



EAST GIPPSLAND SHIRE COUNCIL STAFF CODE OF CONDUCT

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1. Purpose

The East Gippsland Shire Council (Council) Staff Code of Conduct defines the expected standards of workplace behaviour and corporate obligations for all full, part-time and casual staff.

The Code ensures that all staff understand the behaviours and obligations expected of them by council and management. Staff will recognise that this Code of Conduct (the Code) also meets general community expectations of staff in their roles as representatives of Council.

A copy of the Code is given to all new staff when they commence employment with Council. The Code is reviewed on a regular basis by senior management and the Staff Consultative Committee and re-issued to all staff for endorsement.

For additional copies of the Staff Code of Conduct, please contact the Human Resources team. An electronic version of this document is publicly available on Council's website or through its intranet site.

Any breach of the code will result in action being taken by Council in accordance with the provisions of the *Local Government Act* 1989, Council's responsibility as an employer and responsibilities as defined by other relevant legislation. A breach of the Code of Conduct may result in disciplinary action, including dismissal in extreme cases. In the case of contracted service providers or representatives, a breach of the Code may contravene the terms and conditions set out in their contract resulting in termination of their agreement with Council.

2. Policy Statement

East Gippsland Shire Council staff representatives will;

- Create, lead and model a positive solution-focused culture;
- Ensure a culture of action and exceptional customer service;
- Be accountable and act responsibly in an open and transparent way in all actions taken and decisions made during their employment with the organisation;
- Be inclusive, accessible and active in engaging with the community. Staff will invite, listen to and seek to understand the views of others, and proactively share information about Council's plans, projects, services and activities;
- Act with the utmost integrity, and honour all commitments by conducting themselves in an honest, ethical way;
- Respect, value, support and help to develop a diverse community. Staff will respect the views and contributions of others and act with courtesy and consideration during all interactions;
- Be resourceful and turn the challenges faced by the community into opportunities by being flexible and innovative in their response. Staff will actively seek better and more cost-effective ways to achieve the best outcomes for East Gippsland.

2.1 EXPECTED CONDUCT OF COUNCIL STAFF

All Council staff are required to:

Create, lead and model a **positive, solution-focused culture** by:

- Reflecting and modelling the culture we want - culture starts with everyone.
 - Lead by example.
 - Remember to think about fairness, impartiality, honesty and equity when making decisions.
 - Be an ambassador for Council in everything you say and do.
 - Have a can-do attitude and encourage those around you to do the same.
 - Be generous with timely, honest and authentic praise and recognition for staff at all levels.
- Recognising which door you are behind:
 - **Door 1 - Stay** and be passionate, make it great or make a difference;
 - **Door 2 - Stay** and do nothing, become cynical, bitter and twisted; or
 - **Door 3 - Get out.** Leave and find something that aligns with your passions.

If you are behind Door 2 or 3, do the right thing for you and the organisation by getting out and making a positive difference somewhere else!
- Fighting clean – go direct to the individual with whom you have the issue. If you can't go direct, go to the Supervisor. Don't tell or involve others.
- Recognising if your actions and behaviours are:
 - above the line (taking ownership, accountability and responding optimistically); or
 - below the line (ignoring responsibility, blaming others, being negative or unresourceful, making excuses, waiting for things to change, reacting negatively, not taking accountability for your work)

Consciously work at operating above the line, which is the behaviour that is expected. Operating below the line is not accepted behaviour at East Gippsland Shire Council.

Other workplace behaviours that are unacceptable when repeated, can include but are not limited to the following;

- being sullen, uncooperative, disinterested or unprofessional;
 - being passive aggressive;
 - engaging in low-level aggression or conflict;
 - hoarding information to disadvantage other employees;
 - consistently showing favouritism;
 - displaying poor email or online etiquette when dealing with customers or colleagues; or
 - repeatedly challenging others to undermine their authority.
- Not complaining – be solution-focused. If you are not prepared to be part of the solution, you forfeit your right to complain;
 - Taking full responsibility and being accountable for your actions;
 - Using the power of praise, recognition and encouragement; and

- Understanding your own behaviour and communication styles and flexing towards those of others - 75% of the population are significantly different to you in their preferred way of behaving and communicating.

Ensure a **culture of action** and **exceptional customer service** by;

- Taking responsibility for getting things addressed promptly; and
- Taking action when you observe issues while out and about (e.g. damaged signs, trip hazards, etc).

Treat all people with **courtesy and respect** by;

- recognising that there are legitimate differences in opinions, race, culture, religion, political affiliation, language, sexual orientation, gender and abilities;
- treating members of the community with dignity and attempting to ensure that neither offence nor embarrassment is caused;
- treating colleagues and councillors with respect, even if disagreeing with their views or decisions;
- being courteous and honest to councillors, fellow staff, volunteers and contractors;
- not publicly criticising the professional competence or credibility of councillors or colleagues;
- encouraging positive working relationships between councillors and colleagues;
- responding to questions and requests in a timely manner; and
- respecting the right of another to be heard (whatever the views of that person).

Always act with **integrity and honesty** by;

- being accountable, honest, open and transparent in all dealings with the community, with other Council staff and councillors;
- always acting with impartiality and in the best interests of the entire community;
- not acting in ways that may damage the organisation or its ability to exercise good government;
- exercising reasonable care and diligence while performing your duties;
- demonstrating honest and responsible judgement on all financial and other issues relating to Council;
- not undertaking activity that would cause embarrassment to the organisation or bring it into disrepute;
- showing respect for the democratic and social purposes of local government;
- ensuring that matters are considered fairly and consistently;
- making decisions based on the best available information;
- complying with all council policies, procedures and protocols and with relevant federal, state or local laws; and
- not attempting to exert undue influence on councillors, staff, volunteers, contractors or members of the public to gain or attempt to gain an advantage for themselves or any other party.

If staff have a concern about improper conduct, corrupt conduct or detrimental action by a councillor or staff member, processes are available for a protected disclosure under Council's Protected Disclosure Policy (available on the website or in ECM).

Refer to: Protected Disclosure Policy and Procedure

Undertake their roles and responsibilities by:

- promoting the aims and objectives of Council;
- acting properly and in accordance with the requirements of the law, applicable policies, plans and procedures;
- complying with relevant legislation, including the *Local Government Act 1989*;
- offering relevant and impartial advice, and respecting the rights and responsibilities of Councillors and members of the community;
- respecting and publicly supporting Council's decisions, and presenting the views of Council as accurately as possible irrespective of personal points of view;
- promoting Council in a positive light when representing Council at external functions and events within or outside working hours;
- attending all meetings of Council and its committees as required, except when on approved leave or not rostered to work;
- ensuring that advice and decisions are not interpreted as the advice or decision of Council if staff are members of other organisations in the community;
- not acting with any bias or in a way that is not in the public interest or causes harm or damage to any person, body or Council;
- complying with any lawful order or request given by any person who has the authority to do so. If staff have concerns about the request, they should contact their immediate Supervisor or Manager.

Maintain a **safe and healthy** workplace by:

- reporting any acts or suspected acts of bullying, harassment, discrimination or violence to any of the following:
 - Manager and/or Supervisor;
 - Human Resources;
 - any Director;
 - any Health and Safety representative (HSR);
 - a union representative;
 - an Equal Employment Opportunity (EEO) contact officer;
- always adhering to occupational health and safety legislation, regulations, policies, guidelines and standard operating procedures;
- immediately reporting any injury, near miss, damaged equipment or any other hazard observed in the workplace to your Manager or Supervisor.

2.2 CORPORATE OBLIGATIONS

Confidential Information

While employed at Council staff may see or have access to confidential information. Any unauthorised use or disclosure of information or data relating to the conduct of Council may adversely affect Council's reputation and legal obligations. For example:

- closed sessions of Council meetings;
- proposed property or other developments;
- proposed planning scheme amendments;
- proposed acquisition or sale of land by Council;
- contractual matters;
- legal matters;
- personnel matters; and

- private customer information.

Staff must not use or disclose confidential information gained due to their position with Council either during or after their term of employment. If a recognised law enforcement agency or other government or judicial body lawfully approaches staff for any of the above types of information, the enquiry must be referred to the relevant Director or Chief Executive Officer.

Refer to: Information Privacy Policy and Guidelines

Improper or Undue Influence

Staff must not use their position with Council to influence Councillors, the public, Council representatives or staff to gain an improper advantage, either financial or otherwise, for themselves or for any other person or group. Staff must not seek or accept any immediate or future bribe or incentive in return for performance of any duty or work for Council.

Refer also to the Fraud and Corruption clause in this document.

Conflict of Interest

The *Local Government Act* 1989 defines the circumstances that give rise to a conflict of interest for Council employees. In general terms, staff have a conflict of interest if they have a direct or indirect interest in a matter that may be influenced by their role in the decision-making process of council; for example, where they (or their relatives) are likely to gain or lose financially or where their residential amenity is likely to be directly affected. Bi-annual declarations are made by all staff in decision-making positions, through which they record any interests they have within Council, e.g., property ownership, community group memberships etc.

(If you believe you have a conflict of interest in a matter, you must disclose the type of interest to your Manager, Director or the Chief Executive Officer in writing as soon as you become aware of the conflict.)

Refer to: Manager Administration Services

Gifts

Any gift, good, service or other item that is offered by an external person or group, whether accepted or returned, must be recorded. Gifts may take many forms including hospitality, goods and or services given at no cost or goods and services below normal price. If staff receive a gift, details must be recorded on a Gift Disclosure form (located in ECM).

Refer to: Gift Disclosure Form template or contact the Governance and Compliance Coordinator for details

Fraud and Corruption

All staff are responsible for the prevention and detection of fraud. Examples of fraud include stealing or misuse of equipment, cash, intellectual property or other property belonging to Council. Staff must report any suspected fraud or corruption immediately. This can be done on a confidential basis to the CEO or through the provisions of Council's *Protected Disclosure Policy and Procedure*. Allegations and suspicions of fraud will be investigated and all substantiated cases will be dealt with appropriately. Mechanisms may include either disciplinary or administrative penalties appropriate to the case (having due regard for the rights of all persons, including any person reporting fraud and of any alleged perpetrator of fraud). All cases of fraud, once confirmed, will be referred to the appropriate authorities.

Refer to: Fraud and Corruption Control Policy, Protected Disclosure Policy and Procedure

Secondary Employment

Council recognises that private or secondary employment can contribute to staff acquiring additional skills and knowledge. However, this employment must not lead to a conflict of interest or damage Council's reputation, and must be of a lawful nature. It is considered secondary employment if staff:

- own their own business; and / or
- are employed outside their service with Council on a casual, contract, permanent or consultancy basis by or for another employer.

This applies during any periods of leave (including unpaid leave). Secondary employment can be deemed a conflict of interest if;

- The work arises from, interferes with, or competes with the staff member's official duties with Council;
- The work involves a conflict of interest with the staff member's official duties (a conflict of interest exists when it is likely a staff member could be influenced, or could be perceived to be influenced by personal interest, in carrying out their public duty);
- The work is undertaken during agreed Council work hours or Council facilities and resources are used; and/or
- The work presents an occupational health and safety risk, e.g. working back-to-back shifts or driving long distances and therefore not allowing the appropriate rest periods.

Staff are required to nominate whether they are involved in secondary employment during their onboarding. If 'yes' is selected, permanent full-time and part-time Council staff may be required to submit a written notification addressed to the CEO if they believe their secondary employment leads or may lead to a conflict of interest as outlined above. All notifications will be treated confidentially and generally approved unless the secondary employment creates either a direct or indirect conflict of interest with Council, or in the opinion of the CEO, impairs the staff member's ability to perform all expected duties and responsibilities of their position with the organisation.

Use of Council Assets

Staff must ensure that Council resources, including personnel and equipment, are used effectively and economically. Council will take action against any employee who steals, misappropriates, or converts Council, community or customer assets to private use.

Council Vehicles

Council maintains a fleet of vehicles for work related travel, available for staff business use via the vehicle booking system 'Webfleet'. If a vehicle is not available via Webfleet; contact the Fleet Manager directly to determine the availability of an alternative fleet vehicle. Pool fleet vehicles are not to be taken overnight without written approval of the relevant Manager. When staff are required to take a pool car outside of working hours, including overnight, their Manager must contact the Fleet Manager with details. This notification needs to be either by email or in writing.

Personal use of vehicles is strictly limited to staff allocated vehicles with private use entitlements and to tools of trade vehicle users with limited commuter use entitlements.

Refer to: Vehicle Policy and Guidelines. Vehicle Exception Form (for overnight storage offsite of pool vehicles)

Internet and Email

Most staff have access to Council's internet services and email addresses. These 'tools' must only be used in a lawful manner and in compliance with all relevant policies. Staff are required to use information and communication technology resources in an efficient and effective manner, protect Council data and computer systems from intentional misuse and comply with required behaviours.

Refer to: Information Technology Acceptable Use Policy

Mobile Devices (telephones, iPads, tablets, etc.)

Staff issued with (or having access to) Council-provided mobile devices are prohibited from using the service/equipment to send, access and/or distribute any material (whether text, images and sound or any combination) which is unlawful, offensive (or reasonably likely to be considered offensive), or which exposes Council to risk or harm, or may bring the organisation into disrepute.

Refer to: Information Technology Acceptable Use Policy

Corporate Credit Cards

Employees who are issued with a corporate credit card are personally responsible for all purchases and the terms of use as detailed in the Credit Card Policy.

Refer to: Credit Card Policy

Travel and Accommodation – Local, Interstate and Overseas

Staff are entitled to claim reimbursement for travel and accommodation expenses related to Council business. It is a requirement of the *Local Government Act 1989* that Council maintains a record of interstate or overseas travel in the public registers. If required to travel interstate or overseas during the course of employment, staff must complete the Interstate/Overseas Travel Declaration Form and submit for approval by the CEO prior to the travel taking place.

Refer to: Interstate/Overseas Travel Declaration Form, Travel Allowance Policy, Governance and Compliance Officer

Handling and Use of Information

All staff must ensure they are aware of the *Privacy and Data Protection Act 2014* (formally the *Information Privacy Act 2000*) and the implications for Council. If staff are required to handle personal information, especially information falling within the scope of the *Privacy and Data Protection Act 2014* and the *Health Records Act 2001*, they must attend and participate in training to ensure a full understanding of the requirements set out under those Acts, associated regulations and Council policies and procedures.

Past or present staff must not make unauthorised use of Council's information or intellectual property. Council is the owner of any copyright associated with work that is produced through an employee's performance of their official duties.

Refer to: Information Privacy Policy and Guidelines, Governance and Compliance Officer

Communication with the Media

It is important for Council to keep its community informed of its activities, and ensure facts are reported accurately. Only the Chief Executive Officer, Mayor, Manager Communications and Corporate Strategy and Directors are authorised to provide comments to the media on behalf of Council. All media enquiries must be directed to a member of the communications team for further advice.

Council Staff Identification and Security

Employees must wear the Council provided name badge at all times in a prominent position while at work or carrying out Council activities. If staff are classified as 'authorised officers' under section 224 of the *Local Government Act 1989* they must carry a photo identification card indicating their appointment at all times. This card must be shown, upon request, to an occupier of premises when entering for the purposes of conducting an inspection associated with duties as an authorised officer.

Refer to: Information and Communication Technology Service Desk for security cards and Human Resources for name badges

Alcohol, Drugs and Smoking

Employees must not consume alcohol or take unprescribed illicit drugs on any Council property and designated workplace in any form other than where consumption of alcohol has been authorised in advance.

An employee must not report for duty if the level of alcohol in their blood exceeds the legal Blood Alcohol Limit for their role or impairs their ability to effectively and safely perform the requirements of designated duties. This includes officers who are on-call.

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

Employees must not present for duty, at any time, under the influence of drugs and/or alcohol to the extent that it may impair the ability to effectively and safely perform the requirements of the position.

All designated Council workplaces (all buildings and worksites), including an area of up to 10 metres from them, and Council vehicles are declared "Smoke Free" zones.

Refer to: Alcohol and Drugs in the workplace Policy, Non-Smoking Policy

Professional Dress and Appearance

You are required to ensure your appearance is neat, clean and appropriate for your area of work. A high standard of personal hygiene is expected at all times. Where a uniform is provided, it must be worn in accordance with Council requirements.

Refer: Corporate Uniform Policy

Care for the Environment

Employees are responsible for maintaining and protecting the environment. Staff should always consider the impact of their work activities on the environment and the local community, including the way in which waste is minimised or disposed of, chemicals are used and stored, and resources are utilised.

Notification or Allegations of Offences

You must notify your Manager immediately if you are charged with a criminal offence; or an investigation is taking place or is soon to take place. This includes loss of licence where you are required to operate a Council vehicle or utilise your own vehicle for work purposes. Notification is required because either circumstance may impact on your ability to perform your duties or risk reputational damage to Council.

Refer: Loss of Driving Licence Policy

Employment of Family or Friends

It is a fundamental value of Council that it deals with all matters with integrity and honesty. It is also vital that Council is seen to act in this manner. Therefore, if you have the authority to appoint/engage staff whether on a permanent, temporary or casual basis you must not be involved in or seek to influence the selection process of a member of your family or friend.

You must disclose your association with the candidate to your Manager, Director or Human Resources.

Council officers must not participate in any action or matter associated with the arrangement of a contract (i.e. evaluation, negotiation, recommendation, or approval), where that person or any member of their immediate family has a significant interest, or holds a position of influence or power in a business undertaking tendering for the work. Council officers directly involved in any facet of the tender or quotation process must report any actual or potential conflict of interest to the Procurement Team and the relevant Director.

Refer: Recruitment and Selection Procedure; Procurement Policy

Child Safe Standards

All staff are responsible for supporting the safety, participation, wellbeing and empowerment of children by:

- Always upholding Council's commitment to child safety;
- taking all reasonable steps to protect children from abuse;
- treating everyone with respect;
- listening and responding to the views and concerns of children, 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 children (for example, by never questioning an Aboriginal child's self-identification);
- promoting the cultural safety, participation and empowerment of children with culturally and/or linguistically diverse backgrounds (for example, by having a zero tolerance of discrimination);
- promoting the safety, participation and empowerment of children with a disability (for example, during personal care activities);
- ensuring as far as practicable that adults are not left alone with a child;
- reporting any allegations of child abuse to or child safety concerns to your Supervisor;
- if an allegation of child abuse is made, ensure as quickly as possible that the child(ren) are safe;

- encouraging children to 'have a say' and participate in all relevant organisational activities where possible, especially on issues that are important to them.

By acknowledging this code of conduct you are acknowledging your responsibility to immediately report any breach of this code to Council's Child Safety Officer / Supervisor. If you believe a child is at immediate risk of abuse phone 000.

When You Are a Customer

Because many employees live within the shire, there may be times when employees will also be customers of Council. In such circumstances, employees should expect to be treated in a professional and courteous manner. Employees must not expect preferential treatment, nor should they seek to exert any pressure or use their influence to gain preferential treatment.

Employees subjected to pressure from other employees to gain preferential treatment under these circumstances should, without fear of reprisal, report the circumstances to their Director or the CEO so that the matter can be investigated and dealt with in accordance with the disciplinary policy.

Sick (Personal) Leave

Council understands and promotes the importance of staff health and wellbeing. If you are ill, and it impacts upon your ability to complete your required duties or impacts upon the health and safety of others, you will be ordered to return home, or not to present to work, until you have recovered. You are required to make voice contact with your Supervisor as early as practicable but no later than 30 minutes prior to your scheduled commencement time if you are to be absent on sick leave.

Refer to: East Gippsland Shire Council Enterprise Agreement, Leave Policy

3. Responsibility for Implementation and Compliance

These positions are responsible for implementation and compliance monitoring of the code of conduct in their work areas:

Party / Parties:	Roles and responsibilities:
All staff	Understand and adhere to the Staff Code of Conduct. Acknowledge understanding of the Code by signing the declaration page. Within the timeframe designated by Human Resources, provide a reason, in writing, if the Code is not signed.
Directors / Managers / Supervisors	Ensure all staff are aware of and adhere to the Code. Promote or enforce the Code in their workplace.
Human Resources	Facilitate the review of the Code every two years or as required. Ensure the Code is provided to all new employees in their Induction Pack, and signed declarations are stored appropriately. That information on the Code is included in the Corporate Induction program and that the Code is available to all staff via the Intranet. Follow up and resolve any instances of employee failure to sign the Code.

All staff have an obligation to report occurrences of non-compliance with Council policy and this Code. Incidents of non-compliance should be reported immediately to the Director responsible for this policy, the Policy Owner or the Governance and Compliance team.

4. Scope of Policy

This Code applies to all employees of East Gippsland Shire Council.

5. References / Associated Documents

Council's Long-Term Vision – Shaping Our Future 2030 and Council Plan 2017-2021;

This Code of Conduct recognises the Council Plan 2017-2021 which supports Council's long-term vision. The code integrates and focuses Council's resources towards achieving the community goals of *Shaping our Future 2030*. The following areas of focus of the Council Plan provide direction for staff and help us make decisions, as well as monitor our performance to ensure we stay on track;

- **Strong communities:** East Gippsland has strong communities that are inclusive, healthy, safe and resilient. We treasure and celebrate the unique character and identity of the places we live and are proud to call East Gippsland home;
- **A liveable region:** Our lifestyles are enviable. Council provides services and infrastructure that supports residents and visitors at every stage of life. East Gippsland is the regional area people choose to live, work and play in;
- **A growing region of opportunities:** East Gippsland is a region of economic opportunity with strong industry sectors, a skilled workforce and local jobs;
- **Good governance:** East Gippsland Shire Council is inclusive, engaged and open. We provide leadership on issues affecting East Gippsland. Our relationships with other levels of government and partners deliver great outcomes for East Gippsland;
- **Responsive services:** We are a leading local government service provider. Our services are driven by the needs of our communities, residents and visitors. We put the customer first and give each customer a great experience of Council's services.

Council staff will strive to deliver the outcomes and objectives identified in the Council Plan, while continuing to provide the services our community needs.

Local Government Act 1989 (the Act);

This Code of Conduct (Code) has been prepared in accordance with the requirements of the *Local Government Act 1989 (the Act)*. Section 95AA (Code of conduct for Council staff) states;

- a Chief Executive Officer must develop and implement a Code of Conduct for Council staff;
- a Code of Conduct for Council staff must include any matters which are prescribed for the purposes of this section;
- the Chief Executive Officer must ensure that members of Council staff have access to the Code of Conduct for Council staff.

Section 95 (1) of the Act states that during their employment, Council staff must;

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

Privacy and Data Protection Act 2014

Health Records Act 2001

6. Privacy and Human Rights Consideration

All personal information collected by East Gippsland Shire Council in connection with the Staff Code of Conduct will be handled in accordance with all applicable privacy legislation and will be used only for the purposes considered in this Code.

As per the Victorian *Charter of Human Rights and Responsibilities Act* 2006, a fair hearing will be given to all parties in order to make fair decisions.

7. Definitions and Abbreviations

Term:	Meaning:
Code	East Gippsland Shire Council Staff Code of Conduct
ECM	Enterprise Content Management is East Gippsland Shire Council's Electronic Document Records Management System (EDRMS) and is the primary repository for the storage of Council business records. Staff must ensure that all corporate correspondence from any source is registered in ECM
Officer	Member of East Gippsland Shire Council staff responsible for carrying out duties related to their employment and volunteers
Authorised Officer	A staff member appointed for the purposes of the administration and enforcement of any Act, regulations or local laws which relate to the functions and powers of Council.