

Employee Code of Conduct and Conflict of Interest Policy and Guidelines

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Preamble

This Code of Conduct reflects the corporate principles and values of Council. It sets down the minimum standards of behaviour expected from all persons appointed to represent Council. The Code explains what is expected of all of us and forms part of our contracts of employment. All staff is required to read this Code, become familiar and act in accordance with it.

It is important to be aware that if you breach the standards set out in this Code, you may be subject to disciplinary action which may range from counselling to termination of employment.

The Code is to be read in conjunction with relevant legislation and Council's policies. However, nothing in this Code is a substitute for the Local Government Act (1989) *'The Act'* and does not override it. This Code does not override or affect any legislation applicable.

The adoption of this Code of Conduct for Staff is important in demonstrating to the community that Towong Shire Council will carry out its mission and statutory role with efficiency, impartiality and integrity.

Objectives of this Code of Conduct

The Code of Conduct provides a framework upon which employees of Council are required to base their behaviours. The behaviours we each display are critical in defining the relationships we have with one another and ultimately how effective we are both individually and collectively.

Relationship to Local Government Act

Under s95(1) of the Local Government Act 1989 Council staff must in the course of their employment:

- (a) act impartially;
- (b) act with integrity including avoiding real or apparent conflicts of interest;
- (c) accept accountability for results;
- (d) provide responsive service.

Section 95AA of the Act further states that a Chief Executive Officer must develop and implement a Code of Conduct for Council staff.

Sections 77A, 77B and 78 of the Act refer to direct and indirect interests for relevant persons and Council has a specific policy in relation to these matters. Please refer to Council's Employee Conflict of Interest Policy.

To whom does the Code apply?

This Code applies to all employees of the Council, including management, full time, part time, casual, permanent or temporary employees. It is a condition of your employment that you comply with the Code. Therefore, you should read it and become familiar with it.

Whilst not directly governed by the Code of Conduct, contractors are also expected to behave in a manner that is consistent with the principles of this Code.

What if I am unsure?

If you are unsure about any aspect of this Code, you should discuss the issues with your immediate supervisor. If you are still unsure you should discuss the issues with the Director of your Department.

Our Vision

We will be a World Class small Council and Towong Shire will be the ideal place to live.

Our Mission

To provide leadership and service to the Towong Shire community that adds values and enhances social, economic and environmental wellbeing now and into the future.

Council's Values are Teamwork, Respect, Integrity and Pride

Respect: We will listen and consider other perspectives and treat each other with courtesy

Integrity: We will seek the common good

Pride: We will always take care in what we do

Teamwork: We will help others to achieve by being positive, enthusiastic and confident

VALUES AND BEHAVIOURS

Value	This Means	Behaviour to Demonstrate Values
Respect	<p>Listening even if you don't agree</p> <p>Non Judgemental</p> <p>Recognising that everyone in their differences brings something highly valuable to our work</p> <p>Treating everyone equal</p> <p>Don't discriminate</p> <p>Be objective</p> <p>Consistent/No favourites</p>	<p>Listen and then Talk</p> <p>No backstabbing</p> <p>Being assertive is OK</p> <p>Feedback in a positive manner</p> <p>Call a spade a spade</p> <p>Say what you mean, but don't say it mean</p> <p>Consider others perspectives</p> <p>Same rules for everyone</p> <p>Get the whole story</p>
Integrity	<p>Being truthful</p> <p>Best intentions to ourselves and others</p> <p>No recriminations</p> <p>True to your word</p> <p>Trustworthy</p> <p>Decent/Ethical</p> <p>Not seeking self interest</p> <p>Common good more important than personal gain</p> <p>Doing the right thing by who you are representing</p>	<p>Do what you say</p> <p>Maintain confidences</p> <p>Don't compromise your personal values</p> <p>Acting in the common good</p> <p>Don't BAG the organisation</p> <p>Being discrete</p> <p>Sort out problems internally</p> <p>Issues addressed as they arise</p>
Pride	<p>Very satisfied with what you've achieved</p> <p>Care about what you're doing</p>	<p>Strive to achieve personal standard's</p> <p>Dotting "I's" and crossing "T's"</p> <p>Doing the extra bit</p> <p>Use 'positive' language</p> <p>Celebrate success</p>

Value	This Means	Behaviour to Demonstrate Values
		Commit yourself Have a go
Teamwork	Helping others to achieve Keeping positive Getting involved As a leader, providing clear direction Confidence in others to do the right thing Optimistic Enthusiastic Looking for upside/brightside/strengths Supporting ideas Recognising good work "Great Stuff" Can Do! Being punctual Don't just do it once, keep doing it Dependable	Keeping positive Backing up each other Lets others act Be on time Do what you say Doing what is required (at least!)

Honesty and Integrity

Employees will maintain honesty and integrity in all their dealings with each other and with the community.

Respect for others

Due respect will be shown to each other, to members of the community and to any other person who has contact with Council. This includes:

- Acting and being seen to act properly and in accordance with the requirements of the law, one's delegated responsibilities and the terms of this Code;
- Observing the principles of equal opportunity;
- Performing duties impartially and to the best of one's ability;
- Refraining from conduct and the use of offensive language that would cause any reasonable person offence or embarrassment;

- Treating others with the respect that one would expect from any organisation committed to quality customer service.

Dress and Appearance

While on Council duty, dress and appearance is to be neat, clean and appropriate to the duty being undertaken and will be consistent with the general expectations of the community. Any uniform or Personal Protective Equipment (PPE) provided by Council must be worn where this is required for the function that is being performed.

Alcohol and Drug Use

Illicit drug use is not permitted at any time while on duty. The consumption of alcohol is strongly discouraged at all times while on duty.

In order to ensure a safe working environment, Council prohibits the improper or inappropriate use of alcohol and illicit substances during work or at times when their use may affect your ability to work safely.
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If you are taking any medication, you should consult your doctor or pharmacist to find out whether it might have any side effects that could affect your ability to work safely. Notification of medication is to be reported to your direct supervisor.

Presenting fit for work

Council recognises that an individual's fitness for work may be affected by their physical wellbeing, or from the adverse effects from fatigue, stress, alcohol, illicit drugs or medication.

Management will endeavour to identify those at risk and acknowledges fatigue, stress, and the use of alcohol, illicit drugs or medication may be symptoms of an underlying issue. Where appropriate, Council will assist an affected employee in accessing appropriate assistance for any identified issue.

All employees have a responsibility to assess their own fitness for work and to take appropriate actions. Employees are reminded that they have a legal responsibility under the OHS Act to take reasonable care for their own health and safety, take reasonable care for the health and safety of others who may be affected by their acts or omissions, and to cooperate with their employer in relation to meeting their OHS obligations under the Act.

Performance of Duties

While on duty, one's whole time and attention will be dedicated to Council business and to ensuring that the business is carried out efficiently and effectively in accordance with the expectations of Council. Advantage will not be taken of one's position to influence other persons in order to obtain undue or improper advantage or gain for oneself or for any other person or body.

Compliance with Lawful Directions

Any lawful direction given will be carried out by the person with the appropriate authority regardless of whether or not the person personally agrees with or approves of the direction.

Management Practices

Compliance will be observed with all reasonable and proper management practices and directions.

Professional Advice

There will be no restrictions or undue influence placed on the ability of persons to give impartial professional advice to the Council.

Use of Confidential Information

Confidential information will not be used for personal gain or for any other reason which is inconsistent with one's obligation to act impartially and in the interests of the community. Confidential information will not be used to cause harm or detriment to any other person, body or the Council. Penalties provided for by the Local Government Act 1989 will also apply for improper use of information.

During your employment at the Council you may be exposed to information that must be treated confidentially. Any unauthorised use or disclosure of information or data relating to the conduct of the Council, especially relating to, but not limited to:

- Closed sessions of Council meetings;
- Proposed developments;
- Proposed Planning Scheme amendments;
- Contractual matters;
- Personal matter and
- Private customer information;

may adversely affect the Council's reputation, legal obligations and your future with the Council.

Neither during your employment nor after its termination will you disclose or use any confidential information except in the proper course of your duties.

If, however, a recognised law enforcement agency or other government or judicial body lawfully approaches you for any of the above information you should refer them to your Director or the Chief Executive Officer.

Employees are encouraged to familiarise themselves with Council's Protected Disclosures Policy and Procedures.

Computer Technology

All employees will use the Council's information technology systems and equipment in a lawful manner consistent with the Council's policies and procedures including this Code of Conduct.

These systems must not be used to deliberately access pornographic or any other offensive material. Nor may they be used to store or distribute pornographic or other offensive material. Please refer to Council's Computer and Mobile Device Use policy.

Customer Service

Employees will deliver 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 the highest possible standards;
- 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 and;
- All employees, customers and others are treated fairly and without discrimination or harassment.

Employee/Councillor Relationships

Employees dealing with Councillors should treat Councillors with the same professional courtesy and respect with which they treat customers and colleagues.

Employees should note that only staff with professional expertise may provide advice to Councillors and only in their area of expertise and only when they are personally familiar with the circumstances of the issue. However, any employee may provide a Councillor with information and services on the same basis as they would to a customer.

Employees should also note that a Councillor does not have the authority to direct any member of staff to do anything. If you feel you are being directed by a Councillor to do something, and it is not simply a request for service from a customer, you should report the matter to your Director or the Chief Executive Officer. Your Director will, in turn, raise the matter with the Chief Executive Officer where they believe that your concerns are warranted.

No employee will actively support or discourage candidates to Council elections. There will be no canvassing of Councillors for improper personal gain.

Working Relationships

All representatives of Council will maintain appropriate professional standards of behaviour in their dealings and interactions with others.

Personal Interest

There will be no conflict or incompatibility between personal interests and the impartial fulfilment of one's public or professional duties. Please refer to the Conflict of Interest section of this document.

Health and Safety

All employees are required to observe Council's Occupational Health and Safety Policy and Procedures.

All employees will ensure that Council premises and workplaces are used and maintained in a manner that will ensure the health and safety of themselves and all others who use the premises or workplace.

Any potential risks or hazards will be reported in accordance with Council's Health and Safety procedures.

Bullying, Harassment and Assault

The Council is committed to providing a safe working environment in which employees, suppliers, contractors and customers feel comfortable, secure and motivated. Bullying, harassment and assault are not behaviours consistent with this commitment and will be considered a serious breach of this Code. Please refer to Council's Discrimination, Workplace Bullying and Sexual Harassment, Equal Employment Opportunity and Diversity Policy.

Discrimination and Harassment

In accordance with the law and the Council's Discrimination, Workplace Bullying and Sexual Harassment, Equal Employment Opportunity and Diversity Policy, the Council is committed to providing all employees and other persons with equal opportunity. Discrimination or harassment based on age, breastfeeding, gender identity, impairment, industrial activity, lawful sexual activity, marital status, physical features, political belief or activity, pregnancy, race, religious belief or activity, sex, sexual orientation, parental status or status as a carer or any other prohibited grounds will not be tolerated.

Any breaches of this policy should be reported in accordance with Council's Discrimination, Workplace Bullying and Sexual Harassment, Equal Employment Opportunity and Diversity policy. No one will be victimised for raising a complaint of harassment or discrimination.

Initiations and Hazing,

Hazing is conduct in which a person is subjected to humiliating, physical and/or mentally harmful activities as part of an initiation or rite of passage process. If the victim has not consented to the activities, then hazing may be considered as workplace violence or unlawful assault. Hazing or similar initiation activities are prohibited and will not be tolerated, and Council will pursue all appropriate legal avenues to address reported instances.

Reporting process, and support for employees reporting discrimination, workplace bullying, sexual harassment, workplace violence, hazing etc

Employees are encouraged to contact designated persons on a confidential basis about problematic behaviour that they have experienced or seen.

The employee must appreciate that the only way they can formally ask for their employer to do something about the conduct is if they submit the complaint in writing and sign it.

Further, they need to understand that in order for an investigation to occur, the complaint must be passed to a Manager, Director or the CEO, regardless of whether they want it kept confidential.

If an alleged victim is discussing an alleged incident/behaviour without following this policy and reporting it, their supervisor/manager may request they refrain from such activity. Further, upon investigation, if the claim is found to be vexatious, Council may consider this misconduct on the complainant's part and take appropriate action .

Counselling, mediation or conciliation may be considered as first steps in addressing the conduct.

The Employee Assistance Program will be offered to all affected employees and those reporting such behaviours.

Work Places

All places of work will be given the due respect to which they are entitled. This includes:

- Physical work sites will be appropriately signed, maintained and left in a manner consistent with public expectations and legal requirements
- Depots, customer service centres/offices and other Council facilities (eg. Kindergartens, etc) will be secured and maintained in a manner which minimises the risks to the health and safety of all persons
- Customer service centres will be maintained in a neat, friendly and informative manner which is conducive to quality customer service
- Meeting rooms will be presented and left in a manner which portrays the professionalism of Council and in accordance with organisational standards .

Smoking

Smoking is not permitted in Council owned or controlled buildings at any time .

Smoking is not permitted in Council owned or leased vehicles at any time. The restriction applies regardless of whether the driver is alone or with other smokers.

Any employee who wishes to give up smoking will be provided with assistance and encouragement through, for example, the QUIT program.

Any employee who ignores the directive provided in Council's No Smoking Policy and this Code of Conduct will be subject to disciplinary action and this may result in an employee being dismissed from Council's employ. Please refer to Council's No Smoking Policy.

Use of Council Resources and Other Assets

We all share the responsibility for maintaining and protecting Council property and resources.

Council resources include:

- Land and Buildings
- Plant and equipment
- Materials, supplies and consumables (in the office, depots and other work locations)
- Scrap and Waste
- Facilities
- Motor vehicles, fuel, spare parts and accessories
- Office equipment
- Communication and information devices and services (such as phones, computer equipment, internet and email services)
- Information obtained and used by Council and related to Council activities
- Staff time

Employees will be honest in their use of Council facilities, funds, staff, equipment, property and materials. Such will not be misused or permitted to be misused or appear to be misused by any person or body.

Significant and substantial use of Council resources for private purposes is not permitted, except when supplied as part of a contract of employment or when the use is lawfully authorised and any required payment is made by the user.

Employees must not remove, borrow, damage or destroy any Council property or assets regardless of age or condition. This includes using any Council assets or services for personal gain or for any improper or illegal use.

All staff members have a responsibility to report any damaged or dangerous equipment of which they become aware.

The Council's property must not be given away, lent, destroyed or otherwise disposed of unless authorised by the relevant manager in accordance with Council policy. Any policies regulating the use of Council resources will be observed at all times.

Travelling and Sustenance Expenses

There will be no claim made for, or acceptance of, travelling and sustenance expenses that do not arise from authorised Council business.

Council will not reimburse 'mini bar' expenses. The only exception to this is the reasonable consumption of non alcoholic refreshments.

Theft and Fraud

Any attempt to steal from the Council or deliberately or recklessly defraud the Council by an employee will be considered to be misconduct and will result in disciplinary action that may include termination of employment and referral to the Police for possible criminal prosecution.

Gifts, Bribery and Offers of Hospitality

From time to time, gifts or hospitality may be given to staff as a token of appreciation, gratitude or maintaining corporate relationships with individuals or private sector clients of Council.

If an 'applicable gift' is received from a person or persons with a direct or indirect interest in a matter in the five years preceding the matter then the staff member has an indirect interest in the matter.

An applicable gift means one or more gifts with a total value of or more than \$500, received in the five (5) years preceding the decision or the exercise of the power, duty or function but does not include reasonable hospitality provided to a Mayor, Councillor or member of Council staff by a not-for-profit organisation at any function or event that is conducted during those five (5) years and is attended by the Mayor, Councillor or a member of Council staff in an official capacity.

Staff are not to expect, seek or accept (directly or indirectly) any gift, fee, reward or benefit for oneself, one's family or any other person or body for anything done in pursuit of one's Council duties. Exceptions to this may be for the receipt of gifts of a token or promotional nature where there is clearly no suggestion of personal obligation. In some circumstances it may be highly offensive to refuse the offer of a gift in which case the Chief Executive Officer should be consulted before the offer is accepted.

Staff should not accept a gift or hospitality if it is likely to be perceived by a 'reasonable person', as intended to, or likely to, influence him/her in the fair, impartial and efficient discharge of their duties.

What constitutes a Gift or Hospitality?

- Goods and services given of a commercial value
- Property (Real or otherwise)
- Transfers of money
- Loans of money or property
- Free services (accommodation, travel, entertainment, sporting events, etc)
- Good and services made available at heavily discounted prices
- Hospitality such as luncheon, invitation to an event or other similar corporate hospitality

The parameters in which a gift or hospitality can be or cannot be accepted are set out below. The parameters ensure that there is a high standard of integrity and accountability.

- Under NO circumstances is cash money to be accepted as a gift.
- Staff should not accept any gift or hospitality where there is or may be, the perception of a conflict of interest with past, present or future duties or where the object of the gift is to maintain or return a favour.
- Staff members are not to accept any gifts from clients eg: Private Works clients, Maternal and Child Health, etc.
- Council does not base the execution of its functions on the inducement of a gift or hospitality nor will a gift or hospitality affect how such a duty or function is performed.

A simple test of whether a gift or hospitality should be accepted is whether its acceptance could stand the test of openness; whether full disclosure of the gift or hospitality would be embarrassing or damaging to Council;

- Where a tender is in process, any officer involved in the tender should not accept directly or through a third party, any gifts or hospitality from an individual/group that may be involved with the tender. It is not appropriate in any circumstances that staff members accept gifts or hospitality from persons or bodies engaged in a competitive tendering process.
- Where a planning, building permit application or such other approval is in process or any regulatory process is underway, any officer involved in such instance, should not accept any gifts or hospitality from any individual/group that may be involved with the permit application or regulatory activity.
- Where an individual/group is seeking to sell goods or services, staff should not accept any gift or hospitality.
- Under no circumstances are staff allowed to act as an Executor under a client's will.

Where appropriate, the Chief Executive Officer will maintain a register of gifts received. Penalties provided for by the Local Government Act 1989 may also apply for breaches of this principle.

Media Comment

The Council seeks to maintain a professional image by ensuring that any commentary made to the media is truthful, accurate and consistent. The principal people authorised to make media comment are the Mayor and the Chief Executive Officer. Under Delegation, Directors may make comment to the media on matters relating to their areas of responsibility.

Where the media makes inquiries directly to staff members they are to be referred to the Communications team.

Public Appearances

To ensure consistency is maintained in the course of public speaking engagements, similar to the consistent approach taken in making comment to the media, any invitation provided to an employee to speak for or on behalf of the Council must be approved by the relevant Director or the Chief Executive Officer.

Private use of Social Media

Social media is defined as websites and applications that enable users to create and share content or to participate in social networking - it is the online communication channels dedicated to individual and community-based input, interaction, content-sharing and collaboration.

Social media may be used by employees as a business tool to enhance Council's exposure and communications with the community. Council may develop a specific work-related Social Media Policy over time.

Private use of social media in the workplace can impact on employee safety and productivity, therefore is not condoned.

Employees are not to access social media sites for private purposes whilst operating or working in the close proximity to machinery, vehicles and plant.

Generally, activities conducted outside of employment (outside of normal working hours) are an employee's own affair. However, activities that affect an employee's job performance, the performance

of others, the employer's business or the employer's reputation will not be condoned or accepted, and may be investigated and actioned as a breach of this Code of Conduct Policy.

Council does not support or condone the following social media practices:

- The viewing or passing of inappropriate, offensive or pornographic material, including but not limited to images, words, phrases or articles
- Responding to requests for information from internal or external sources, where such requests are outside the defined Officer's role
- Commenting on Council activities, whether at work or during private use, where those comments may cause conflict or damage to the Council or its reputation

Employees should note the consequences of using social media, for example, they may be breaking Australian laws that may attract external attention and action. Also, once something is posted online, it should be considered "permanent" and easily passed around to other users.

Employees should be aware that all web browsing is logged. Only the CEO, Directors and specific nominated staff eg IT/GIS Officer have the authority to access these logs.

Council may, from time to time, monitor and/or audit staff compliance with this policy. If monitoring or auditing is to occur, employees will be notified at least one calendar week in advance. If Council discovers breaches of this policy, they may elect to address those breaches through the disciplinary process.

Leaving the Council

On finishing your employment with the Council, each employee must return all Council property including documents, materials, computer hardware and software, keys, identification cards, or any other Council owned property under the control or in the possession of the employee. This includes any intellectual property that may have been created whilst working for the Council.

If the employee has not returned all of the Council's property in his/her possession, Council may withhold any monies owing to the employee from the employee's salary and entitlements at termination.

Environment

All employees should consider the impact of their activities on the environment and on our communities. We are proud of the natural pure environment that is Towong Shire and accordingly it is incumbent upon all of us to ensure that we do no damage to the environment. Such things to be considered should include the way in which waste is generated and disposed of; the way that chemicals are used and stored and other resources used. Consideration should always be given to whether we can reduce, reuse or recycle.

Disciplinary process

Council does not have a dedicated or specific Disciplinary Policy or Procedure it follows, however, if/when required, Council will utilise the processes outlined on the Australian Government Fairwork Ombudsman website located at: [https:// www.fair work.gov.au/ employee-entitlements/managing-performance and warnings](https://www.fairwork.gov.au/employee-entitlements/managing-performance-and-warnings) .

Conflict of Interest Policy and Guidelines

What is a conflict of interest?

A staff member has a conflict of interest when they have a personal or private interest that might compromise their ability to act in the public interest. A conflict of interest can exist even if no improper action results from it.

It is essential that members of the public, when dealing with Council, can be confident that when making decisions Councillors, staff and delegates are free of any conflicts of interest.

Staff members are required to disclose any conflict of interest in **writing** to the Chief Executive Officer. The onus is on employees to disclose such information.

Section 80b(2) of the Local Government Act 1989 states that a member of Council staff who has a conflict of interest in a matter, either as a delegated power or as a duty or function of your role must;

- Not exercise the power or discharge the duty or function; and
- Disclose the type of interest and the nature of the interest to the Chief Executive Officer in writing, as soon as you become aware of the conflict of interest in the matter.

If you have a direct or indirect interest in a matter coming before Council or a special committee you are required under s80C(2) of the Act, when providing advice or a report to a meeting of the Council or a special committee to disclose the type of interest when providing the advice or report and before the advice or report is considered.

Any such disclosure of the type referred to in this clause will be recorded in the minutes of the meeting.

Conflicts of Interest can be of two types-

1. Direct Interest

Is an interest in a matter where 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.

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A direct interest can be of a pecuniary nature, where there is a possibility of a reasonable financial gain or loss if a matter is decided in a particular way; and non-pecuniary, where there is a reasonable likelihood that there is a gain to a private or personal interest such as a residential amenity.

2. Indirect Interest

An indirect interest can occur if a person has a close association or association with a person who has a direct or indirect interest in the matter.

Close association is defined as:

- Family
- Relatives and
- Household members

People who do not fall into the above categories may be defined as other associates, and they are people with whom you have other types of close connection such as business relationship, friendship or by membership of a club, sporting or community group.

An indirect interest can be financial if the person is likely to receive a benefit or incur a loss as a consequence of a benefit or loss by association with a person who has a direct or indirect interest in the matter.

An indirect interest because of conflicting duties may arise if the person is a member, partner or consultant of a body that has a direct interest in the matter.

An indirect interest may also arise if the person has become an interested party in the matter by initiating civil proceedings in relation to a matter or becoming a party to civil proceedings in relation to a matter.

A conflict of interest would arise where:

- You have a personal interest that would lead you to be influenced in the way you carry out your Council work or public duties;
- You have a personal interest that could lead a fair person to think you could be influenced in the way that you carry out your Council work or public duties;
- You have knowledge that a close associate or other associate has an interest that could lead to your being influenced, or a fair person to think they you could be influenced, in a way that you carry out your Council work or public duties.

Are perceptions of Conflicts of Interest important?

Perceptions of conflicts of interest are as important as actual conflicts of interest. Therefore even if you do not consider that you have a conflict it is important to consider how a reasonable person would view the situation. Thus in many cases only you will be aware of the potential for conflict.

What should you do if you have a conflict of interest?

If any conflict exists between your interests and those of the Council it must always be resolved to the satisfaction of Towong Shire Council.

If, as a staff member, you believe that you are faced with, or could be seen to be faced with, a conflict of interest you must disclose the interest to the Chief Executive Officer **in writing**. In the case of the Chief Executive Officer, advice must be given to the Council or if this is not practical then the advice must be given to the Mayor and subsequently to Council.

Where a conflict exists arrangements will be put in place by the Director of the Department or alternatively the Chief Executive Officer to ensure that the officer does not exercise any power or discharge any duty or function in relation to that matter.

How to decide what is a Conflict of Interest

Objective Assessment and Decision Making

The best way of dealing with conflicts of interest is to prevent them from arising in the first place. If they do occur it is important, when deciding how conflicts will be handled, that matters are assessed against established criteria by someone experienced and objective.

For staff and others engaged by the Council, conflicts of interest should be handled by the Chief Executive Officer.

The criteria for assessments of conflicts of interest include:

- Does the matter fall within the definition of a financial interest in the Act?
- Alternatively, is there a non-financial interest?
- Is all the relevant information available to ensure proper assessment?
- What is the nature of the relationship or association that could give rise to the conflict?
- Has appropriate legal and other advice been obtained?
- Is the matter or issue one of great public interest? Is it controversial?
- Could the individual's involvement cast doubt on Council's integrity?
- How would it look to a member of the public?
- What is the best option to ensure impartiality, fairness and protect the public interest?

Questions to ask oneself

It is the responsibility of the individual to determine whether a conflict of interest exists (pecuniary or non pecuniary), however it would be prudent to err on the side of caution and seek independent advice where there is doubt.

The following questions will help staff decide, in the first instance, whether a conflict of interest exists, or whether their behaviour could create the impression that it does, and so undermine confidence in the Council.

If you answer 'yes' to any of these questions, you must seriously consider your position:

- Do I, a close associate or other associate stand to gain or lose financially from Council's decision or action on this matter? (if so, this constitutes a financial interest);
- Do I, a close associate or other associate stand to gain or lose my/our reputation because of Council's decision or action? (If so, this constitutes a conflict of interest);
- Have I contributed in a private capacity in any way to the matter before Council (If so, this constitutes a conflict of interest);
- Have I made any promises or commitments in relation to the matter? (if so, this constitutes a conflict of interest);
- Have I received a benefit or hospitality from someone who stands to gain or lose from Council's consideration of the matter? (If so, this constitutes a conflict of interest);
- Am I a member of an association, club or professional organisation, or do I have particular ties and affiliations with organisations or individuals, who stand to gain or lose from Council's consideration of the matter? (If so, this constitutes a conflict of interest);
- Could there be benefits for me in the future that could cast doubt on my objectivity? (If so, this constitutes a conflict of interest);
- If I do participate in assessment or decision-making, would I be happy if my colleagues and the public became aware of my association or connection? (If not, this constitutes a conflict of interest);
- Would a fair and reasonable person perceive that I was influenced by personal interest in performing my public duty? (If so, this constitutes a conflict of interest);

Other matters to consider:

Do I need to seek advice or discuss the matter with an objective party?

Am I confident of my ability to act impartially and in the public interest? Do I understand the possible penalties if I go on with the action?

Outside Employment/Private Work

No employee of Council will engage in private work with or for any person or body with an interest in a proposed or current contract with the Council, nor will they undertake any outside employment or other business dealings which may reasonably relate to their Council duties or current or future activities of Council, without first receiving written approval from the Chief Executive Officer. If the outside involvement (whether paid employment or not) is considered likely to create conflicts of interest and duty, and the conflicts cannot be appropriately managed, the officer must choose between the outside involvement and their Council employment. These conflicts may be real or apparent.

Relatives and Close Friends and Associates

Any relatives or close friends or close associates will not be dealt with on regulatory, inspectorial, recruitment or other like matters without making a full disclosure to the Chief Executive Officer or one's Manager. It is generally advisable to exclude oneself from such situations where possible.

Pecuniary Interests

Disclosure will be made in writing to the Chief Executive Officer detailing any personal pecuniary interests one may have in relation to matters which one is or may be called upon to report or to assist in the preparation of a report to Council. Registers of interest will be maintained in accordance with the Local Government Act 1989. Penalties provided for by the Act may also apply for breaches of this principle.

Conclusion

Where a staff member has a conflict of interest and does not disclose the conflict of interest in **writing** to the Chief Executive Officer the staff member may be subject to disciplinary action which may range from counselling to termination of employment. The onus is on employees to disclose such information.

What if I am unsure?

If you are unsure about any aspect in relation to conflict of interest you should discuss the issues with your immediate supervisor. If you are still unsure you should discuss the issues with the Director of your Department or the Chief Executive Officer.

Acknowledgements

Sincere thanks are extended to Bass Coast Shire Council, Baw Baw Shire Council and Corangamite Shire Council for access to and use of their Employee Code of Conduct documents during the preparation of this document.

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Need more information?

Should you have any queries about this Code of Conduct please contact the Director of your Department or the Chief Executive Officer as follows;

Chief Executive Officer - Juliana Phelps
Director Corporate and Executive - TBA
Director Community and Planning - - Amanda Pagan
Director Infrastructure and Environment - Rachael Gadd

Please complete the attached slip confirming that you have received and read the Towong Shire Council Employee Code of Conduct and agree to be bound by it.

Thank you

Juliana Phelps
Chief Executive Officer

Authorised by:



Juliana Phelps
Chief Executive Officer

**Employee Code of Conduct and
Conflict of Interest Policy and Guidelines**

I have received and read a copy of the Towong Shire Council Employee Code of Conduct and agree to be bound by it:

Signature: _____

Name: _____

Position: _____

Date: _____

Please return this slip to :

Janet Touzel
HR Officer
Towong Shire Council
PO Box 55
Tallangatta VIC 3700
Ph: 02 6071 5100
E: jane.t.touzel@towong.vic.gov.au

