

Staff Code of Conduct

March 2014

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1. INTRODUCTION

1.1 Definitions

In this code of conduct:

"Act" means the Local Government Act 1989 (Vic).

"Council" means Buloke Shire Council.

"Councillor" means a Councillor of Council.

"Employee" means an employee of Council and also includes contractors and volunteers.

"Gift" includes any gift, fee, reward, financial gain, hospitality or any other benefit.

"Health Privacy Principles" means the Health Privacy Principles set out in Schedule 1 of the *Health Records Act* 2001 (Vic).

"Information Privacy Principles" means the Information Privacy Principles set out in Schedule 1 of the *Information Privacy Act* 2000 (Vic).

"Staff Conduct Principles" means the staff conduct principles outlined in this code of conduct.

"Values" means the values outlined in this code of conduct.

1.2 Purpose of this code of conduct

This Code of Conduct is a statement of how Employees will behave and work with each other, our community and our stakeholders.

Council is required to adopt a code of conduct under the Act. Council believes, however, that this Code of Conduct represents more than just a statement of compliance with the Act. This Code of Conduct promotes adherence with the Values and Staff Conduct Principles and provides guidance to Employees on the responsibilities and obligations of working for Council, in order to meet community expectations.

1.3 Breach of this Code of Conduct

Employees must comply with the letter and spirit of this Code of Conduct.

A failure by an Employee to behave in a way that this consistent with the Values, the Staff Conduct Principles, or any other aspect of this Code, may lead to action under Council's performance management or misconduct policies and procedures up to and including termination of an Employee's employment with or without notice.

1.4 Review of this Code of Conduct

This code of conduct will be reviewed every 3 years. It will be reviewed by a representative group of Council Employees, as well as a person representing a wider association with Council, such as volunteers.

1.5 Training on this Code of Conduct

These requirements will be reinforced through Council's Employee induction and training programs. The training and induction programs and material must be kept under review to ensure that information is the most up-to-date and helpful information that can be available.

2. COUNCIL'S VISION AND VALUES

2.1 Council's Vision

Our vision is a sustainable community where everyone participates to enrich the cultural, social and economic viability of the Shire and cares for the natural environment.

2.2 Council's Mission

Our mission is to ensure the community has the practical tools to make Buloke an amazing place to live. We do this by:

- Providing a range of needed services.
- Engaging with the community to understand emerging needs.
- Advocating on behalf of the community for services to meet needs.
- Good governance and sound financial and risk management practices.
- Involving the community in making decisions that affect them directly and indirectly.
- Celebrating community achievements and milestones together.

2.2 Council's Values

As Employees of Council, we will achieve our vision and mission in a manner consistent with the following Values:¹

Accountability for the Future

- We will do everything in our power to ensure a future for our children, grandchildren and beyond.
- We will hold ourselves accountable for doing whatever we can to bring about that future.
- We will hold ourselves accountable not only to current residents of the Council, but to the generations who come after us.

Creating the Future

- We know we are creating the future right now, whether we do so consciously or not.
- We will always be conscious of how today's decisions may affect the future of the individuals involved, their communities, the environment and our world.
- We will always aim towards our vision for the future, rather than simply seeking to avoid the negative realities of today.
- We will encourage the potential in others (and ourselves).
- We will favour long-term improvement for our community, over short-term expediency.

¹ Values as expressed in the Council Plan 2013-17.

• We will regard liveability as a primary focus of Council activity, advocacy and actions.

Financial Sustainability

- We know we need to manage the Council's finances carefully and with an eye on both current community needs and long-term asset management responsibilities.
- We know that we are under scrutiny by ratepayers and the State Government to demonstrate that we can manage the Council's finances in a sustainable manner.
- We know that analysis by the Municipal Association of Victoria (MAV) and others over a long
 period of time strongly suggests that small rural Councils like Buloke face significant financial
 challenges. Conclusions from the research vary, but there is agreement that susceptibility to
 financial viability concerns in a combination of a number of factors including the impact of large
 infrastructure responsibilities, the strength of the rating base, population dispersion and
 reliance on external funding sources to provide core services.
- We know that we need to make financial decisions that are in the best interests of ratepayers from a short-term, medium-term and long-term basis. These decisions need to be open and transparent and subject to review as part of ongoing strategic planning.

Asset-Based Approaches

- To build something amazing, we must build it upon a strong base. Maintenance and improvement of our current asset and infrastructure base is therefore a higher priority for us than new facilities. This will require us to engage with our local communities to discuss the potential for new ways of better using existing facilities and even how the number of facilities can be rationalised to better reflect demand and usage patterns.
- We know that our community and organisations within it have an abundance of talents and strengths upon which to build the future we envisage, resources that should be used whenever possible.
- In doing our own internal work, we will always seek to use and develop the talents and strengths of our own staff and utilise the best tools available to us.

Interconnected and Interdependent

- We will consult regularly with residents, ratepayers and other stakeholders.
- We know that Buloke does not exist in a vacuum that individuals, organisations, communities, and government agencies are all interconnected and interdependent. None of us can create significant impact on our own; our potential is greatest when we work together.
- We know that the best decisions are those that provide the best end result for our residents. Sometimes not everyone will agree with the decisions we make, but we will always be accountable for what we do and willing to discuss it with anyone interested.
- We will treat all residents, stakeholders and staff with respect, compassion, generosity, humanity and kindness.
- We will value the work of volunteers and actively encourage and further develop the volunteer ethic that has characterised the history of the Shire.
- We will encourage all individuals and organisations in Buloke to work side by side, to share in each other's wisdom, and effect greater change.
- We will have ownership of and responsibility for the future we are creating with the Buloke community.

• We will demonstrate and foster behaviours that embrace the collective mixture of differences and similarities that exist in our community to ensure that everyone has the opportunity to learn, work, connect with others and have a say.

Always Practical

- We know that without practical tools for accomplishing today's tasks, individuals are likely to downplay their vision for the future. Therefore, if we can engage people in practical activities they will believe change is possible and through their individual actions assist in bringing about that change.
- We will encourage a culture of ongoing lifelong learning and evolution of ideas, for ourselves and for the community we serve.
- We will ensure our actions are always open, transparent and accountable through positive practices of leadership and integrity.

Service Principles

- We will continually monitor and assess community needs for services and respond to the best of our ability.
- We will determine the most efficient, effective and risk averse service delivery methods we can and always seek to deliver services to these standards.
- We will develop service standards for the everyday services we provide to the community and regularly report on accomplishment of these.
- We will consult with the community before making any changes to the way Council services are managed and delivered.

3. STAFF CONDUCT PRINCIPLES

Employees will carry out their roles in accordance with the staff conduct principles set out in section 95 of the Act.

Employees will in the course of their employment:

- Act impartially;
- Act with integrity, including avoiding conflicts of interest;
- Accept accountability for results;
- Provide responsive service;
- Demonstrate leadership; and
- Treat all people with respect.

4. COMMUNITY EXPECTATIONS

The community's expectations of Council Employees are high.

There is an expectation by the community that the business of Council will be conducted with efficiency and impartiality, whilst, where appropriate, demonstrating compassion and sensitivity towards the needs of the community.

In recognition of these expectations, Employees will:

- Endeavour to make decisions solely in the public interest and on the basis of merit, where the power to make decisions has been delegated;
- Exercise due care and diligence in the performance of their duties and submit themselves to whatever lawful scrutiny is appropriate to their role as a member of Council's staff;
- Act honestly in the performance of their duties, avoiding words and actions that are intended to mislead or deceive Councillors, fellow staff or persons having dealings with Council;
- Treat all people with due courtesy and respect, not unlawfully discriminating against any person, and respecting the impartiality and integrity of Councillors and fellow staff members;
- Ensure public resources are used prudently and in the public interest;
- Uphold all applicable laws and act in accordance with the trust that the community is entitled to place in them; and
- Support and promote these principles by leadership and example and act in a way that secures and preserves public confidence in Council, Councillors and Employees.

5. CODE OF CONDUCT

5.1 Confidentiality

Employees understand the importance of confidentiality and privacy.

Employees who have access to confidential information must ensure it remains confidential.

In addition to general obligations of confidentiality, any Employee who is a member of a special committee of Council must comply with section 77 of the Act in respect of confidential information.

5.2 Access To And Use Of Information

Employees will have access to information that may at times be confidential, controversial or is Personal Information.

Consequently, Employees:

- Ensure information relating to decisions of Council is only communicated in an official capacity by the Chief Executive Officer or an officer to whom the Chief Executive Officer has specifically delegated authority to do so;
- Ensure they convey information concerning adopted policies, procedures and decisions of Council accurately;
- Are prudent in the use of information that they acquire in their role as Employees of Council;
- Are aware of any specific laws or policies or procedures that apply to the use or disclosure of information about Council or held by Council;
- Ensure information is not used in a way that can cause any detriment to Council;
- Ensure that they do not disclose Council information without authorisation to do so;
- Ensure that unauthorised use of intellectual property does not occur; and
- Comply with the Information Privacy Principles and Health Privacy Principles when dealing with Personal Information (as defined in the *Information Privacy Act* 2000 (Vic)) or Health Information (as defined in the *Health Records Act* 2001 (Vic)).

5.3 Public Comment By Council Staff

The Mayor and the Chief Executive Officer are the official spokespersons for Council for the purposes of providing public comments on Council's policies and activities.

Employees do not make statements on behalf of Council to the media or public unless specifically authorised to do so by the Chief Executive Officer.

Employees, as members of the community, have a right to enter into public debate in a private capacity. However, Employees must make it clear that their comments are not made on behalf of Council and must state that their public comment reflects personal opinion only.

5.4 Relationships With Councillors

Employees work as part of Council's team with the Councillors, the Chief Executive Officer and other members of staff. There must be mutual respect and understanding between Councillors and Employees in relation to their respective roles, functions and responsibilities.

The Chief Executive Officer (or his or her delegate) is responsible for all staff matters.

5.5 Human Rights In Our Decision Making

Consistent with Council's Values, Employees will respect and promote human rights in accordance with the *Charter of Human Rights and Responsibilities Act 2006* (Vic). This includes making decisions and providing advice consistent with human rights and actively implementing, promoting and supporting human rights.

5.6 Working Together

Employees have a positive attitude towards being part of Council's team, towards Councillors, the Senior Management Team at Council, fellow Employees, other staff and the community.

Employees recognise the political role of the Councillors and the importance of supporting the corporate structure of Council.

Employees are committed to the acceptance and support of all decisions made by the Councillors and the Senior Management Team. Employees recognise the need to maintain a co-operative attitude and to show courtesy in their dealings with each other, other staff, Councillors and the community.

Employees are committed to ensuring that all issues are addressed with the highest level of proficiency and loyalty to Council.

Employees have a responsibility to provide each other and Council with the truth and to ensure that all relevant staff members and Councillors are in possession of the complete facts in any situation.

5.7 Ethical Standards

Employees observe the highest standards of honesty and integrity, maintain proper standards of decorum and dress and of public demeanour at all times, particularly at meetings and public functions, as these are important leadership values critical to the image of Council.

Employees ensure that their ethical standards are not in any way compromised through their dealings with the public and each other. Employees who are appointed as representatives of Council to other bodies observe the requirements of this Code of Conduct when carrying out duties as representatives of another body, as they would for Council.

5.8 Fairness, Equity And Diversity

Employees do not harass, discriminate against, or support others who harass or discriminate against, colleagues or members of the public. This includes, but is not limited to, harassment and discrimination on the basis of age, race, sex, pregnancy, disability, family responsibilities, status as a carer, marital or relationship status, sexual orientation or if a person has an irrelevant medical record.

Employees treat others fairly, respecting the differences of others. Council has policies and procedures to ensure that employees are aware of both employer and employee obligations in relation to relevant anti-discrimination and equal opportunity legislation. These policies include the Bullying/Equal Opportunity/Discrimination/Sexual Harassment Policy, Diversity Management Policy, and Recruitment and Selection Policy. Managers and Supervisors encourage a workplace culture which respects differences. They also ensure Employees are familiar with policies which should guide their behaviour.

5.9 Criticism And Complaints

Employees support and give effect to all lawful decisions and policies of Council and do not publicly criticise the decisions and policies, either directly or indirectly.

Employees do not criticise fellow Employees, other staff or Council when speaking to any person within or outside of Council.

Employees ensure that any complaints or issues are addressed through the relevant policy or procedure operating at Council.

Subject to the *Protected Disclosure Act* 2012 (Vic), complaints by Employees about a Councillor are generally to be made directly to the Chief Executive Officer.

5.10 Disclosure Of Interests

Employees comply with their obligations under the Act regarding the identification and disclosure of conflicts of interest.

An Employee will have a conflict of interest in respect of a matter if the relevant person has a direct or indirect interest in the matter. A conflict of interest can be actual, potential or perceived. Further guidance regarding types of conflicts of interest is set out at Annexure A to this code of conduct.

If an Employee has a conflict of interest in a matter in which they have been delegated a power, duty or function, the Employee:

- Does not exercise the power or discharge the duty or function; and
- Discloses the type of interest and its nature to the Chief Executive Officer, in writing, as soon as they become aware of the conflict of interest in the matter.

If an Employee is providing advice or a report to a meeting of Council or a special committee and the Employee has a conflict of interest in the matter, the Employee must disclose the type of conflict of interest and, if requested, its nature, when providing the report or advice and before the matter is considered by Council or special committee.

Employees who are unsure about a potential conflict of interest should seek advice from their Senior Manager.

Employees who are nominated officers under section 81 of the Act submit a return in accordance with the Act.

Employees:

- Ensure their decisions will not improperly confer advantage or disadvantage to any person or organisation;
- Do not place themselves in circumstances where they have financial or other obligations to other persons or organisations that may unduly influence their decisions and actions as Employees of Council;
- Are open and transparent about any of their personal interests that would influence, or could reasonably be perceived to influence, their advice or recommendations for a decision or action to be taken by Council;
- Are accountable to the community for their decisions and actions and, wherever possible, be open and transparent about the reasons for those decisions or actions;
- Do not use information gained by virtue of their position as an Employee for any purpose other than to exercise their role with Council; and
- Do not use information gained by virtue of their position as an Employee for their own gain, or advantage or pass on information to any other member of staff, or other person, that may be used by them for gain or advantage.

5.11 Lobbying

During their role with Council, Employees may be lobbied by a wide range of people, including individuals, organisations and companies. Particular considerations apply when Employees are exercising a delegated authority, such as planning or compliance. Employees always request lobbyists to put their views to Council in writing.

At times, Employees may have to deal with Council in a personal capacity, for example, as a ratepayer or recipient of a Council service. Employees do not expect or request preferential treatment in relation to any matter in which they have a private interest because of their position of employment with Council. Employees avoid any action that could lead members of the public to believe they are seeking preferential treatment.

5.12 Other Employment, Unpaid Work And Volunteer Activities

Council recognises that the involvement of Employees in community activities is an important part of their obligations as members of the community in which they live, and that the skills and connections developed through this involvement can be of significant value to Council and should be encouraged.

Employees understand, however, the potential for employment outside of their duties with Council to have the capability to create real and perceived conflicts of interest between their public and private duties. Other employment includes, for example, contract work, a second job, conducting a business, trade or profession. Examples of unpaid activity may include volunteering, involvement in community associations and sitting on a board external to Council. These issues are particularly likely to affect Employees who hold several part-time positions, or who are active in a range of community organisations.

Rural communities are particularly dependent on input from volunteers to ensure that a wide range of services continue to be available to the community. These volunteer services can range from participating in a school working bee or sporting event, to being on a committee of service or sporting club, to being members of emergency services and community progress associations and forums. More often than not volunteers do not receive payment for their services but can be reimbursed for personal expenses incurred in carrying out their roles as volunteers.

In recognition of the above, Employees always obtain prior consent from the Chief Executive Officer for any secondary employment outside of Council. Employees give notice, in writing, of any outside involvement that may reasonably relate to their duties as Employees of Council.

If outside involvement (whether paid employment or not) is considered likely to create conflicts of interest, or conflicts of duty, an Employee's manager will determine whether the conflict can be appropriately managed. If it is considered that the outside involvement cannot be managed, the Employee must choose between the outside employment and their Council employment.

An Employee so affected can request the Chief Executive Officer review the decision made by the relevant Senior Manager.

Employees ensure that any outside employment or volunteer activities do not:

- Conflict with their official duties;
- Involve using confidential information obtained through their work with Council;
- Involve using Council resources, equipment or facilities obtained through their work with Council;
- Require them to work while on Council duty; or
- Discredit or disadvantage Council.

Employees keep their volunteer roles separate from their Council roles. Employees are attuned to the scope of the conflict of interest requirements in the Act and recognise there could be many occasions in a decision making or advisory function in which they need to carefully analyse whether any perceived gain, receipt of information or even increased "status" in the community from being a volunteer, will be judged as a conflict of interest that affects their ability to make impartial decisions or provide impartial advice.

5.13 Use Of Council Facilities, Funds, Equipment And Resources

Employees:

• Are scrupulously honest in their use of Council's facilities, funds and equipment and must not misuse them or permit their misuse (or the appearance of misuse) by any other person or body;

- Use Council resources entrusted to them effectively and economically in the course of their duties;
- Do not use Council resources (including the services of Council staff) for private purposes (other than when supplied as part of a contract of employment), unless properly authorised to do so and appropriate payments are made (as determined by the Chief Executive Officer);
- Maintain adequate security over Council property, facilities and resources provided to them to assist in performing their role;
- Do not use public funds or resources in a manner that is improper or unauthorised;
- Ensure assets are used effectively and stored securely so they perform well over a reasonable lifespan; and
 - Where applicable, act in accordance with the *Financial Management Act* 1994 (Vic) when dealing with financial matters for Council.

Where a motor vehicle, electronic communication (email, fax and internet), or mobile telephone, or mobile computing capacity are supplied to Employees, they must comply with Council's policies relating to the allocation and use of the equipment.

Employees ensure they operate at all times within the limitations of the delegations and authorities reposed in them.

When engaging contractors or purchasing goods, Employees comply with Council's purchasing policies and procedures. The commitment of Council funds in these ways will be done impartially and based on merit taking into account value for money.

Council will, in accordance with relevant policies and procedures, take disciplinary action up to and including termination of employment with or without notice, against an Employee who steals, misappropriates or converts Council, community or customer assets to private use.

5.14 Travelling And Other Expenses

Employees only claim or accept travelling, sustenance and out of pocket expenses arising out of matters that directly relate to the services, policies or business of the Council, or which relate to their appointment to a particular organisation.

5.15 Gifts

Employees do not seek, or accept (directly or indirectly), from any person, organisation or body any Gift for themselves, or for any other person or body if the Gift is offered in an attempt to interfere with any act, matter or thing to be done or performed that may result in a particular outcome for the person or body making the offer or may compromise (either at the time of the offer or in the future) the proper performance of our duties under the Act or any other relevant legislation.

Employees do not accept a Gift of money under any circumstances except in accordance with this Code of Conduct.

A Gift (other than money) may be accepted by an Employee if it is regarded as having a value of less than \$25.00 *and* could not be perceived to influence an Employee's actions as a member of staff.

Gifts (other than money) that could not be perceived to influence an Employee's actions but have a value of \$25.00 or more must be declared in a Gift register by the Chief Executive Officer.

Where refusal to accept a Gift (other than money) of any value that could not be perceived to influence an Employee's actions may cause offence or embarrassment to the donor, the Gift may be accepted on behalf of Council and become the property of Council. All such items are to be provided to the Chief Executive Officer who will declare it in the Gift register.

Under no circumstances may an Employee use their position to create any private advantage for themselves or any other person, or cause detriment to Council. This includes acceptance of small Gifts or benefits in return for taking/not taking a particular action, dealing with a matter more expeditiously than others to please a Councillor or a prominent resident, or letting it be known that some form of benefit or consideration will be expected from a resident or service provider at some time in the future in return for favourable action to a problem. Such examples are self-evident, but it is important that Employees understand that the acceptance, or expectation of a benefit can cause harm and be detrimental to the work of Council in the community.

5.16 Criminal Offences And Disclosure

Employees advise their manager as soon as practicable if they are charged with a criminal offence which is punishable by imprisonment, or, if they are found guilty, could reasonably be seen to affect their ability to meet the inherent requirements of the work they are employed to perform.

The manager must confidentially discuss the disclosure with their Senior Manager or their delegate, who may refer the matter to the Chief Executive Officer, to ensure the disclosure is dealt with appropriately.

5.17 Compliance With Legislation

Employees ensure they comply with all relevant legislation and policies and procedures when performing their duties for Council.

ANNEXURE A – CONFLICTS OF INTEREST

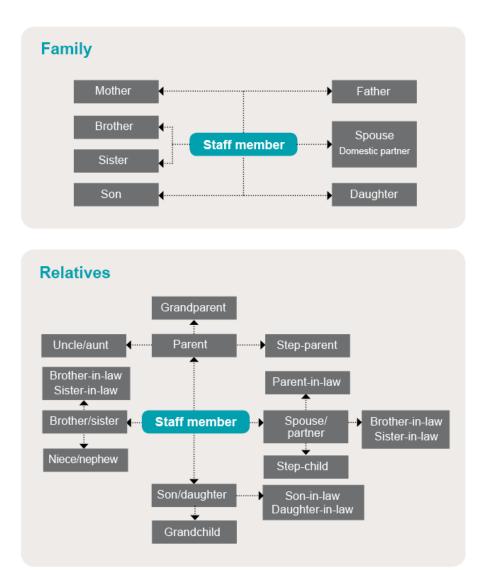
Employees must comply with the requirements of the Act in relation to:

Type of Interest	Section	Detail
Direct Interest		Reasonable likelihood that the benefits, obligations, opportunities or circumstances of the Employee will be directly altered if the matter is decided in a particular way.
Indirect Interest	Close Association (Section 78)	A member of an Employee's family has a direct interest or an indirect interest in a matter. A relative has a direct interest in a matter. A member of our household has a direct interest in a matter.
	Indirect Financial Interest	Likely to receive a benefit or incur a loss, measurable in monetary terms, as a consequence of a benefit received or loss incurred by another person who has a direct or indirect interest in the matter.
	(Section 78A)	Holding shares in a company or other body that has a direct interest in the matter (subject to threshold). When a person with a direct
		interest owes money to an Employee. Manager or member of the governing body of a company or body that has a direct interest in a
	Conflict of Duty (Section 78B)	matter. Partner, consultant, contractor, agent or employee of a person, company or body that has a direct interest in a matter.
		Trustee for a person who has a

	ı
	direct interest in a matter.
	Held a position or role above, and
	in that position or role, dealt with
	the matter.
	One or more gifts with a total value of more than the gift disclosure threshold in the previous 5 years and the gift/s were received directly or indirectly from:
Applicable Gift (Section 78C)	 a person who has a direct interest in a matter;
	- a director, contractor,
	consultant, agent or employee of
	a person, company or body that
	the Employee knows has a direct
	interest in a matter;
	- a person who gives the applicable gift to the Employee on behalf of a person, company or body that has a direct interest in a matter.
Interested Party (Section 78D)	Initiated or became party to civil proceedings in relation to the matter.
Residential Amenity (Section 78E)	A reasonable likelihood that our residential amenity of the Employee will be altered if the matter is decided in a particular way.

The following diagram has been developed by the Department of Planning and Community $Development^2$ to identify, at a glance the ambit of the Act's requirements explaining who will be regarded as a member of an Employee's family.

² Conflict of Interest – A Guide for Council Staff. Department of Planning and Community Development 2011.



To assist Employees in identifying potential conflicts of interest, Employees may access information and advice in various publications.³ Employees recognise that in the end, they are the only ones that can make a decision about what is right.

Employees will subscribe to the old adage "if in doubt, get out" as the best approach to a matter where they are unsure about whether an interest, especially an indirect interest, may create a conflict.

Employees must be alert to the fact that it is not just their direct or indirect interests that could be a conflict in their role, but the direct and indirect interests of their family and members of their households.

Employees must be vigilant in assessing their interests and the disclosure of them where they interfere with the ability to do their work. Employees must then take the appropriate action, even if it means that they may not be able to do what they would in normal circumstances consider to be their job. It means that to avoid conflict of interest situations they should step away from being

³ Conflict of Interest – A Guide for Council Staff. Department of Planning and Community Development 2011.

involved in any matter if there is even a remote possibility that a person could establish a link to the proposal or action to be taken and a member of their family.

DOCUMENT CONTROL

This document is controlled and distributed in accordance with the following schedules:

Endorsed by:	Date:
Council	12 March 2014

File No:	PE/06/07
Revision No:	1
Document Maintained by:	Chief Executive Officer
Revision Due:	12 March 2017
Master Copy Held by:	Chief Executive Officer
Controlled Copy No:	1

REVISION DETAILS

Revisions are distributed in accordance with the Controlled Copy distribution list above.

Date Issued	Revision Number	Replacement Page/s	Comment
	1		

ACKNOWLEDGEMENT OF BULOKE SHIRE COUNCIL STAFF CODE OF CONDUCT

Employees are required to sign the following written acknowledgement that Employees have received, read, understood and agreed to comply with Council's Staff Code of Conduct.

Date: _____

Acknowledgement and understanding of

Buloke Shire Council Staff Code of Conduct

I have read my copy of Council's Staff Code of Conduct. I know that I must read the Code so that I understand my obligations and responsibilities as an employee of the Buloke Shire Council. I understand that I must comply with the Code at all times. I also understand that I may contact Human Resources if I need additional information about this Code or any other Policy or Procedure of the Buloke Shire Council.

Name: ______

Signature: