



# WHITEHORSE Code of Conduct







## **ACKNOWLEDGEMENT OF COUNTRY**

**Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land. We pay our respects to their Elders past, present and emerging.**

## A message from the Chief Executive Officer

At Whitehorse City Council (Council), community is why we do what we do. We are dedicated to our Council serving as an environment where every individual can flourish. This includes creating a workplace that is safe, inclusive, and respectful to all. Council is committed to conducting affairs with the utmost of ethical standards and professionalism, while adhering to our statutory obligations. Success is dependent on active, visible and ethical leadership, leading by example, with collaboration and commitment from everyone across Council.



Our Code of Conduct (the Code) is the cornerstone of our principles, values, standards and good governance practices. It provides guidance for everything we undertake on behalf of Council. It is designed to help everyone who works for Council to understand our obligations and to guide good decisions about our conduct and behaviour.

Our core values of Collaboration, Respect, Excellence, Accountability and Trust are at the very heart of our organisation and all parties are expected to uphold these values during their employment or engagement with Council.

The Code outlines your responsibilities so you can identify the risks relevant to your role particularly when faced with ethical or conduct issues. It reinforces the importance of complying with all of Council's policies.

By following this Code, you are helping to make Council a credible and trusted organisation, dedicated to delivering positive outcomes for our community.

If you have any concerns regarding matters in the Code, always seek advice as set out in the Code or through your people leader. We are here to support you and ensure that our shared commitment to a thriving community remains unwavering.

Thank you for your commitment and hard work in support of the vision and mission of the Whitehorse City Council.

**Simon McMillan**

*Chief Executive Officer*



## Who does this Code apply to?

Our Code of Conduct sets out the standards and behaviours that must be demonstrated by everyone who works at Whitehorse City Council - employees (full-time, part-time, fixed term or casual basis and those on secondment to Council), agency staff, labour hire, contingent workers, contractors, sub-contractors, consultants, agents, trainees, apprentices, practical placement students, work experience students and volunteers.

Unless stated otherwise, a reference to 'anyone', 'all/no parties,' 'you,' 'your' or 'we' in this document indicates all of the people listed above. Unless stated otherwise, a reference to Council in this document pertains to Whitehorse City Council, being a body corporate constituted as a municipal Council under the *Local Government Act 2020*.

The Code applies at all times during periods of service and in our interactions with each other and members of the community, including whenever a person is identified as someone who works at/or is a representative of Council. This includes offsite, after-hours work, work-related social functions; conferences; training, when using social media – wherever and whenever everyone who works for Council may be related to their Council duties.

All parties covered by the Code are expected to read it and confirm their understanding and agreement to abide by this Code as a condition of their employment or engagement. All parties are expected to participate actively in training and updates related to the Code as directed.

Instances of non-compliance with the Code of Conduct will be addressed as deviations from expected behaviour and will be handled in alignment with Council's Workplace Performance and Behaviour Policy (or other as applicable to parties), following established procedures and ensuring fairness and due process

Refer queries regarding this Code or the application of the Code to your people leader or the People and Culture team.

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# References and related documents

The documents below (as varied from time to time and their successor documents) are relevant to or referred to in the Code of Conduct. Internal Policies may be found on Council's intranet.

## 1. Legislation

- Anti-Discrimination and Human Rights Legislation Amendment (Respect at Work) Act 2022 (Respect at Work Act 2022)
- Charter of Human Rights and Responsibilities Act 2006
- Child Wellbeing and Safety Act 2005
- Equal Opportunity Act 2010
- Fair Work Act 2009
- Freedom of Information Act 1982
- Gender Equality Act 2020
- Health Records Act 2001
- Local Government Act 2020
- Occupational Health & Safety Act 2004
- Privacy and Data Protection Act 2014
- Protected Disclosures Act 2012
- Public Interest Disclosure Act 2012
- Public Records Act 1973
- Victorian Road Safety Road Rules
- Whitehorse City Council Collective Agreement (current and subsequent Agreements)

## 2. Policies and Internal documents

- Child Safe Standards Summary Sheet
- Child Safety and Wellbeing Policy
- Conflict of Interest Policy
- Communications Policy
- Council Staff Gifts Policy
- Credit Card Usage Policy
- Customer Service Charter
- Dispute Resolution Policy and Procedure
- Drugs and Alcohol in the Workplace Policy
- Election Period Policy
- Email and Internet Usage Policy
- Equal Opportunity and Human Rights Policy
- Feedback and Complaints Policy
- Fit for Work Policy
- Fleet Policy
- Fraud and Corruption Control Policy
- Gambling Policy
- Information Management Policy
- Information Privacy Policy
- Information Security Policy
- IT Acceptable Use Policy
- IT Security Policy
- Media Relations Policy
- Mobile Devices Policy
- OHS Policy
- OHS Roles and Responsibilities Policy
- Out of State Travel by Council Staff Policy
- Prevention of Sexual Harassment Policy



- Workplace Behaviour and Performance Policy
- Privacy Policy
- Procurement Policy
- Recruitment Policy
- Smoke Free Workplace Policy
- Social Media Policy
- Staff Gift Policy
- Staff use of the Taxi Travel Payment Policy
- Whitehorse City Council Plan
- Whitehorse City Council Values and Behaviours
- Whitehorse Gender Equality Action Plan 2022 – 2026



# Council values and behaviours



Community is at the heart of everything we do

At Council, community is at the heart of everything we do. Our shared values and behaviours are integral to how we go about our work and interact with each other and the community. Our values and the behaviours that demonstrate those values are:

## **COLLABORATION**

- We work flexibly together to achieve outcomes and solve problems.
- We talk openly and share information.
- We demonstrate community/organisation orientated decision making.
- We help others shine.
- We support and encourage each other.

## **RESPECT**

- We actively listen.
- We encourage others to express opinions and ideas.
- We value diversity and consider ways to improve representation in our workforce and decision making.
- We treat others with care, kindness and empathy.

## **EXCELLENCE**

- We adapt, respond, learn and grow.
- We support innovative and creative approaches.
- We encourage and explore diverse ideas and perspectives.
- We strive to be sector leading.
- We seek and give considered and thoughtful feedback in order to improve.
- We celebrate our achievements.

## **ACCOUNTABILITY**

- We share collective responsibility and are individually accountable.
- We are clear with our requests.
- We keep our promises.
- We are responsible for our actions and attitude.
- We are proficient in managing the resources we are entrusted with.
- We consider environmental and economic sustainability in our decision making.

## **TRUST**

- We act with integrity aligning words and actions.
- We have confidence in our people.
- We are empowered to make decisions and we empower others.
- We are transparent, fair and equitable.
- We communicate openly and truthfully.





# Serving our community

## 3. Customer service and serving the community

We are committed to meeting the needs of the community and providing exceptional customer service, in alignment with Our Customer Service reflecting Council's CARES programme: Communication, Accountability, Responsiveness, Empathy, and Solution. Everyone at Council is committed to providing professional and courteous service, wearing official Council identification, including the wearing of nametags, and workwear during business hours.

Residents, businesses, not-for-profits, social enterprise, other organisations, charities and visitors of, and to, the City of Whitehorse are entitled to receive excellent customer service from everyone who works for Council, at all times. All customer contacts should be handled professionally and courteously. All those with direct customer contact must wear official Council identification and work wear as applicable during business hours and excluding breaks.

Our priority is a safe, inclusive, and respectful workplace. Abuse, bullying, harassment, or other inappropriate behaviour from customers and members of the community is not acceptable. Any party encountering inappropriate behaviour from customer or

members of the community, should inform a supervisor or seek peer assistance and support immediately. People leaders are responsible for aiding anyone who works for Council in managing with difficult customer and community interactions, facilitating reflection, and reporting incidences as necessary. The Customer Service team is available to provide advice and support to employees to handle difficult interactions.

## 4. Child safety

As valued and respected members of our community, we encourage and support the participation and empowerment of all children and young people.

Children and young people have the right to be safe, at all times, and Council has a zero tolerance towards child abuse. Council recognises that the safety of our children and young people is a whole of community responsibility and is everyone's business.

Council's commitment to providing a safe environment for children and young people includes policies and systems, risk mitigation and ongoing education for all employees, contractors and volunteers in child safety.

All parties are responsible for ensuring the safety, participation, wellbeing and empowerment of children and young people by:

- Taking all reasonable steps to protect children and young people from abuse, harm or neglect.
  - Treating all children and young people equally and with respect and dignity.
  - Listening and responding to the views and concerns of children and young people, particularly if they are telling you that they or another child has been abused and/or are worried about their safety or the safety of another.
  - Promoting the cultural safety, participation and empowerment of Aboriginal and Torres Strait Islander children and young people (for example, by never questioning an Aboriginal and Torres Strait Islander child's self-identification).
  - Promote cultural safety by actively encouraging children and young people to express their culture and enjoy their cultural rights.
  - Promoting the safety, participation and empowerment of children and young people with a disability.
  - Reporting any allegations of child abuse to the Internal Response Team and ensure any allegation is reported to the police or child protection as soon as possible.
  - If an allegation of child abuse is made, ensure as quickly as possible that the child or young person is safe.
  - Encouraging children and young people to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to and/or impact them.
  - Avoiding all behaviour or conduct which is contrary to Council's Child Safe Policy and the statement of commitment to child safety.
  - Notifying your supervisor of planned, ongoing or otherwise interactions or contact with a child, young person or their family outside of your role at Council (accidental contact such as seeing people in the street does not apply).
  - Demonstrate Council's values and act as a role model in all interactions with all children and young people.
  - Reporting any signs of child abuse or inappropriate behaviour of Councillors, employees, volunteers or contractors to the Internal Response Team as soon as practicable.
  - Ensuring employees do not provide their personal details i.e., a phone number, address, social media to children or young people involved in Council Programs, Services or Activities; and
  - Using images of children or young people taken at Council's services, programs or activities appropriately and in a manner consistent with Council processes and procedures.
- ➔ Refer to Council's Child Safety and Wellbeing Policy and the *Child Wellbeing and Safety Act 2005*.



# Health, safety and wellbeing

## 5. Occupational health, safety and wellbeing

Council is committed to providing a workplace that is safe, healthy, accessible, and free from discrimination, harassment, bullying, vilification, occupational violence and victimisation for everyone who works for Council and for our community. Our commitment is set out in Council's Occupational Health and Safety (OHS) Policy, Fit for Work and Workplace Behaviour and Performance suite of policies. We promote safety and wellbeing through our annual Wellbeing Program that covers both physical and mental health initiatives.

All parties are expected to, but is not limited to, use protective clothing and/or safe equipment to mitigate risks and report injuries, accidents, near misses, damaged equipment or any other hazard observed.

## 6. Alcohol, drugs and smoking

The use of drugs and alcohol may contribute to accidents, injury, and illness in the workplace. As part of our commitment to the health, safety and wellbeing of everyone who works for Council, all parties are to present themselves for duty, in a condition that is not influenced by the consumption of alcohol, prescription or illicit (illegal) drugs, to the extent that their

judgement/work performance is impaired, or they are in contravention of legal requirements. Council may conduct testing procedures for drugs and alcohol in the workplace

If you are using prescription medication that may impact your work performance or pose a risk to your own or others' health, safety or wellbeing, it is essential to inform your supervisor and consult with a healthcare professional.

Managers or Directors have the authority to permit the responsible provision of alcohol during social functions.

Council wishes to provide a workplace free from risks to health and safety, which extends to the risks associated with smoking (covering all tobacco products, such as electronic cigarettes and vaping, as well as being exposed to second-hand smoke). Individuals who choose to smoke must comply with Victoria's Tobacco Act and Council's relevant policy or guidelines.

- ➔ Further information is available from Council's suite of OHS policies including the Smoke-Free Workplace Policy and in the *Occupational Health and Safety Act 2004*.

# Rights and responsibilities

## 7. Equal opportunity and prevention of discrimination, harassment and bullying in the workplace

Council is committed to creating a safe, inclusive and respectful workplace free of all forms of discrimination, harassment, bullying, vilification, occupational violence and victimisation. Everyone who works at the Council is required to treat others with dignity, fairness and respect.

The *Victorian Charter of Human Rights and Responsibilities Act 2006* safeguards human rights, fostering respect and openness. All parties are required to be aware of their responsibilities under this legislation. Council decisions, policies, and documents should all consider the Charter to protect people's human rights.

Sexual harassment may take various forms and can be directed at, and perpetrated by, all persons including male, female, transgender, and gender diverse. It may be physical, spoken or written. Further, a single incident can constitute sexual harassment.

Discrimination, harassment, sexual harassment, bullying, vilification, occupational violence and victimisation is unlawful will not be tolerated under any circumstances. All parties are

expected to adhere to Council's Workplace Behaviour and Performance Policy suite and Occupational Violence Policy.

If you are the recipient of direct or indirect discrimination or victimisation, please report this your people leader or the People and Culture department. Council takes a zero-tolerance approach for such behaviour.

- ➔ Refer to Council's Workplace Behaviour and Performance Policy suite and Occupational Violence Policy, the *Occupational Health and Safety Act 2004*, the *Victorian Charter of Human Rights and Responsibilities Act 2006*, the *Respect at Work Act 2022* and the *Gender Equality Act 2020*.

## 8. Prevention of family violence

Council offers support any party who is impacted by family violence. Please speak to your People and Culture business partner or refer to the Collective Agreement detailing assistance for those who may be experiencing family violence.

The use of Council's resources (including working time), property, equipment, or information technology systems or facilities, for any form of family violence is prohibited.

## 9. Personal presentation

All parties are required to wear attire that is appropriate to their position and work area within Council and maintain an appropriate tidy and professional appearance in the workplace and when working remotely. This includes all clothing, accessories, hygiene and footwear.

Clothing should be comfortable and consider the following factors:

- Health and safety/ mandatory PPE requirements, and OHS policies;
- Requirement for a uniform and arranging for a replacement when no longer meeting standards;
- Type of duties to be delivered;
- Level of contact with clients, community members and external business; and
- Respect for our commitment to equal opportunity and our values.

Employees are expected to use their best judgment in their choice of suitable clothing to wear to work, using information in this code.

If a people leader considers that an employee's attire is inappropriate, according to the requirements set out in this policy, they should approach the individual and ask for appropriate changes to be made.

Disputes over dress and presentation standards between the people leader and employee should be addressed according to the Dispute Resolution policy and procedure.

### **Casual Work Attire**

On designated casual clothes days appropriate casual clothing may be worn. Casual clothing must not compromise appropriate safety or tidy standards.

## 10. Gender equality at Council

Council supports gender equality in the workplace and across the community. Council recognises gender amongst other factors, influence one's access to, and experience of, power, resources and responsibilities.

In accordance with the *Gender Equality Act 2020 (Vic)*, Council holds itself accountable to achieving gender equality through the required Gender Impact Assessments and through the strategies and actions identified in the Gender Equality Action Plan. All parties are to support the achievement of these strategies through their actions, considered decision making, attendance at training and support for program initiatives.

- ➔ Refer to Council's commitments are in the current Gender Equality Action Plan and the *Gender Equality Act 2020 (Vic)*.



## 11. Misconduct

Council has a suite of Workplace Behaviour and Performance policies to aid everyone who works for Council to understand their obligations in creating a safe, inclusive and respectful work environment and to support its community positively.

All parties are expected to have a clear understanding of expected behaviours and standards in the workplace and what to do when these are not being demonstrated. This is crucial to building a high-functioning and trusting work environment.

Willful, reckless, negligent or deliberate behaviour, including behaviour that causes a risk to the health, or safety, of a person or the reputation, viability or profitability of the Council's business may justify and result in termination of employment or engagement by Council.

- Please refer to Council's Workplace Behaviour and Performance Policy suite (or other as applicable to parties), for further detail on what may constitute misconduct and may be a dismissible offence.



# Employment and engagement of responsibilities, including other work and volunteering

## 12. Lawful directions

All parties are expected to follow reasonable and lawful direction of a people leader. Clarification of directions may be sought from a people leader. If the matter remains unclear or appears in contradiction to the Code, further guidance is available from the People and Culture team.

## 13. Delegations and authorisations

All parties are required to act within their authorisation and/or assigned delegation as per legislative requirements and Council policy. People leaders should inform parties of their authorisations and delegations as part of their on boarding and when changes are made. Where in doubt, employees should contact the Governance and Integrity Department for confirmation.

## 14. Remaining apolitical

All parties must remain politically neutral, refraining from supporting any candidate or participating in related activities for the elections to the Council in the City of Whitehorse. During caretaker periods, employees must uphold administrative neutrality and adhere to relevant policies and protocols. Using one's position to support particular issues, parties, or candidates is prohibited. Further information regarding Council's election processes and employee requirements can be found in Council's Election Period Policy.

## 15. Interaction with Councillors

All parties are required to conduct themselves in a professional manner in their association with Councillors, respecting professional boundaries.

Councillors should make enquiries for action through the Chief Executive Officer, Directors or Managers.

The CEO, Director or relevant Manager will ensure that Councillors are provided with all relevant information concerning matters under consideration by Council.

Concerns or questions about such requests are to be discussed with the Manager, Governance and Integrity.

## **16. Employment responsibilities**

### **16.1. Employment and activities outside of Council**

All staff permitted to hold employment or volunteer positions outside of Council; however, you must advise your people leader before engaging in any external employment or business activities. This includes self-employment or unpaid work, with any person or organisation other than Council, to assess and confirm no conflict of interest (actual, potential, or perceived) and it does not impact on your ability to perform your role effectively at Council.

Staff are expected to consider sporting and recreation groups, professional associations, trade associations, charitable or service organisations and other community activities for conflict of interest.

Identified conflicts of interest will be managed in accordance with the Conflict-of-Interest sections of this Code and may require a Conflict-of-Interest Management Plan and/or managed in accordance with the Workplace Behaviour and Performance Policy.

→ Further information can be found in the Conflict-of-Interest Policy.

### **16.2. Conduct during work hours**

It is expected that all parties will devote all their time and attention to their duties while they are at work. Duties and responsibilities are in accordance with each employee's position description and any other duties employees are directed to perform from time to time that are within the scope of their skills and experience.

### **16.3. Ability to meet essential or inherent requirements**

All parties are obliged to be able to undertake the inherent requirements of their role including mandatory qualifications, licenses and registrations and the physical and functional requirements.

Council may seek medical advice where there is reasonable belief that an employee is unable to meet these obligations including in situations of injury or illness. For further information, everyone who works for Council should refer to Council's Fit for Work Policy.

All parties must supply their required licences, qualifications and registrations and notify their people leader immediately of any loss, suspension of, or change to a registration, accreditation or other qualification or licence that may affect (perceived or actual) their ability to perform the essential or inherent requirements of their role. All parties driving Council vehicles must ensure that they are driven in accordance with the Victorian Road Safety Road Rules and the Fleet Policy.

Council has endorsed a 'Working With Children Check' approach. Please refer to the 'Working With Children Check' policy for further detail on how it may impact your role. Where relevant, no parties are to conduct child-related work until a valid 'Working With Children Check' has been performed by the People and Culture team.

### **16.4. Notification of criminal offence**

All parties must notify Council immediately if they are charged with an offence that could result in imprisonment or, if convicted, could reasonably impact their ability to meet the inherent requirements of the position that they hold (such as losing a driver's licence).



# Conflict of interest, fraud and corruption

## 17. Conflict of interest

Everyone who works for Council has a public duty to perform their role and to act in the public interest in accordance with the *Local Government Act 2020*, the overarching governance principles and Council's policies.

To ensure that the public interest is served at all times, anyone who works for Council is required to separate their private interests from their public duties. This may mean stepping aside from a public duty if there is a conflict of interest. (See above Section 16.1: 'Employment and Other employment and business activities outside of Council'.)

Any prospect of a conflict should be declared to the people leader and recorded on a Conflict-of-Interest Disclosure form. The form should be provided to Governance to register. Identified conflicts of interest will be managed in accordance with the Conflict of Interest sections of this Code and may require a Conflict of Interest Management Plan.

Where relevant, the conflict should be declared in Council reports or briefing papers. The individual facing the conflict should not be involved in any decisions relating to that matter. Failing to disclose a conflict of interest in accordance with the *Local Government Act 2020*, can result in criminal prosecution in a court and/or disciplinary action under this Code of Conduct.

→ Refer to the Conflict of Interest Policy.

### 17.1. Dealing with suppliers and contractors

All parties must avoid placing themselves in situations of a potential or perceived conflict of interest including, but not limited to, suppliers and contractors who supply Council with goods, services, and works.

### 17.2. Procurement and the use of corporate credit cards

Council's procurement activities will be performed in an open, transparent and ethical manner with demonstrated integrity, fairness and accountability that meets relevant legal requirements.

All quotation and tender processes will be conducted in accordance with the requirements of Council's Procurement Policy, relevant legislation, Australian Standards and the *Local Government Act 2020*.

Any party supplied with a Council credit card may use that card for business purposes only and in accordance with Council's Procurement, Credit Card Usage and Fraud and Corruption Control Policy. Corporate credit cards are for exclusive use by the cardholder.

→ Refer to Council's Procurement Policy for further information.

### **17.3. Relatives, friends and acquaintances**

Any party involved in enforcing regulations, undertaking inspections, recruitment or similar activities must inform their people leader and/or remove themselves from decision-making processes which involve someone who is personally known to them, including acquaintances, immediate family, relatives, and friends.

### **17.4. Sponsorships**

All parties do not - for themselves or others - seek or accept personal sponsorship benefits that could be perceived reasonably as influencing them. Anyone unsure about sponsorship offers should seek advice from their people leader.

## **18. Fraud, corrupt activity and financial probity**

All parties must observe the highest standards of integrity in dealing with all matters and must not engage in fraudulent or corrupt activity of any kind. Council does not condone fraudulent or corrupt behaviour.

All parties must maintain a strict separation between work-related and personal matters and only use or authorise the use of public resources or facilities for work-related purposes and within the appropriate delegated authority.

No party may use their authority to provide a private benefit to themselves, their family, friends or associates. They must exercise authority in a way that is fair and reasonable, and family or other personal relationships do not improperly influence their decisions.

All parties are to comply with the requirements of relevant financial management legislation, policies and procedures and should refer to Council's Fraud and Corruption Control Policy and Conflict of Interest Policy for further information.

### **18.1. Reporting corrupt or improper conduct**

All parties are encouraged to report unethical behaviour. Transparency and accountability in Council's administrative and management practices is very important and Council has established procedures to support and protect employees who may wish to disclose improper or corrupt conduct by other Council employees or elected representatives.

All parties are required to comply with legislation, policies, and lawful instructions in the performance of their work. Any workplace behaviour that violates any law or regulation or could represent fraud or corrupt conduct, mismanagement of public resource or is a danger to health or safety should be reported to the Public Interest Disclosure Coordinator or the Manager Governance and Integrity or any member of the Fraud and Corruption Control Committee.

- ➔ Refer to Council's Public Interest Disclosure Procedures for more information on reporting.

## 18.2. Fraud, bribery and corruption

Any party may be dismissed immediately if an investigation proves they knowingly offered or received and accepted a bribe or inducement to or from a third party; even if such a transaction is to further the interests of Council.

All suspected fraud or theft must be reported to the Public Interest Disclosure Coordinator or the Manager Governance and Integrity or any member of the Fraud and Corruption Control Committee.. Any party who knows of fraud and does not communicate their concerns will be in breach of this Code.

In accordance with the Public Interest Disclosures Act 2012, Council is committed to integrity and commitment in all its operations. Council encourages and supports employees to highlight corrupt or improper conduct and will ensure they will not suffer any reprisals from raising genuine concerns.

Allegations regarding corrupt or improper conduct of anyone working for Council will be regarded as serious and managed through Council's Public Interest Disclosures Procedures consistent with Independent Broad-based Anti-corruption Commission (IBAC) requirements for making and handling protected disclosures.

Council has a clear policy of full recovery of losses from all persons committing fraud or theft. Where fraud is proven, an employee will be subject to disciplinary action. This may include immediate termination of employment or engagement by Council, and Council may also pursue criminal charges. As part of its obligations under the law, Council will fully cooperate with any investigation by law enforcement or regulatory authorities.

Council requires that all parties:

- Do not make any disbursement of Council funds or other Council property without adequate and correctly authorised supporting documentation. This includes ensuring that all appropriate payment authorisations are obtained in accordance with delegated authorities. There shall be no disbursement for any purpose other than as described in the documents.
- Do not in furtherance of Council business make any direct or indirect personal payments to officials or employees of any organisation, association or government at any level by either Council funds or private funds.
- Do not make any personal payments through the Council's accounts excluding payments of expenses which are later reimbursed to Council.
- Do not take any action or authorise any action that involves illegal, unethical or otherwise improper payment of money or anything else of value.
- Contract managers/superintendents and authorised enforcement officers must not accept any gifts given by contractors or members of the public.

## 19. Gifts and benefits

All parties must be responsible and honest in their dealings and apply sound judgement when dealing with offers of gifts, benefits and hospitality, so as to not compromise their decision-making by always acting impartially.

The preferred corporate standard is that any offer of a gift, benefit or hospitality, irrespective of value, should be declined politely in the first instance.



Anyone working for Council must never accept gifts of money. Gifts or payment for services should never be made or received in cash (this includes cheques, money orders and gift cards); and all parties are required to disclose and record all gifts received that have an estimated value over the specified level as according to the Council Staff Gift Policy.

Offers of bribes, commissions, or other similar approaches from an individual or organisation must immediately be reported to the Public Interest Disclosure Coordinator or the Manager Governance and Integrity or any member of the Fraud and Corruption Control Committee; as per Council's public disclosure requirements and in consultation with the Governance team.

No party may solicit, demand or request gifts, benefits or hospitality for themselves or another person by virtue of their position.

→ Refer to the Council Staff Gift Policy.

## **20. Council resources**

All parties must use Council's facilities, assets, plant, and equipment including computers, email, internet access and mobile phones for official Council purposes only, except where reasonable personal use is permitted.

Work resources include physical, financial, technological and intellectual property. Intellectual property includes copyright, data, strategies, trademarks, registered designs, patents (including patented business systems), semiconductors, circuit layout rights, trade, business or company names, all other proprietary rights and any rights to the registration of such rights, including proprietary rights developed or created by employees in the course of their employment/engagement with

Council. Council retains ownership of all these work resources.

All Council resources must be used in accordance with the relevant Council policies.

No parties may use any Council assets or services for personal gain, to conduct a commercial business or for any improper or illegal use.

## **21. Misuse of position**

Everyone working for Council must exercise their duties in the service of the community and the Council and authority for the purposes for which they are employed. They must not use their positions or authority to create any private advantage for themselves or any other person or organisation, or to cause detriment to Council.

## **22. Business related travel and expenses**

All parties are entitled to claim travelling and daily expenses that are incurred for business purposes and undertaken in an official capacity. Prior approval is required in accordance with Council's Out of State Travel by Council Staff Policy and the Staff use of the Taxi Travel Payment Policy.

# Confidentiality and privacy

## 23. Information privacy and confidentiality

All parties are required to be familiar with and comply with the *Information Privacy Principles* in the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*. All parties must ensure that the use and collection of private information is lawfully undertaken in accordance with the *Information Privacy Principles* and take reasonable steps to protect personal information from misuse and loss, and from unauthorised access, modification, or disclosure. Anyone using confidential information in ways that cause harm or distress to others, may face disciplinary action.

Access to Council information is limited to one's role and may be used, disclosed or communicated for business purposes, when required to do so by law, in the legitimate course of duty, when called to give evidence in court, or when proper authority has been given. In such cases comments are confined to factual information only.

All Council-related information is considered confidential unless officially made public. Current and former Council representatives must not misuse Council's confidential information or intellectual property, even after leaving Council.

- ➔ For further detail, please refer to Council's Information Privacy and Information Management policies.

### 23.1. Record keeping

All parties are accountable for creating, maintaining and managing comprehensive and precise records of their Council activities. These records should be maintained in accordance with the *Freedom of Information Act 1982* and the *Privacy and Data Protection Act 2014*.

Further information on record keeping and Freedom of Information requirements can be found in Council's Information Management Policy.

### 23.2. Public comments on Council matters

Public comments and media statements on matters of policy or on matters requiring an official Council statement or decision can only be made by the Mayor or their delegate or the CEO or their delegate. All parties should refer all media enquiries or requests for comment to the Strategic Communications team.

- ➔ Refer to Council's Media Relations Policy for more information.

### 23.3. Providing advice and personal opinion

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

### 23.4. Social media

Whether using social media for work purposes, or in a private capacity, all parties are expected to demonstrate professional conduct, integrity and care. All should be aware that using a pseudonym or username other than their own name in social media does not absolve them of these responsibilities.

All parties are expected to:

- Reinforce the integrity, reputation and values of Council.
  - Adhere to Council's Code of Conduct, policies and procedures.
  - Represent Council adopted strategy and positions.
  - Behave with courtesy, honesty and respect in line with Council's values and behaviours. Behaviour should reflect positively on Council. Avoid making comments that could be seen as defamatory, threatening, harassing, indecent, unlawful, discriminatory, or disparaging towards work, Councillors, Officers, or customers.
  - Comply with relevant laws and regulations.
  - Ensure confidentiality of Council information.
  - Seek authorisation to become a Social Media Champion.
- Please refer to Council's Social Media Policy for more information.





# Information technology, systems and devices

## 24. Use of Council's information technology (IT) systems

Council's IT systems include, but are not limited to, workstations, servers, email and network services, printers, network connected devices and connections to the internet, as well as mobile devices such as notebook computers, tablets, mobile phones and smartphones.

All parties have obligations in relation to use of IT systems and maintaining the access, security and confidentiality of Council's corporate data under several Acts, policies and guidelines. All are prohibited from using Council IT systems and devices to send, access and/or distribute any material which is unlawful, offensive (or reasonably likely to be considered offensive), or which may expose Council to risk or harm, or may bring Council into disrepute.

Any party's use of Council's email, internet and intranet systems must be in accordance with the IT Acceptable Use Policy and this Code.

The Information Technology department is authorised to and will monitor the use of communication and information devices to identify any breaches of policy or law.

The Information Technology Department may access, monitor, and audit employee use (including personal use) of Council IT Systems in the line with the IT Acceptable Use Policy and the IT Security Policy.

## 25. Surveillance by third parties

Members of the public or a Council client may place a Council employee under surveillance or record their conversation or activity. Where Council has management and control over a given situation, it will, so far as is reasonably practicable, prevent this surveillance from being unlawful, unreasonable, or arbitrary.

Where allegations of poor performance or unlawful or inappropriate conduct by anyone who works for Council employees are raised, Council may request, accept, or collect surveillance footage from a third party when investigating such allegations. Council may also accept or collect surveillance footage from a third party to assess Council services.

## 26. Gambling

Gambling is defined as paying money or staking something valuable for a chance to win money or a prize. Gambling while at work, and the use of Council technology for gambling (including during an employee's lunch or tea break), is not permitted.

Organisational activities that enhance positive social interaction, are for fun, without any payment nor prize of money or something else of value offered may be exempt.

→ Refer to Council's Gambling Policy.



## 27. Dispute resolution process

Any dispute or grievance arising in relation to the Code must be addressed in accordance with the Dispute Resolution Policy and Procedure.

## 28. Breach of the Code of Conduct

Breaches of the Code are taken seriously. We each have a personal accountability to:

- Act in accordance with the intent and letter of the code
- Not condone behaviour that breaches the code
- Report any breaches of the code.

Council may use any or all available resources to Council to investigate alleged breaches of the Code or Council's policies, processes and procedures.

Under the *Local Government Act 2020* (Section 49(3)(b)), the CEO has the right to take disciplinary action against council employees whose behaviour is not in accordance with this Code. The CEO may delegate the functional operation of performance management and any required disciplinary action to the relevant manager.

A breach of this Code may constitute misconduct, which will be managed in accordance with the relevant policy and process, and the principles of natural justice. Disciplinary action in relation to a breach of this Code may include discipline up to and including termination of employment/engagement with Council.

In addition to disciplinary action, the CEO may report breaches of this Code or employee misconduct, including conflict of interest breaches, to the relevant external inspectorate or authority. Further action may be taken in accordance with advice or direction from the relevant authorities.





## ACKNOWLEDGEMENT OF COUNTRY

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Whitehorse City Council acknowledges the Wurundjeri Woi-wurrung people of the Kulin Nation as the Traditional Owners of the land. We pay our respects to their Elders past, present and emerging.

## CONTACTING COUNCIL

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|-----------------|--|
| Postal Address: | <b>Whitehorse City Council</b><br>Locked Bag 2<br>Nunawading Delivery Centre 3131                  |
| ABN:            | 39 5 49 568 822  |
| Telephone:      | 9262 6333 (including language support)   |
| NRS:            | 133 677 then quote 9262 6333<br>(Service for deaf or hearing impaired people)                      |
| Service Centre: | <b>Whitehorse Civic Centre</b><br>379-399 Whitehorse Road,<br>Nunawading 3131                      |
| Website:        | <a href="http://www.whitehorse.vic.gov.au/contact-us">www.whitehorse.vic.gov.au/contact-us</a>     |
| Email:          | <a href="mailto:customer.service@whitehorse.vic.gov.au">customer.service@whitehorse.vic.gov.au</a> |
| Social Media:   | Connect with Whitehorse City Council   |

