

LODDON SHIRE COUNCIL

STAFF CODE OF CONDUCT



LODDON
SHIRE

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Smoking in council buildings, vehicles and plant policy
Staff complaints policy
Staff development review policy
Staff recognition of service policy
Staff sick/carers leave policy
Strategic document, policy and procedure framework
and Document writing style guide
Study support policy
Sun protection policy
Training, seminars and conferences policy
Uniform and dress code policy
Vendor security policy
Working in heat policy
Working in isolation policy
Council Plan
Current Loddon Shire Enterprise Agreement
Current Early Education Employees Agreement

RELATED LEGISLATION:

Local Government Act 1989
Local Government Act 2020
Charter of Human Rights and Responsibilities Act 2006
(Vic)
Public Interest Disclosures Act 2012
Privacy and Data Protection Act 2014
Privacy Act (Cth) 1988
Health Records Act 2001
Fair Work Act 2009

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Strategic documents are amended from time to time, therefore you should not rely on a printed copy being the current version. Please consult the Loddon Shire Internet to ensure that the version you are using is up to date.

This document is available in alternative formats (e.g. larger font) if requested.

ACKNOWLEDGEMENT OF COUNTRY

Loddon Shire Council acknowledges the Traditional Custodians of the land comprising the Loddon Shire Council area. Council would like to pay respect to their Elders both past and present.

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Staff Code of Conduct V4 acknowledgment

Staff Code of Conduct V4

The Staff Code of Conduct V4 provides an outline of behaviours and conduct required of all Council employees.

It is a requirement of Loddon Shire Council that all employees will work in accordance with the Staff Code of Conduct as described.

I (name)

- Hereby acknowledge I have received a copy of the Staff Code of Conduct.
- Have read and understand the Staff Code of Conduct and am familiar with its contents.

By signing this, I agree that I have read, understood and will comply with this undertaking.

Employee

Signature: _____ Date: _____

Print name: _____

Witness

Signature: _____ Date: _____

Print name: _____

1 PURPOSE

The Staff Code of Conduct (“Code”) sets out the values, expected minimum standards of behaviour and professional conduct for staff in their roles with Loddon Shire Council.

The Staff Code of Conduct demonstrates to the community that Loddon Shire Council will carry out its statutory obligations with efficiency, impartiality and integrity.

2 BUDGET IMPLICATIONS

There are no direct budget implications arising from adoption of this Code.

3 RISK ANALYSIS

If this Code is followed, reputational risks will be minimised and the safety and integrity of staff is maintained.

4 SCOPE

The Code applies to all Council staff. By accepting employment with Loddon Shire Council (“Council”), you must be aware of and comply with this Code.

Council staff includes:

- Chief Executive Officer
- directors
- managers
- full-time, part-time and casual staff
- contractors working in-house
- staff on exchange
- work experience students
- student (graduate) placements.

All staff should familiarise themselves with the Code requirements and ensure they are observed and adhered to.

In accepting one of the above roles you become a representative of Council.

This Code is not a comprehensive set of Council business rules. The Code is to be used in conjunction with:

- current Loddon Shire Enterprise Agreement
- current Early Education Employees Enterprise Agreement
- other Council policies, strategies and reference documents
- relevant legislation, best practice guides and regulations which apply to your role.

The Code does not cover or list every situation or circumstance that may arise. If staff are uncertain about their role, responsibility, conduct or behavior surrounding a particular circumstance that is not covered within the Code, they must contact their immediate manager/supervisor or the Manager Organisation Development for further clarification.

5 LEGISLATIVE CONTEXT

The Code has been prepared in accordance with the requirements of the Local Government Act 2020 (the Act).

Section 49 (Code of conduct for member's Council staff) states:

- (1) A Chief Executive Officer must develop and implement a code of conduct for members of Council staff.
- (2) A code of conduct for members of Council staff must include a gift policy that contains—
 - (a) a requirement for members of Council staff to disclose all gifts above a specified level; and
 - (b) provisions providing for disclosed gifts to be recorded in a gift register.

To review the gift policy, see subsection 9.3.4.

- (3) A code of conduct for members of Council staff must include—
 - (a) procedures for dealing with alleged and actual breaches of conflict of interest under this Act; and
 - (b) provisions for the Chief Executive Officer to take disciplinary action against a member of Council staff.

To review the procedures for dealing with conflict of interest, see section 9 of this Code.

To review the provisions for CEO to take disciplinary action against a member of Council staff, see subsection 8.17 of this Code.

- (4) The Chief Executive Officer must ensure that members of Council staff have access to the code of conduct for members of Council staff.

This Code of Conduct will be provided to all staff and placed on the intranet.

6 UNDERLYING VALUES

Council staff have a duty to put public interest above personal interests. This can at times lead to situations where personal standards and values are challenged.

The Code provides a common set of minimum standards to help all staff members:

- make consistent and ethical decisions
- serve the public interest above personal interests
- act with integrity by being honest, accountable, objective, open and courageous
- be supportive of colleagues.

The values included in the Code are:

Leadership	We work towards achieving our vision while demonstrating our values
Respect	We treat everyone with respect and dignity at all times
Integrity	We are open, honest and fair
Accountability	We will be consistent and responsible in our actions
Impartiality	We make decision based on being informed without fear, favour and bias

7 COMMUNITY VISION AND STRATEGIC THEMES AND OBJECTIVES FROM THE COUNCIL PLAN

The Code reflects the community vision and strategic themes and objectives from the Council Plan. It states the values and principles that are expected from all staff, and includes a commitment to providing accountable and ethical programs and services to ratepayers, customers and clients of Council.

7.1 Community vision

The community vision is to create a community where everyone is welcome and has the opportunity to live, work and thrive.

7.2 Council Plan

Loddon will be a resilient, sustainable and prosperous community of communities. This commitment links to the community vision in focusing on the areas that are important to achieving it.

7.3 Strategic themes and objectives

Strategic themes and objectives in the Council Plan outline the strategies necessary for Council to achieve the community vision over the years 2021-2025.

In all, four strategic themes with objectives have been identified

Strategic Theme	Strategic objective
A sustainable built and natural environment	<ul style="list-style-type: none"> • We will implement financially and environmentally sustainable infrastructure that supports our social and economic needs. • We will work with our partners to preserve and protect our local environment. We will support our community to respond to the impacts of climate change.
A growing and vibrant community	<ul style="list-style-type: none"> • We will promote population growth to support a growing and diverse community. • We will support a connected and inclusive community that provides opportunities for current and new community members at all ages, abilities, and stages of their life. • We will support our youth to access pathways for education and employment and the ability to connect to their community.
A diverse and expanding economy	<ul style="list-style-type: none"> • We will promote our unique tourism opportunities and support our local tourism industry to increase visitation to our area. • We will support established businesses and seek to attract new businesses to grow our local economy.
A supported and accessible community	<ul style="list-style-type: none"> • We will deliver our services and advocate for access to other services for our community. • We will support the health and wellbeing of our community • We will listen to our community about how they wish to communicate with us and implement effective communication methods to achieve this. We will provide our community with opportunities to engage with us

8 CODE RULES

8.1 Alcohol and drugs

Council prohibits the use of alcohol and illicit substances during work or at other times when it will result in your work being affected or your or other's safety being put at risk.

Should a function be held during working hours or at the end of the working day where alcoholic refreshments are provided, a sensible approach to the provision of such drinks both in alcoholic content and quantity will be adopted.

You should consult your pharmacist or doctor for advice if you believe that any prescribed medicines you are taking are likely to affect your work.

See Drugs & Alcohol Policy and Procedure

8.2 Appearance

Staff should ensure that their standard of appearance is neat, clean and appropriate for their particular area of work. Where a uniform and/or personal protective clothing/equipment is provided, it must be worn in accordance with Council policy. A high standard of personal hygiene is expected at all times.

See Uniform and Dress Code Policy

8.3 Authorised officers

Council may formally authorise and appoint staff members as officers for the administration and enforcement of particular laws. This means that the authorised officer is given the powers of the statutory position to which they are appointed. This is different to staff acting on behalf of Council under a delegated power.

All staff members who are authorised officers under section 224 of the Local Government Act 1989¹ must at all times carry with them a photo identification card indicating that they are appointed as authorised officer. This card must be shown, upon request, to an occupier of premises when the officer is entering premises for the purposes of conducting an inspection associated with their duties as an authorised officer.

8.4 Bribes

Staff members must not solicit, encourage or accept any form of bribe from anyone, including a supplier or potential supplier, contractor or potential contractor, customer or fellow staff member as an inducement for business, information, favorable treatment or any other purpose.

8.5 Child Safe Standards

Council is committed to being a child safe organisation with zero tolerance for child abuse. Council is working towards compliance with the Victorian Child Safe Standards.

All staff must be aware of their responsibilities outlined in the Victorian Child Safe Standards and Council's associated policies and procedures.

See Child Safe Standards Framework

¹ At the time of reviewing this document, section 224 of the Local Government Act 1989 remains in force for the foreseeable future.

8.6 Business records

Staff members must not destroy or alter, in an unauthorised manner, business documents and records that are required to be maintained for a statutory period, nor must any records be falsified or tampered with.

Records and business documents includes anything provided by an external party, and also includes wage records and timesheets, medical certificates and records in any form including electronic form.

Staff have a responsibility to keep relevant records in accordance with the Records Management Policy.

See Records Management Policy

8.7 Charter of Human Rights

The Charter of Human Rights and Responsibilities sets out the basic rights, freedoms, and responsibilities of all people in Victoria. Since 2008, councils have a legal obligation to ensure that:

- all council decisions give proper consideration to human rights
- all actions, policies and services are compatible with human rights
- local laws are interpreted and applied consistently with human rights
- people who work on their behalf do so in a way that respects human rights.

See Charter Human Rights <https://www.humanrights.vic.gov.au/legal-and-policy/victorias-human-rights-laws/the-charter/>

8.8 Confidentiality and privacy

Staff and customers have the right to confidentiality and privacy with respect to their personal information in accordance with the Privacy Act 1988 (Cth), Privacy and Data Protection Act 2014 (Vic) and the Health Records Act 2001 (Vic). All staff members are responsible for maintaining this confidentiality, including the security of information for which they are responsible.

Unauthorised disclosure of Council information is prohibited.

Private addresses or telephone numbers of staff must not be provided to another person (except to the supervisor of the staff member concerned) without prior written approval of the staff member.

See Privacy Policy

8.9 Communication and teamwork

Council is committed to providing effective channels of communication among all staff members regardless of their location or roles. Open communication fosters teamwork, facilitates a healthy working environment, and promotes the sharing and exchange of ideas and information to help the Loddon Shire realise a greater potential than it might otherwise achieve.

Staff members should make it a habit to speak to their peers, subordinates and managers to share information and practices as appropriate and take part in team meetings, cross-organisation meetings and special interest meetings to ensure that they are informative, positive, respectful and enjoyable.

Staff members should answer correspondence, phones in their area and accept phone calls transferred by other staff members, in accordance with the timelines in the Customer Service Charter.

Emails and or other electronic means of communication may be used and where appropriate filed in the Records Management System.

Face to face conversations where possible are usually considered the most effective form of communication. When appropriate, a recording of the outcome of these meetings may be required and filed in the Records Management System.

See Customer Service Strategy and Communication Policy

8.10 Competition in Council business

Council aims to conduct business in an open and competitive environment in accordance with community and ethical standards of behaviour and the service performance principals in section 106 of the Local Government Act

All staff will follow procurement policies and procedures to ensure a competitive environment.

It is not appropriate to make any disparaging or untruthful remarks about any of our competitors, their products or services. It is expected that staff will always speak truthfully about the products, quality and services offered by the Council.

See Procurement Policy

8.11 Compliance with the law

Staff are expected to be familiar and comply with all laws and regulations relevant to their roles while displaying law abiding behaviour in their actions and decisions. If a staff member is charged with any offence (indictable, summary or traffic, including offences resulting in suspension or disqualification of a driver licence) they must notify their Manager immediately.

8.12 Corporate identity

Staff must adhere to templates for written documentation and follow any guidance or frameworks in place that ensures a consistent and professional image across the organisation.

See Strategic Document, Policy and Procedure Framework, Document and Writing Style Guide

8.13 Customer service

Staff members will deliver efficient and quality customer service to our customers by conducting themselves with integrity and in a manner that ensures that:

- our customers are provided with our services at a consistent quality that meets their needs
- all decisions and actions are evaluated in terms of their impact on customers
- there is a safe and friendly environment at all times for our customers
- all staff members, customers and others are treated fairly and without discrimination or harassment.

See Customer Service Strategy and Customer Service Charter

8.14 Dealing with Councillors

Staff members dealing with Councillors should treat Councillors with the same professional courtesy and respect with which they treat customers and colleagues. In the first instance, Councillors will approach the relevant director or manager for advice, who may then refer the enquiry to staff with professional expertise and who are personally familiar with the circumstances of the issue. However, any staff member may provide a Councillor with information and services on the same basis as they would to a customer.

Staff members should note that a Councillor does not have the authority to direct any member of staff to do anything. If staff feel that they are being directed by a Councillor to do something, and it is not simply a request for service from a customer, they should report the matter to the CEO, director or relevant manager.

8.15 Delegated functions, powers or duties

Council may formally delegate some of its legislated powers, functions or duties to particular staff members. This means that an action of the staff member according to the delegation is deemed to be an action of Council.

Any staff member who has been delegated a power, function or duty must be aware of and adhere to the legal, reporting and record keeping responsibilities that accompany that delegation. Failure to do so may put the Council at risk of prosecution or reputational damage and may result in disciplinary action.

See Delegations register

8.16 Discrimination, harassment, bullying and occupational violence

Council will not tolerate any form of discrimination, harassment or bullying against existing or prospective staff.

See Equal Opportunity and Anti-Discrimination Policy and Bullying and Occupational Violence Policy

8.17 Discipline

In the case where staff do not comply with this code and related documents, or if their behaviour is deemed improper or unsatisfactory, a process will be initiated in accordance with Council's Discipline Policy.

Depending on the nature and impact of the breach, remedies may include informal or formal counselling, the provision of additional support, internal investigation, formal written or verbal warning, suspension or termination of employment with Council.

See Discipline Policy and Managing Misconduct Procedure

8.18 Dispute resolution procedures

Before commencing any formal dispute resolution process, the parties to any disagreement will endeavor to resolve their differences in a courteous and respectful manner. Staff may seek assistance in resolving their differences.

The dispute resolution procedure is intended to be used when staff have been unable to resolve an interpersonal conflict, and where the situation is unduly affecting the operation of the Council.

See Loddon Shire Enterprise Agreement, Early Education Employees Agreement and Staff Complaints Policy

8.19 Electronic communications usage

Electronic communications usage is available across the organisation. These facilities are provided for work usage and owned by the organisation. Staff who use these facilities are expected to acquaint themselves with policies where they exist, such as internet, email and mobile device usage.

See 8.34 – Social Media for more detail

See Mobile Device Policy, Media and Social Media Policy, Information security policy

8.20 Environment

All staff are responsible for maintaining and protecting the environment. Staff should, therefore, always consider the impact of their work activities on the environment and the local community, including the way in which waste is minimised or disposed of, chemicals are used and stored, and resources are utilised.

8.21 Intellectual property

Council retains the copyright of work produced by staff during their employment. Staff retain the copyright of the work only if approved by the Chief Executive Officer, or if the staff member can demonstrate that they did not use the Shire's time, name, information or resources in producing the work.

8.22 Leaving the Loddon Shire Council

On finishing employment with the Council, staff members must return all Council property including documents, materials, software, keys, identification cards, or any other Council property under their control or in the possession of the staff member. This includes any intellectual property that may have been created whilst working for the Loddon Shire.

Staff members will be offered an exit interview, it is not compulsory and all information provided will be treated confidentially.

The staff member agrees that the Council may withhold any monies owing to the staff member including payment in lieu of notice period not actually worked after resignation, from the staff member's salary and entitlements at termination if the staff member has not returned all of the Council's property in his/her possession.

8.23 Lobbying

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

Staff may have to deal with Council in a personal capacity, for example, as a ratepayer or recipient of a Council service. Staff members cannot and shall not expect or request preferential treatment in relation to any matter in which they have a private interest. Staff are to avoid any action that could lead members of the public to believe they are seeking preferential treatment.

8.24 Malicious or vexatious complaints and allegations

A malicious or vexatious complaint and allegation means a complaint or allegation that is about a staff member, a supplier, customer, volunteer and/or a contractor that is made to cause harm, mischief or annoyance to the Council or the person about who the complaint was made.

Making a malicious or vexatious complaint is contrary to the integrity and honesty that the Council values and will be considered a serious breach of this Code.

8.25 Media relations and public comment

Only the Chief Executive Officer and the Mayor can speak to the media on behalf of the Council. The Chief Executive Officer may delegate this authority to other staff.

Staff members shall not accept public speaking engagements or write for external publications in relation to the Council, its decisions, policy, strategy, operations products or services without permission from the Chief Executive Officer.

See Media and Social Media Policy

8.26 Occupational health and safety

The health and safety of our staff, customers and suppliers is of paramount importance to the Council. Health and safety cannot be sacrificed to achieve financial goals or for any other reason. Council is committed to providing services to its community that do not jeopardise the health and safety of staff providing the service or our customers receiving the service. We all share the responsibility of ensuring that our customers and fellow staff members are safe and without risk of injury as far as is reasonable practicable.

All staff are required to read and make themselves familiar with the Occupational Health and Safety Policy.

See Occupational Health and Safety Policy

8.27 Operating costs and financial probity

Staff members are expected to minimise operating expenses wherever practicable.

8.28 Organisational change

Council is continually identifying and implementing new systems or methods of work to keep pace with customer needs and changing external influences. In this constantly changing environment, staff are expected to keep an open mind about change and to positively contribute to and support new ideas or programs.

Council fosters a work environment in which staff are encouraged to keep an open mind about their career path and the strategies that will help them achieve their career plans. The principal mechanism to do this is the Staff Development Program and related policies.

See Staff Study Support Policy

8.29 Personal conduct

Staff members will aim to treat all people with whom they have contact in the course of their work with fairness, respect, courtesy and professionalism. Staff will respect and seek as required, the professional opinion of colleagues in their areas of competence, and acknowledge their contribution. They will not denigrate colleagues in public.

Managers and supervisors will treat their staff with fairness and consistency and involve them in decisions that affect them. They should create opportunities to provide positive and constructive feedback, affirm staff and their contributions, and provide equal opportunity for staff to develop their skills, performance and potential.

Verbal abuse, physical abuse, threatened physical abuse, soliciting threatening behaviour, fighting, bullying, harassment, including sexual harassment, sexual violence, emotional violence, psychological violence, spiritual violence, cultural violence will not be tolerated and are all likely to lead to the most serious of consequences.

See Equal opportunity and anti-discrimination policy and Section 8.16 above.

8.30 Personal identification

All staff members should wear their Loddon Shire identification and/or name badge at all times when working for Council in a public environment or representing Council at public forums or at meetings.

8.31 Representing Council positively

Staff members are representatives of Council and as such, they should represent Council in public forums, with individual ratepayers and residents and to other government entities, in a positive way. Criticism of Council policy, decisions and actions should be raised with your supervisor and not discussed in public forums.

8.32 Secondary employment

Staff members are only to engage in secondary employment where the activity does not conflict with their position as a Council staff member and with the approval of the CEO.

*See 9.3.1 – Types of Conflict of Interest – Outside employment
See – Secondary Employment Policy*

8.33 Security clearances

Council requires staff to have relevant compliant security checks undertaken prior to commencement. This may include having a clear National Police Check and/or a Working with Children Check (WWCC) or Victorian Institute of Teaching Registration (VIT). Staff may be required to update these checks periodically subject to the role they undertake within the organisation.

See Police Check Policy and Working with Children Check Policy

8.34 Social Media

Social media provides an opportunity for staff to connect with family and friends, and community sites where there is commentary on a variety of issues.

All staff are to be aware that they are engaged by the Council. Any comments made on their personal social media pages or the Council's social media pages are not to reflect the organisation in a poor light or convey information that is confidential, inappropriate or unprofessional.

Personal use of social media sites during working hours should be kept to a minimum. Although limited personal use is allowed, staff should not monitor or continue to update a social media

site during work hours. No use of social media sites should ever conflict with the staff members' duties and responsibilities to Council or with applicable laws and regulations.

Although many users may consider their personal comments posted on social media or discussions on social networking site to be private, these communications are frequently available to a larger audience than the author may realise.

When participating in social media in a personal capacity, staff members must not post any material that would directly or indirectly defame, harass, discriminate against or bully any Loddon Shire Councillors, staff members, volunteers, contractors or community members.

Such comments on social media may result in disciplinary action. This includes comments made at any time of day.

Social media pages include Facebook, Snapchat, Instagram, Twitter and any other platform.

See Media and Social Media Policy

8.35 Smoking

Smoking is not permitted in Council buildings or Council vehicles; no smoking is permitted within 10 metres of an entrance to a Council premise.

See Smoking in Council Buildings and Vehicles and Plant Policy

8.36 Staff recognition

Council aims to recognise staff members who achieve a high level of performance and adherence to standards and longevity of service.

See Staff Recognition of Service Policy

8.37 Theft and fraud

Any attempt by a staff member to steal from the Council or deliberately or recklessly defraud the Council will be considered to be serious misconduct and will result in disciplinary action.

See Discipline Policy, Anti-fraud and Corruption Policy and Managing Misconduct Procedure

8.38 Use of Council assets

Staff members shall not deliberately misuse or damage Council property. When using Council property or equipment, staff are required to adhere to instructions, operating procedures and the Occupational Health and Safety Act and Regulations in order to avoid personal injury, or unnecessary maintenance and replacement costs.

Staff shall not misuse Council assets, intellectual property or the services of other staff members for their personal gain. This includes:

- copying computer software programs regardless of whether or not the programs are protected by copyright
- use of Council letterhead paper or postage when corresponding on personal or other matters not directly related to the Council
- unauthorised use of Council logo.

Any staff member intending to take Council assets home for use is required to have the authority of their director.

Council's property must not be given away, lent, destroyed or otherwise disposed of unless authorised by the relevant director.

See Fleet Policy

8.39 Use of privileged information for unfair personal gain

Staff members who have access to information that is not available to the public must not use that information to gain improper advantage for themselves or any other person or organisation.

8.40 Work performance and behaviour

Staff members are expected to provide a fair day's work for a fair day's pay. Staff are expected to work consistently and diligently, and be punctual and conscientious.

Staff members are expected to commit to the Council Plan, any department/business plan, service plans and individual plans.

Where performance standards or behaviour standards are not met, supervisors are expected, in the normal course of their role as managers, to raise such matters informally with staff in order to rectify any aspect. Staff are encouraged to raise such matters informally with their supervisors.

There also may be instances where performance or behaviour standards are not met and where formal action is necessary.

See Discipline Procedure, Managing Underperformance Procedure and Managing Misconduct Procedure

9 CONFLICT OF INTEREST

A conflict of interest is where a staff member has private interests that could improperly influence, or be seen to influence, their decisions or actions in the performance of their public duties.

Members of the public rightly expect Council staff to make decisions or exercise their public duty objectively without personal consideration or gain.

Council staff must comply with the following requirements:

9.1 Conflict of interest definitions

Conflicts may be actual, potential or perceived:

- Actual conflict of interest - there is a real conflict between an employee's public duties and private interests.
- Potential conflict of interest - an employee has private interests that could conflict with their public duties. This refers to circumstances where it is foreseeable that a conflict may arise in future and steps should be taken now to mitigate that future risk.
- Perceived conflict of interest - the public or a third party could form the view that an employee's private interests could improperly influence their decisions or actions, now or in the future.

The *Local Government Act 2020* (the Act) defines two types of conflict of interest:

9.1.1 General conflict of interest (section 127)

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

9.1.2 Material conflict of interest (section 128)

A relevant person has a material conflict of interest in respect of a matter if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter. The benefit may arise or the loss incurred directly or indirectly or in a pecuniary or non-pecuniary form.

9.2 **Disclosing conflicts of interest**

A member of Council staff must disclose a conflict of interest in respect of a matter as required by Part 6 Division 2 of the Act and exclude themselves from the decision making process in relation to that matter, including any discussion or vote on the matter to be considered at a Council meeting, or at a meeting of a delegated committee or a community asset committee, and any action in relation to the matter.

Staff with direct reports should oversee management of their direct reports' conflict of interests, model good practice and promote awareness of conflict of interest policies and processes.

A **matter** means a matter with which a Council, delegated committee, community asset committee or a member of Council staff is concerned and that will require—

- a) a power to be exercised, or a duty or function to be performed, or a decision to be made, by the Council, delegated committee or community asset committee in respect of the matter; or
- b) a power to be exercised, or a duty or function to be performed, or a decision to be made by a member of Council staff in respect of the matter;

See Part 5 – Conflicts of Interest of Council's Governance Rules for further information on conflict of interest disclosures.

9.3 **Types of conflict of interest**

Outlined below are some examples of a person's interests that may improperly influence, or be seen to influence the decisions or actions of staff in the performance of their public duties.

9.3.1 Secondary employment

Council acknowledges that staff may have multiple roles in the community, both paid and unpaid.

Staff who have or are considering undertaking additional paid employment should be aware of and monitor its connection with their employment with Council.

If required staff must complete a secondary employment declaration which is approved by the CEO and kept on the relevant staff member's personnel file.

See Section 8.32 – Secondary employment and Council's Secondary Employment Policy for further information on secondary employment.

9.3.2 Community interest

The Council encourages all staff members to participate in local activities that support our community. Where a staff member is involved in a community group that has contact or dealing with the Council the staff member must not act to provide that group with priority access to Council services or special benefits from Council.

Where a staff member is involved with a community group and that group is using the media to exert pressure on the Council, the staff member must not act as a spokesperson for the group or be seen, from a public perspective, to be in conflict with the Council.

9.3.3 Suppliers and contractors

Staff members who are required to deal with external suppliers or contractors or internal departments competing with external contractors, must avoid placing themselves in situations of potential conflict of interest. Suppliers and contractors include, but are not restricted to those who supply the Council with goods, services and consultancies.

A potential conflict of interest could arise if the staff member, a member of his/her family, a friend or associate:

- owns any shares in
- has any other financial interest in
- participates in the business of
- conducts any private business with, or
- accepts a gift of shares or the opportunity to acquire discounted shares in an actual or potential supplier's or contractor's business.

9.3.4 Gifts, prizes, meals, benefits, hospitality and entertainment

Staff members do not, for themselves or others, seek or accept gifts, benefits or hospitality that could be reasonably perceived as influencing them. Staff members must comply with relevant policies in relation to accepting, declaring and/or recording the receipt of gifts, benefits or hospitality. Staff members who are unsure about accepting a gift, benefit or hospitality should seek advice from their manager in accordance with the Council's policy regarding gifts, benefits and hospitality, and supporting declaration form and register. A summary of the Gifts, Benefits and Hospitality Register is available on the Council website. Refer to the Gifts, Benefits, and Hospitality Policy (Staff) Policy for further information on gifts, benefits and hospitality.

9.3.5 Investments

Staff members may own shares or other interests in any public or private company. In most cases these interests will not present a problem. However, staff members should carefully assess the potential for a conflict of interest where they, their partners or other relatives own shares or other interests in a company that is a regular customer of or a supplier to the Council. If a potential conflict of interest appears to exist, then the facts of the matter must be disclosed to the Chief Executive Officer or responsible director.

9.3.6 Loddon Shire information

In addition to keeping Council information confidential, staff members must not use information obtained at the Council for their private business purposes. This includes information about the Council's business contracts, information about business opportunities at the Loddon Shire and information about planning scheme changes, future land developments and growth plans for the Loddon Shire.

9.3.7 Employment of family or friends

It is a fundamental value of the Council that it deals with all matters with integrity and honesty. It is also vital that the Loddon Shire is seen to act in this manner.

Where a member of a staff member's family or a friend is a candidate for a position within the Council, that staff member must disclose their association with the candidate to the CEO, director or manager and must not participate in the selection process. Furthermore, they must not seek to influence the selection process.

Any failure to disclose an association with a candidate for a position or any attempt to influence the outcome of a recruitment process, in which a member of your family or a friend is a candidate will be subject to disciplinary action.

9.3.8 Personal Interest Returns

A personal interest return is a record of the private interests of a person in public office that assists in improving probity. It helps to ensure transparency and reduce conflicts of interest.

As prescribed under the *Local Government Act 2020* (the Act) staff who have been identified as a specified person must lodge an Initial and Biannual Personal Interest Return with the Chief Executive Officer (CEO) containing the matters prescribed by the *Local Government (Governance and Integrity) Regulations 2020* (the Regulations). A summary of Personal Interest Returns are available on the Council website.

9.4 Declaring conflicts of interest

9.4.1 Declaration and register

Conflicts of interest must be declared on the Conflict of Interest Declaration Form and recorded on the Conflict of Interest Register. Together these record who declared the conflict, the nature of the conflict and how the conflict was managed. A Register summarising Conflict of Interest disclosures is available on the Council website.

All conflicts of interest should be disclosed in accordance with the Loddon Shire Council Governance Rules.

9.4.2 Failure to disclose

Failure to disclose a conflict of interest may result in remedial action as described in section 10.1 Non-compliance and/or notification to the Chief Municipal Inspector as required under section 130(7) of the *Local Government Act 2020*.

10 ADMINISTRATION

10.1 Non-compliance

Where non-compliance with this Code is reported and proven on the balance of probabilities, remedial action will be taken. This may involve counselling and training in the case of unintentional and less serious breaches of the Code. It may involve mediation through to dismissal in the case of intentional and serious breaches.

See Council's Discipline Policy.

10.2 Breaches of the Code by other staff members

If you believe that another staff member is breaching the expected standards of conduct outlined within this Code, you should discuss the other staff member's behaviour, without risk of reprisal, with your immediate coordinator, the CEO, relevant director or Manager Organisational Development.

10.3 Grievance

Staff have the right to access at any time the Grievance and Disputes Settling Procedures outlined in the Enterprise Agreement.

10.4 Making fair decisions

As per the Charter of Human Rights and Responsibilities Act 2006, a fair hearing will be given to all parties in order to make fair decisions.

10.5 Promotion of the Code

The Code will be made available to staff on the Intranet, tablets. The Code will be promoted in the Staff Newsletter and will be referred to in all new or revised Position Descriptions. The Code's existence should be acknowledged in Council publications, such as the Council Plan and Annual Report.

10.6 Education and awareness

The Code will form part of the induction for all and in addition all supervisors should provide a full explanation to the staff member at the time of induction.

At all times, staff and managers/supervisors should be aware of the importance of reporting non-compliance and breaches of the Code.

The Code should be referred to in Staff Development Reviews. It can be included in team-based discussions to resolve workplace problems.

Awareness training will be conducted every second year.

10.7 Policies and procedures

Council is required to make relevant policies and procedures accessible and staff are required to make every effort to acquaint themselves with them.

11 DEFINITIONS OF TERMS OR ABBREVIATIONS USED

Term	Definition
Family member	a spouse or domestic partner of the relevant person; or (b) a parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of the relevant person or of their spouse or domestic partner; or (c) any other relative that regularly resides with the relevant person;
Private interests	Means any direct or indirect interest of a relevant person that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief
Public duty	Means the responsibilities and obligations that a relevant person has to members of the public in their role as a relevant person
Disclosable gift	Means one or more gifts or hospitality with a total value of, or more than, \$50
Gift register	A register held by Council to record all disclosable gifts
Bribe	A gift of money or item of value from someone to try to make you do something they want

12 REVIEW

The Manager Organisation Development will review this procedure for any necessary amendments no later than 4 years after adoption of this current version.

APPENDIX 1: STAFF MEMBER'S ACKNOWLEDGEMENT



Staff Code of Conduct V4 acknowledgment

Staff Code of Conduct V4

The Staff Code of Conduct V4 provides an outline of behaviours and conduct required of all Council employees.

It is a requirement of Loddon Shire Council that all employees will work in accordance with the Staff Code of Conduct as described.

I (name)

- Hereby acknowledge I have received a copy of the Staff Code of Conduct.
- Have read and understand the Staff Code of Conduct and am familiar with its contents.

By signing this, I agree that I have read, understood and will comply with this undertaking.

Employee

Signature: _____ Date: _____

Print name: _____

Witness

Signature: _____ Date: _____

Print name: _____