

**City of Greater Dandenong**

**CODE OF CONDUCT –  
CONTRACTOR /  
REPRESENTATIVE**

**9<sup>th</sup> Edition**

A Guide to Conduct for  
City of Greater Dandenong  
Contractor/s

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## Introduction

The City of Greater Dandenong Code of Conduct – Contractor (Code) is designed to help Council contractor/representative carry out duties on behalf of Council with honesty, integrity and accountability.

The Code was first published in 1994 and revised in 1996, 1998, 1999, 2000, 2002 2004, 2010 and 2014.

The Code applies to all Council representatives, including:

- full-time, part-time and casual representatives employed by Council;
- trainees and apprentices; and
- temporary and casual representatives employed through an employment agency, apprenticeship centre or similar.

As contractors/representatives of Council, we must be responsible for our behaviour and the use of public resources, and for complying with all relevant laws and regulations. This Code outlines the general responsibilities, directions and legal requirements of Council representatives including as set out in relevant legislation, such as the *Local Government Act 1989*. The Code also recognises Council's duties, responsibilities and community aims and values, as expressed in the Council Plan available on Council's external website).

While the Code outlines expected behaviour, it is not designed to cover every issue a representative may face, or every law and policy that applies to Council. The Code is intended to also provide professional guidance for situations not expressly covered by the Code.

It is important that all Council representatives understand and comply with the Code as it applies to them.

Any companies dealing with the City of Greater Dandenong need to ensure that they meet the Code of Conduct – Contractors/Representatives requirements and that all representatives carry out their daily work with honesty, integrity and accountability.

Some of the information contained in this booklet will only be relevant to contractors working within a Council building, however all companies would be required to take note of various potential issues within the document and in particular;

- Conflict of Interest
- Personal Benefit
- Dealing with Council Property and
- Corporate Obligations

**Could you please sign and return the form located at the rear of this document to acknowledge receipt of the Code of Conduct – Contractor.**

## Distribution of the Code of Conduct

A copy of the Code is given to all Council contractors/representatives when they commence works with Council. Contractors/Representatives will also be provided with copies of the Code when it is updated.

## Shared values of Council and REACH characteristics

The following are the shared values of Council, for which we are all responsible. They reflect how all representatives are expected to treat each other, our customers and our stakeholders, and how we do business:

- we treat our customers, the community and each other with equality, respect and dignity;
- we strive for excellence in customer service and courageously challenge everything we do as we seek to improve our services;
- we act with integrity, professionalism and honesty to ensure everyone can rely on what we say and do;
- we actively build relationships with our community, our Councillors and the people we work with, to strengthen our shared desire for a better future;
- we perform our duties to the best of our ability and in the best interests of the public and the organisation; and
- we are accountable for our actions and decisions and the way in which they are achieved.

Council has built on these shared values to develop characteristics, known as “REACH”, that are intended to result in Council being an organisation of exceptional character. REACH stands for:

- Respect;
- Engaged;
- Accountable;
- Creative; and
- Honest.



All contractors/representatives should aim to implement the REACH characteristics at work.

## Conflicts of interest

A conflict of interest arises where a person has a personal or private interest that may conflict with their official duties or compromise their ability to act in the public's best interests.

The Local Government Act contains a general requirement on members of Council contractor/representative to avoid conflicts of interest.

Conflicts of interest can occur fairly frequently and are not necessarily unethical or wrong. However, it is important that the representative identifies any actual or potential conflict of interest in a particular situation, discloses this conflict to their supervisor or manager, and works with Council to manage the conflict appropriately.

In addition, if a representative has a personal connection with a matter with which they are dealing as a member of Council contractor/representative or on behalf of Council, the person should notify the relevant manager or the CEO.

The Victorian Government has produced a guide called 'Conflict of Interest – A Guide for Council contractor/representative's which provides more detail. The Guide also sets out the CEO's conflict of interest obligations, which differ in some respects from those of other Council contractor/representative. The Guide is available on Webstar.

### Conflicts of interest in Council matters

The Local Government Act requires all Council Contractor/Representative to **disclose** any conflict of interest:

- when exercising a delegated power, duty or function of the Council or the CEO;
- when they are a member of a special committee; or
- when providing advice or a report to Council.

Further information about disclosure obligations is set out below.

A conflict of interest will only exist if the contractor/representative member is doing something or providing advice about something in the course of their employment about which they have a direct or indirect interest. In other words, a person's interest must overlap with their official duties. The following is a summary of some of these *interests* and how they result in a *conflict of interest*.

#### Types of interest that constitute a conflict of interest

- a) **Direct interest** – you have a *direct interest* in a matter where it is reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered if a Council matter is decided in a particular way. You have a direct interest in a matter when, for example, it is reasonably likely that you will receive a monetary benefit or loss if the matter is decided in a particular way, or when you (or you and a member of your family) have a controlling interest in a company or body that has a direct interest in the matter.

You will have *conflict of interest* in that matter if you have a direct interest in the matter. (See also 'close association' below)

- b) **Indirect interest due to close association** – you have an *indirect interest* where a member of your family, your relative or a member of your household has an interest in a Council matter.

You have a *conflict of interest* in that matter if a member of your family has any direct or indirect interest in the matter. You also have a conflict of interest in that matter if your relative or a member of your household has a direct interest in the matter.

- c) **Indirect financial interest** – an *indirect financial interest* exists where you are likely to receive a benefit or incur a loss, measurable in money, as a result of the interests of another person, company or body. For example, you will have an indirect financial interest that is a conflict of interest if you are owed money by a person, company or body which has a direct interest in the matter, unless the money is owed to you by a bank or credit union.

You will also have a *conflict of interest* in a matter if you have a beneficial interest in shares or a body that has a direct interest in the matter. The only exception to this is if you and your family members hold shares in a company or body that has a direct or indirect interest in a matter with a combined value of \$10,000 or less, and the total value of issued shares of the company or body is more than \$10,000,000.

- d) **Indirect interest due to conflicting duties** – a *conflicting duty* arises where you have a particular type of duty to another person or organisation that may conflict or overlap with your duties as a member of Council contractor/representative. This arises where you are (or in some cases, were previously):

- a manager or a member of the governing body of another organisation with a direct interest in a matter;
- a partner, consultant, contractor, agent or representative of another person or organisation with a direct interest in a matter; or
- a trustee for another person with a direct interest in a matter.

You do not have a conflicting duty as a result of your position with another organisation if you are Council's approved representative in that organisation and you receive no remuneration for that position.

You have a *conflict of interest* in a Council matter where you have a conflicting duty in relation to the matter.

- e) **Indirect interest due to receipt of applicable gift** – an *applicable gift* means one or more gifts, rewards or benefits in the past 5 years with a total combined value of \$500 or more. You will have an indirect interest in a matter if you have received an applicable gift from a person or organisation with a direct interest in a Council matter. This excludes gifts received more than 12 months before you became a member of Council contractor/representative, and reasonable hospitality provided at a function or event you attended in an official capacity as a member of Council contractor/representative.

You have a *conflict of interest* in that matter if you have received an applicable gift from a person or organisation with a direct interest in the matter. (See also 'Gifts, Rewards and Benefits' under "Personal Benefit" below).

- f) **Indirect interest as a consequence of becoming an interested party** – where you have become a party to civil proceedings in relation to a Council matter, you have a *conflict of interest* in relation to that matter.

- g) **Indirect interest because of impact on residential amenity** – where there is a reasonable likelihood that your residential amenity will be altered if a Council matter is decided in a particular way, you have a *conflict of interest* in relation to that matter.

**There are some general exemptions to the above conflicts of interest.** However, you should seek advice from someone in the Contracts Unit with support from the Governance and Commercial Property Business Unit who is familiar with the conflict of interest provisions of the Local Government Act-before relying on these exemptions.

#### Disclosure of conflicts of interest

##### *Delegations*

If any representative has been delegated a power, duty or function of Council or the CEO and considers they have, or might reasonably be perceived to have, a conflict of interest (direct or indirect) in a Council matter, or one that may conflict with their performance of public duties, they must not exercise that power or discharge the duty or function.

As soon as practicable, the representative must disclose the conflict of interest by completing a Disclosure of Conflict of Interest – Officer form, which will guide the person through their disclosure obligations. The form must be submitted to the Governance and Commercial Property Business Unit, who must advise the CEO.

Disclosure of Conflict of Interest - Officer forms are available on Webstar or by contacting the Governance and Commercial Property Business Unit.

##### *Council committees*

If a representative is a member of a special committee or a section 223 committee, the person must disclose any conflicts of interest in a matter immediately before the matter is considered. The person must leave the meeting, and also leave the room and any area where they can see or hear the meeting until the matter has been concluded.

A 'special committee' is any committee that has been delegated a power, duty or function of Council. A 'section 223 committee' is a committee authorised to hear public submissions under section 223 of the Local Government Act.

The person's disclosure must include the class of interest and the detailed nature of the interest. If this would mean disclosing confidential or private information, the person may make a full disclosure to the CEO in writing before the meeting, and only disclose the class of interest at the meeting. The person should ensure that the minutes of the meeting accurately reflect their conflict of interest disclosure.

##### *Providing advice*

If a representative provides advice or a report to Council, or to a special committee of Council, they must disclose any conflicts of interest and the class of interest to Council or the committee. Providing advice includes preparing a report, providing information to be included in a report, signing a report, being a member of an advisory committee or presenting information at a Council or special committee meeting.

#### **Other potential conflict of interest situations**

##### Procurement /Planning

Council contractors/representatives are required to adhere to procurement guidelines at all times when purchasing goods, works and services. This will ensure that purchasing is conducted in an open and accountable manner, is risk free, and represents best value for Council.

Council contractor/representative who are involved in Council purchasing processes or planning processes in any way must be particularly alert for possible conflicts of interest.

For further information, refer to Council's Procurement Policy contact the Contracts Unit.



### Property-related arrangements by Senior Officers and specified Nominated Officers

Senior Officers and specified Nominated Officers (any other member of Council contractor/representative nominated by the CEO) must advise the CEO of any property purchases they make, or other property-related arrangements, within the municipality or any adjoining municipality – regardless of whether they are proposed or actual purchases or arrangements, except for purchasing a principal place of residence or the land for a principal place of residence.

Senior Officers and Nominated Officers are required to complete Primary Returns on commencement of employment and Ordinary Returns every six months, in order to disclose the nature of any possible interests.

### Making discretionary decisions

Council contractor/representative involved in enforcing regulations or undertaking inspections, recruitment or similar activities must inform their supervising manager and/or disqualify themselves from dealings which involve someone who is personally known to them, including acquaintances, relatives and friends.

### Secondary employment or volunteer work outside Council

If a contractor/representative wishes to engage in paid work in any capacity including self-employment, or paid/unpaid work experience, with any person or organisation other than Council, they must first inform the CEO in writing.

The CEO will consider whether those outside activities have the potential to create:

- a conflict of interest with the persons' Council duties; and/or
- a conflict between the person's Council duties and the duties and requirements of the secondary employment or work experience. For example, there could be a potential conflict in relation to the physical requirements of both roles, the hours of work, or other issues taking into account the representative's role statement or physical requirements information.

If the CEO determines there is a potential conflict, the CEO will work with the contractor/representative to determine whether the potential conflict can be appropriately managed.

If the CEO decides that a potential conflict can be managed, the CEO will advise the contractor/representative accordingly in writing, and may place particular requirements on the contractor/representative. For example, Council may require the contractor/representative to keep Council Project Manager informed of anything that might prevent the representative from attending work fit to undertake their role with Council, including being mindful of rest periods between their work activities.

If the CEO decides that the potential conflict cannot be managed, the CEO will inform the representative, in writing, that the representative must choose between their outside activities and their Council **works**.

If a contractor/representative wishes to engage in unpaid community or volunteer work with an organisation which has a relationship with either Council or the representative's role, the representative must notify Council, in writing. Project Manager will discuss the proposed unpaid work with the representative and advise the representative whether or not there is an actual or potential conflict of interest or duty. If there is such a conflict, Project Manager will refer the matter to the CEO to deal with as if it were paid work, as set out above.

## **PERSONAL BENEFIT**

Personal benefit is when you gain an advantage because of your position or relationship with Council.

## **Use of confidential information**

Council contractors/representatives must not use or disclose any confidential information relating to the business of Council to gain improper advantage for themselves or for any other person or organisation, in ways which are inconsistent with their obligation to act impartially, or to improperly cause harm or detriment to any person or organisation.

## **Misuse of position**

Contractor/Representative must only use their Council positions 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.

## **Gifts, rewards and benefits**

Any gift, reward or benefit, regardless of value, which is offered by an external person or organisation (including acts of hospitality), whether accepted, returned or declined, must be promptly reported to the Contracts Unit with support from the Governance and Commercial Property Business Unit using the Register of Gifts and Other Considerations form available on Webstar.

Department or Unit manuals may provide more specific guidance around how staff are to respond to such offers from clients and members of the community.

A record of gifts and other considerations is required for the reporting of fringe benefits tax and is placed in a public register available for viewing by anyone on request.

If an representative receives or accepts one or more gifts, rewards or benefits from the same person or organisation with a total combined value of \$500 or more calculated over the past 5 years, this may create an 'indirect interest due to receipt of applicable gift' (see the 'Conflict of Interest' section above).

## **Fraud and corruption**

Council is committed to combating fraud and corruption. All Council contractor/representative must take appropriate action to prevent and report suspected fraud and corruption, particularly within their area of responsibility.

Any suspected fraud or corruption must be reported immediately to the CEO

Alternatively, suspected fraud and corruption can be reported by making a 'protected disclosure' under the Victorian *Protected Disclosure Act 2012*, which provides anonymity and protection to the person making the disclosure.

## **Conduct of Council Contractor/Representative**

### **Conduct principles**

Section 95 of the Local Government Act requires that Council contractor/representative must, in the course of their employment:

- act impartially;
- act with integrity including avoiding conflicts of interest;
- accept accountability for results; and
- provide responsive service.

All contractor/representative must comply with these conduct principles.

## **Performance of duties**

While at work or performing Council duties, Council contractor/representative must devote their whole time and attention to their work. Their standard of work should reflect favourably on themselves and Council.

All Council policies and practices must be followed by contractor/representative. Copies of these are located on Webstar, or may be obtained by contacting the Organisational Development Unit. Representative must also comply with any other lawful and reasonable instructions of Council. Council representatives must not perform private work while at work or while performing Council duties.

## **Health, wellbeing and safety**

Contractors/Representatives must comply with occupational health and safety legislation, regulations, policies, guidelines and standard operating procedures at all times.

Council contractors/representatives must ensure that they behave safely in the workplace, including their physical actions and conduct as well as actions or conduct using digital or electronic media. This includes not engaging in bullying or violent behaviour.

Contractors/Representatives must immediately report any potential risks and hazards in an effort to maintain the health, safety and wellbeing of Council representatives, contractors and volunteers, and the public.

## **Bullying and violence in the workplace**

Council is committed to protecting the health, safety and wellbeing of all Council representatives, contractors and volunteers and will provide, as far as is reasonably practicable, a safe workplace that is free from bullying and violent behaviour.

## **Human rights and equal opportunity**

Council is committed to upholding and promoting the principles of human rights for all contractors/representatives in accordance with the Victorian *Charter of Human Rights and Responsibilities Act 2006*.

Council is also committed to providing contractors/representatives with a working environment which is free from discrimination, sexual harassment and racial and religious hatred, in accordance with the Victorian *Equal Opportunity Act 2010*, the Victorian *Racial and Religious Tolerance Act 2001* and federal anti-discrimination legislation.

Discrimination is treating, or proposing to treat, someone unfavourably because of a personal characteristic protected by law, such as race, disability, age, sexuality and so on. These are known as "protected attributes". Discrimination can also occur when an unreasonable requirement, condition or practice is imposed that has, or is likely to have, the effect of disadvantaging people with a protected attribute.

Sexual harassment is unwelcome sexual behaviour which could be reasonably expected, in all the circumstances, to make a person feel offended, humiliated or intimidated. Sexual harassment can be physical, verbal or written.

Racial or religious hatred is behaviour which causes or inflames hatred against, serious disrespect or disgust for, or revulsion or severe ridicule of a person or group of people because of their race or religion.

Discrimination, sexual harassment and racial and religious hatred are unlawful in any work related context, including physical and digital environments. Council will not tolerate such behaviours occurring. Council will take disciplinary action, which may include termination of employment, against anyone engaging in such behaviours.

This Code applies in the workplace, which includes locations other than Council premises. A location is a 'workplace' if the representative is present in a place at which the representative is working or otherwise carrying out work-related functions.

Council's Human Rights and Equal Opportunity Policy and Workplace Equal Opportunity Policy can be viewed on Webstar or by contacting the Organisational Development Unit.

### **Reporting discrimination, bullying, violence, sexual harassment, victimisation or racial or religious hatred in the workplace**

Council contractor/representative are requested to report any acts or suspected acts of discrimination, bullying, violence, sexual harassment, victimisation or racial or religious hatred to any of the following:

- Team Leader Organisational Development (designated EEO Officer);
- Business Unit Manager and/or supervisor;
- Any Director;
- Any Occupational Health and Safety (OH&S) representative;
- A Union representative; or
- An Equal Employment Opportunity (EEO) contact representative.

All reports of discrimination, bullying, violence, sexual harassment, victimisation or racial or religious hatred in the work place will be treated seriously by Council and will be actioned in accordance with Council's policies and procedures. Appropriate confidentiality will be maintained.

### **Representing Council**

Council representatives should be mindful of how they conduct themselves in public. This extends beyond undertaking specific duties and includes wearing uniforms or using equipment / vehicles which identifies them as representing Council.

This means that a Council representative must at all times while on duty, behave in a way that upholds the good reputation of Council and does not bring or have the potential to bring themselves or Council into disrepute.

### **Conduct outside working hours**

Contractor/Representative should avoid conduct outside working hours which is likely to damage their relationship with Council, or which is likely to damage Council's interests, or which is incompatible with their duties as a representative.

For example, Council may take disciplinary action against a contractor/representative who posts inappropriate information about his or her employment on a personal social media site.

## **Dealing with Council property**

### **Use of Council facilities, funds, equipment and contractor/representative**

Council contractor/representative must ensure that Council resources are used effectively, efficiently and economically. They must also be honest when using Council facilities, funds, representatives, materials and equipment, and not misuse them nor allow them to be misused, particularly outside of adopted or accepted organisational guidelines or practices. Council representatives must use any Council facilities, funds, representatives, materials and equipment in accordance with any relevant laws, regulations, and codes of practice or guidelines.

Council representative must not use Council resources, including representatives and equipment, for private use or gain (direct or indirect), unless authorised to do so by Council. In urgent circumstances, where Council contractor/representative use Council resources for private purposes without prior authorisation from Council, retrospective approval can be considered provided the person can demonstrate that they made reasonable efforts to seek and obtain prior authorisation. The contractor/representative must raise the matter with their immediate supervisor and/or business unit manager as soon as possible after the event.

## Internet usage

Council contractors/representatives with access to a Council-provided internet service are given that access on the condition that they acknowledge and accept the following:

- Internet service is provided for Council business-related purposes with limited private use available;
- They must adhere to measures implemented to protect corporate information against security attacks and unauthorised disclosure, as documented in the Information Security Policy. This Policy can be viewed on Webstar;
- Internet usage is monitored by Council and a log of internet sites visited is maintained by Council (also see below under “Technology”). The CEO (or nominee) reserves the right to periodically inspect this log to audit whether the service is being used for unauthorised purposes;
- Where private use of the system is considered to be excessive or where it unreasonably interferes with the operation of Council activities, an individual may be denied internet access;
- Internet users must not access or download large amounts of data for private use; and
- Internet users must not create, access, download or distribute any digital material which:
  - is offensive or reasonably likely to be considered offensive;
  - is unlawful;
  - may expose Council to risk or harm;
  - breaches Council's agreement with its internet service provider; or
  - may bring Council into disrepute.
- Digital material includes text, images and/or sound.

It is recommended that material downloaded and/or distributed be checked with anti-virus procedures.

Details concerning what types of sites and/or services such as social/chat sites that are subject to conditions are periodically updated and can be viewed on Webstar.

## Email

Email is an easy, quick and convenient method of transferring information but it also poses one of the highest security risks to Council's computer systems.

Council representatives with access to a Council-provided email address are provided access on the condition that they acknowledge and accept the following:

- The Information Management Services department uses email filtering and monitoring tools to protect Council's infrastructure from inappropriate material, computer viruses and spam causing some emails and attachments to be blocked. The Information Management Services department reserves the right to block emails and attachments that may cause security risks to Council's computer infrastructure;
- Email messages received and sent are “public records” as defined under the Victorian *Public Records Act 1973* and as such may be made available for scrutiny through freedom of information requests;
- All business related emails must be entered into Council's electronic document records management systems (Objective and/or other department specific databases in accordance with approved department procedures) (provided the person has access to Objective and/or other department specific databases);
- Any email message sent externally must contain the name, business title and contact details of the sender as set out in Council's Corporate Style Guide. A copy of the Corporate Style Guide is available on Webstar or by contacting the Marketing and Communications Business Unit;

- Email is not a secure method to transmit sensitive information and therefore an alternative option of sending such information should be used;
- Email messages in users' mailboxes are kept by Council, and the CEO (or nominee) reserves the right to periodically inspect any or all of these email messages for any legal purpose. (See also the "Technology" section below.) The email system and all messages are Council property and not the personal property of those sending/receiving them;
- Email users must not create or distribute any digital message which:
  - is offensive or reasonably likely to be considered offensive;
  - is unlawful;
  - may expose Council to risk or harm; or
  - may bring Council into disrepute.

Digital messages include text, images and/or sound.

- Any email message received which contains racist, sexist, obscene, offensive or otherwise discriminatory or unlawful material must be immediately deleted and not distributed, copied or made available to any other person, unless required by law.

Alerts concerning particular types of emails or attachments are periodically updated and can be viewed on Webstar.

### **Mobile phones, smartphones and mobile devices**

Council representatives with access to Council-provided mobile phones, smartphones or mobile devices (including tablets) must adhere to the conditions set out in Council's Mobile Devices Policy and Mobile Phone Code of Conduct. Copies of the Policy and Code of Conduct are available on Webstar or by contacting the Information Management Services Business Unit.

All users are prohibited from using Council-provided mobile 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.

Representatives must not use cameras in mobile devices supplied by Council to record images of any adult persons without that person's knowledge or consent. Additionally mobile devices must never be used to record images of any person under 18. The exception to these requirements is where the recording is made as part of the representative's normal Council duties. See Council's Mobile Device Policy for more information. Representatives should also be mindful that if they connect their personal mobile devices to Council systems, personal images might be uploaded and accessed by others beyond their control.

All information stored on the Council-provided mobile devices remains the property of Council and not the personal property of those in possession of the mobile phone/internet enabled device.

All call records containing date, time and duration are kept for billing purposes.

Personal use of Council-provided mobile devices must be kept to a minimum, and Council accepts a reasonable level of expenditure for personal use. Where this is exceeded Council may seek reimbursement.

Users of Council mobile phones, smartphones and mobile devices must not subscribe to any service using their Council mobile number or provide their Council mobile number for competitions, raffles, etc.

In the event of a lost or stolen device the user should notify the Information Management Services Business Unit immediately.

All devices must have password protection enabled, especially those that contain email information.

## **Purchasing cards**

Council representatives supplied with a Council credit card may only use that card for business purposes and in accordance with Council's Purchasing Card Policy. The Policy is available on Webstar or by contacting Council's Financial Services Business Unit.

## **Travelling and sustenance expenses**

Council representatives are only entitled to claim travelling and daily expenses that are incurred for business purposes and in accordance with Council's Travel Policy. Authorisation must be obtained from the relevant Team Leader and Manager.

Council's Travel Policy is available on Webstar or by contacting the Governance and Commercial Property Business Unit.

## **Technology**

Council will only implement new technology or expand the use of existing technology to continuously improve service delivery, and not for unjustified performance management and/or disciplinary purposes.

Where technology provides information that could be used for performance management and/or disciplinary purposes, such use will be ancillary to the primary purposes for introducing the new technology.

Council will also comply with its legal obligations when conducting surveillance.

### **Use of technology by Council**

#### Security cameras

Council operates security cameras (including CCTV systems) inside buildings for the purposes of safety of staff and visitors, and the security of facilities, goods and equipment. At customer service desks, cameras are also used to monitor customer flows.

Internal camera locations at the Dandenong Civic Centre are as follows:

- Entrance doors, Council Chambers, and public areas of levels 1, 2, and 3 including meeting rooms but excluding toilets;
- Lifts 1, 2, 3 and 4, including lift foyers on levels 4 and 5 as well as throughout the basement level car park; and
- Customer service counters and throughout the library complex on levels 2 and 3.

Other Council locations where CCTV cameras are located:

- throughout the Springvale Library complex;
- Parkmore and Springvale Customer Service Centres;
- at the entrances to the Operations Centre office complex and throughout the grounds; and
- in the customer service areas of the Paddy O'Donoghue and Jan Wilson community centres, and exhibition spaces in the Walker Street Gallery.

If Council installs security cameras at any additional locations, it will appropriately notify affected representatives.

#### Council information technology systems (IT Systems) and facilities

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 and smartphones.

Council retains logs and other system records, databases, backups and archives of IT System activities to ensure the security, confidentiality, availability, status, maintenance and integrity of Council's IT Systems. For these purposes, authorised IT representatives and other authorised Council officers may access, monitor and audit representative use (including personal use) of Council IT Systems. Monitoring may include, but is not limited to, storage volumes, download volumes, suspected malicious code or viruses, or suspected breaches of intellectual property laws.

All IT System records are stored on a hard drive at the Dandenong Civic Centre. After a period of time, the on-site records are backed up and deleted from the hard drive. The backup records are stored off-site at a records management service provider or a web services provider.

#### Email and internet

Authorised IT officers and other authorised Council officers may access and monitor representative use of Council's email and internet systems, as set out below:

- Council does not routinely read or monitor representatives' email. However, Council monitors email server performance and retains logs, backups and archives of emails sent and received through Council's server. Even where the user has deleted an email, Council may retain archived and/or backup copies of the email. Council may periodically inspect any email message for any legal purpose.
- Council does not routinely monitor individual internet access or network usage. However, Council retains logs, backups and archives of all internet access and network usage (except banking sites, where Council records only the fact that a representative has visited such a site). Unusual or high volume internet activities by a representative may warrant more detailed examination by Council. Council may also periodically inspect the log to audit whether the internet service is being used for unauthorised purposes.

#### Global positioning systems (GPS)

Council operates Automatic Vehicle Location Technology (AVL), such as GPS, located in a range of plant and equipment items.

The primary purposes for the collection of information obtained through AVL devices are to protect the occupational health and safety of representatives, to enhance service provision to the community through better efficiency and management of operations, and to provide increased security of plant, staff and equipment.

If representatives are entitled to private use of a vehicle or item of plant, they will be permitted to turn off the tracking system in the vehicle or item of plant before and after working hours.

The information will be handled as part of Council's IT System.

#### Smartphone applications

Council-issued smartphones (except for Blackberries) are loaded with a mobile device management system called "Airwatch", which communicates the location of the smartphone to Council's server. The information is collected for security purposes in case the smartphone is lost or stolen.

The Airwatch application must not knowingly be turned off when the device is powered on.

The information obtained from the mobile device management system is handled as part of Council's IT Systems.

#### Security alarm and swipe card access systems

When a contractor/representative arms or disarms an alarm system at one of Council's premises, or enters or exits Council premises (externally and internally) using swipe card technology, Council records their access card or security code number. This is for security purposes.



The information obtained from the security alarm and swipe card systems is stored on a separate building maintenance server. Authorised building maintenance officers or other authorised officers may access and monitor staff use of the security alarm and swipe card access systems to ensure security at Council workplaces.

### **Surveillance by third parties**

It is vital that representatives adhere to the Code in all aspects of their conduct. Staff are reminded that a member of the public or a Council client may place a Council representative 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 Council representatives 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 in order to assess Council services.

### **Additional use and disclosure of information**

Council may use recorded information (including from Council's IT System) to manage any poor performance by a representative, or in any disciplinary processes where Council suspects or believes the representative has engaged in poor performance, unlawful behaviour/activity or inappropriate behaviour/activity. This includes, but is not limited to, the following:

- To produce a record in response to a legal requirement or other lawful investigation;
- To investigate allegations of poor performance or misconduct; or
- To determine whether there has been a breach of Council policy, or unacceptable use of Council's IT Systems or access to premises.

Council may also use recorded information as evidence where an act (e.g. assault of a person, damage to facilities or theft of items) has occurred that warrants investigation by Council. Information gathered may be made available to a member or officer of a law enforcement agency or a court for use in connection with the detection, investigation or prosecution of an offence. In addition, Council may use recorded information otherwise in accordance with privacy legislation.

All records are the property of the Council, are subject to legislation and may be used as evidence. Records may also be the subject of a freedom of information request or an application under privacy legislation.

Council will afford representatives natural justice and procedural fairness in its handling of recorded information.

Council will not disclose any personal information it collects about an representative to any third party unless Council suspects or believes the representative has engaged in unlawful behaviour or inappropriate behaviour, or otherwise in accordance with privacy legislation.

### **Contractor/Representative access to information**

Representatives are permitted to view any recorded information kept by Council about them containing their personal information, except to the extent that this would have an unreasonable impact on the privacy of other individuals or fall within any other exception set out under relevant privacy legislation.

If a representative wishes to view their information, he or she should contact the Organisation Development Team Leader or his/her Manager/Supervisor.

## **Corporate Obligations**

### **Council information and intellectual property**

Past or present Council contractor/representative must not make unauthorised use of Council's confidential information or intellectual property.

Council contractor/representative must not use any Council information other than for the purposes for which it was provided.

### **Information privacy and health records**

The primary legislative obligations applying to Council's treatment of Personal Information and Health Information are contained in the Victorian *Privacy and Data Protection Act 2014* and Victorian *Health Records Act 2001*.

"Personal Information" is information or an opinion that is recorded in any form, whether true or not, about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion, excluding Health Information.

"Health Information" is information or an opinion about a person's health, disability or health services that is also personal information. It also includes some other forms of personal information.

The legislation prescribes a number of Information Privacy Principles and Health Privacy Principles with which Council is required to comply, to promote and ensure the fair and responsible collection and handling of Personal Information and Health Information.

Council representatives who handle Personal Information or Health Information must ensure that they fully understand the requirements regarding the handling and use of that information, as set out under the relevant Act.

Council representatives who have concerns or complaints about a possible breach of privacy laws should address them in writing to Council's Information Privacy Officer in the Governance and Commercial Property Business Unit.

Additional information about Information Privacy and Health Records is available on Webstar, in Council's Information Privacy & Health Records Policy or by contacting the Governance and Commercial Property Business Unit.

### **Handling and use of Personal Information and Health Information**

Council contractor/representative who handle Personal Information or Health Information are required to attend and participate in training to ensure they fully understand the requirements regarding the handling and use of that information, any associated regulations and Council policies and procedures.

For inquiries about privacy and the handling of Personal Information and Health Information, contact Council's Information Privacy Officer.

### **Freedom of information (FOI)**

The purpose of the *Freedom of Information Act 1982* is to give members of the public rights to access and correct 'documents' about their personal affairs which are, relevantly, in Council's possession. The FOI Act also gives rights of access to documents about the activities of Council.

'Document' is defined very widely by the FOI Act. It includes a book, map, plan, graph, drawing, label, marking or other form of writing. Any device which is capable of producing sounds, images or messages relevant to the FOI request, such as any material stored in computers, mobile phones or on a disc/tape, is also defined as a 'document'.

Representatives are responsible for maintaining accurate records of such 'documents'. All representatives must be prepared for any FOI request by maintaining proper records in the course of their work.

All FOI requests must be processed by the Governance and Commercial Property Business Unit.

## **Record keeping**

All representatives must keep full and accurate records of all activities conducted on behalf of Council through Objective (providing the representative has access to Objective).

All recorded business transactions of representatives made or received in the course of their duties, regardless of format, are considered public records under the Victorian *Public Records Act 1973* and may need to be produced under the Freedom of Information Act upon request. Further information on record keeping and Council's Freedom of Information Policy is available on Webstar.

All representatives must adhere to Council's Records Management Policy. The Policy is available on Webstar or by contacting the Organisational Development Unit.

## **Communication with the community**

Council representatives should try to ensure that Council communicates effectively with its citizens and promotes community participation. People communicate in different ways, so language preferences and devices to assist people with disabilities should be considered. This applies to consultation with the community on all major issues.

For information on translation services contact Council's Community Development Officer.

## **Communication with the media**

The Mayor and the CEO are the official spokespersons for Council.

No representative should speak to the media on any Council-related matter without the prior approval of Council, as stated in the Media Policy.

Council's Media Policy can be viewed on Webstar or by contacting the Marketing and Communications Business Unit.

## **Social media**

Council's Social Media Policy applies to all representatives, contractors, agents and volunteers who purport to use social media on behalf of Council. The Policy outlines requirements for compliance with confidentiality, governance, legal, privacy and regulatory parameters when using social media to conduct Council business. It aims to:

- promote effective and productive community engagement throughout social media;
- minimise miscommunication or mischievous communications; and
- assist Council to manage the inherent challenges of speed and immediacy.

The Policy applies to all digital spaces where people may comment, contribute, create, forward, post, upload and share content. It details time limits, responsibilities and how to develop a social media presence.

Council's Social Media Policy can be viewed on Webstar or by contacting the Marketing and Communications Business Unit.

## **Council representative identification and security**

Council contractor/representation must present identification tags as required. For security purposes, the identification supplied must be carried at all times whilst carrying out Council activities.

## **Vehicle driving licences**

This section only applies to representatives who require a driving licence as a mandatory requirement of their position and representatives who use Council vehicles.

It is important for people in these categories that their driving licence remains valid and provides the appropriate licence endorsements for the type of vehicle being driven (e.g. heavy vehicle, etc).

Should such a representative's licence be cancelled, suspended or restricted, they must advise their supervisor or manager, or Council's Fleet Manager, immediately. In such circumstances the person who has a mandatory requirement for possessing a driving licence, must be aware of the potential risks to ongoing employment such an occurrence may have.

It is the representative's responsibility to ensure that their driving licence is valid at all times. In ensuring validity, Council will undertake regular assessments (with the representative's consent) to ensure that a driving licence is current and valid for the purpose required. This will include for example when taking possession of a new Council vehicle at change-over.

Please refer to the Motor Vehicle Code of Practice for further information.

## **Implementation of the Code of Conduct**

Council contractors/representatives are subject to the Code, its obligations and directions as detailed.

If you have any concerns with any part of the Code, please contact Council's Contracts Unit.

Any breach of this Code will result in appropriate action being taken by Council. In the case of Council contractors/representative, a breach may result in disciplinary action, including termination of the contract.

## **Reporting breaches of the Code of Conduct**

If you suspect that a Council representative, contractor or volunteer may be breaching the Code, refer the matter to your supervisor, manager or team leader immediately.

Council will take steps to protect its representatives who make honest reports. Protection is also available under the Victorian *Protected Disclosure Act 2012* for representatives who report acts of improper conduct by public officers, public bodies and other persons.

## **Internal**

### **Policies**

- Fraud Prevention and Control
- Freedom of Information
- Human Rights and Equal Opportunity
- Information Privacy & Health Records
- Information Security
- Media
- Mobile Devices
- Occupational Health & Safety
- Prevention of Bullying & Violence in the Workplace
- Procurement
- Purchasing Card
- Records Management
- Social Media
- Travel
- Workplace Complaints Resolution Policy
- Workplace Equal Opportunity Policy

### **Codes of conduct and codes of practice**

- Code of Conduct – Councillors
- Mobile Phone Code of Conduct
- Motor Vehicle Code of Practice

### **Forms**

- Disclosure of Conflict of Interest - Officer
- Register of Gifts and Other Considerations

## **External**

### **Victorian legislation**

Charter of Human Rights and Responsibilities Act 2006

Equal Opportunity Act 2010

Freedom of Information Act 1982

Health Records Act 2001

Local Government Act 1989

Occupational Health & Safety Act 2004

Privacy and Data Protection Act 2014

Protected Disclosure Act 2012

Public Records Act 1973

### **Commonwealth legislation**

Fair Work Act 2009

Fair Work Regulations 2009

**This form is to be completed by Council contractors**

I acknowledge receipt of the Code of Conduct – Contractor

Contractors's name (print) \_\_\_\_\_

Position \_\_\_\_\_

Company Name: \_\_\_\_\_

I have read the code and understood its contents. I understand that I am responsible for ensuring that my behaviour is consistent with the code's principles and values.

I have sought an explanation and/or clarification from Council's Contracts Unit for the areas of the Code of Conduct that I did not understand.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please forward this page to the Contracts Unit for audit purposes.