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# CODE OF CONDUCT 2020



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1885

THIS STONE WAS LAID  
BY  
WILLIAM PATERSON ESQ., J.P.  
23<sup>RD</sup> AUGUST 1885  
BENTON & BUCKLE ARCHITECTS

# A message from the Chief Executive Officer

As a progressive leader Council has set an inspiring vision to ensure quality of life for current and future generations in Darebin - responding to the climate emergency, growing inequality and unprecedented growth.

The Council Plan requires us to be an outward facing, forward looking organisation and that we work as national leaders in sustainability and social equity.

Whilst managing new development and change we need to build improved futures for our communities and our urban amenity and deliver within our means by allocating our efforts and resources efficiently. Together we strive to be a modern, positive organization which is future focused, delivers excellent service and enables deep engagement with a community passionate about their city.

Our success is dependent on strong leadership from everyone at Darebin.

Every member of staff is expected to role model great collaboration and engagement and contribute to a high performing culture. We work as a team, committed to delivery with our shared values defining the way we work and reflecting our attitudes and behaviours.

Our Code of Conduct handbook provides clarity of roles and responsibilities, guidelines and principles which ensure a consistent approach to the behaviours, standards, values and ethics applied in performing duties or acting on behalf of Council.

**Sue Wilkinson**



## **Preamble**

Section 95AA of the Local Government Act 1989 ('the Act') requires that the Chief Executive Officer ('CEO') develop and implement a Code of Conduct for Council employees and provide all employees with access to the Code of Conduct.

Further, Section 95 of the Act states employees must, in the course of their employment, act impartially and with integrity, avoiding conflicts of interest, accept accountability for results and provide responsive service.

## **Introduction**

Council is committed to ensuring that its affairs are conducted ethically, professionally and in accordance with its statutory obligations. To this end, Council has developed the Code of Conduct ('the Code'). Read it. Understand it. Follow it.

The Code sets out the minimum standards of behaviour expected of all employees. It contains our Values, good governance principles, and instructs and advises you on

how to avoid situations that may damage your reputation or that of Council. Breaches of the Code will be considered to be misconduct and will be managed in accordance with Council's Disciplinary Policy.

## **Who is covered by the policy**

The Code applies to all full-time, part-time, temporary or casual employees. Contractors, Volunteers and Agency staff are also expected to adhere to the principles outlined in the Code. It covers employees' interactions with fellow employees, volunteers, agency staff, contractors, consultants, Councillors, clients, residents, ratepayers and visitors to Council. "Visitors to Council" include work experience students, customers and members of the public in workplaces.

## **What you will find inside this code**

The Code provides practical information about laws and regulations, expectations and principals. It also includes links to further information sources to help you use your own good judgement.

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# 1. Definitions

**Direct Manager** – includes Team Leaders, Supervisors, Coordinators, Managers, General Managers or the CEO.

**Employee/You** – refers to all permanent full-time and part-time, temporary full time and part time, and casual employees of Council and includes Officers at all levels.

**Workplace** – is the place of employment and includes any place an employee attends for the purpose of carrying out any function related to his or her employment with Council. It includes any work-related conferences, work functions or business trips.

**Improper conduct** – includes corrupt conduct, substantial mismanagement of public resources, conduct involving substantial risk to public health and safety, or conduct involving substantial risk to the environment. The conduct must be serious enough to constitute a criminal offence or reasonable grounds for dismissal.

## 2. Relevant legislation and policies

State and Federal legislation relevant to the obligations set out in this Code includes:

- Fair Work Act 2009
- Local Government Act 1989
- Darebin Enterprise Agreement 2018-2022
- Occupational Health & Safety Act 2004
- Equal Opportunity Act 2010
- Public Interest Disclosure Act 2012
- Privacy and Data Protection Act 2014
- Freedom of Information Act 1982
- Victorian Charter of Human Rights and Responsibilities 2006
- Public Records Act 1973

This Code is not intended in any way to diminish the requirements as outlined in the legislation listed above.

Council Policies relevant to the obligations set out in this Code include:

- Information Privacy Policy
- Conflict of Interest Guidelines
- Procurement Policy and Guidelines
- Drug and Alcohol Policy
- Equal Opportunity Policy
- Fraud Prevention and Control Policy
- Occupational Health and Safety Policies
- Records Management Policy
- Safeguarding Children Policy Code of Conduct
- Councillor Code of Conduct

# 3. Our values

Our organisational values are our common ground, guiding us in working together to deliver service excellence for our community.

## Where to find more information

- Values Resource Hub on Darebin’s Intranet

**We Make a Difference**

We are driven by our desire to make a difference for the people we serve. Our work is purposeful and creates a positive impact for the community. We are proud to work here.

**Our work matters.**

**We have Integrity**

We act with integrity and transparency in conversations and decision-making. Through open and clear communication, we build trust. We’re honest.

**We walk the talk.**

**We are Accountable**

We are empowered to own and take responsibility for our actions. We follow through on our commitments and deliver on our promises.

**We make it happen.**

**We show Respect**

We are diverse, inclusive, respectful and caring. We encourage everyone to have a voice and we listen to each other. We recognise one another’s contributions and treat people fairly.

**We look after each other.**

**We are Creative**

We are bold, courageous and innovative. We try new things, experiment and continuously improve. We are open-minded, creative and forward-thinking.

**We are leaders.**

**We are Collaborative**

We are united by a common purpose to serve the community. We work together, connecting within our teams and across the organisation. We are inclusive and collaborative.

**We are one.**

# 4. People, health & safety

Managers must ensure employees and others working on behalf of Council know the legal obligations that affect them.

As an employee you are required to comply with safe systems of work and not breach them, either deliberately, negligently or by coercing another to breach those standards. If you see a hazard to others, you must report it immediately to your direct Manager or Health and Safety Representative.

## 4.1 Equal Opportunity

The Equal Opportunity Act 2010 covers discrimination in the workplace, which is unlawful and will not be tolerated by Council. Unlawful discrimination may be direct or indirect.

### Your responsibility

- Respect everyone you deal with and behave fairly towards them. You should understand the value of diversity and not discriminate.
- It is against the law to discriminate on the basis of age, sex, gender identity, marital status, sexual orientation, lawful sexual activity, breastfeeding, parental/carer status, disability, physical features, race, religion, personal association, irrelevant criminal activity, employment or industrial activity, pregnancy and political belief.

- You should base recruitment, evaluation, promotion, training, development, discipline, compensation and termination decisions on qualifications, merit, performance and business considerations only.
- You should be aware of relevant legislation and cultural factors that may impact decisions.

### Challenge yourself

- Are you being fair and respectful?
- Have you considered the other person's view?
- Are your personal feelings, prejudices or preferences influencing your decisions?
- Do you understand cultural practices and customs?

### Where to find more information

- Darebin Intranet
- Equal Opportunity Policy
- Victorian Equal Opportunity and Human Rights Commission (VEOHRC) website. <http://www.humanrightscommission.vic.gov.au/>



## 4.2 Human Rights

The Victorian Charter of Human Rights and Responsibilities 2006 ('the Charter') contains 20 basic rights that promote and protect the values of freedom, respect, equality and dignity. The Charter aims to ensure government bodies, public bodies, local Councils and public servants observe certain rights when creating laws, setting policies and providing services.

Council is committed to upholding all of the rights, principles and values set out in the Charter and to educating employees on the rights set out in the Charter.

### Your responsibility

- You should act in accordance with the rights, principles and values set out in the Charter.

### Where to find more information

- Darebin Intranet
- Equal Opportunity Policy

- Victorian Equal Opportunity and Human Rights Commission (VEOHRC) website. <http://www.humanrightscommission.vic.gov.au/>

## 4.3 Drugs, Alcohol and Tobacco Use

Employees are not to report for any duty at any time under the influence of illicit drugs, alcohol or medication, to the extent that it may impair their ability and the ability of their colleagues to safely and effectively perform their work requirements. This includes, but is not limited to, the ability to safely operate Council vehicles, pool cars, items of plant and equipment and provide a service to residents, clients and customers of Council. Council is also a smoke free workplace.

Where possible, Council will endeavour to assist affected employees, in a confidential manner, to understand and manage the effects emanating from the misuse of illicit drugs, alcohol and medication.



## Your responsibility

- You have a duty of care whilst at work to take reasonable care for your health and safety and that of others who may be affected by your acts or omissions.

## Where to find more information

- Darebin Intranet
- Smoke Free Workplace Policy

### 4.4 Bullying and Harassment

Bullying and harassment is not acceptable and will not be tolerated. Council will not accept any action, conduct or behaviour, which is humiliating, intimidating or hostile. You should be particularly sensitive to actions or behaviours that may be acceptable in one culture but not in another.

## Your responsibility

- Treat others with respect and avoid situations that may be perceived as inappropriate. Respectfully challenge someone if you find their behaviour hostile, intimidating or humiliating. Bullying and Harassment can result in disciplinary action and even dismissal.

## Principles

- Do not physically or verbally intimidate or humiliate others.
- Do not make inappropriate jokes or comments. If you are unsure whether something is inappropriate assume that it is.
- Never distribute or display offensive or derogatory material, including pictures.
- Don't be afraid to speak up and tell a person if you are upset by their actions or behaviour. Explain why and ask them to stop.

## Challenge yourself

- Have you behaved appropriately?
- Have you behaved unreasonably or in an intimidating or threatening manner?
- Have you made inappropriate jokes or comments?
- Have you distributed or displayed potentially offensive material?

## Where to find more information

- Darebin Intranet
- Equal Opportunity Policy

# 5. Anti-corruption practices

## 5.1 Conflicts of Interest

The Local Government Act 1989 ('the Act') defines the circumstances that give rise to a conflict of interest for Councillors, members of Council special committees, Council employees and contractors engaged to provide advice or services to the Council or a special committee of the Council. The Act also specifies the actions that must be taken to resolve a conflict of interest. Under the Act, a conflict of interest arises if a relevant person has a direct interest or an indirect interest in a matter.

### Your responsibility

- You must avoid conflict of interest. A person in public office has a conflict of interest when they also have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest can influence your decision-making or be perceived to do so.

### Principles

- A person has a direct interest in a matter if there is a reasonable likelihood that the benefits, obligations, opportunities or circumstances of the person would be directly altered if the matter is decided in a particular way. This

could include where they are likely to directly gain or lose financially.

- Council policy requires Managers to arrange for written records to be made of 'Assemblies of Councillors'.
- Statutory obligation for employees to disclose conflicts of interest in matters where they have a delegated power, duty or function of Council.
- Statutory obligation for employees to disclose direct or indirect interests when providing advice or a report to a Council meeting or a special committee of Council.
- Council policy requirement for employees appointed to a 'tender evaluation panel' or an 'employee appointment evaluation panel' to disclose any direct or indirect interests to the Convenor of the Panel.
- Council policy requirement for employees who have engaged, or propose to engage, a contractor to discuss conflict of interest issues prior to engagement and to manage any conflict of interest issues arising during the course of the project.
- Council policy requirement for employees to comply with the 'Gifts and Hospitality' Code – see Clause 5.3 of this Code.

- Council policy requirements for employees to advise their Direct Manager of outside employment, business interests, or other activities which may give rise to a conflict of interest. Council policy requirement for all Senior Officers to submit a periodic Declaration of Interests.

### **Challenge yourself**

- Are you hiring, managing, reviewing or appraising a relative or friend?
- Are you using your position for personal gain?
- Have you personally gained from confidential information?
- Are your personal relationships influencing business decisions?

### **Where to find more information**

- Darebin Intranet
- Conflicts of Interest – Disclosure Guidelines for Council Staff

## **5.2 Outside employment or activities**

Council actively discourages participation in any outside business (including a family business) on either a part-time or freelance basis.

### **Your responsibility**

- You are obliged to ensure that any secondary employment or outside activities, whether paid or voluntary, does not create a conflict of interest and/or duty with your role at Council.

## **Principles**

- It is expected that outside employment or activities will not impact on your primary employment at Council. Examples of such “impact” may include, but not be limited to, increased absenteeism, an inability to perform the inherent requirements of your role, an inability to fulfill the obligations of a return to work or support plan, or insufficient break between starting/finishing the primary employment and starting/finishing the outside employment or activity.
- No employee who has knowledge of commercially sensitive or non-publicly available information shall engage in any outside business activity with a supplier without first obtaining written authorisation from their General Manager.
- An employee who engages in business activity for an outside company shall not render service to Council on that company’s behalf.
- Where a conflict of interest and/or duty exists, the employee’s direct Manager, following discussion with their General Manager and the People & Development Department, will determine whether the conflict can be managed effectively. Where it is determined that the conflict cannot be managed effectively, the employee will be required to choose between their employment with Council and their secondary employment or outside activity.

## Challenge yourself

- Are you using your sick leave or Rostered Days Off to work privately or at an organisation other than Council?
- Are you using your position or knowledge from Council to benefit your outside employment?

## Where to find more information

- Darebin Intranet
- Conflicts of Interest – Disclosure Guidelines for Council Staff

## 5.3 Gifts and Hospitality

Council is committed to being open and transparent in its operations to minimise the risk of being placed in a compromising position that may have an adverse affect on its public endeavours and the promotion of trust within the community.

### Your responsibility

- At all times be ethical, fair and honest when conducting official duties.
- Be fully accountable and responsible for your actions and ensure that the methods and processes you use to arrive at decisions are beyond reproach and can withstand audit processes and proper scrutiny.
- Do not seek, solicit, or use your position with Council to obtain gifts or benefits from external organisations or individuals.

- Ensure that a person, company or organisation is not placed in a position in which they feel obliged to offer gifts or hospitality to secure or retain Council business.
- Report any incidence where a bribe and/or cash are offered.
- Report any gifts or hospitality you have been offered or have received.

## Principles

- Be aware that fraudulently receiving a gift (including hospitality) is an offence under both common law and the Local Government Act.
- Gifts can be in many forms – they can be monetary gifts including cash or vouchers; property, goods and services; and hospitality including meals, travel and entertainment.
- Accepting a gift from another person or organisation can give the impression that you are using your position for personal gain, rather than to serve the community, this can reflect badly on you and Council. It may also prevent you from undertaking duties that you have been appointed to perform.
- You should be mindful that a gift or gifts (including hospitality) to the total value of the ‘gift disclosure threshold’ defined in the Local Government Act (currently \$500) received from persons or organisations during the previous 5 years will give rise to a conflict of interest which must be formally disclosed to the CEO.

Hospitality and bequests are a form of gift but for the purpose of this code are addressed separately.

### 5.3.1 Gifts

Employees must not seek gifts, rewards or benefits in connection with the performance of their duties. The following protocols apply in relation to acceptance of gifts:

- Promotional gifts (usually small office or business accessories) received when attending a seminar or corporate event can be accepted. These are usually mass-produced and not given as a personal gift.
- Ceremonial gifts can be accepted by an employee on behalf of Council. Ceremonial gifts are considered to be a gift to the Council not the employee.
- Modest gifts of appreciation (flowers, chocolates, tie/scarf or beverages) presented to an employee who has made a presentation at a corporate or community event can be accepted.
- All other gifts should be politely declined or returned.
- If a gift cannot be declined or returned, or if refusal has the potential to damage Council's relationships, then the gift may be accepted but must be reported to the relevant General Manager (or CEO if the recipient is a General Manager) using the Council Gifts Registration Form, which can be found on Darebin's Intranet.

### 5.3.2 Hospitality

Employees may from time to time receive invitations of hospitality to attend various functions and events.

- Where hospitality is modest in nature and provides an opportunity to network or undertake business of a common purpose, it may be appropriate to accept such invitations but approval should be obtained from the relevant Manager.

**Note:** Reasonable hospitality received by the person at an event/function the person attended in an official capacity is not included in the applicable gift threshold.

Where the hospitality is likely to create the impression that an attempt is being made to compromise your impartiality, or the hospitality could be perceived as a conflict of interest then the offer of hospitality should be politely declined.

Proposals to accept hospitality with an estimated value above \$50 must be referred to the relevant General Manager (or CEO if the applicant is a General Manager) for determination using the Council Gifts Registration Form, found on Darebin's Intranet.

### 5.3.3 Bequests

Bequests made to employees as a direct result of their position with the Council must not be accepted. Offers of bequests must be referred to the relevant General Manager (or CEO if

the recipient is a General Manager) for determination using the Council Gifts Registration Form.

### **5.3.4 Approval and Reporting**

Details of gifts, hospitality and bequests received or proposed to be accepted are to be registered using the Council Gifts Registration Form. The form will record the date, description and estimated value of the gift, the recipient employee, the name of the provider (individual or organisation) and the approved treatment of the gift.

The Council Gifts Registration Form is available on Darebin's Intranet.

The General Manager is to determine whether the gift, hospitality or bequest is to be accepted and, if accepted, determine how the gift, hospitality or bequest is to be treated:

- Gifts and hospitality should only be approved when acceptance provides value to the Council, acceptance does not advantage the host and acceptance does not give rise to a potential conflict of interest.
- It may be determined that Council retain or appropriately dispose of a gift – options for disposal include donation to a charitable or not-for-profit organisation, donation to Council's Social Club or distribution in an equitable manner within the relevant Work Unit, Department or Directorate.

- Options for treatment of bequests include accepting the bequest on behalf of the Council, donating the bequest to a charitable organisation in the name of the person or returning the bequest to the immediately family.

The completed and endorsed Council Gifts Registration Form is to be forwarded to the Governance & Performance Department for incorporation into a Gifts and Hospitality Register.

The Gifts and Hospitality Register will be reviewed quarterly by the Executive Management Team to facilitate consistent and appropriate cultures in relation to acceptance of gifts and hospitality.

### **Challenge yourself**

- Did receipt of the gift or hospitality make you feel you were under any obligation?
- Is the gift being given as an exceptional reward or incentive for a transaction?
- Is the gift or hospitality inappropriate or illegal?
- Is the timing of the gift or hospitality sensitive (i.e. during negotiations, Tender determination)?

### **Where to find more information**

- Gifts and Hospitality page on Darebin's Intranet

## 5.4 Fraud Prevention and Control

Fraud is defined as dishonest activity that causes actual or potential financial loss to any person or entity. Council will not tolerate fraud in any form.

### Your responsibility

- The prevention of fraud is the responsibility of every employee. You should be aware of your role in relation to fraud prevention, and any instances of fraud or suspected fraud must be reported. You can report fraud/suspected fraud to your Direct Manager, the Manager Governance & Performance and General Manager, Governance & Engagement.

### Principles

- Employees who report fraud/suspected fraud, or who assist in the investigation of fraud/suspected fraud will not be victimised.

### Challenge yourself

- Have you 'shared' your computer password with any one?
- Have you approved a purchase order or invoice for goods or services that Council did not receive, or you personally received?
- Have you falsified Council's reports or documents?

### Where you can find more information

- Darebin Intranet
- Fraud Prevention and Control Policy





# 6. Communications

Any written or verbal communication made publicly on behalf of Council is a public disclosure. Information disclosed must be true, accurate, consistent and not misleading. Inaccurate information disclosed can damage Council's reputation.

## 6.1 Social Media

Employees who use Social Media for personal use are expected to demonstrate professional conduct, integrity and care in discharging their responsibilities on behalf of Council. Whether at work or not, the behaviour of a user reflects on the image and reputation of Council.

Don't forget your day job. Social media activity undertaken during paid working hours must not affect the expected and required levels of performance and productivity, output, work responsibilities and commitment required to execute your duties.

### Your responsibility

- Do not imply the personal views you share on social media are endorsed by Council.
- You must not let your behaviour on social media bring Council into disrepute. Don't make any comments that are defamatory, threatening, harassing, indecent,

unlawful, discriminatory or disparaging about your work, Councillors, Officers or customers. Don't disclose any confidential information.

- You must not create, post or share (in an official capacity) to a Council social media account, unless authorised to do so by the Communications and Engagement department.
- Alert your manager if your corporate or personal social account becomes a target for harassment or defamation in relation to your work.
- We encourage you to share corporate posts to help spread messages to a wider audience.

### Principles

- In your communications:
  - use social media wisely
  - do not mislead;
  - do not discuss or write speculative opinions;
  - do not exaggerate;
  - do not engage in conversation on sensitive, confidential or matters legislated under relevant Acts; and
  - do not joke about serious matters.

## Challenge yourself

- Do you need to communicate this information?
- Is the information respectful, will it upset, humiliate or intimidate?
- Is this communication lawful?
- What is the best way to communicate?
- Would you be comfortable if the information you posted was used as evidence in legal proceedings?

## Where you can find more information

- Darebin Intranet



# 7. Community

## 7.1 Interacting with children and young people

Council prides itself on being a child safe organisation and has zero tolerance for child abuse. A child refers to a person who is under the age of 18. Council adheres to the Victorian Child Safe Standards and related legislation including Failure to Disclose, Failure to Protect and Grooming offenses. Any allegation or incident of abuse will be treated very seriously and consistently with child protection legislation, regulations and guidelines and in accordance with policy and procedures.

Employees must maintain the highest standards of professional conduct in their attitude, behaviour and interactions with children and young people. We are expected to uphold the rights and best interests of the child in all decision making.

### Principles

- Council is a child safe organisation.
- Council provides a safe working environment and values child safety.
- Council adheres to the Victorian Child Safe Standards.
- All new Council employees and volunteers are required to have a 'Working With Children Check'.

### Your responsibility

- You are responsible for supporting the safety, participation, wellbeing and empowerment of children.
- You are required to observe child safe principles and expectations for appropriate behaviour towards and in the company of children and young people.

### Challenge yourself

- Is my behaviour towards children and young people appropriate?
- Do my actions and behaviours demonstrate a commitment to child safety? Am I ensuring child safe principles and practices?

### Where you can find more information

- Darebin Intranet
- Safeguarding Children Policy and Code of Conduct
- Department of Health and Human Services, 2015. An overview of Victoria's Child Safe Standards, Melbourne.

# 8. Confidentiality and privacy

Confidential information means any information about Council acquired by an employee during their employment with Council and which relates to Council, its customers, or Councillors, unless that information falls into the public domain.

Confidential information includes but is not limited to intellectual property, computer software and programs, know-how, policies, financial affairs and strategic and business plans. It is prohibited to disclose any confidential information, either during or after employment with Council, to any person not authorised to receive it, or to use the confidential information for any purposes other than for the purposes of Council.

Council is also committed to ensuring that all personal information gathered is handled, used and disclosed in accordance with the Privacy and Data Protection Act 2014, the Health Records Act 2001 and Council's Privacy Policy.

Additionally, Council obtains a significant amount of general information in the course of performing its functions, and this information is stored in Council's record keeping system, "Objective". It is critical that access to this information is restricted to only those employees with a legitimate need to it. This is achieved through the use of "privileges" and all employees are required to ensure that privileges are used appropriately.

# 9. Councillor relationships

Council is committed to developing and maintaining strong working relationships with its elected representatives while maintaining the integrity of the decision making processes.

In the Darebin City Council Councillor Code of Conduct, Councillors have acknowledged the expectation that they will seek information on strategic and service issues and clarification in relation to Council reports, committee reports and briefing papers from the CEO or the relevant General Manager or other Senior Officers. “Senior Officer” in this instance refers to the relevant Service Manager or Coordinator and/or the author/presenter of a particular report.

Councillors will have some contact with other employees at an operational level including customer requests for service and in relation to Councillor support and facilities.

It is an offence for Councillors to seek to improperly direct or influence an employee in the exercise of any power or in the performance of any duty or function. Employees should report any concerns in this regard to their direct Manager.

# 10. Councillor and employee interaction protocols

The following Protocols apply whenever a Councillor and Council employee interact. They cover both:

- requests for information on strategic and service issues; and
- discussions or other communications (including verbal discussions, emails and SMS communications) that take place outside a formal meeting (e.g. where a Councillor approaches an employee for clarification in relation to a report) and involve an issue affecting Council.

## 10.1 Central concept in all interaction

### 10.1.1 Respect

- The Councillor and you will in all interactions treat each other respectfully. The respect should help build and maintain a constructive relationship between Councillors and employees.
- The Councillor will, in accordance with section 76E(1) of the Local Government Act, refrain from improperly directing or improperly influencing, or seeking to improperly direct or improperly influence, an employee.

- In accordance with this Code, you will maintain the integrity of the decision making process.
- Any interaction between Councillors and you should be restricted to those interactions required to further matters of Council business following the normal course of Council operating procedures and processes. Where social interaction occurs between Councillors and you, any discussion of Council business and/or operational matters is prohibited.

## 10.2 Requests for information

### 10.2.1 Reasonableness of Request

- The Councillors request for information must be reasonable in the circumstances.
- It must not, for example, impose an unreasonable burden on an employee or set an unrealistic or impracticable deadline for a response.
- The Councillor must, in the first instance, request information from the relevant General Manager and cc. the CEO into any such requests.

- The request should not be designed to embarrass an employee or put him or her in a difficult position. If the Councillor intends to make public the information sought, this must be communicated to the employee prior to disclosure to the public.

### **10.2.2 Responsiveness**

- You must, in respect of any request for information which is reasonable in the circumstances, endeavour to provide the information sought in a considered, responsive and timely way.

### **10.2.3 Transfer of Request**

- If the General Manager considers that the request for information can or should more appropriately be dealt with by an employee, the General Manager may transfer the request to the appropriate employee.
- In that event, the General Manager who has transferred the request must inform the Councillor that the request has been transferred and advise of the name of the employee now processing the request.

### **10.2.4 Copying Response**

- Unless the General Manager or relevant department Manager considers that it is inappropriate to do so, he or she will copy any written communication to or from the Councillor to all other Councillors.

- The employee must also copy the written communication to or from the Councillor to their General Manager and Direct Manager. If he or she considers that the contents of the communication should be brought to the attention of the CEO, the CEO must be copied into the response.

- If the written communication is copied in the manner set out in the Councillor Code of Conduct, the Councillor will be advised by being copied into the email (or other communication).

### **10.2.5 Reacting to the Response**

- The employee's role is to provide the information which has been requested.
- The Councillor should not, therefore, debate or attempt to debate any aspect of the information, or anything arising out of the information with the employee.
- If the Councillor feels the information is inadequate or inappropriate, they may take this up with the CEO or the relevant General Manager.

## **10.3 Other interaction**

### **10.3.1 Recording of Discussion or Other Communication**

- Any other communication, including emails, text messages and oral discussions between Councillors and employee, must be recorded by the employee on the "File Note"

and referred to the relevant General Manager for endorsement and filing by the General Manager within one working day of the communication occurring.

- Where the communication is between a Councillor and General Manager, the General Manager must record where necessary the request or discussion on the “File Note”.
- The CEO and Manager Governance and Performance are exempt from recording every discussion with Councillors however the exemption does not apply in relation to the recording of discussions that are of a confidential nature.
- The Manager Communications and Engagement is exempt from recording discussions in relation to Council’s media policy and strategic communications.

## 10.4 Compliance

### 10.4.1 Complaints

If a Councillor or employee considers that either has breached any of these Protocols, he or she:

- may immediately terminate the interaction with the Councillor or employee;
  - must report, in relation to a Councillor, what has occurred to the CEO who must inform the Councillor of the nature of the complaint; or
  - must report, in relation to an employee, to the CEO the nature of the complaint.
- The CEO or a person chosen by the CEO for the purpose who is independent of the parties must, if it is practicable to do so, encourage the Councillor and employee to attend a mediation. If held, the mediation and everything said or done with respect to the mediation must be kept confidential by the CEO, Councillor and employee.

If it is not practicable to encourage the parties to attend a mediation or:

- encouragement is given but the mediation does not take place; or
  - the mediation takes place but the Councillor or employee still feels aggrieved by the interaction which occurred;
- the CEO may progress the handling of the complaint in the manner set out in Councillor Code of Conduct.

The CEO may engage a person chosen for the purpose who is independent of the parties to investigate the complaint. In that event:

- the investigation must be carried out fairly and sensitively;
- the Councillor and employee must provide the person with reasonable assistance in the carrying out of his or her investigation; and
- the Councillor, employee and, subject to the Councillor Code of Conduct, the CEO must keep confidential the investigation and any report from the person during or at the conclusion of the investigation.



Upon receiving a response from the person at the conclusion of the investigation, the CEO must:

- in the case of a complaint against an employee, consider what, if any, disciplinary action should be taken against the employee; or
- in the case of a complaint against a Councillor, designate the report as confidential in accordance with section 77(2)(c) of the Local Government Act, and submit a copy of the report to a closed meeting of Council so that Council can consider what, if any, action should be taken against the Councillor.



# 11. Procurement

Council spends a significant amount of its budget each year on the procurement of goods and services acquired through external parties. It is critical that Council's purchasing practices are undertaken in a consistent and appropriate manner and that they comply with the Local Government Act.

As an Officer of Council you must be mindful of your role and financial responsibilities and must ensure that all procurement is within your delegated authority. Where purchases exceed your authority the intended procurement should be referred to an employee with the appropriate delegated levels, or to Council itself for a decision.

Council's procurement processes must be undertaken in a way which meets the expected standards of probity. This includes consistent application of clear and established procedures, compliance with policies and legislation, consideration of the suppliers involved in any tendering or quotation process, and clear and transparent decision making.

Details of specific requirements are set out in Council's Procurement Policy and Guidelines, available on the Intranet or from the Coordinator Procurement and Contracting.



## 12. Records management

Employees (including consultants, contractors and volunteers) are responsible for creating, maintaining and managing full and accurate records of their business activities.

Records management requires employees to ensure records, including corporate emails, are maintained and captured into Council's Electronic Document Records Management System

(Objective). Records are not to be destroyed unless authorised by the Coordinator Corporate Information

Employees are to maintain confidentiality of records they have access to, in accordance with the requirements of the Freedom of Information Act 1982 and the Privacy and Data Protection Act 2014.

## 13. Appearance and presentation

Council aims to portray a professional image in all its dealings with the community and visitors. One of the ways it achieves this is by providing to certain employee groups corporate uniforms, protective clothing and items of clothing which carry Council's logo. Accordingly, all employees are required to wear the appropriate clothing relevant to their role. "Outdoor" employees are also required to wear protective clothing, footwear and equipment as directed

by Council in accordance with State OH&S Legislation and Council's Inclement Weather - Ultraviolet (UV) Radiation & Working in Heat Policy. Additionally, it is a requirement that all employees who are supplied with identification badges wear them when they are representing Council in activities involving the community and visitors to Council.

A high standard of personal hygiene is expected at all times.

# 14. Public Interest Disclosure Act 2012

The purpose of the Public Interest Disclosure Act 2012 is to encourage and facilitate the making of disclosures of improper conduct and detrimental action by public officers and public bodies. It does so by providing certain protections for people who make a disclosure, or those who may suffer detrimental action as reprisal for making a disclosure.

An essential component of this protection is to ensure that information connected to a public interest disclosure, including the identity of a discloser and the

contents of that disclosure, are kept strictly confidential.

Protected disclosures about a Councillor must be referred to the Independent Broad-based Anti-Corruption Commission (IBAC) or the Ombudsman. Disclosures about a Council officer/employee can be made either to the Council's Public Interest Disclosures Coordinator (PIDC) or directly to the IBAC.

Future information regarding the Protected Disclosure Act 2012 can be found on the intranet or from the General Manager, Governance and Engagement.

# 15. Leaving council

When an employee leaves Council they are required to return any tools, equipment or materials including but not limited to vehicles, phones, computer equipment issued to the

employee during their employment with Council. The Exit Checklist should also be completed and signed prior to departure.

## 16. Breach of code of conduct

Employees found in breach of this Policy will be subject to Council's Disciplinary Policy. Substantiated breaches of the Policy will require the employee to undergo additional training in their obligations under this

Policy. Depending upon the severity of the case, the consequences for breaching this Policy may also involve termination of employment. Any matters involving criminal conduct will be referred to the Police.

## 17. Dispute resolution process

Any dispute or grievance arising in relation to this Policy must be addressed in accordance with the Dispute Prevention and Settlement Procedures set out in Council's

Enterprise Agreement. In the first instance, an aggrieved employee is expected to raise their concerns with their Direct Manager.

**To be completed when an employee has been issued with a copy of Darebin City Council's Code of Conduct or attended a Training/Information Session.**

A signed copy of this form will be retained on the employee's folder.

**Employee Declaration** (please tick to indicate which of the following apply)

- I have been provided with a copy of the Code of Conduct;
- I acknowledge my obligations in relation to the Code; and
- I agree to adhere to the requirements of the policies and procedures contained within this document.

Name: .....

Position: .....

Signature: ..... Date: .....

**Note:** The Policy will be updated from time to time, please refer to the Intranet for up-to-date copies of policies and procedures.

Please complete, tear off and return this form to the  
**People and Development Department.**

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If you are deaf, or have a hearing or speech impairment, contact us through the National Relay Service.



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T 8470 8470

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