Standards to the CEO or their Nominee.

6.4. Uphold Council Values

- 6.4.1. Always represent council values while performing official duties.

6.5. Contribute to a Healthy Work Environment

- 6.5.1. Observe work, health and safety policies and obligations and co-operate with all procedures and initiatives taken by council in the interests of work health and safety.
- 6.5.2. Refrain from any form of conduct which may cause any reasonable person unwarranted offence or embarrassment or give rise to the reasonable suspicion or appearance of improper conduct or biased performance.
- 6.5.3. Always contribute to team spirit.
- 6.5.4. Do not fight in the workplace.
- 6.5.5. Do not use inappropriate language in the workplace.
- 6.5.6. Never report for work in circumstances where there is a risk that you could be affected by or 'under the influence' of illicit drugs or alcohol (e.g. if you have ingested or otherwise taken drugs or alcohol the night before or in the period leading up to your next work period). If a workplace participant is taking prescription medication, they must inform their manager at the commencement of their working day. Workplace participants may be required to produce medical evidence to prove their medication does not affect their capacity to perform their duties in a safe manner without harm to themselves or others.
- 6.5.7. Do not smoke during working hours unless it is during prescribed breaks and within designated areas.

6.6 Employment or other remunerated services outside of Council

- 6.6.1 As an employee, you need to notify the CEO in writing prior to engaging in other employment or when providing remunerated services to another person. If you are part-time, you need to prioritise your employment with Council. All employees must ensure that the other employment or services do not:
 - create a material conflict or general conflict (or both) with your employment, our business or reputational interests, or
 - impact your work performance

7. Reporting an Alleged Breach

- 7.1. All Council employees and volunteers must comply with the Policy and report any alleged breaches:
- a) Complaints about an employee's behaviour that is alleged to have breached these behavioural standards is to be brought to the attention of the CEO of the Council, or their Nominee.
 - b) Complaints about the CEO's behaviour should be brought to the attention of the council's Principal Member (unless the complaint has been made by the Principal Member or involves the Principal Member, and in such case the complaint should be brought to the attention of the Deputy Principal Member or other person appointed by the Council Elected Members).
- 7.2. An investigation into a complaint and subsequent resolution will be conducted in line with the Disciplinary Procedure established by Administration for both employees and volunteers.
- 7.3. Complaints pertaining to the behaviour of the CEO should be considered in accordance with the Local Government Act 1999, and where deemed necessary by the Council's Principal Member (or Deputy or other appointee as outlined above).
- 7.4. All reports regarding an employee or volunteer are to be made to the CEO, Acting CEO or their Nominee.
- 7.5. Nothing in these employee behavioural standards in any way derogates from the rights of an employee or volunteer or duties of an employer under the Fair Work Act 1994, other legislation, an award, an industrial agreement or a contract of employment.
- 7.6. An employee or volunteer who is found to have breached the Policy will be subject to counselling and/or other disciplinary action (including termination) in accordance with internal policies and where necessary in accordance with the law.
- 7.7. The CEO's appointment may be terminated in accordance with Section 97 of the Local Government Act 1999.
- 7.8. This policy complies with the sound principles for human resource management provided by the Local Government Act.
- 7.9. Any employee and volunteer complaints (excluding the CEO) in relation to this Policy or its application should be forwarded in writing marked, 'Confidential – Employee Behavioural Standards Policy Complaint', addressed to the Chief Executive Officer, Kangaroo Island Council, PO Box 121, Kingscote, SA 5223.

SIGNED:



Chief Executive Officer

Date: 12 June 2025

History:

Date Reviewed:	Version:	Reason for Amendment:
12 June 2025	Version 1	New Policy – Replaces Policies: Complaints Against Council Employees, Code of Conduct for Council Employees Code of Conduct for Council Employees (Gifts and Benefits)

9. Appendix 1. – Gifts & Benefits

Subdivision 2A—Gifts and benefits

119A—Register of 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 to a person on the part of the employee 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 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 Minister must consult with the LGA before publishing a notice under subsection (2).
- (4) 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 section are included in the register.
- (5) A register maintained under this section—
 - (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 section, a gift or benefit received by a designated person or entity in relation to an employee of a council will be treated as a gift or benefit (as the case requires) received by the employee.
- (7) For the purposes of this section—
 - (a) 2 or more separate gifts or benefits received by an employee or a designated person or entity in relation to the employee from the same person during a financial year are to be treated as 1 gift or benefit (as the case requires) received by the employee; and
 - (b) 2 or more separate transactions to which an employee or a designated person or entity in relation to the employee is a party with the same person during a financial year under which the employee or the designated person has had the use of property of the other person (whether or not being the same property) during a financial year are to be treated as 1 transaction under which the employee has had the use of property of the other person during the financial year.
- (8) Unless the contrary intention appears, terms and expressions used in this section and in Schedule 3 have the same respective meanings in this section 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.