



## **City of Greater Dandenong**

# CODE OF CONDUCT – CONTRACTORS

**8<sup>th</sup> Edition**

A Guide to Conduct for  
City of Greater Dandenong  
Employees and Representatives

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## INTRODUCTION

The City of Greater Dandenong Code of Conduct – Staff has been revised and written in partnership with senior management and the Staff Consultative Committee. It is designed to help Council employees and representatives carry out their daily work with honesty, integrity and accountability.

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

The code applies to all Council employees and representatives, including:

- full and part time employees;
- temporary and casual employees and representatives employed through an employment agency;
- contractors undertaking work for the Council; and
- volunteers working for the Council.

As employees and representatives of the community, we must be responsible for our behaviour and the use of public resources, and for complying with all relevant laws and regulations. The code recognises Council's duties, responsibilities and community aims and values, as expressed in the Council Plan. It is important that all Council employees and representatives understand and comply with the Code.

This code outlines the general responsibilities, directions and legal requirements of Council employees and representatives as set out in a range of legislation, including the *Local Government Act 1989*.

A separate Code of Conduct – Councillors has been prepared for Councillors as elected representatives.

If you are unsure about any information contained in this code, or would like further information or clarification, please contact Council's Organisational Development Business Unit.

For additional copies of the Code of Conduct – Staff, please contact Council's Organisational Development Business Unit. An electronic version of this document is available on Council's Intranet (Webstar).

## OPERATION OF THE CODE OF CONDUCT

A copy of the code is given to all Council employees when they start with Council. The code is reviewed on a regular basis by senior management and the Staff Consultative Committee. A signed acknowledgement form of having read and understood the Code of Conduct will be placed on individual employees personal files.

## SHARED VALUES OF THE ORGANISATION

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

- we respect all members of our community, our Councillors and people we work with, actively building relationships to strengthen our shared desire for a better future.
- 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.

By demonstrating these shared values we ensure that:

- we perform our duties to the best of our ability and in the best interest of the public and the organisation.
- we are accountable for our actions and decisions and the way in which they are achieved.
- we treat our customers, the community and each other with equality, respect and dignity.

## CONFLICTS OF INTEREST

Section 80B of the Local Government Act requires all staff to disclose any 'Conflicts of Interest' (direct or indirect) in any matter in which they have a delegated power, duty or function.

A conflict of interest (direct or indirect) arises where a staff member has a private interest that may conflict with their official duties, or a competing interest if they have more than one official role or public duty relating to Council activities.

Conflicts of interest (direct or indirect) can occur fairly frequently and are not necessarily unethical or wrong, however it is important that they are identified and managed correctly.

If any member of staff considers they have, or might reasonably be perceived to have, a Conflict of Interest (direct or indirect) in a matter before Council, or one that may conflict with their performance of public duties, they must take no part in addressing or resolving the matter and as soon as practicable complete a Disclosure of Interest Form and submit it to the Governance Business Unit who will advise the Chief Executive Officer.

Disclosure of Conflict of Interest - Officer forms are available on Council's Intranet (Webstar) or by contacting the Governance Business Unit.

There are six categories a conflict of interest can fall under:

- a) **Direct interest** – where it is reasonably likely that your benefits, obligations, opportunities or circumstances will be directly altered by a decision on a matter before Council or as a result of you exercising your delegated powers. In particular those outcomes where you will receive either a benefit or loss measurable in money.

- b) **Indirect interest due to close association** – where a member of your family has a direct or indirect interest in a matter before Council or as a result of you exercising your delegated powers.
- c) **Indirect financial interest** – where you are likely to receive a benefit or loss, measurable in money, as a result of a benefit or loss incurred by another person or company in which you have shares.
- d) **Indirect interest due to conflicting duties** – where you are a partner, consultant, contractor, agent or employee of a person/body with a direct interest in a matter before Council.
- e) **Indirect interest due to receipt of gift** – where you have received or will knowingly receive a gift, reward or benefit in return for performance of any duty or work for the Council valued at or above \$500 in the previous five years in relation to a matter before Council. This includes a number of small gifts adding up to or over \$200 in a five year period.
- f) **Indirect interest as a consequence of becoming an interested party** – where you have initiated or became party to civil proceedings in relation to a matter before Council or as a result of you exercising your delegated powers.

Council employees and representatives must ensure there is no conflict of interest between their personal interests, whether financial or non-financial, and their public or professional duties.

If an employee wishes to engage in paid work with any person or organisation, they must inform the Chief Executive Officer in writing.

If an employee wishes to engage in unpaid work, i.e. community or volunteer work, and the organisation has a relationship with either Council or the Officer's role, they should discuss this with Organisational Development to ensure there is no conflict.

Apart from purchasing a principal place of residence, or the land for a principal place of residence, Council Senior and specified Nominated Officers must advise the Chief Executive Officer of any property purchases they make, or other property-related arrangements within the municipality – regardless of whether they are proposed or actual purchases or arrangements.

Council employees and representatives 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.

## **PERSONAL BENEFIT**

Personal benefit is when you gain an advantage because of your position in Council.

## **Use of Confidential Information**

Council employees and representatives must not use confidential information 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.

Council employees and representatives who handle personal information falling within the scope of the *Information Privacy Act 2000 and Health Records Act 2001*, must ensure that they fully understand the requirements regarding the handling and use of personal information as set out under the Act and Councils Privacy Policy located on Council's Intranet (Webstar).

## **Improper or Undue Influence**

Council employees or representatives must not use their position to influence other members of staff, Councillors, the public, or Council representatives in the performance of their duties or functions, in order to gain undue or improper (direct or indirect) advantage or gain for themselves or for any other person or organisation.

## **Gifts, Rewards and Benefits**

Council employees and representatives must not seek or accept (direct or indirect) any immediate or future gift, reward or benefit in return for performance of any duty or work for the Council if:

the gift, reward or benefit is offered in an attempt to obtain a favourable outcome by the person or body making the offer; or

they feel that they may be compromised (either at the time of the offer or in the future) in the proper performance of their duties under the Local Government Act or any other Act.

A staff member may accept a gift, reward or benefit if it is offered in an honorarium form. Any gift, reward or benefit offered by an external person or group that is worth \$500 or more, whether accepted or returned, must be promptly reported to the Governance Business Unit on the appropriate disclosure form. This also includes acts of hospitality.

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 upon request. A copy of the Register of Gifts and Other Considerations form is available on Council's Intranet (Webstar).

## **Fraud and Corruption**

Council is committed to combating fraud and corruption. All Council employees and representatives 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.

Reports of suspected fraud and corruption can be reported by making a protected disclosure under the *Whistleblowers Protection Act 2001* which will guarantee Council employees and representative's anonymity. Alternatively concerns can be reported in confidence to relevant Directors or the Chief Executive Officer.

A copy of Council's Fraud Prevention and Control Policy is available on Council's Intranet (Webstar) or by contacting the Organisational Development Unit.

## **CONDUCT OF COUNCIL EMPLOYEES AND REPRESENTATIVES**

### **Performance of Duties**

While at work or performing Council duties, Council employees and representatives should devote their whole time and attention to their work and their standard of work should reflect favourably on themselves and the Council. All corporate objectives, policies and practices must be followed and comply with any lawful order. Council employees and representatives must not perform private work while at work or performing Council duties.

### **Organisational Development Policies and Codes of Practice**

All Council employees and representatives must comply with all organisational development policies and codes of practice. Copies of these are located on Council's Intranet (Webstar), or by contacting the Organisational Development Business Unit.

### **Health, Wellbeing and Safety**

Occupational Health and Safety legislation, regulations, policies, guidelines and standard operating procedures must be followed at all times. Potential risks and hazards should be reported immediately to maintain the health, safety and wellbeing of Council employees and representatives, and the public.

### **Human Rights and Equal Opportunity**

Council is committed to upholding and promoting the principles of human rights, equal opportunity (EO) and maintaining a non-discriminatory work environment for all employees and representatives in accordance with the Victorian Charter of Human Rights and Responsibilities 2006 and the Victorian Equal Opportunity Act 1995.

Council has a Human Rights and Equal Opportunity Policy in place, which can be viewed on Council's Intranet (Webstar) or by contacting the Organisation Development Unit.

### **Bullying and Violence in the Workplace**

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

Council has a Prevention of Bullying and Violence in the Workplace Policy in place, which can be viewed on Council's Intranet (Webstar) or by contacting the Organisation Development Unit.

## **Harassment Free Work Environment**

Council is committed to providing a discrimination and harassment free environment for all Council employees and representatives and ensures all employees are treated equitably by creating an environment free from intimidating, hostile or offensive behaviour.

Harassment is any type of behaviour that another person does not want or that may offend, embarrass, or scare them either non-verbally, verbally or physically pertaining to such things as their race, disability, age, sexuality, etc.

Council has a Harassment Free Work Environment Policy in place, which can be viewed on Council's intranet site (Webstar) or by contacting the Organisational Development Unit.

Harassment is unlawful in any work related context and can result in termination of employment.

### **Reporting Discrimination, Bullying, Violence or Harassment in the workplace**

Council employees and representatives are requested to report any acts or suspected acts of discrimination, bullying, violence, or harassment to any of the following:

- Team Leader Organisational Development (designated EO Officer)
- business unit manager and/or supervisor
- any director
- any Occupational Health and Safety (OH&S) representative
- a union representative
- An Equal Employment Opportunity (EEO) contact representative.

All reports of Discrimination, Bullying, Violence or Harassment in the work place will be treated seriously and will be investigated thoroughly, promptly and confidentially.

## **DEALING WITH COUNCIL PROPERTY**

### **Use of Council Facilities, Funds, Equipment, Staff and Intellectual Property**

Council employees and representatives must ensure that Council resources are used effectively, efficiently and economically. They must also be honest when using Council facilities, funds, employees, materials and equipment, and not misuse them nor allow them to be misused, particularly outside of adopted or accepted organisational guidelines or practices.

Council employees and representatives must not use Council resources, including employees and equipment, for private use or gain (direct or indirect), unless authorised to do so.

In urgent circumstances, where Council employees and representatives use Council resources for private purposes without prior authorisation, provided they can demonstrate they made reasonable efforts to seek and obtain authorisation, retrospective approval can be considered. The matter must be raised with the person's immediate supervisor and/or business unit manager as soon as possible after the event. Failure to do so will be considered a breach of the code.

### **Internet and Email services**

Council employees and representatives with access to Council-provided Internet Service are provided access on condition they acknowledge and accept the following:

#### **Internet service**

- (1) Internet service is provided for Council business related purposes with limited private use available to staff.  
Council's Information Management Services uses industry best practise Internet filtering and monitoring tools to protect Council's infrastructure from inappropriate material. This results in some internet sites to be automatically blocked. The Information Management Services (IMS) department reserves the right to block sites that may cause security risks to Council's computer infrastructure.
- (2) Internet usage is monitored and a log of Internet sites visited is maintained by Council and the Chief Executive Officer (or nominee) reserves the right to periodically inspect the 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.
- (3) Internet users must not access, download large amounts for private use or distribute any material (whether text, images, sound or any combination) which is offensive (or likely to be considered offensive), unlawful, or which may expose the Council to risk or harm, or which breaches the Council's agreement with its Internet service provider or may bring the Council into disrepute.
- (4) It is recommended that material downloaded and/or distributed be checked with anti-virus procedures.
- (5) 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**

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

- (1) Email is an easy, quick and convenient method of transferring information but it is also one of the highest security risks computer systems of Council. Council's Information Management Services uses industry best practise 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 IMS dept reserves the right to block emails and attachments that may cause security risks to Council's computer infrastructure.
- (2) Email messages received and sent are 'public records' as defined under the *Public Record Act 1973* (amended) and as such may be made available for scrutiny for Freedom of Information (FOI) enquiries.
- (3) All business related emails must be entered into Council's Electronic Document Records Management System (EDRMS).
- (4) Any email message sent outside the organisation must contain the name, business title and contact details of the sender as set out in section 2.9 (Email Signature) of Council's Style Guide. A copy of the Style Guide is available on Council's Intranet (Webstar) or by contacting the Communications Business Unit.
- (5) Email is not a secure method to transmit sensitive information and therefore an alternative option of sending such information should be used.
- (6) Email messages in Users mailboxes are maintained by Council, and the Chief Executive Officer (or nominee) reserves the right to periodically inspect any or all of these email messages for any legal purpose. The email system and all messages are Council property and not the personal property of those sending/receiving them.
- (7) Email users must not distribute any electronic message received (whether text, images and sound or any combination) which is offensive or reasonably likely to be considered offensive, unlawful, or which may expose Council to risk or harm, or may bring Council into disrepute.
- (8) Any email message received which contains racist, sexist, obscene or offensive material must be immediately deleted and not distributed, copied or made available to any other person unless required by law.
- (9) Details concerning particular types of emails or attachments are periodically updated and can be viewed on Council's Intranet (Webstar)

### **Mobile/PDA Phones**

Council representatives and employees with access to Council provided mobile/PDA phones must adhere to the conditions set out in Council's Mobile Phone Code of Conduct. A copy of the Mobile Phone Code of Practice is available on Council's Intranet (Webstar) or by contacting the Information Management Services (IMS) Business Unit.

All users are prohibited from using this service to send, access and/or distribute any material which is unlawful, offensive (or reasonably likely to be considered offensive), or which may expose the Council to risk or harm, or may bring the Council into disrepute

All information stored on the phone remains the property of Council and not the personal property of those in possession of the Mobile/PDA Phone.  
All call records containing date, time and duration are kept for billing purposes.

Limited personal use 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 e.g. international calls, overseas roaming charges, etc.

Users of Council mobile phones and PDAs will 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 mobile phone or PDA the user should notify Information Management Services (IMS) Business Unit as soon as possible.

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

### **Corporate Credit Cards**

Council employees and representatives supplied with a Council credit card are only provided access on condition that they acknowledge that the card is to be used for business purposes only and in accordance with Council's Corporate Cards guidelines for acquisition and use. The guidelines are available on Council's Intranet (Webstar) or by contacting Council's Financial Services Business Unit.

### **Travelling and Sustenance Expenses**

Council employees and representatives are only entitled to claim travelling and daily expenses that have a direct bearing on the services, policies or business of the Council.

A copy of Council's Travel Policy is available on Council's Intranet (Webstar) or by contacting the Governance Business Unit.

## **CORPORATE OBLIGATIONS**

### **Information and Intellectual Property**

Past or present Council employees and representatives must not make unauthorised use of Council's information or intellectual property.

### **Handling and Use of Information**

Council employees and representatives who handle personal information, especially information falling within the scope of the *Information Privacy Act 2000* and the *Health Records Act 2001* are required to attend and participate in training to ensure they fully understand the requirements regarding the handling and use of personal information set out under those Acts, associated regulations and Council policies and procedures. For training requirements, contact the Organisational Development Business Unit.

For inquiries relating to privacy and the handling of personal information, contact Council's Information Privacy Officer in the Governance Business Unit.

### **Information Privacy & Health Records**

The primary legislation obligations applying to the Council's treatment of personal and health information are contained in the Victorian Government's Information Privacy Act 2000 and Health Records Act 2001.

The legislation prescribes a number of information Privacy Principles that the Council is required to comply with, to promote and ensure the fair, responsible collection and handling of personal and health information.

Council will only collect personal and health information that it needs to provide the services that an individual has requested or that are generally provided to the community. The information will be collected by fair and lawful means.

Council will not disclose any personal information or health information either external or internally except for the purpose it was intended for, unless it is for a related purpose and a person would reasonably expect this to occur, or where consent has been given, or where council is required to by law.

Council employees or representatives who have concerns or complaints about a possible breach of privacy laws should address them in writing to the Information Privacy Officer.

Additional information on the Information Privacy Act and Health Records Act are available on Council's Intranet (Webstar) or by contacting the Governance Business Unit.

### **Freedom of Information (FOI)**

The City of Greater Dandenong is a prescribed authority or 'agency' under the Victorian *Freedom of Information Act 1982*.

The purpose of the Act is to extend the right of the community to access information in the possession of the Government of Victoria and its various departments and authorities. The 'information' sought by an applicant under the Act must be in 'document' form and must be in the possession of the Council (agency).

A 'document' as defined under Section 5 of the Act 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 are also defined as a 'document'.

Individual council employees and representatives are responsible for maintaining accurate records of 'documents' (as defined under the Act). All council employees and representatives must be prepared for any Freedom of Information request by maintaining proper records in the course of their work.

All Freedom of Information requests must be processed by the Governance Business Unit.

### **Record Keeping**

All employees and council representatives via 'Objective' Council's Electronic Document Management System must keep full and accurate records of all activities conducted on behalf of Council. All recorded business transactions of employees and council representatives, regardless of format, are considered records under the Public Records Act 1973 and must be discoverable under the Freedom of Information Act 1982 upon request. Further information on record keeping and Freedom of Information is available via the Council's Intranet (Webstar). All employees and council representatives must adhere to Council's Records Management Policy.

### **Communication with the Community**

Council employees and representatives must ensure that Council effectively communicates 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**

Council has a strict policy stating that no employee or representative should speak to the media without prior approval as stated in the Media Policy. The Mayor of the Day and the CEO are the official spokespersons for Council. Council's Media Policy can be viewed on Council's Intranet site (Webstar) or by contacting the Communications Business Unit.

### **Council Employees and Representatives Identification and Security**

Council employees and representatives will be given identification tags and security access cards as required. For security purposes, the identification supplied must be carried at all times whilst carrying out Council activities. Loss of identification tag or security access should be reported immediately to your manager/supervisor.

## **PROCUREMENT**

Council employees 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 to Council.

For further information, please refer to guidelines and policies on Webstar or contact the Contracts Unit.

## **VEHICLE DRIVING LICENCES**

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

It is important for employees 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 an employee's licence be cancelled, suspended or restricted, they must advise their supervisor or manager immediately. In such circumstances the employee 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 employee's responsibility to ensure that their driving licence is valid at all times. In ensuring validity, council will undertake regular assessments 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 time of change-over.

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

## **ENFORCEMENT OF THE CODE OF CONDUCT**

Council employees and representatives are subject to the Code of Conduct – Staff, its obligations and directions as detailed.

If you have any concerns with any part of the Code of Conduct – Staff, please contact Council's Organisational Development Business Unit.

Any breach of this 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. Action taken against Council employees and representatives for a breach of the Code of Conduct-Staff may result in disciplinary action, including dismissal in extreme cases.

## **REPORTING BREACHES OF THE CODE OF CONDUCT**

Suspected misconduct should be referred to your manager or team leader immediately.

Complaints that are found to be vexatious or malicious in nature may result in disciplinary action being implemented against the person making such complaints.

Council will take steps to protect its employees and representatives who make honest reports. Strong protection is also available under the *Whistleblowers Protection Act 2001* for council employees or representatives who report acts of official misconduct.

Any breaches of the code are published in Council's annual report.

## **LIST OF RELATED DOCUMENTS**

Links to the documents below as referred to throughout the Code of Conduct – Staff are available on Council's Intranet (Webstar)

### **External**

Information Privacy Act 2000 and Health Records Act 2001  
Local Government Act 1989  
Occupational Health and Safety Act  
Public Records Act 1973  
Victorian Freedom of Information Act 1982  
Whistleblowers Protection Act 2011

**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. This form will be placed in your personnel file.