APPENDIX B – CODE OF CONDUCT

Circular Head Council is committed to upholding the values of Equity, Connection, and Excellence in all its operations and relationships, including with contractors and external partners. This Code of Conduct outlines the behaviours and expectations Council has of contractors in alignment with these values.

The standards in this Code are in addition to any statutory requirements of the *Local Government Act 1993* or any other relevant legislation or Council Policy. Working for, or on behalf of Local Government, carries with it a unique obligation to protect the public interest. This obligation demands that people working in the public sector demonstrate and adhere to standards of conduct and ethics that maintain public confidence and trust. As an employee or a contractor working for the Council you have an obligation to the community to carry out Council business with efficiency and impartiality. The Code of Conduct details the principles of good conduct and standards of behaviour that Council has determined the community can reasonably expect Council Employees and contractors to demonstrate in the performance of their duties and functions. Your duties should be carried out with:

- Honesty
- Integrity
- Professionalism
- Confidentiality
- Fairness
- Timeliness
- Conscientiousness
- Regard to the public interest
- Courtesy

You are expected to:

- Act honestly and with integrity at all times.
- Be conscientious and carry out your duties in an efficient, effective and economical manner.
- Comply with all relevant legislative, industrial, policy and administrative requirements.
- Maintain appropriate documentation to support any significant decision made.
- Keep up to date with advances and changes in your area of responsibility/scope of contract.
- Provide all necessary and appropriate assistance to external and internal customers.
- Treat customers, Councillors, Council staff and other Contractors with courtesy and sensitivity.
- Provide impartial advice and implement Council policies effectively.
- Not take or seek improper advantage from authority or information gained in the course of employment.
- Report unethical or improper behaviour to the General Manager/contract superintendent.

Much of the work of the Council involves access to personal, confidential or sensitive information concerning individuals, council business, businesses and other organisations. You must take care in maintaining the confidentiality and security of information for which you are responsible. This information can only be used in the legitimate exercise of the Council's

functions and must not be disclosed to any other individual or organisation without the authorisation of the General Manager. It is imperative that Contractors and staff adhere to Council Policies and Directives at all times.

15.1 ACCOUNTABILITY

You are responsible for your own acts and omissions and will be held to account for them. If you are a Director, Manager or a Supervisor, you are also responsible for the acts and omissions of the staff in the areas over which you have control. Directors, Managers and Supervisors must ensure that staff know and understand the duties of their positions and the results expected.

15.2 ACCEPTANCE OF GIFTS OR BENEFITS

You must not seek or accept any payment, gift or benefit that could influence, or be reasonably perceived by an impartial observer as intended or likely to influence you, to deviate from the proper course of duty. Any such offer must be reported to the General Manager / contract superintendent. A gift may not necessarily be physical or monetary in nature but may include meals or invitations to functions or events. Commissions or discounts on private purchases, resulting from Council relationships, not otherwise available to the public, are considered to be gifts for the purposes of this Code. Token gifts, which have not been solicited, may be reasonably accepted. These could include things such as chocolates, diaries, modest refreshments offered at a meeting. The offer of any amount of cash is never considered acceptable. Employees should note that section 339(A) of the *Local Government Act 1993* makes it an offence to procure the doing, or not doing, of anything by the Council to gain, directly or indirectly, an advantage or to avoid, directly or indirectly, a disadvantage for themselves or any other person or body and should not accept any gift, other than described above which in any way relates to their status with Council or their performance of any duty or work which is connected with Council. The Act specifies a maximum fine in respect of the offence.

15.3 FRAUD AND CORRUPTION

Definition of Fraud is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as: “Dishonest activity causing actual, or potential financial loss to any person or entity including theft of money/ies or other property by Employees or persons external to the entity and where deception is used at the time, immediately before or immediately following the activity. This also includes the deliberate falsification, concealment, destruction or use of falsified documentation used or intended for use for a normal business purpose or the improper use of information or position for personal financial benefit. The theft of property belonging to an entity by a person or persons internal to the entity but where deception is not used is also considered “fraud” for the purposes of this definition.” Examples are:

- Theft and/or misappropriation of Council revenue in the form of cash, cheques, money order, electronic funds transfer or other negotiable instrument;
- Unauthorised removal of equipment, parts, software, and office supplies from Council premises;
- Deliberate over-ordering of materials or services to allow a proportion to be used for personal purposes;
- Submission of sham taxation arrangements for an Employee or contractor to circumvent the Council’s procedures for engagement of Employees and contractors;
- Submission of fraudulent applications for reimbursement;
- Payment of fictitious Employees or suppliers;

- Falsification of time records;
- Damage, destruction or falsification of documents for the purpose of material gain;
- Failure to disclose a conflict of interest in the performance of duties as a Councillor, Employee or contractor of Council;
- Any computer related activity involving the alteration, destruction, forgery or manipulation of data for fraudulent purposes or misappropriation of council owned software.

Definition of Corruption is defined in Australian Standard AS8001-2008: Fraud and Corruption Control, as: "Dishonest activity in which a director, executive, manager, employee or contractor of an entity acts contrary to the interests of the entity and abuses his/her position of trust in order to achieve some personal gain or advantage for him or herself or for another person or entity." Where a staff member or Contractor suspects that an act of fraud or fraudulent conduct is occurring or has occurred, that staff member should report such suspicions to their Director/Manager/contract superintendent. Where the staff member/contractor does not feel comfortable reporting their suspicions to their Manager or contract superintendent they should report such matters to another senior Manager or the Human Resources Coordinator. Where information received is determined as warranting investigation, arrangements for such an investigation will be made with the relevant Manager. This arrangement will include securing all related documentation and may include suspension of staff member(s) being investigated. Reports will be received in confidence and the person reporting the event will be protected from any adverse repercussions, provided that there is no evidence of malice. Depending on the nature of the allegations, investigations will be undertaken in accordance with sound investigative practices. Where external investigation is required, for example Tasmania Police or other independent investigators, they will be in charge of such investigation. Any person contacted by an investigator should co-operate with the process. In all cases confidentiality and natural justice will be maintained.

15.4 PECUNIARY INTEREST

When in a position of decision making, you must declare any connection with a matter up for decision or discussion where you, or a person or entity with whom or which you are associated, is reasonably likely to receive a benefit or a loss able to be measured in financial terms if the matter is decided in a particular way. A declaration should be made if you are a member of a deliberative body such as a committee. Intention is not relevant to assessing the existence of a pecuniary interest.

15.5 CONFLICT OF INTEREST

To ensure that the work of the Council is impartial and is seen to be so, you must make sure that no opportunity exists for your personal interests, associations and activities (financial or otherwise) to conflict with the proper exercise of your duties.

15.6 COMPUTERS, INTERNET AND EMAIL

The Council has ownership of all files and email messages stored on Council computers and reserve the right to examine all computer data and software on its facilities and to monitor usage in order to ensure compliance with this policy. Employees and Contractors must recognise and respect the resource limitation of the IT facilities provided through considered and practical usage. The Council reserves the right to, without notice, modify, upgrade, withdraw or otherwise alter any facilities provided. Any facilities provided to Employees and Contractors are for the business purpose of Council. The Council will not be responsible for

meeting any costs resulting from either misuse of facilities or the use of facilities for non-business-related purposes. The Council supports only those facilities which is provided for business purposes. Hardware, software, operating systems and networking protocols not in use at, or provided and approved by Council will not be supported. Installing unauthorised software or files - employees must not purchase, install, copy or use any software without prior consultation with IT Services. The use of any files that are subject to copyright regulations that have not been authorised in writing by the copyright owner are not permitted to be used on Council systems. The installation and use of third party "screen savers" is not permitted.

Employees/Contractors may use only those facilities which they have been properly authorised to use by the relevant Manager/Supervisor/contract superintendent. Employees/Contractors may not use any of the facilities provided by Council in such a way as to reflect poorly upon the Council either in part or as a whole. Employees/Contractors may not use any of the facilities provided to them by the Council in such a way as to achieve personal gain or to earn income external to the Council. The playing of games on Council facilities is not permitted. Where the use of any IT facility is governed by a password, the password must not be inappropriately divulged to any other person. Employees/Contractors will comply with any directive (verbal, written or electronic) from IT Services relating to access to IT facilities. Employees must treat IT facilities with respect. Any wilful damage sustained to equipment will result in the costs of the repair being sought from the user of the equipment. Any damage sustained to equipment as a result of neglect may result in the costs of repair or replacement being sought from the user of the equipment. Security - employees/contractors must not attempt to rename, delete or modify the data of another user without prior authorisation from IT Services, except in the following circumstances:

- For data or files stored on a shared network facility or transferred in/out via a shared network facility;
- Under direction from their supervising officer(s) to amend data or files stored in a personal directory;
- Anti-virus software protection is provided, if a user suspects that their machine has become infected with a virus (or similar type entity) it should be reported immediately to IT Services;
- Employees/contractors are encouraged to log out of their workstations when they are not in use;
- Employees/contractors should correctly shut down their computer system before finishing work each day, unless otherwise requested by IT Services;
- Employees/contractors must report to IT Services, without delay, any breaches (perceived or real) of security.

Employees/Contractors may use the internet for gathering information or research which relates to council business only. Employees/Contractors must check their email frequently, delete any unnecessary messages promptly and manage their email files wisely. When commencing leave, staff should utilise the ability of the email software to forward incoming mail to the person who is acting in the position during their absence. Except in the course of an Employee's duties or with the express permission of the council, the internet access provided by the council may not be used for;

- Personal commercial purposes;

- Sending any email that is inappropriate, for example, emails that contain pornographic material, profanity, racial and sexual discrimination;
- Forwarding of hoaxes, chain-mail, spam, harassing colleagues or knowingly sending or forwarding virus-infected emails;
- Disseminating confidential information of the Council;
- Any illegal purpose;
- Knowingly causing interference with or disruption to any network, information service, equipment or any user thereof;
- Disseminating personal contact information of officers or Employees of council without their consent;
- Knowingly causing any other person to view content which could render the Council liable pursuant to equal opportunity or sexual discrimination legislation at the suit of that person; or
- Knowingly downloading or requesting software or media files or data streams that are not related to Council business.

All records created or received by staff/contractors (regardless of format) are a Council owned asset and need to be managed as such. Staff/contractors are required to adhere to established practices and the following procedures for the collection, recording, storage, and usage of all records (in all formats) to ensure compliance with legislative, statutory and corporate obligations.

15.7 BREACHES OF THE CODE OF CONDUCT

Council is committed to the standards outlined in this Code of Conduct and will take action if the Code or any relevant law is breached. The sanction may include disciplinary action including termination of employment/contract, the laying of charges and/or the taking of civil action. Reporting of Breaches - Reporting of breaches of the Code are firstly to be made to the General Manager, who may require that the report be made in writing setting out the details of the alleged breach. Investigation of Breaches - The General Manager will investigate the issues raised within the report. Employees are entitled to representation in the consideration of an allegation of non-compliance against them, and the process of investigation and management of the matter will have regard to the principles of fairness, equity and natural justice. If the General Manager is involved in the breach, then the Mayor and a representative of the Management Team shall undertake the investigation. Result of investigations – Any results of the consideration of a report will be communicated in writing and the person/s in receipt of any deliberation will be provided with the right of response in person or in writing within a period of 14 days of receipt of notification of proposed action.

15.8 PRINCIPLES TO BE OBSERVED IN APPLYING THE CODE OF CONDUCT

15.8.1 Principles of Natural Justice

All parties involved will be provided with access to relevant information, and adequate opportunities to provide further information and to respond where relevant. The review process will be objective, fair and reasonable throughout.

15.8.2 Objectivity and Independence

The investigation and review person/s shall not be a person, as far as is possible, who:

- Was involved in the original written complaint which is the subject of the alleged breach of the code;

- Has a personal interest in the outcome of the alleged breach; or
- Has a personal relationship with the applicant or other party relevant to the alleged breach.

15.8.3 Effective Communication

The matter will be dealt with objectively, and with empathy and understanding. Interviews will be conducted in private, without interruptions, and observe confidentiality as far as is possible. Assistance will be provided to overcome any physical access or language barriers. The review process will be kept informed of the investigation of the alleged breach within the agreed timeframe.

15.8.4 Protocols

Protocols will be observed relating to advice to parties, correspondence, recommendations arising from the investigation, and informing all parties of the outcome of the investigations and review.

15.8.5 Records

As far as practicable, clear and accurate records of interviews and review actions will be maintained, focussing on factual information. The records will be secure, and only relevant parties with a genuine interest will have access to the records.

15.8.6 Advice and Assistance

All parties will be informed of the rationale/reasons for the outcome of the review. If the matter is not resolved to a party's satisfaction they will be advised about options for external review.