



Colac Otway
SHIRE

EMPLOYEE CODE OF CONDUCT

A Message from our Chief Executive

The Employee Code of Conduct is an important document that sets the standards for the way we contribute and work at Colac Otway Shire Council and supports our commitment to organisational excellence and our organisation's values.

Our code of conduct provides practical principles and guidelines to help you make professional decisions in your day to day work; whatever you do and wherever you do it. The code is supported by a number of more detailed policies, procedures, frameworks and guidance documents which are located on Council's website, internet or corporate records system.

No matter what your role or where you work from, your professional conduct impacts your colleagues and stakeholders. It also has a direct effect on the experience of our customers and the perceptions of our community.

In the conduct of our work and when working with customers, colleagues and stakeholders, all of us must:

- act with integrity, honesty and professionalism
- exercise fairness, equity and courtesy
- act within the best interests of the organisation
- abide by all operational frameworks and procedures that relate to employment duties
- comply with the spirit as well as the letter of the code of conduct.

Our code of conduct is based on six principles that have been designed to assist you to understand the standards of professional conduct expected. It is also a form of protection, as it helps you to determine what you should do when faced with ethical or conduct issues.

The code does not cover every situation; however the standards and behaviours outlined should be used as a reference point to help you make sound decisions in most work situations.

We are proud to set and maintain a high standard of ethical behaviour and professional conduct. This foundation will enable each individual and our organisation to collectively strive to achieve and deliver excellence for our community.

Anne Howard
Chief Executive Officer



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Our Organisational Values



WHAT WE STAND FOR



We are supportive, inclusive and respectful.

- We are team oriented and committed to being present and engaged.
- We respect others internally and externally and actively listen to their viewpoints.
- We are courteous and considerate of others.
- We are inclusive and treat everyone equally.
- We help and support each other.

We act with integrity.

- We are open and honest in all of our interactions and in the work we do.
- We are responsible for our actions.



We commit to safe work practices.

- We commit to safe work practices for people's mental and physical health.
- We focus on ensuring everyone is safe at work.

We are accountable and proactive.

- We do what we say we will do.
- We treat ratepayer money as if it was our own.
- We are proactive and solution focused rather than problem focused.
- We recognise and celebrate our achievements.



We take a positive approach to our work.

- We seek to enjoy work every day.
- We take a positive and optimistic attitude to the work that we do.
- We seek solutions rather than complain.

We communicate effectively.

- We are open and courageous in our communication.
- We listen without judging and commit to understanding and respecting other's viewpoints.



We are flexible and progressive.

- We commit to being open-minded and open to change.
- We are flexible in how we approach our work.

Definitions

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

- **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.
- **In-house Contractor** - independent contractors who are engaged in-house to conduct an activity or function within the organisation as opposed to outsourcing or hiring an employee.
- **Volunteer** - a person who performs unpaid activities for Council without the expectation, promise, or receipt of any compensation for their work.

- **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.



Our Code of Conduct

Code of Conduct Principles

1. We act in Colac Otway Shire Council's best interest and value our reputation
2. We act with honesty and integrity
3. We treat others with respect, value difference and maintain a safe working environment
4. We identify conflicts of interest and manage them responsibly
5. We respect and maintain privacy and confidentiality
6. We do not make or receive improper payments, gifts or benefits

Why an Employee Code of Conduct?

The Employee Code of Conduct provides information to assist us to understand the values and standards of behaviour that apply in our daily work activities. These are the values and standards upon which Council's reputation has been built and will continue to be based. Adherence to these values and standards is fundamental to further building on the partnership, trust and community pride between our Council and the community.

To whom does the Employee Code of Conduct apply?

This Employee Code of Conduct applies to all Colac Otway Shire Council employees (as required by the Local Government Act 2020). Council employees include:

- the Chief Executive Officer
- General Managers
- Managers
- full-time, part-time and casual staff employed to enable Council's functions to be performed.

The Employee Code of Conduct also acts as guidance to:

- contractors working in-house
- staff on exchange
- volunteers
- work experience students or graduate placements who perform work for Council.

Section 139 of the Local Government Act 2020 requires a separate Code of Conduct for Councillors.



Q: Where can I access the Employee Code of Conduct?

A: The intranet, Content Manager and in hard copy at all work locations.

Q: If I am employing a new staff member what education will be provided in relation to the Employee Code of Conduct?

A: A copy of the Code will be provided to all new employees. It is also included in the Corporate Induction for all new employees.

Q: What if the Employee Code of Conduct is breached?

A: All of us are personally responsible and accountable for our behaviour in the workplace. In instances where the standards in the Code of Conduct are not met, and depending on the issue, counselling and/or disciplinary processes will be implemented in accordance with the Grievance and Discipline Procedures.

Breaches of this Code may be reported to your supervisor, Manager, General Manager, the Manager People and Culture or the Chief Executive Officer.

Q: What if I am unsure about the Employee Code of Conduct?

A: Discuss it with your immediate supervisor. If you are still unsure you should discuss the issues with your Manager, General Manager or the Human Resources Department.

Q: How often is the Employee Code of Conduct reviewed?

A: Every four years or earlier should legislative changes occur that warrant a review.



Section One: We value our reputation and act in the best interest of our Council and Community

Alcohol, Drugs and Smoking

The improper or inappropriate use of alcohol and illicit substances is prohibited during work, at times when it will affect your work or will risk your safety or that of others.

Council reserves the right to test for drugs and alcohol under the following circumstances:

- Pre-employment
- After an incident involving death or injury, damage to property or a near miss
- Vehicle incidents / damage where the employee could be reasonably determined to be at fault
- On reasonable belief, including in circumstances where the employee shows impairment and is not fit for work.

You are expected to take a responsible approach to the consumption of alcohol at Council functions or other special events held during working hours or at the end of the working day. Such events must be authorised by the Chief Executive Officer.

If you are taking prescribed medication that may affect your performance it is your responsibility to inform your manager immediately. Your manager should modify any tasks that you perform to mitigate all risks to yourself and others. If a modification of tasks is not possible you will be required to take sick leave for the period during which you are under the influence of medication.

Smoking is not permitted in Council vehicles, Council buildings or in the immediate vicinity of entrances to Council buildings where passive smoking could impact other staff or the community. Smoking is only permitted in designated areas.

* For more detailed information on your obligations, please see the Alcohol and Other Drugs in the Workplace Policy.



Council Assets and Resources

We all share the responsibility for maintaining and protecting Council property and resources, including the services of other employees.

In addition to intellectual property, land and buildings, Council property includes computer and other office equipment, consumable items both in the office and the depots, plant and equipment and motor vehicles. Property that is provided to you in the course of your employment remains the property of the Council.

Examples of misuse:

- 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 related to Council
- unauthorised use of the Council logo
- falsifying, manipulating or destroying business records, breaching the Public Records Act
- using Council equipment for personal or commercial gain.

You must not remove, borrow, lend, damage or destroy any Council property or assets, regardless of age or condition, unless authorised to do so, or by the relevant manager in accordance with Council policy.

If you become aware of damaged or dangerous equipment you have a responsibility to report it as soon as possible to your manager.

Customer Service

Customer service is the most direct way we engage with the community. Ensuring our offer of quality customer service is consistent is vital as it influences the wider perception of who Colac Otway Shire Council is and what we do. Through our engagement we are also able to increase community understanding and involvement in Council activities and decision making.

Quality customer service means providing timely, attentive, friendly service to our customers, and making sure their needs are met in a manner that reflects positively on our organisation.





Digital/Social Media Use

Social media refers to digital communication channels used to share opinions, insights, experiences and perspectives via written comments, shared video or audio files. Social media platforms include, (but are not limited to), blogs, Facebook, Instagram, Twitter, YouTube and Vimeo.

Council recognises that social media provides opportunities for interactive two-way communications with our community and will use social media as a communication and engagement channel. Private use of social media is covered by this Code of Conduct. Council's Code of Conduct applies to behaviour on social media, which is considered a public forum, regardless of a user's privacy settings. When using social media in a private capacity, employees:

- Must not make any disparaging comments about the Colac Otway Shire Council, its services, employees, volunteers, contractors or Councillors
- Must make it clear that any personal opinions are your own and that comments relating to the Colac Otway Shire Council and its activities are not official
- Must not publish content that could in any way bring the Colac Otway Shire Council, its employees, volunteers, contractors, Councillors and/or visitors into disrepute
- Must ensure any personal comments do not raise questions about your capacity to perform your role at the Colac Otway Shire Council in an unbiased manner
- Must not use social media to bully, threaten, harass or discriminate against others, and avoid making comments that may be deemed offensive.

- Must not use social media in any way that contradicts the Child Safety Standards and Colac Otway Shire Council's Child Safe Policy.

Employees are entitled to join and participate in closed community-run social media groups as a resident/community member, but must not communicate information in an official capacity pertaining to the Colac Otway Shire Council, its Councillors, employees, policies and services, suppliers or other stakeholders or council-related issues unless authorised. The conduct in those groups must also comply with the digital/social media requirements above.

Employees should be aware that any comment or conduct on digital/social media is at risk of becoming public information.

[* For more detailed information on your obligations, please see the Social Media Policy & Procedure.](#)

Inappropriate behaviour on such sites may result in termination of employment under Council's Grievance and Discipline Procedures.

[* For more detailed information on your obligations, please see the Grievance and Discipline Procedures.](#)



Emergency Management/Business Continuity

As part of the duties associated with your position, you may be requested to assist Colac Otway Shire Council in responding to a crisis situation, should one arise, affecting the operation of Council and/or the wellbeing of the community. This may involve temporarily working in a different work location within the Shire undertaking different tasks. Priorities of Council will shift during a crisis event, and as such, Officers may find themselves engaged in work activities that differ from the key responsibility areas that are outlined in their Position Descriptions. Staff will not be seconded into roles that are beyond their existing skill sets.

Good Governance

Good governance is about the frameworks and processes for making and implementing decisions for the benefit and wellbeing of the municipal community. As such, we are required to exercise judgement and undertake our duties in accordance with the following overarching governance principles in the Local Government Act 2020:

- Council decisions are to be made and actions taken in accordance with the relevant law;
- priority is to be given to achieving the best outcomes for the municipal community, including future generations;
- the economic, social and environmental sustainability of the municipal district, including mitigation and planning for climate change risks, is to be promoted;
- the municipal community is to be engaged in strategic planning and strategic decision making; and

- the transparency of Council decisions, actions and information is to be ensured.

Media Comment

Major policy statements made to the media on behalf of the Council must only be issued by the Mayor or the Chief Executive Officer, who may delegate authority to other Councillors or Managers/Officers.

Statements regarding Council operations, staff arrangements and major events will be issued by the Chief Executive Officer or the Coordinator Media and Communications.

All comments to the media must be through a media release endorsed by the Chief Executive Officer.

Statements are to be given to the Coordinator Media and Communications so they can be:

- recorded
- checked for consistency
- checked for format
- endorsed by the Chief Executive Officer.

“Off-the-Record” statements must not be made. An officer can speak directly to the media only after receiving Chief Executive Officer approval for each occasion.

* For more detailed information on your obligations, please see the [Media Relations Policy and Media Relations Procedure](#).

Outside Employment

You are entitled to engage in outside employment activities that do not create a conflict of interest with your Council duties.

If you are a full time permanent employee and are considering paid employment in addition to your employment with Council, you are required to register this intention with your immediate supervisor or manager and the People and Culture Department.

If you have been employed under a contract of employment, you are required to obtain approval from the Chief Executive Officer, or delegated representative, prior to engaging in any outside employment.

Your additional employment or business must not:

- interfere with your work with Council
- be undertaken while on duty
- involve confidential information or resources obtained through your work with Council
- discredit or disadvantage Council.



Personal Conduct

Much of our professional image and the continued support we receive from the community depends on the manner in which we conduct ourselves.

Accordingly, we must all ensure that we:

- treat others with honesty, courtesy, equality and respect
- handle all customer contact professionally and courteously
- respect and safeguard the property of Council, its customers and fellow employees
- complete all jobs and tasks safely and responsibly
- comply with lawful and reasonable directions given by your supervisor or manager
- work within Council policies and procedures and any relevant legislation
- reinforce Council's commitment to ensuring that the highest standards of professional ethics are achieved.

If personal or intimate relationships exist or develop between employees, they should be handled professionally and discreetly while at work or on Council premises. Personal relationships must not interfere with the performance of duties or an employee's ability to carry out the inherent requirements of their role. Confidentiality must not be compromised under any circumstances.

You must not use work time and facilities to undertake activities in relation to your personal, private, business or commercial interest, e.g. sporting clubs or political organisation.

Performance Management

Any concerns identified with your performance, conduct or behaviours will be addressed promptly by your manager. A Performance Improvement Plan may be established, and/or actions taken in accordance with the Grievance and Discipline Procedures. You are expected to meet the requirements of your role and contribute to the success of your team.

* For more detailed information on your obligations, please see the [Grievance and Discipline Procedures](#).

Personal Identification

You are required to wear your Colac Otway Shire Council identification card at all times in a prominent position, generally above the waist, when on duty.

If you are an authorised officer under section 224 of the Local Government Act 1989 you must at all times carry a photo identification card indicating that you are appointed as an authorised officer. This card must be shown, upon request, to the occupier of a premise when you are entering for the purposes of conducting an inspection as an authorised officer.



Procurement

Procurement and purchasing activities are governed by Colac Otway Shire Council's procurement policy and processes and is underpinned by a set of best practice principles. These principles are founded on the legislative requirements for the Colac Otway Shire Council to deliver optimum outcomes for the community through our procurement activities. We must follow these statutory objectives and ensure that our resources are used efficiently and effectively to meet the needs of the local community.

The fundamental best-practice principles and framework to apply throughout procurement and purchasing activity are:

- Value for money
- conduct of Councillors and Council Officers, procurement delegations, fair and honest dealing and accountability and transparency
- Fraud and corruption control and compliance with Competition and Consumer Act 2012
- Risk Management
- Probity advisor and auditor
- Disclosure of information and recordkeeping
- Gifts and hospitality
- Support for sustainable procurement, support for local content and collaborative procurement
- Model of procurement, market engagement methods and exemptions from market engagement methods
- Mechanisms, public tender process, alternative proposals, Contracts and Variations

* For more detailed information on your obligations, please see the [Procurement Policy](#).

Professional Dress and Appearance

Your appearance is to be neat, clean and appropriate for your particular area of work. A high standard of personal hygiene is expected at all times. Where a uniform or personal protective equipment (PPE) is provided, they must be worn in accordance with safety requirements.

Relationship with Councillors

The Chief Executive Officer is responsible to the Council's elected representatives for the day to day management of Council. This includes the performance and direction of all staff through the organisation's management structures. The Local Government Act 2020 precludes Councillors from instructing staff in the conduct of their duties.

It is not appropriate for Staff to:

- take directions regarding their duties, or the performance of particular functions, from a Councillor or any other elected representative
- provide information to Councillors unless requested, or approved by, your General Manager
- make a direct approach to Councillors requesting or provide information in relation to Council business, unless specifically authorised by your General Manager.

Councillor/staff interactions are outlined in the Councillor and Staff Interactions Policy, which can be found on the intranet.

Councillors should direct work related queries to the Chief Executive Officer, Governance and Communications staff, General Managers and Managers, but are encouraged to interact with all staff.

In all circumstances when you and Councillors are engaged with each other, the exchange must be conducted in a courteous, polite and respectful manner that is consistent with our Values and Behaviours.

Councillors are required to adhere to the Colac Otway Shire Councillor Code of Conduct.



Section Two: We act with honesty and integrity

Criminal Offences/Working with Children Checks

You are required to immediately notify your Manager if you are charged with a criminal offence prior to commencing or during your employment as this may impact on your ability to perform your duties. It may also cause damage to Council's reputation. This includes the loss of a licence you require to operate a Council vehicle or to utilise your own vehicle for work purposes.

If your role involves working with children, you are required to report to your manager any offence relating to the working with children check. A determination will be made as to the relevance of the offence or conviction in the context of the provisions of the Human Rights and Equal Opportunity Act and Working with Children Act. If you are charged with any criminal offence punishable by imprisonment during your employment the Chief Executive Officer is to be advised immediately. Police and Working with Children Checks may be undertaken by Council at any time during your employment.

* For more detailed information on your obligations, please see the Pre-Employment Screening Policy.

Information Technology

You are required to use Council's information technology systems and equipment in a lawful manner consistent with Council's policies and procedures, including this Code of Conduct.

Council's equipment and systems are primarily for business use. You must keep private use of these services to a minimum. This equipment may include, but is not limited to:

- desktop PCs
- laptops
- mobiles (including smart phones)
- fixed line phones
- tablets
- portable data storage devices
- GPS capture devices.

The use of email or other media to distribute or store offensive or inappropriate material (such as pornography, depictions of extreme violence, racial or other vilification or hatred) and access to inappropriate internet sites will not be tolerated under any circumstances.

Council policy sets out the practices that are considered unacceptable and will be subject to disciplinary action including possible summary dismissal (termination) where considered appropriate.

* For more detailed information on your obligations, please see the policies and guidelines on the intranet under Information Services.

Misuse of Colac Otway Shire Council Information

In addition to keeping Colac Otway Shire Council information confidential, you must not use information obtained at Council for any private business purpose. This includes information about our business contracts, business opportunities or information about planning scheme changes and future land developments.

Malicious or Vexatious Complaints and Allegations

A complaint or allegation that is malicious or vexatious is a statement made about another employee, supplier or contractor with the intention of causing harm, mischief or annoyance to Council, or to the person about whom the complaint is made. This type of behaviour is contrary to the principles of integrity and honesty and will not be tolerated.

Lawful and Reasonable Directions

You are required to comply with lawful and reasonable directions given to you by your supervisor or Manager.

You cannot justify an illegal act by claiming to be acting under the orders of a Manager or complying with Council policy or procedure. If you have concerns about a request, you should speak to your General Manager or the Chief Executive Officer.





Political Opinions and Activities

It is acknowledged that you have a democratic right to be involved in the political life of the community, and that you will have your own personal political leanings.

It is essential that you maintain strict political neutrality in the pursuance of your duties at all times. You may be called upon to report or to assist in the preparation of reports to Council and you must refrain from identifying or implying any personal political bias or preference.

Where you are involved in a community group that has contact or dealings with Council, you must advise the group to use the appropriate channels to deal with its issue and must not act to provide the group with priority access or special benefits.

If the community group you are involved in is using the media to exert pressure on Council, you must not act as the spokesperson or be seen from a public perspective to be in conflict with Council.

Section Three: We treat others with respect, value differences and maintain a safe work environment

Bullying and Harassment

We are committed to providing a safe and productive working environment free from discrimination, harassment, bullying and occupational violence. You are responsible for treating others with respect and are not to participate in, condone or fail to act on inappropriate behaviour of any kind.

If you are subjected to, or witness, workplace bullying or harassment please report this to your Manager, General Manager or the Manager People and Culture. Action will be taken as per the Unacceptable Workplace Behaviour Policy.

** For more detailed information on your obligations, please see the [Unacceptable Workplace Behaviour Policy](#).*

Sexual Harassment

Sexual harassment refers to any unwanted, unwelcome or uninvited behaviour of a sexual nature which a reasonable person in the circumstances would find humiliating, intimidating or offensive. Sexual harassment doesn't have to be repeated or ongoing. Sexual harassment takes many forms, from sexual comments to actual physical violence. Colac Otway Shire Council has a zero-tolerance to any form of sexual harassment.

Some examples of sexual harassment include:

- Verbal harassment: Sexual or sexually suggestive comments, jokes, insults, metaphors, pranks or gestures
- Propositions: invitations or advances including repeated requests for dates, drinks or personal contact, including condescending remarks or inappropriate sexually-themed communication in person or online
- Sexual assault or coercion, including sexual activity under pressure or threat, for a reward, or in a context where it is difficult for the recipient to say no. This may include requesting sexual activity in exchange for reward including funding, referrals, future employment, promotion, or invitation to exclusive events
- Non-verbal assault can take the form of touching, leering, brushing against the body or displaying sexually suggestive objects, pictures, posters or cartoons

If you are subjected to, or witness, sexual harassment, please report this to your Manager, General Manager or the Manager People and Culture. Action will be taken as per the Prevention of Sexual Harassment Policy.

** For more detailed information on your obligations, please see the [Prevention of Sexual Harassment Policy](#).*





Equal Employment Opportunity

We recognise and value the diversity and wellbeing of all who work for and interact with Colac Otway Shire Council. We are committed to taking positive and practical steps to create a workplace that is free from all forms of discrimination.

We are committed to providing equal opportunities for all in:

- recruiting, hiring, developing, promoting and compensating staff
- providing equal opportunity in all conditions of service
- maintaining a professional, safe and discrimination-free work environment
- recognising employees based on their performance.

Discrimination in any form will not be tolerated. This covers treating, or proposing to treat, a person or persons less favourably because of specific attributes protected by equal opportunity laws.

Wherever possible, a person's circumstances will be taken into account and reasonable adjustments to the work environment will be made to accommodate that person.

Reasonable adjustments may include changes to work practices, alterations to facilities, or staff training.

[* For more detailed information on your obligations please see the Equal Opportunity Operational Policy](#)

Occupational Health & Safety

The health and safety of our employees, customers, suppliers and contractors is a priority of Council. Health and safety is not to be compromised to achieve financial goals, or for any other reason. We are committed to providing services that do not jeopardise the health and safety of our employees or those receiving our services. We all share the responsibility of ensuring that our customers and fellow employees are safe and without risk of injury as far as is reasonably practicable.

Colac Otway Shire is a sunsmart organisation. Where a uniform or personal protective equipment (PPE) is provided, they must be worn in accordance with safety requirements.

[* For more detailed information on your obligations please see the Sun Protection Policy on the Intranet.](#)

All employees and contractors are required to make themselves familiar with Council's occupational health and safety policies and must ensure that they follow policy requirements.

If you become aware of any injury or illness that affects your ability to safely do your job you must advise your immediate supervisor.

[* For more detailed information on your obligations please see the Occupational Health and Safety Policy and Manual on the Intranet.](#)

Public Interest Disclosures

The making of disclosures that reveal corrupt conduct, improper conduct and/or detrimental action is supported within Colac Otway Shire Council.

All reasonable steps to protect staff who make such disclosures from any detrimental action or reprisal will be taken. Natural justice will also be afforded to any employee who is the subject of the disclosure.

* For more detailed information on your obligations, please see the [Public Interest Disclosure Procedures and Guidelines](#).

Human Rights Charter

We are committed to upholding the Victorian Charter of Human Rights and Responsibilities 2006 ("the Charter"). The Charter addresses 20 basic rights, freedoms and responsibilities that are everyday concerns but that you may not have thought of as involving human rights.

The Charter requires Council and all staff to act compatibly with human rights and to consider human rights when making decisions, creating laws, setting policies and providing services. If you are involved in policy development you should familiarise yourself with the Charter.

<http://www.humanrightscommission.vic.gov.au>

* For more detailed information on your obligations, please see the [Diversity and Inclusion Policy](#).



Child Safe - Interacting with children and young people

The Child Safe Standards are a compulsory framework that support organisations to promote the safety of children. The legislation that creates the standards is the Child Wellbeing and Safety Act 2005.

The Colac Otway Shire Council is committed to creating and maintaining a child safe organisation where protecting children from abuse is embedded in the everyday thinking and practice of Council, all employees, Councillors, contractors and volunteers.

Council has zero tolerance of child abuse and is committed to creating and maintaining a child safe and child friendly community where all children are valued and protected from abuse.

The Colac Otway Shire Council has processes in place that will enable all Councillors, employees, contractors and volunteers to be aware of the organisation's responsibilities as well as their own, regarding legal obligations relating to child abuse and reporting to appropriate authorities. This includes:

- **Failure to disclose:** Reporting child sexual abuse is a community-wide responsibility. All adults in Victoria who have a reasonable belief that an adult has committed a sexual offence against a child under 16 have an obligation to report that information to the police.
- Any personnel who are **mandatory reporters** (doctors, nurses, midwives, teachers (including early childhood teachers), principals and police) must report to child protection if they believe on reasonable grounds that a child is in need of protection from physical injury or sexual abuse.
- **Grooming:** Grooming offence targets communication, including online communication, with a child under the age of 16 or their parents with the intent of committing child sexual abuse. This offence targets predatory conduct undertaken to prepare a child for sexual abuse at a later time with the groomer (aged 18 years old or over) or another adult.

- **Failure to protect:** People of authority within the Council will commit an offence if they have the power or responsibility to reduce or remove a substantial risk, where a child under the age of 16 years may become the victim of sexual abuse committed by an adult associated with the organisation; but negligently fail to do so.

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 at all times.

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

All new Council employees and volunteers are required to have a 'Working with Children Check' where relevant to the role.

* For more detailed information on your obligations, please see the Child Safe Policy.



Section Four: We identify conflicts of interest and manage them responsibly

Conflict of Interest

Conflict of interest is about transparency and ensuring the integrity of the decision-making process. As an employee, it is vital that your private interests do not affect your work at Colac Otway Shire Council and that you act in the public interest in accordance with the Act, the overarching governance principles and the policies of the Council.

Section 126 of the Local Government Act 2020 defines conflicts of interest as being either 'general' or 'material' in nature.

General Conflict of Interest

You have a general conflict of interest in a matter if an impartial, fair-minded person would consider that your private interests could result in you acting in a manner that is contrary to your public duty.

Material Conflict of Interest

A material conflict of interest involves specific relationships or situations that could result in a benefit or loss. You will have a material conflict of interest in a matter if either you (directly) or any of the following people listed below (indirectly), would gain a benefit or suffer a loss depending on the outcome of the matter:

- A family member of yours. A family member is defined as:
 - a) A spouse or domestic partner; or
 - b) A parent, grandparent, sibling, child, grandchild, step-parent, step-sibling or step-child of you or your spouse or domestic partner; or
 - c) Any other relative that regularly resides with you.
- A body corporate of which you or your spouse or domestic partner is a Director or a member of the governing body;
- Your employer(s), unless the employer is a public body;
- Your business partner(s);
- A person for whom you are a consultant, contractor or agent;
- A beneficiary under a trust or an object of discretionary trust of which you are a trustee;
- A person from whom you have received a disclosable gift. A disclosable gift is defined as one or more gifts with a total value of \$500 or more that is received from the person in the five years preceding the decision on the matter.





Whenever you exercise a power of delegation or a statutory power, duty or function, you must disclose any conflict of interest (to your manager or supervisor), exclude yourself from the decision-making process and any action in relation to the matter. This includes actions you may take as an authorised officer.

As per the Governance Rules, you are also required to disclose any conflict of interest you have when providing a report or advice to Council or to a delegated committee of the Council.

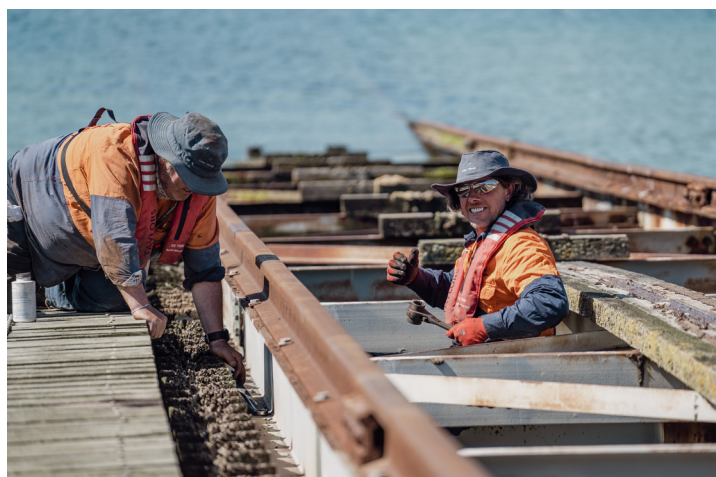
It is your responsibility to identify and disclose conflicts of interest. If you are unsure about whether a conflict exists, seek assistance from your immediate supervisor, Manager or the Manager Governance and Communications. If you are still not sure, err on the side of caution and disclose a conflict of interest, rather than risk committing an offence.

Conflict of Interest Breaches

A failure to disclose and avoid a conflict of interest is widely perceived as an indicator of corruption. If you fail to meet the disclosure requirements, the Chief Executive Officer must notify the Chief Municipal Inspector as soon as practicable after becoming aware of the failure and must deal with the failure in accordance with the Code of Conduct.

The Chief Executive Officer will take disciplinary action against any member of Council staff that is found to have an undisclosed conflict of interest as per Grievance and Disciplinary Procedures.

* For more detailed information on your obligations please see the Gifts, Benefits and Hospitality Policy and Procedure, Governance Rules and Conflict of Interest Information on the Governance page.





Investments

You may own shares or other interests in any public or private company. In most cases these interests will not present a problem; however you should consider the potential for a conflict of interest where you, your partners or other relatives own shares or other interests in a company or firm that is a regular customer of, or a supplier to, Colac Otway Shire Council or a potential developer.

A potential conflict of interest must be disclosed to your General Manager or, in the case of a General Manager, to the Chief Executive Officer. You must step aside from participating in the decision making process.

Nepotism

If you have the authority to employ staff whether on a permanent, temporary or casual basis, you must not be involved in the employment of a family member or close friend.

Where a member of your family is a candidate for a position with Council you must disclose your association with the candidate to the People and Culture Department and not participate in the selection process. You also must not seek to influence the selection process.

Any failure to disclose your association with a candidate and any attempt to influence the recruitment process will be considered a serious breach of this Code.

Behaviour as a Council Customer

Because many of us live within the municipality, there may be times when you will also be a customer of Council. In such circumstances, you should expect to be treated in a professional and courteous manner. You must not expect preferential treatment, nor should you seek to exert any pressure or use your influence to gain preferential treatment for either yourself or for another person or body.

If you are subjected to pressure from other employees to gain preferential treatment you should report the circumstances to your General Manager or the Chief Executive Officer so that the matter can be investigated and dealt with in accordance with the Grievance and Discipline Procedures. You will not be treated detrimentally as a result.





Section Five: We respect and maintain privacy and confidentiality

Confidential Information

During your employment at Council you may be exposed to information that must be treated confidentially. Any unauthorised use or disclosure of information relating to the conduct of Council, including:

- closed sessions of Council meetings
- proposed developments
- proposed planning scheme amendments
- contractual matters
- personnel matters
- private customer information

will result in action under the Grievance and Discipline Procedures including possible termination of employment.

Disclosure may adversely affect Colac Otway Shire Council's reputation and legal obligations.

You have an obligation to comply with the Privacy and Data Protection Act 2014, which regulates the collection, use, management and disclosure of 'personal information'. This applies while you are employed at Council and after you leave.

If 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 General Manager, Chief Executive Officer or the Manager People and Culture so that they can be advised of their third party privacy obligations.

Recordkeeping

Comprehensive recordkeeping is required for all work that you perform on behalf of Colac Otway Shire Council.

Corporate records are the property of Council's business or the public interest. They are to be protected from loss, damage, alteration or misuse. Corporate records must not be deleted or disposed of by any officer that does not have delegation to do so under the Public Records Act. All disposals must be performed in accordance with Information Services standard procedures.

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

** For more detailed information on your obligations please see the [Information Management Policy](#)*



Section Six: We do not make or receive improper payments, gifts or benefits

Dealing with Suppliers and Contractors

If you are required to deal with external suppliers or contractors you must avoid placing yourself in situations of a potential conflict of interest. Suppliers and contractors include those who supply Council with goods, services and consultancies.

A potential conflict of interest could arise if you are involved in a decision making process that might provide, or be seen to provide, you or any relative, friend or associate with a benefit.

If you, a member of your family, a friend or associate have an existing financial interest in an actual or potential supplier or contractor to Council, this interest must be declared to your immediate supervisor. You should take no part in any decisions affecting that supplier or contractor. Refer to Conflict of Interest on page 19 for further information.

When you are dealing with a supplier or contractor in whom another employee (or Councillor) has an interest, you must ensure that you deal with that supplier or contractor on the same basis as Council would for any other supplier or contractor.

Fraud

We are all responsible for the prevention and detection of fraud. Examples of fraud include stealing, or misuse of equipment, cash, intellectual property or other property belonging to Colac Otway Shire Council.

Council will not tolerate fraud in any form. All allegations and suspicions of fraud will be investigated under the Grievance and Discipline Procedures.

Where an employee is found to have committed fraud their employment may be terminated and the matter referred to the police.

* For more detailed information on your obligations please see the Grievance and Discipline Procedures.

Gifts Benefits and Hospitality

As a guiding principle, you should not accept a gift if it is likely to be perceived by a 'reasonable person' as intended to, influence you in the fair, impartial and efficient discharge of your duties as an employee.

- If you are offered an offer of goodwill (small gesture of appreciation valued under \$30), you may accept the offer and you are not required to declare it.
- If you are offered a token offer from a client (value of less than \$50) you may accept the offer and complete and submit a Gifts, Benefits and Hospitality declaration form within seven days of the offer.
- If you receive a non-token offer (valued at \$50 or more), regardless of whether you accept it or not, you must complete and submit a Gifts, Benefits and Hospitality Declaration Form within seven business days of the offer. Note – there are a number of conditions.
- The form must be completed and signed and submitted to Governance within seven days of the offer.

Refuse any offers of gifts, benefits and hospitality that:

- Are money, items used in a similar way to money, or items easily converted to money (ie gift card).
- Give rise to an actual, potential or perceived conflict of interest.
- May adversely affect your standing as a public official or which may bring the Colac Otway Shire Council into disrepute.
- Are from suppliers or contractors (current or potential).

Council is required to keep an internal and public register of gifts, benefits and hospitality disclosures, which is updated and published on the COS website on a quarterly basis. Those fields marked with an * on the form are displayed on the public register.

* For more detailed information on your obligations please see the Gifts, Benefits and Hospitality Policy and Procedure.



Title: P&C 03

Employee Code of Conduct

Document No. PPC-03

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Authorised Officer: Chief Executive Officer