



Murrindindi
Shire Council

Employee Code of Conduct

Updated: 13/12/2021

Foreword

The Local Government sector is rapidly changing and adapting to the needs and challenges facing our communities today. One of the major changes welcomed this year was the introduction of the Local Government Act 2020. The new Act sets the foundation for a more modern and agile sector, able to address challenges and take advantage of opportunities.

In line with the changes in the Act, Murrindindi Shire Council's Employee Code of Conduct has been updated to reflect how we work together, within an agreed ethical framework, to deliver the best possible outcomes for our community.

Major updates in this version of the Code include

- alignment with our core values
- alignment with key changes in the Local Government Act 2020, such as
 - new Transparency Principles
 - new Governance Principles
 - greater clarity on how to manage conflicts of interest and gifts, benefits and hospitality
- changes for staff who are also working in external employment or contracting to Council
- changes to our policy approach to consumption of alcohol to ensure this reflects current WorkSafe and sector-wide standards
- updates on other legislation and alignment with current Council policies

On behalf of the Executive and Leadership teams I would like to thank those of you who have provided input into the Code. Your insights have helped make this a better Code of Conduct for our organisation.

I encourage all staff to read this document and to develop an understanding of what it means for you as a member of the Murrindindi Shire Council team. We have a great culture, reflecting diversity, professionalism, support for each other and a willingness to do our best for our community.

The Code of Conduct supports our culture and will help ensure it continues into the future.

Livia Bonazzi
CEO

Our Values

Accountability

- *We will show leadership at all levels accepting responsibility for our decisions and actions.*
- *We will manage Council's resources responsibly and will operate within our means.*
- *Our work will be directed by clear objectives and we will deliver what we promise.*

Empathy

- *We will care for our colleagues and our community.*
- *We will treat others fairly, objectively and without bias or discrimination.*
- *We will not tolerate the harassment or bullying of others.*
- *We will make decisions that are consistent with the promotion and support of human rights.*

Integrity

- *We will demonstrate honesty and integrity through open and transparent actions.*
- *Through our actions we will strive to maintain the highest levels of trust from our community.*
- *We will report improper conduct and will avoid any General or Material conflict of interest.*
- *We will exercise our authority with consistency and responsibility.*

Professionalism

- *We will provide frank, impartial and timely advice to Council and others.*
- *We will strive to provide an exemplary level of service at all times.*
- *We will strive to continuously improve service delivery and outcomes for our community.*

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1. Introduction

1.1 Why do we have a Code of Conduct?







Our role in local government is to provide public service. We are therefore accountable to those we serve.

This Code of Conduct outlines the standards of behaviour expected of employees of Murrindindi Shire Council (staff). It is designed to help staff understand their responsibilities and obligations as Council employees. The values and standards of behaviour detailed in the Code of Conduct impact Council's reputation, and the level of trust the community has in Council.

It is also a requirement under S.49 of the *Local Government Act 2020* (The Act), to have a code of conduct for employees.

1.2 What is expected of me?

As a member of staff, you are expected to act lawfully and with integrity at all times. There is a corresponding obligation of employees to ensure they do not undermine public confidence or trust in Council or damage Council reputation. This includes:

-  Treat all people fairly, and with respect, courtesy and sensitivity. Be open and honest when making decisions or providing any advice or service. Provide accurate, complete and current information to which a person is entitled promptly and in an easily understood form;
-  Perform duties diligently, impartially, responsively and to the best of your abilities, ensuring the organisation's values are reflected in your professional conduct to support and maintain public trust and confidence in Council
-  Avoid situations that create opportunity for personal gain or conflict of interest and only access private and confidential information for approved purposes.
-  In accordance with the *Occupational Health and Safety Act (2004)*, take reasonable care for your own health and safety and take reasonable care for the health and safety of others who may be affected by their acts or their omissions. You must also cooperate with anything Council does to comply with OHS requirements.
-  Ensure you are aware of, and comply with, Council policies relating to your work. All Council policies are available on [Murri](#) or by contacting staff from the Human Resources team;
-  Maintain a neat and professional appearance. Where a uniform is required, it is worn and maintained in a manner suitable for its purpose.

1.3 Scope

The Staff Code of Conduct applies to all Council employees, labour hire and contract staff. Volunteers are not directly governed by this code but are equally expected to behave in a manner consistent with Council policy and the principles of this code.

1.4 Pre-employment

The Code of Conduct is binding for all Council Officers from the commencement of employment with Murrindindi Shire Council.

Council has a Recruitment, Screening and Induction Policy in place to guide the recruitment process.

1.5 Induction, Performance Coaching and Training

You will be required to read and acknowledge the Staff Code of Conduct and related policies during the induction period.

All staff are expected to remain up to date with the Code of Conduct and any changes that may be made to that document.

Managers are responsible for monitoring and ensuring that staff are aware of the standards of conduct required.

Managers will implement training and provide information where perceived breaches of standards exist. This includes discussing the employees' understanding of relevant values, policies and standards and seeking employee input into improving and maintaining improved standards of behaviour.

1.6 Contractors and Consultants

Contractors and Consultants engaged by Murrindindi Shire Council, as included in the definition of "Staff", are required to comply with this Code of Conduct and relevant policies and procedures where they:

- Supervise Council Officers;
- Undertake work that is of a similar nature to the work of a Council Officer;
- Use or have access to Council resources or information that are not normally accessible or available to the public.

1.7 Key staff for further guidance with the Code

Who...	Ask me about...
Human Resources Advisor	<ul style="list-style-type: none"> • Recruitment, Selection and Induction; • Workforce Planning and Occupational Training; • Performance Management; • HR Policy and Legislation; • Health and Wellbeing matters.
Director Corporate & Shared Services	<ul style="list-style-type: none"> • Matters for the Public Interest Disclosures Coordinator, including: <ul style="list-style-type: none"> ○ Serious misconduct of a Council Officer or Councillor, ○ Suspicions of fraud or corrupt behaviour.
Integrity & Governance Coordinator	<ul style="list-style-type: none"> • Policy Development and Interpretation; • Corporate Planning matters such as Council Plan, Business Plans, Reporting, KPIs; • Freedom of Information (FOI); • Privacy and Data Protection matters.
Manager Governance & Risk	<ul style="list-style-type: none"> • Council Governance matters such as Council meetings, Executive and Leadership Team meetings; • Risk Management. • Integrity Agencies – OVIC, IBAC, Ombudsman and Human Rights and Equal Opportunity Commission.
OHS Coordinator	<ul style="list-style-type: none"> • Occupational Health and Safety matters, • WorkCover claims and queries, • Return to Work processes.

2. Demonstrating Accountability

Demonstrating Accountability means...

- ✓ *We will show leadership at all levels accepting responsibility for our decisions and actions.*
- ✓ *We will manage Council's resources responsibly and will operate within our means.*
- ✓ *Our work will be directed by clear objectives and we will deliver what we promise.*

2.1. Occupational Health and Safety

The protection of health and safety is a requirement of all staff to work in accordance with the *Occupational Health and Safety Act 2004* and related regulations, *Workplace Injury Rehabilitation and Compensation Act 2013*.

Council is committed to providing a work environment that is safe, healthy, accessible and free from discrimination for all staff, contractors, customers and the public. Our commitment is set out in Council's Occupational Health and Safety and Equal Opportunity policies.

This includes, but is not limited to, using protective clothing and/or equipment and immediately reporting any injury, accident, near miss, damaged equipment or any other hazard observed.



Management is responsible, as far as practicable, for providing a safe and healthy work environment for all staff.



Staff are responsible for ensuring their own health and safety, that of fellow colleagues and the public in the workplace.



More information is available in Council's Occupational Health and Safety Policy 20/35627 and Equal Opportunity Policy 20/11968.

2.1.1. Risk Management

Council promotes a positive risk culture where risk management is the responsibility of all staff and an integral part of day to day operations, business planning and decision making.

Staff are expected to be alert to actual or potential risks that threaten the achievement of business objectives. These must be reported to the relevant manager to support continuous improvement and risk-based decision making and planning.



More information is available in Council's Enterprise Risk Management Policy and Guidelines (19/59313).

2.2. Safeguarding child safety

The welfare of children who come in contact with Council, either through Council's care, using Council services or any professional and personal capacity is fundamental to our operations.

Council is committed to ensuring both a safe and child-friendly environment where children feel secure, protected and are able to grow, develop, and have fun.

Staff must ensure that all steps are taken to safeguard the welfare of children by actively encouraging children to openly express themselves, and by ensuring that all staff and volunteers are appropriately recruited and screened. It is a requirement that all people appointed by or representing Council who work with children have a valid Working with Children Check and a Police Check clearance before commencing any related duties.

Staff must ensure that any concerns about a child's safety are considered seriously and, when appropriate, are reported to the relevant manager and authorities in line with Council policies and the Victorian Government Reportable Conduct Scheme (RCS). All complaints regarding a service that engages children will be investigated and, where appropriate, referred to other agencies.

If a staff member or volunteer is concerned about a child's safety even if only through an incidental observation in the course of their work, the concern should be referred to the relevant Manager.



More information is available in Council's Child Safe Policy (20/67059).

2.3. Financial Accountability

2.3.1. Fraudulent and corrupt activity

Staff must observe the highest standards of integrity in financial matters and must not engage in fraudulent or corrupt activity of any kind.



Fraud is dishonest activity causing actual or financial loss to any person or entity and includes theft and misappropriation of Council assets.



Corruption is "dishonest activity in which an employee or a contractor abuses their position of trust in order to achieve some personal gain or advantage for themselves or another person or entity."

2.3.2. Financial controls

Staff are accountable in all financial matters, for any advice provided or transaction in which they are involved. The principles of the relevant financial legislation must be observed at all times.

If the staff member holds a corporate credit card they must comply with the terms of its use outlined in the Corporate Credit Card Policy including:



Never use the credit card for private purchases, cash withdrawals or for expenses that have or will be claimed by any form of allowance. Validate all purchases and immediately report any loss, theft or misuse of the credit card.



Never provide an allocated credit card to someone else to use. The corporate credit cards are for exclusive use by the cardholder.



Further information relating to this topic can be found in the Murrindindi Shire Council Corporate Card Policy (19/51612) and the Internal Financial Control Manual (15/1469).

Different departments will also have specific cash-handling procedures.

2.4. Caring for our environment

All staff should consider the impact of their activities on both the environment and the community. Considerations include, but not limited to: waste disposal, chemical use/storage and sustainable use of resources. It is also a requirement under the Governance Principle 9(c) of the *Local Government Act 2020* - “the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted”.



Further guidance on consideration of environmental impacts can be found in Council's Environment Policy 19/51846.

2.4.1. Respecting Indigenous culture and people

When planning work or working in areas that affect the natural environment, approved procedures to protect and manage sites of environmental or heritage value must be observed. Staff are required to be respectful of Indigenous culture and people, including by considering the need for consultation with representatives from the relevant Registered Aboriginal Parties such as the Taungurung Land and Waters Council Aboriginal Corporation and the Wurundjeri Woi Wurrung Cultural Heritage Aboriginal Corporation.



Guidance on how to officially contact Indigenous People in Murrindindi Shire can be found in TRIM document 16/20206.

3. Demonstrating Empathy

Demonstrating Empathy means...

- ✓ *We will care for our colleagues and our community.*
- ✓ *We will treat others fairly, objectively and without bias or discrimination.*
- ✓ *We will not tolerate the harassment or bullying of others.*
- ✓ *We will make decisions that are consistent with the promotion and support of human rights.*

3.1. Equal Opportunity and preventing discrimination

Victorian and Commonwealth Equal Opportunity and anti-discrimination legislation protects people from being treated unfavourably because of a characteristic protected by law. These characteristics include: age; carer or parental status; disability*; employment activity; gender identity, lawful sexual activity and sexual orientation; industrial activity; marital status; physical features; political belief of activity; pregnancy or breastfeeding; race*; religious belief or activity; sex; expunged homosexual conviction. Personal association with someone who has, or is assumed to have, one of these personal characteristics is also a protected characteristic.

Council recognises its obligations under relevant legislation and is committed to building a workplace free of either direct* or indirect* discrimination or victimisation* where everyone has equitable access to the same rights and opportunities.

Staff must should treat others with respect and understanding of to ensure Murrindindi Shire Council is a workplace free of discrimination and victimisation.

If you are the recipient of direct or indirect discrimination or victimisation please direct to a Manager, Supervisor or the Human Resources Advisor. Murrindindi Shire Council takes a zero-tolerance approach for such behaviour.



(*) Further information on these specific terms and relevant legislation is available in Council's Equal Employment Opportunity Policy (20/11968).



For information on Council's obligations related to gender can be found in the *Gender Equality Act 2020 (Vic)*.

3.2. Prevention of Bullying, Harassment and Workplace Violence

Workplace bullying, harassment (including sexual harassment) and occupational violence have a negative impact on people's health and affects their ability to work to the best of their ability. Consequences can include loss of productivity, staff turnover, absenteeism, low morale and financial costs.

Council recognises its obligations under the Occupational Health and Safety Act 2004 and commits to a workplace free of bullying, harassment and violence.

For staff, this means:



- Treating everyone with respect, abiding by the relevant legislation and Council policies.
- Understanding it is everyone's responsibility to keep our workplace free of such negative behaviours.
- Reporting any acts of bullying, harassment, and workplace violence.
- Ensuring any reports are handled carefully and in line with privacy protection.



- Bullying, harassment and workplace violence will not be tolerated under any circumstances.
- Not further victimising anyone who has reported an act of bullying, harassment or workplace violence.
- Not concealing knowledge of any witnessed acts mentioned above.



For further information, please refer to Council's Prevention of Bullying, Harassment & Occupational Violence Policy (17/25686).

3.3. Charter of Human Rights & Responsibilities

The *Victorian Charter of Human Rights and Responsibilities Act 2006* protects people's human rights, including their civil and political rights. The purpose of the Charter is to build a culture of respect and openness towards others' human rights that goes beyond mere compliance.

Staff are required to be aware of their responsibilities under this legislation. All Council decisions, policies and written documents should give consideration to the Charter, to ensure people's human rights are not adversely infringed.

4. Demonstrating Integrity

Demonstrating Integrity means...

- ✓ *We will demonstrate honesty and integrity through open and transparent actions.*
- ✓ *Through our actions we will strive to maintain the highest levels of trust from our community.*
- ✓ *We will report improper conduct and will avoid any General or Material conflict of interest.*
- ✓ *We will exercise our authority with consistency and responsibility.*

4.1. Police Checks

All new staff are required to undergo a police check. Disclosable offences will be reviewed, giving consideration to their relevance to the role.

Staff must inform their direct manager of any criminal offence of which they have been found guilty during their employment with Council.

4.2. Conflict of Interest

4.2.1. What is Conflict of Interest?

Division 2 of the *Local Government Act 2020*, conflicts of interest fall into two categories:

1. General conflict of interest

A person has a general conflict of interest in a matter if an impartial, fair minded person would consider that the person's private interests could result in that person acting in a manner which is contrary to their public duty.

The test here is would a community member looking on perceive that an employee is influencing a decision based on their personal interests?

2. Material conflict of interest

A person has a material conflict of interest in a matter where they or an affected person (defined below) would gain a benefit or suffer a loss depending on the outcome of the matter. This can be directly or indirectly, pecuniary or non-pecuniary.

Affected person means:

- a) The employee themselves
- b) A family member of the employee

- c) A body corporate of which the employee or their spouse or domestic partner is a Director or member of
- d) Where an employee has secondary employment or a separate business interest:
 - i. The secondary employer
 - ii. A business partner
 - iii. A person for whom the employee is a consultant, contractor or agent
- e) A beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee
- f) a person from whom the employee has received a disclosable gift (as defined by the Act as \$500 value or more).



The test here is will an employee or an affected person gain or lose from the decision being made?

There are exemptions under the Act:

- a) where the conflict of interest is so remote or insignificant
- b) the conflict is held in common with a substantial proportion of community members
- c) where the conflict was / is not known
- d) where the employee is representing Council on a not-for-profit organisation
- e) where the employee or the family member is a member but not an office holder of a not-for-profit organisation
- f) where an employee is a member of a not-for-profit organisation that has expressed an opinion or advocated for an outcome on a matter
- g) where the decision at a Council level is prescribed to be exempt by the regulations.

4.2.2. When should I make a disclosure of interest?

Under Division 2 of the *Local Government Act 2020*, staff must disclose a potential conflict of interest when:

- They have a matter to be considered at a Council meeting, meeting of a delegated committee or community asset committee
- They are exercising a power of delegation, statutory function under any Act
- When undertaking some form of decision making or where they could influence decision making.



If in doubt – **disclose**.

4.2.3. How do I disclose?



The Conflict of Interest declaration form can be found on Murri via this [LINK](#).

Council Decision Making (Council Briefing Papers and Agenda Reports)

Where an employee identifies they have a conflict of interest in a Council decision making item which they are leading or have an involvement in the following steps should be followed:

1. Alert relevant Manager immediately
2. Fill in the conflict of interest declaration form.
3. In consultation with the relevant Director the Manager will decide how the employee's involvement will proceed. This may be the employee being removed from the process or remaining with controls in place.
4. Manager to document how the conflict is being managed on the disclosure form.
5. Submit form to governance@murrindindi.vic.gov.au
6. Declaring the conflict of interest in the Briefing Paper or the Council Agenda item in the conflict of interest section. This includes declaring if the employee has been removed from the process.

Delegated decision making

Where an employee identifies they have a conflict of interest in a matter which is subject to their delegated decision making, the following steps should be followed:

1. Alert relevant Manager immediately.
2. Fill in the conflict of interest declaration form – submit to Manager.
3. In consultation with the relevant Director the Manager will decide how the employee's involvement will proceed. This may be the employee being removed from the process or remaining with controls in place.
4. Manager to document how the conflict is being managed on the disclosure form.
5. Submit form to governance@murrindindi.vic.gov.au

Everyday Business

Where an employee identifies they have a conflict of interest relating to the everyday business of their role or their department area the following steps should be followed:

1. Have a discussion with their Manager – identify concerns
2. If it is identified that there is rise to a conflict of interest that should be disclosed and controlled then fill in the conflict of interest declaration form.
3. In consultation with the relevant Director the Manager will decide how the employee's involvement will proceed. This may be the employee being removed from the process or remaining with controls in place.
4. Manager to document how the conflict is being managed on the disclosure form.
5. Submit form to governance@murrindindi.vic.gov.au

4.2.4. Having a conflict of interest isn't a negative

There is nothing wrong with a conflict of interest in and of itself – but it must be declared as a matter of routine so as to ensure transparency and remove any perception of bias that might undermine the credibility of the decision or action.

We as Council employees are also members of the community, conflicts of interest are inevitable with where we live, how we interact and volunteer.

If an employee discloses the conflict or simply has the conversation raising a concern means that the employees' involvement in the decision making can be managed appropriately.

4.2.5. Gifts and favours

It is common for suppliers or clients to offer promotional products, gifts or meals to staff that they are working with. These may be as a token of gratitude, appreciation for advice, or for promotional purposes.

Token offers (e.g. chocolate or flowers or homemade produce) from a grateful client may be accepted, provided there is no possibility that the staff member might be or appear to be compromised in the process.

Any offer must hold a total value of less than \$50. If multiple token offers are received from the same person or organisation, and the cumulative value of the offers is greater than \$50, or a perception that they may create influence exists, these offers will be considered as non-token and must be managed accordingly.



Non-token offers must be declined if they are perceived to be an inducement, have no legitimate business benefit to Council, could give rise to a General or Material conflict of interest or be worth more than \$50.



Offers of money must never be accepted. Offers of bribes, commissions or other irregular approaches from an individual or organisation should be immediately brought to the attention of the Director.



All offers (either accepted or declined) must be recorded on a [Gift Register Form](#) and provided to the relevant Director for recording in Council's Gifts Register.

It is also accepted that Council may wish to provide a gift in recognition of a contribution made at a public or civic engagement, e.g. guest speaker at a meeting or conference. These gifts should be a token offer consistent with community expectations and proportionate to the contribution made.

4.2.6. Hospitality

Participating in business-related functions during the performance of official duties, including attending lunches or other meals, is acceptable where the function has an underlying business

purpose, will enhance business relationships/partnerships, offers a developmental opportunity and is not excessive. Offers of hospitality which do not meet this definition such as subsidized or free travel or accommodation arrangements from companies supplying goods or services should be politely declined.

As with gifts, hospitality must not, nor be seen to, compromise or influence any decisions Council might make. If a staff member attends an external event where hospitality which does not meet the definition above, it should be declared even if declined.

When providing any hospitality it must be consistent with relevant Council policies i.e. for legitimate business purposes, proportionate and consistent with community expectations.

4.2.7. Gifts, benefits and hospitality register

Offers of gifts, donations, hospitality or entertainment expenses (outside the approved definition above), even if declined, must be disclosed to the relevant Director where they are recorded on a register, which is available to the public. Further, all invitations to events, donations and sponsorship offers, by external parties must be approved by the relevant Director.



For further information on how to manage the provision and receipt of gifts, benefits and hospitality, please refer to Council's Gifts, Benefits and Hospitality policy (20/1848) or contact the Manager Governance & Risk.

4.3. Council resources

Plant and equipment must not be taken home, or to an unapproved location, unless issued for work-related purposes relevant to a role or as specified under an approved employment agreement, e.g. laptops, tablets or mobile phones.

A staff member must use Council's facilities, assets, plant and equipment including computers, email, internet access and mobile phones for official purposes only, except where reasonable personal use is permitted. All Council resources must be used in accordance with the relevant Council policy.

We all share responsibility for maintaining, protecting and appropriately using Council's property. Council property includes buildings, plant and equipment, motor vehicles, computer and other office equipment; consumable items both in the office and at Council depots. Public infrastructure, such as parks, roads, signs and street furniture, that Council maintains is also included.

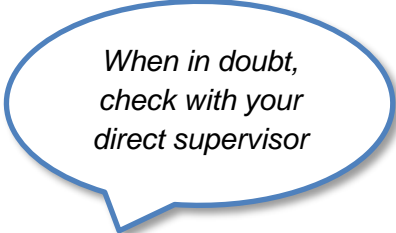
A staff member must ensure the security and proper care of Council's assets and property under their control and report any damage, maintenance requirements and risk issues to the relevant manager, so that they can be resolved.

A staff member must not remove, damage, give away, lend or destroy any Council property or assets regardless of age or condition, unless authorised by the relevant manager, in accordance with Council policy.

A staff member must not use any Council assets or services for personal gain, to conduct a commercial business or for any improper or illegal use.

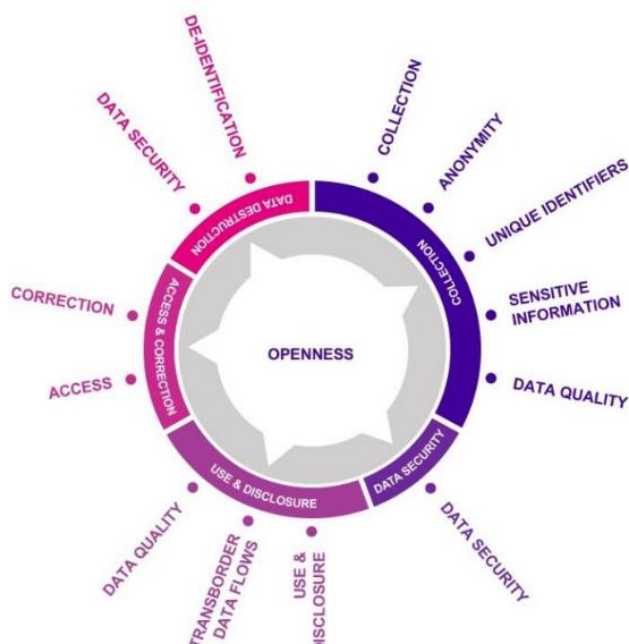
Further guidance relating to this topic can be found in the following Murrindindi Shire Council Policies:

- Asset Disposal Policy (19/53434)
- Corporate Credit Card Policy (19/51612)
- Council Vehicle Usage Policy (19/45015)
- Fraud and Corruption Control Policy (21/70176)
- Fuel Card Policy (19/73170)



When in doubt,
check with your
direct supervisor

4.4. Use and release of information



Source: [OVIC](#)

Council is committed to ensuring responsible use and transparent release of information in accordance to the *Information Privacy Principles* and the *Public Transparency Principles*. In general terms, staff must:

- not breach confidentiality or privacy,
- handle Council information in accordance with legislative requirements and internal policies,
- not undermine or bring Council's reputation into disrepute, and
- not provide official advice unless they are qualified to do so.

4.4.1. Personal information and Privacy

Staff are required to be familiar with and comply with the *Information Privacy Principles* in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*.

In particular, the *Information Privacy Principles* relate to the collection, use and disclosure of personal information; data quality; data security; openness; access and correction; unique identifiers; anonymity; trans-border data flows; and sensitive information.



Only collect, store, use and disclose personal information that is necessary for the purpose for which it is collected. Ensure that information is accurate, complete and current. Information must not be disclosed for any reason other than that which it was collected for.



Take reasonable steps to protect personal information from misuse and loss, and from unauthorised access, modification or disclosure.



There are a range of procedures that enable people to access their personal information and make changes to it. Disclosure is guided by the following acts and policies:

- *Freedom of Information Act 1982*
- *Local Government Act 2020 section 58 The Public Transparency Principles.*
- Council's Privacy Policy (20/53794)
- Council's Transparency Policy (20/36276)

4.4.2. Handling official information

Only access, use or communicate Council information for business purposes unless with the written permission of the CEO; or where such information has already been released officially to the public.



Staff may only access information that relates directly to their role. If unsure seek the advice of the appropriate Manager.



Staff cannot use for their own advantage any information, including commercially sensitive information, gained in the course of employment.



Disclosure of official information normally made public is permissible. If releasing information under the Victorian *Freedom of Information Act 1982*, protection of the employee is afforded against legal action under ss. 62-63 of that *Act*.

Only disclose other official information or documents acquired in the course of employment when required to do so by law, in the course of duty, when called to give evidence in court, or when proper authority has been given.



Further information on handling Council information is available in Council's Transparency Policy (20/36276).

4.4.3. Public comments on Council matters

While all councillors can make public statements, the Mayor (or Deputy Mayor, in the Mayor's absence) is Council's official spokesperson and is authorised to speak on behalf of Council. The CEO is the spokesperson for all operational matters, including regarding delivery of services and the implementation of Council policy. The CEO can delegate this responsibility to an officer of Council. In times of emergency, the CEO is Council's official spokesperson.



You can find more information in the Communication Policy (20/37341).

Public comment includes public speaking engagements, comments on radio and television and expressing views in letters to the newspapers or in books, journals, the internet, social media or other notices where it might be expected that the publication or circulation of the comment would reach the broader community.



Any requests for comment on Council matters by the media or any other body should be referred to the Communications Unit at communications@murrindindi.vic.gov.au

There may be instances where the sharing of personal and professional experience is appropriate e.g. seminars or training programs. When sharing such information care must be taken so not breach the confidentiality of Council information or privacy of other persons. Please refer any requests or opportunities to do so to the Communications Unit in advance.

A Council Officer has the right to participate in, and respond to, normal statutory processes e.g. lodging objections to Planning proposals.

4.4.4. Information Technology (IT) and Social Media

The same rules of conduct which apply within Council apply when using social media, internet and email and other devices.



Social media must not be used by staff in a way that would bring Council into disrepute, imply Council endorsement of personal views, disclose confidential information or provide misleading information about employment with Council.



Staff must not use Council email, letterhead or logo identifications on social media without permission.



Staff conduct on social media where it is linked to their employment with Council should not contain offensive defamatory or disparaging references which could be considered to be threatening, bullying and harassing.

Social media includes Facebook, Twitter, Instagram, LinkedIn, YouTube and any other web-based or mobile technology to which people may add comment, contribute, create, forward, link, tag, post, upload and share digital or other content.



Further guidance is available through Council's Communication Policy (20/37341).

4.4.5. Providing advice

A staff member may only give advice if this relates to their formal role within Council and they are authorised to do so. All reasonable steps should be taken to ensure that the information provided is accurate, complete and current.

4.4.6. Public speaking engagements

Prior approval by the relevant Manager must be secured before addressing or chairing professional conferences or other public events in an official capacity. Be professional, apolitical and objective.

Once a Manager has approved a public speaking engagement, the Communications Unit must be notified (prior to the event).

Any fee paid for public speaking in a professional capacity must be paid to Council, unless the CEO has provided exemption from this requirement in writing.

4.4.7. Personal opinion

Council recognises staff right to freedom of speech and participation in democratic process. Council equally recognises that where there is a conflict between a private opinion and Council's policy, a staff member must make it clear that they are expressing a personal opinion. They must also consider the context of their comments to ensure Council does not suffer disrepute.



5. Demonstrating Professionalism

Demonstrating Professionalism means...

- ✓ *We will provide frank, impartial and timely advice to Council and others.*
- ✓ *We will strive to provide an exemplary level of service at all times.*
- ✓ *We will strive to continuously improve service delivery and outcomes for our community.*

5.1. Employment Responsibilities

5.1.1. Secondary or additional employment

Staff may engage in external employment as long as there is no conflict of interest (general or material) and the staff member's ability to perform their normal duties is not compromised. All staff must seek CEO approval prior to engagement or at the earliest opportunity.



If a staff member wishes to engage in employment elsewhere, they must discuss this with their manager and obtain approval of the CEO before commencing such work. Details should be declared via the Secondary Employment Form (19/43517) and be placed in their personnel file. A confidential register will be kept by the CEO of all secondary employment arrangements.

5.1.2. Business ownership or co-ownership

Where staff own or operate a business (including part or co-ownership) outside of their work for Council this needs to be declared and recorded.



If a staff member owns or operates a business, they should declare the name and the nature of the business to their manager via the Business Ownership & Co-ownership Declaration Form (20/42947). A confidential register will be kept by the CEO of all secondary employment arrangements.

5.1.3. Contracting for Council

Staff should not act as both staff and supplier simultaneously. However Council understands that in a small community this may be difficult to avoid, where staff are co-owners / directors or beneficiaries of a business.

Staff cannot independently contract to Council to provide service while employed. However where a staff member is a co-owner or director of a business which intends to tender, quote or provide a service to Council the following steps must occur:

1. Staff must declare their interests – either in accordance with section [4.2 \(Conflicts of Interest\)](#) or [5.1.2 \(Business ownership or co-ownership\)](#)
2. Prior to the Business entering into the procurement process or as soon as the staff member becomes aware of the process being undertaken, the staff member must notify their Director.
3. The Director will then notify the Officer who is the lead in the procurement process and it must be noted as a Conflict of Interest as part of that process.
4. The staff member must not have any involvement or influence in the procurement process.
5. An independent risk assessment must be performed by a Manager or Director who is not the procurement initiator. Based on that assessment it is at the relevant Director's discretion as to whether the business in question can be considered in the procurement process.
6. If the procurement process proceeds and the Business is proposed to be engaged, the Director or delegate will submit the proposal to the CEO for approval.
7. The outcome of this process will be discussed with the staff member and any controls put in place will be documented.

An attempt by a staff member to use their position at Council to influence the procurement process where they have an interest may be considered corrupt conduct and therefore a serious breach of the Code of Conduct.



Staff may not use their position with Council or Council's name to gain any benefit of any kind in their private dealings or arrangements.

5.1.4. Grievances

Council is committed to ensuring that any grievance raised in relation to working conditions and wellbeing at work will be treated seriously, confidentially and sympathetically, and any action taken will be fair and reasonable.

In the work environment, staff are to respect and be aware of co-workers. Keep noise to a minimum, particularly in open office areas. It is also important to maintain a clean and tidy work space for everyone to enjoy.



Staff rights to raise a grievance is addressed in Council's Internal Grievance Resolution Policy (17/19992), which covers Discrimination, Victimisation, Unfair Treatment, Harassment, Offensive Behaviour and any other matter pertaining to equity, fairness or opportunity.



For information about grievance resolution, staff should speak with direct manager or supervisor or one of Council's Contact Officers.

5.1.5. What should I do once I leave Murrindindi Shire Council?



Past employees must not use confidential information obtained during their employment with Council for the gain of another employer or business or to disadvantage Murrindindi Shire Council generally in its dealings with others.

Council may require staff to sign a confidentiality agreement upon exit (e.g. In the event of a dispute settlement).

5.2. Council and Organisational Relationships

A Councillor's role is one of leadership, not management or administration. They do not have authority to direct staff to carry out particular functions or to change a report or recommendation. All approaches of this nature should be referred to the appropriate Director.

5.2.1. Customer Service

Efficient and effective customer service is one of Council's top priorities as set by the Customer Service Policy, Customer Complaints and Feedback Policy and Customer Charter. These documents contain important and clear information about how to handle requests, timeframes and escalation process in the event a complaint is received.

Staff are expected to deliver a high level of service to customers (internal and external) at all times and should always speak with all customers courteously and listen to them attentively. If unable to assist a customer with their request, the staff member should refer them to the relevant person for help.

Abuse, bullying, harassment or other inappropriate behaviour from customers will not be tolerated by Council. Staff should politely terminate the conversation and refer the matter to their supervisor immediately.



Further guidance is also available in:

- Customer Service Policy (18/57089)
- Customer Service Charter (19/27565)
- Customer Complaints and Feedback Policy (19/59530)

5.2.2. Giving advice and information to councillors

Council's procedure is that all Councillor requests for advice or information are formally recorded to be actioned in a complete, timely and accurate manner. All requests received by staff should be forwarded to the relevant Director and their executive assistant.

Councillors must raise questions or issues of concern directly with the CEO and directors but, on occasion, they may (incorrectly) directly seek information from staff and in such cases the employee will:

- Treat councillors with courtesy and respect
- Redirect their query to the relevant Director
- Copy the relevant Director in any correspondence sent to the Councillor(s)

5.2.3. Dealing with councillors in the office environment:

When councillors visit Council offices they are asked to attend the CEO or relevant Director's office. While councillors might greet and talk with staff, staff should also ensure they maintain a relationship with councillors that is not preferential of one another and professional at all times.

5.2.4. Addressing Council

Staff may be requested to brief Council on a matter relating to the responsibilities of their role. Preparation for this brief should be undertaken in consultation with your direct manager.



When formally presenting to Council at a Council Meeting a staff member should:

- Address the Chairperson as 'Chairperson' or 'Madam / Mr Mayor' and the other councillors as 'Councillor X'.
- Allow the Chair to direct proceedings. All discussion is conducted through the Chair.
- Keep presentations short and address key points only.
- Respond to questions as briefly and concisely as possible.
- At the end of the presentation wait for the Chair to acknowledge the presentation and then leave the room.



The Council Papers' process can be found on Murri or discuss with your manager.

5.2.5. Reporting corrupt or improper conduct

Transparency and accountability in Council's administrative and management practices is very important and Council has established procedures to support and protect staff who may wish to disclose improper or corrupt conduct by other Council staff or elected representatives.

Staff are required to comply with legislation, policies and lawful instructions in the performance of your work. Any workplace behaviour that violates any law or regulation or could represent fraud or corrupt conduct, mismanagement of public resource or is a danger to health or safety should be reported to the direct manager or the Human Resources unit,

If a staff member is reluctant to formally report a Code of Conduct breach they may discuss the issue in confidence with the Public Interest Disclosure Coordinator (Director Corporate & Shared Services).



Confidentiality and protection of the reporter is guaranteed under the Public Interest Disclosure Act 2012. Disclosures can also be made directly to the Independent Broad-Based Anti-Corruption Commission (IBAC).

- IBAC, GP Box 24234, Melbourne Victoria 3000
Internet: www.ibac.vic.gov.au ↗
Phone: 1300 735 135



Staff cannot be discriminated against or suffer unfair treatment because they have, intend to, or are suspected making a report of inappropriate behaviour.

5.3. Political Opinions and Activities

5.3.1. Political activity

Council also acknowledges that staff have a democratic right to be involved in the political life of our community and that all individuals will have their own personal political leanings.

At all times staff are expected to perform their duties impartially including:



Maintaining political neutrality in exercising Council duties at all times.



Staff must refrain from identifying or implying personal political bias or preference in any report or advice to Council.

Staff must comply with all relevant legislation, Council policies, and protocols in relation to Council elections and the associated caretaker period.

If an employee wishes to run for Council election, they must take leave during the designated “election period” and must resign if elected.

Council officers cannot assist in the election campaign for any candidate for a Council election at which they are employed. If involved in a private capacity in the campaign of any state or federal candidate, the employee must ensure that all election-related activity is undertaken outside of working hours and that they:

- inform their Manager of their involvement;
- take necessary action to clearly separate working and private activities, and
- avoid any conflict of interest that may arise between giving support to a particular candidate and their employment by Council.

Should a staff member be engaged by the State or Federal Electoral Commissions to assist with the voting process (working at a polling place) then they need to declare this as part of the secondary employment process (section [5.1.1](#)).



For more information, please refer to:

- Communications Policy (20/37341)
- Governance Rules (20/37809)

5.4. Alcohol and drugs at work

Council's priority is to ensure a safe workplace for all staff and visitors. The use of alcohol and drugs contributes to accidents, injury and illness in the workforce. As part of our commitment to the health, safety and wellbeing of our staff the following applies:



Consumption of alcohol is not permitted, including:

- Consumption at Council premises at all times, and
- Consumption at any other venues during working hours (e.g. restaurant).



Staff must not be under the influence of alcohol, drugs or other substances whilst at work and comply with the legal alcohol blood levels when using plant and vehicles.



Possession, use or trafficking of illegal drugs is not permitted. This would be considered serious misconduct and managed accordingly.



Medically-prescribed drugs are to be used in accordance with prescription directions so as not to endanger staff taking them or other staff. Managers should be informed if the employee is prescribed any medication that may affect safe and effective work performance.



The CEO in limited circumstances may approve the provision or consumption of alcohol at a Council work site or Council event. Such event must always comply with the following:

- be supervised by a certified RSA person to ensure responsible service of alcohol,
- provide food to reduce the effects of alcohol, and
- provide and promote the consumption of water and non-alcoholic drinks.



If a staff member is reported or suspected to be working under the influence of alcohol or any substance that affects their ability to conduct their job safely, their supervisor/manager will take appropriate action to safely remove them from the workplace or worksite.








Council will endeavour to support a staff member who has declared they may be suffering an addiction to alcohol or drugs. Support may include counselling or leave arrangements during rehabilitation.

5.4.1. Smoking

Under the *Occupational Health and Safety Act 2004*, Council must provide a workplace free from risks to health and safety, including exposure to environmental tobacco smoke.

Council is committed to supporting staff who wish to stop smoking. Please contact the OHS Coordinator if you need help to quit smoking.

Individuals who choose to smoke must comply with Council's Smoke Free Workplace Policy. This means:

-  Smoking is not allowed in any Council building, within the grounds of Council's workplace or in any Council-owned and operated vehicle.
-  Smoking is not allowed while working or liaising with members of the public. This includes smoking at a client's home while conducting Council business.
-  Smoking is only allowed more than 5 meters away from the entrance and exits of all buildings and any outside communal area (including public toilets, BBQ areas)
-  Smoking is only allowed during allocated work breaks.
-  More information is available in Council's Smoke Free Workplace Policy (18/16035) and by contacting the OHS Coordinator.

5.5. Discipline – Breach of policy

Breaches of the required standards of staff conduct will be addressed through information, education and/or disciplinary procedures up to and including summary dismissal, in accordance with the Performance Management and Discipline policy.

A substantiated act of 'Serious Misconduct' may result in dismissal and reporting the matter to relevant authorities such as Victoria Police or the Independent Broad-based Anti-corruption Commission (IBAC).

Under section 49(3)(b) of the Act, the CEO has the right to take disciplinary action against Council staff whose behaviour is not in accordance with this Code.

6. Related Policies, Strategies and Legislation

6.1. Legislation

- *Charter of Human Rights and Responsibilities Act 2006 (Vic)*
- *Equal Opportunity Act 2010 (Vic)*
- *Freedom of Information Act 1982*
- *Fair Work Act 2009 (Cth)*
- *Fair Work Regulations 2009 (Cth)*
- *Gender Equality Act 2020 (Vic)*
- *Local Government Act 2020 (Vic)*
- *Occupational Health and Safety Act 2004 (Vic)*
- *Occupational Health and Safety Regulations 2017 (Vic)*
- *Privacy and Data Protection Act 2014 (Vic)*
- *Public Interest Disclosure Act 2012 (Vic)*

6.2. Related Policies

- Asset Disposal Policy (19/53434)
- Communications Policy (20/37341)
- Corporate Credit Card Policy (19/51612)
- Council Vehicle Usage Policy (19/45015)
- Customer Complaints and Feedback Policy (19/59530)
- Equal Employment Opportunity Policy (20/11968)
- Fraud & Corruption Control Policy (21/70176)
- Fuel Card Policy (19/73170)
- Gifts, Benefits and Hospitality (20/1848)
- Governance Rules (20/37809)
- Information Management Policy (13/3597)
- Internal Grievance Resolution Policy (17/19992)
- Murrindindi Shire Council Enterprise Agreement 2018 (and any subsequent agreements)
- Occupational Health and Safety Policy (20/35627)
- Performance Management and Discipline Policy (15/66466)
- Prevention of Bullying, Harassment & Occupational Violence Policy (17/25686)
- Privacy Policy (20/53794)
- Procurement Policy (21/88369)
- Public Interest Disclosure Policy (19/80421)
- Public Transparency Policy (20/36276)
- Recruitment, Screening & Induction Policy (20/37476)

6.3. Related Procedures

- Secondary Employment Declaration Form (19/43517)
- Business Ownership & Co-ownership Declaration Form (20/42947)

7. Council Plan

This policy relates to the Council Plan 2021-2025 – Strategic Objective: Transparency, Inclusion and Accountability.

8. Management and Review

The Staff Code of Conduct will be reviewed every 3 years. Managers are responsible for implementing this policy in their respective departments.

The Manager Governance & Risk will monitor and provide advice on implementation of this policy.

9. Conflicts of Interest

No conflicts of interest have been declared in the preparation of this policy.

10. Consultation

This policy is updated based on review of legislation and benchmarking with the Victorian Public Sector Commission and the policies of the following councils: City of Yarra and Mildura Rural City.

Broad consultation was undertaken in the development of this policy with input from Council employees.

Feedback from consultation was assessed by Leadership Team and the document was updated in various sections accordingly.

11. Human Rights Charter

This policy has been developed with consideration of the requirements under the [Charter of Human Rights and Responsibilities](#).

Appendix 1: Definitions

Reference term	Definition
Act	The Local Government Act 2020, its regulations and any supplementary amendments or inclusions to the Act.
Chief Executive Officer (CEO)	The person appointed by Council to be its Chief Executive Officer or any person acting in that position.
Councillor	A person who holds the office of Councillor as defined in the Act.
Direct Manager	The person to whom an employee directly reports to. It may include Team Leaders, Supervisors, Coordinators, Managers, Directors and the Chief Executive Officer.
Employee	In the context of this policy, the generic term 'employee' will apply to anyone who is directly engaged by Murrindindi Shire Council in an employment arrangement.
Misconduct	Unsatisfactory behaviour related to the conduct or attitude as an employee of Council, included but not limited to failing to follow Council's values, policies, procedures and standards either about behaviour or performance.
Misconduct (serious)	Serious misconduct occurs if an employee commits a serious breach of Council policy or displays a form of unacceptable behaviour during the course of their work, including but not limited to: <ul style="list-style-type: none"> any act of <i>Improper Conduct</i> as defined by the Public Interest Disclosures Act 2012, such as fraud, corruption and serious professional misconduct; failing to follow a reasonable and lawful direction; theft of any Council resources (e.g. cash, information, equipment); disorderly or offensive conduct; assault to anyone (internal or external to Council); illegal drug or alcohol use.
Workplace	Is any place where attended by an employee for the purpose of carrying out any employment function Examples include work conferences, functions, business trips and when working remotely (e.g. working from home).

Appendix 2: Policy – Gifts, Benefits & Hospitality (See trim: 20/1848)