

Employee Behavioural Standards

Strategic Alignment - Enabling Priorities

Public

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City Finance and Governance
Committee

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EXECUTIVE SUMMARY

In November 2022, changes to the *Local Government Act 1999 (SA)* ('the Act') impacted conduct and integrity provisions for employees of the City of Adelaide (CoA). The most significant changes for employees of CoA is the removal of [Section 110](#) which provided for the prescription of a code of conduct to be observed by council employees, and the commencement of [Section 120A](#) which provides that a Council may prepare and adopt employee behavioural standards for council employees.

[Section 120A\(1\)](#) of the Act outlines that employee behavioural standards specify the standards of behaviour to be observed by employees of councils and provide for any other matters relating to behaviour of employees of councils. [Section 120A\(6\)](#) of the Act requires that within six months of the conclusion of the 2022 Council Elections, Council must consider whether it should adopt employee behavioural standards.

Due to the role CoA's current code of conduct has on Council's ability to maintain a high performing workforce that delivers on Council's Strategic Plan, and set expectations for employee behaviour, it is strongly recommended that CoA adopt employee behavioural standards. As behavioural standards provide a framework for guiding the day to day management of CoA employees, it is also recommended that authority for preparing, adopting, reviewing, and altering behavioural standards be delegated to the Chief Executive Officer (CEO), consistent with the process in place for CoAs current employee code of conduct.

RECOMMENDATION

The following recommendation will be presented to Council on 23 May 2023 for consideration

THAT THE CITY FINANCE AND GOVERNANCE COMMITTEE RECOMMENDS TO COUNCIL:

That Council:

1. Supports the adoption of employee behavioural standards.
 2. Delegates, pursuant to the power contained in Section 44 (1) of the *Local Government Act 1999 (SA)*, to the Chief Executive Officer, the powers, and functions under Section 120A of the *Local Government Act 1999 (SA)* – Employee Behavioural Standards.
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IMPLICATIONS AND FINANCIALS

City of Adelaide 2020-2024 Strategic Plan	Strategic Alignment – Enabling Priorities
Policy	The Act provides the framework that CoA is required to follow for the adoption of documents considered to meet the definition of employee behavioural standards.
Consultation	Not as a result of this report
Resource	Not as a result of this report
Risk / Legal / Legislative	Employee behavioural standards are required for the purpose of CoA effectively managing employee conduct and behaviour, and industrial relations matters.
Opportunities	Not as a result of this report
22/23 Budget Allocation	Not as a result of this report
Proposed 23/24 Budget Allocation	Not as a result of this report
Life of Project, Service, Initiative or (Expectancy of) Asset	Not as a result of this report
22/23 Budget Reconsideration (if applicable)	Not as a result of this report
Ongoing Costs (eg maintenance cost)	Not as a result of this report
Other Funding Sources	Not as a result of this report

DISCUSSION

Background

1. In November 2022 changes to the *Local Government Act 1999 (SA)* ('the Act') impacted conduct and integrity provisions for employees of City of Adelaide (CoA).
2. The changes to the legislation are:
 - 2.1 Repeal of [Section 110](#) which provided that
 - 2.1.1 the Governor may, by regulation, prescribe a code of conduct to be observed by council employees, and;
 - 2.1.2 contravention of or failure to comply with the code of conduct constitutes a ground for suspending, dismissing or taking other disciplinary action against the employee.
 - 2.2 Introduction of [Section 120A](#) which provides that a council **may** prepare and adopt employee behavioural standards for council employees which
 - 2.2.1 specify the standards of behaviour to be observed by council employees and
 - 2.2.2 provide for any other matter relating to council employee behaviour.
3. Changes to the Act have resulted in employment matters previously approved Ministerially, now being managed through a framework which Council can choose to adopt pursuant to the requirements of the Act.
4. [Section 120A\(6\)](#) of the Act states that Council must, within six months after the conclusion of each period election, either:
 - 4.1. In the case of a council that has employee behavioural standards in effect under this section, review the operation of the employee behavioural standards; or
 - 4.2. In any other case consider whether it should adopt employee behavioural standards.
5. Council currently has a Code of Conduct for Employees ([Link 1](#)) . The Code of Conduct outlines the values ([Link 2](#)), principles and standards of behaviour that is expected of all City of Adelaide employees.
6. While this is in place, and working effectively Council still must consider whether CoA should adopt employee behavioural standards to comply with the provisions of the Act.
7. The Act does not require that specific behavioural standards be adopted at this time, only that Council must consider whether it should like to adopt them. That is, developing behavioural standards can occur outside of the six-month timeframe prescribed by the Act.

Discussion

8. The adoption of employee behavioural standards, which would apply to all employees, including the CEO, is not mandatory but strongly recommended. Council approving for CoA to adopt employee behavioural standards adheres to the framework outlined within the Act for the adoption of employee behavioural standards.
9. The Local Government Association (LGA) is in the process of preparing model employee behavioural standards and is undertaking consultation with industrial associations as part of this process. If Council approves for CoA to adopt employee behavioural standards, CoA will refer to the LGA's model employee behavioural standards when preparing CoA employee behavioural standards.
10. [Section 99](#) of the Act provides that the role of the CEO includes:
 - 9.1 To undertake responsibility for the day-to-day operations and affairs of the council (Section 99 (1b)).
 - 9.2. To give effect to the principles of human resource management prescribed by this Act and to apply proper management practices; (Section 99 (1i))
 - 9.3. To exercise, perform or discharge other powers, functions or duties conferred on the chief executive officer by or under this or other Acts, and to perform other functions lawfully directed by the council (section 99 (1j)).
11. Furthermore, [Section 27](#) of the *City of Adelaide Act 1998* provides that role of the CEO includes:
 - 10.1. To exercise, perform or discharge other powers, functions or duties conferred on the Chief Executive Officer by or under this or other Acts, and to perform other functions lawfully directed by the Council (Section 17(k)).

12. In consideration of CEO duties outlined in the Act and the *City of Adelaide Act 1998*, it is recommended that Council:
 - 12.1. Approves, pursuant to [Section 120A](#), the delegation of preparing and adopting employee behavioural standards to the CEO.
 - 12.2. Approves, pursuant to [Section 120A](#), the delegation of reviewing the operation of the employee behavioural standards and approving future alterations or substitutions to the CEO.
13. Should Council choose not delegate the functions outlined in 11.1. and 11.2:
 - 13.1. Further work will be undertaken through the City Finance & Governance Committee to prepare draft CoA employee behavioural standards.
 - 13.2. Draft employee behavioural standards will be presented to Council for endorsement prior to required consultation with industrial associations.
 - 13.3. Following consultation, final behavioural standards will return to Council for approval.
 - 13.4. Pursuant to [Section 120A\(4\)](#) Council will be required to review the operation of the employee behavioural standards and approve any future alterations or substitutions.

DATA AND SUPPORTING INFORMATION

Link 1 - Code of Conduct for Employees

Link 2 – Values and Behaviours

ATTACHMENTS

Nil
