



# EMPLOYEE CODE OF CONDUCT (INTERNAL)

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Author:	Pamela Frost Manager Organisational Development	Review Officer:	Manager Organisational Development

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## 1. POLICY INTENT

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A Code of Conduct is a set of standards and behaviours related to the way employees do their work. It puts a responsibility on each employee to use sound judgement while at work. It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics, in keeping with the trust held in Council employees by the Community.

**This Code is not an exhaustive statement. However the values, ethics, standards and behaviours it outlines are a reference point to help Council employees make decisions in situations it does not cover.**

A 'Guide to Ethical Decision Making' is included in Appendix 2 to help you in situations not covered by the Code.

## 2. SCOPE

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The Code is binding on each Council employee, whether permanent, temporary, casual or volunteer and may also extend to others such as students on work experience, contractors and committee members who are or who may be perceived to be acting on Council's behalf.

The Code is not intended to create or confer any entitlement on an employee. It does not form part of any employee's contract of employment. Any entitlement conferred or payments made under this Code are conferred or made at the absolute discretion of Council.

## 3. BACKGROUND/SUPPORTING INFORMATION

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### 3.1 LEGISLATIVE BACKGROUND

The Public Sector Ethics Act 1994 identifies four ethics principles fundamental to good public administration that guide behaviour as Public officials and form the basis for a local government Code of Conduct. The four principles are:

1. Integrity and impartiality;
2. Promoting the public good;
3. Commitment to the system of government; and
4. Accountability and transparency.

The Local Government Act 2009 sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act requires that a council's actions are consistent with the following local government principles:

1. Transparent and effective processes and decision-making in the public interest;
2. Sustainable development and management of assets and infrastructure and delivery of effective services;
3. Democratic representation, social inclusion and meaningful community engagement;
4. Good governance of, and by, local government; and
5. Ethical and legal behaviour of councillors and local government employees.

## 3.2 MAREEBA SHIRE COUNCIL CORPORATE VALUES AND PRINCIPLES

### 1. Customer focused

The customer is our singular focus. We keep the fact that *the community are our customers* in the forefront of every decision and action we take.

We are here to serve our community in everything we do.

We will operate in an efficient and effective businesslike manner to ensure long-term sustainability and to meet community expectations, giving them real value for their money.

### 2. One united team

We are all staff members of this organisation and will work as a united team.

Where we came from is irrelevant as we go forward together to continue building a great organisation.

We operate as a team using the skills and experience of all staff.

We recognise the value of a diverse work force and actively support the principles of equal employment opportunity.

### 3. Empowered staff who make decisions

We all have the power to make decisions in our own areas of authority.

We know we will be supported when we do so.

We are never satisfied with the status quo: we will always strive to improve Council's service and enthusiastically pursue innovative ways of doing so.

We constantly strive to achieve a balance between the environmental, social and economic needs of the community: the Triple Bottom Line.

### 4. Whole of Council approach

A whole of Council approach will always be taken, with every decision being made on the basis of what is best for the whole organisation, in accordance with Council's policies and practices.

We share information throughout the organisation using vigorous and open communication.

We recognise the importance of involving all our fellow staff members in the decision making process, with managers providing coaching, support and leadership.

The legislated principles, together with Council's corporate values and principles, form the basis of this Code of Conduct. They apply to all employees and provide a guide for our thinking, actions and decision-making.

## **4. POLICY STATEMENT**

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### **4.1 THE FIRST PRINCIPLE - INTEGRITY AND IMPARTIALITY**

The Public Sector Ethics Act 1994 (section 6) states that:

In recognition that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and —

- (a) are committed to the highest ethical standards; and
- (b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- (c) show respect towards all persons, including employees, clients and the general public; and
- (d) acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- (e) are committed to honest, fair and respectful engagement with the community.

Operationally this includes the following standards of behaviour:

#### **4.1.1 CONFLICTS OF INTEREST**

When making decisions, you must declare any conflicts of interest.

A conflict of interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

If you believe you have a conflict of interest, whether real, potential or perceived, you must tell your team leader/supervisor/manager promptly.

Until the matter is resolved, you must make sure you are not part of any decision-making processes related to the matter.

#### **4.1.2 INFLUENCES ON DECISION-MAKING**

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

Appendix 2 'A Guide to Ethical Decision-Making' has more information about how to make ethical decisions.

#### **4.1.3 ACCEPTING GIFTS AND BENEFITS**

At some time you may be offered gifts or benefits from people with whom you do business. The acceptance of gifts or benefits of a nominal value may be permitted in certain circumstances, however, as a rule, you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived conflict of interest.

It is the responsibility of individual employees to ensure that gifts and benefits (other than those of a very minor nature such as promotional pens, caps or water bottles) are recorded in the Council's Gift Register.

Any acceptance of gifts or benefits must be in accordance with Council policies and procedures. If you are unsure, you should seek advice from your supervisor or the Human Resources team about the receipt of gifts, gratuities and benefits.

#### **4.1.4 EMPLOYMENT OUTSIDE COUNCIL**

It is not Council's intention to stop people from holding secondary employment outside the organisation. Approval for secondary employment will normally be granted as long as the following conditions to minimise possible conflict of interest, are met:

- The additional work has no effect on the employee's official duties and this includes effects from a safety/fatigue management perspective;
- Council is advised of the outside employment;
- The outside employer will be required to notify Council of their employment of an employee of Council in the event that they are tendering or contracted to provide services to Council; and
- Council's resources must not be used whilst engaging in alternate employment

Employees wishing to hold secondary employment are required to apply for approval from the Chief Executive Officer.

#### **4.1.5 PUBLIC COMMENTS ON COUNCIL BUSINESS**

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Council matter via the media or other public relations forums, you should first refer to Council's policy and/or talk to your supervisor/manager.

Employees should not comment on Council business publicly, including on social media sites such as Facebook, Twitter, etc.

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with the Privacy Principles outlined under the Information Privacy Act 2009.

#### **4.1.6 ADVICE GIVEN TO ELECTED OFFICIALS**

Communication between Councillors and employees must be in accordance with Council's policies and guidelines. Council employees must give elected members (Councillors) advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make decisions and carry out their community responsibilities.

If you believe there is a conflict between a request from an elected official and Council policies, you must discuss this with your team leader/supervisor/manager.

#### **4.1.7 EXTERNAL ACTIVITIES**

Council employees may be members of political parties, professional or other interests or charitable groups. Engagement with the wider community is encouraged provided that the involvement does not conflict with their duties. You must ensure that you disclose and manage any potential conflicts

of interest that may arise as a result of any duties owed to other organisations, e.g. as a member of a board of another organisation.

#### **4.1.8 BEHAVIOUR TOWARDS EACH OTHER**

We must all treat others with trust, respect, honesty, fairness, sensitivity and dignity. This responsibility extends to work related activities outside normal working hours and to postings on social media sites and other internet forums that could be accessed by other staff members.

Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them at work and when dealing with ratepayers and the public generally.

Council values diversity, and expects all its employees, contractors or volunteers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute the unwelcome conduct of a sexual nature.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities (e.g. meetings).

#### **4.1.9 NON-DISCRIMINATORY WORKPLACE**

Council is an equal opportunity employer and is committed to creating and maintaining a workplace free from unlawful discrimination. By law, all employees must ensure that discrimination is not present in the workplace or Council practices.

#### **4.1.10 SEXUAL AND OTHER FORMS OF WORKPLACE HARASSMENT**

Council is also committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work-related activities are performed, including at social functions.

Employees must abide by all Council policies relating to anti-discrimination, equal opportunity, workplace bullying, occupational violence and/or harassment.

### **4.2 THE SECOND PRINCIPLE - PROMOTING THE PUBLIC GOOD**

The Public Sector Ethics Act 1994 (section 7) states that:

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials –

- (a) accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- (b) accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and
- (c) accept and value their duty to manage public resources effectively, efficiently and economically; and



- (d) value and seek to achieve excellence in service delivery; and
- (e) value and seek to achieve enhanced integration of services to better service clients.

Operationally this includes the following standards of behaviour:

#### **4.2.1 CUSTOMER SERVICE**

All Council employees must strive to provide excellent customer service. You must treat members of the public with honesty, fairness, sensitivity and dignity.

All Council employees serve ratepayers directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

Customers have a right to complain or criticise Council. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a team leader/supervisor/manager.

A high standard of personal presentation is required from all staff whilst on duty. Council's Staff Uniform and Presentation Policy clearly outlines what constitutes appropriate dress. Managers are responsible for ensuring staff are appropriately presented at all times.

#### **4.2.2 FAIRNESS TO SUPPLIERS**

Council has established procedures and delegations of authority for various stages of procurement of goods and services. You must comply with these procedures when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work, in accordance with the procurement procedures.

You also need to ensure that you do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any approved contract unless you are authorised to do so.

#### **4.2.3 PUBLIC MONEY**

Council employees must maintain high standards of accountability if they collect and use public money. You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

Officers using Council monies for the purpose of entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with Council policy.

#### **4.2.4 INTELLECTUAL PROPERTY**

Council employees must not infringe the Copyright Act 1968, by unlawfully using the intellectual property of any individual or organisation. This may include the storing or copying of audio, video or image files, printed media and software without appropriate licence or approval.

When employees are unsure of the right to use the material, they should seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of their official duties.

Any original work, invention or product an employee has contributed to in association with their official duties as a Council employee remains the property of Council. Similarly, employees must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop employees from sharing with other organisations information relating to their official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your supervisor/manager.

#### **4.2.5 CONCERN FOR THE ENVIRONMENT AND CULTURAL HERITAGE**

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can, and applying high standards of environmental protection across the region).

All employees have a legal obligation to comply with environmental legislation. All employees must comply with any Environmental Authority issued to the Council to carry out activities.

Worker's responsibilities for environmental protection include:

- An employee must not carry out any activity that causes, or is likely to cause, environmental harm unless the person takes all reasonable and practicable measures to prevent or minimise the harm (*the general environmental duty*)
- An employee must, no later than 24 hours after becoming aware of an event that causes or threatens to cause environmental harm, notify the employer of the event, its nature and the circumstances in which it happened (*Duty to notify*)
- An employee must not cause an offence of environmental nuisance, environmental harm or depositing prescribed contaminants in waters

Supervisors have additional responsibilities for environmental protection which include:

- Ensuring employees are aware of their general environmental duty and implementing all reasonable and practicable measures to prevent or minimise environmental harm
- Being aware of and ensuring compliance with any specific environmental requirements including any parts of the Environmental Authority that pertain to the functional unit being supervised (e.g. Water treatment plant, sewage treatment plant, sewage pump stations, waste transfer station or landfilling)
- Acting on any notification from an employee about an event that causes or threatens to cause environmental harm, by immediately alerting the group manager

As part of every employee's duty of care to the community there exists a responsibility to recognise and minimise damage to cultural heritage sites both recognised and potential. Employees must follow Council policies and procedures to avoid any damage to any potential cultural heritage site.

### **4.3 THE THIRD PRINCIPLE - COMMITMENT TO THE SYSTEM OF GOVERNMENT**

The Public Sector Ethics Act 1994 (section 8) states that:

In recognition that the public sector has a duty to uphold the system of government and the laws of

the State, Commonwealth and local government, public service agencies, public sector entities and public officials -

- (a) accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and
- (b) are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- (c) accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

This does not limit the responsibility of a public service agency, public sector entity or Public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

Operationally this includes the following standards of behaviour:

#### **4.3.1 ACTING WITHIN THE LAW**

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your team leader/supervisor/manager, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, you should immediately report the circumstances to your manager. Such disclosure will be treated as confidential.

#### **4.3.2 ACTING IN ACCORDANCE WITH DELEGATIONS AND SIGNING DOCUMENTS ON BEHALF OF COUNCIL**

If you are requested to undertake an action on behalf of the Chief Executive Officer or Council, prior to exercising any power on behalf of the Chief Executive Officer you must ensure there exists an appropriate delegation pursuant to State or Federal legislation that allows you to exercise power. Refer to Council's Delegations Register.

#### **4.3.3 PRIVACY**

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties. Employees must keep this information confidential at all times and comply with the Privacy Principles outlined pursuant to the Information Privacy Act

As a general rule, you can maintain privacy by:

- not discussing work matters with persons not entitled to know such information;

- taking responsibility to safeguard confidential files and information;
- not disclosing system passwords to others;
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you comply with Council policy in relation maintaining privacy of personal information.

#### **4.4 THE FOURTH PRINCIPLE - ACCOUNTABILITY AND TRANSPARENCY**

The Public Sector Ethics Act 1994 (section 9) states that:

In recognition that public trust in public office requires high standards of public administration, public service agencies, public sector entities and Public officials -

- (a) are committed to exercising proper diligence, care and attention; and
- (b) are committed to using public resources in an effective and accountable way; and
- (c) are committed to managing information as openly as practicable within the legal framework; and
- (d) value and seek to achieve high standards of public administration; and
- (e) value and seek to innovate and continuously improve performance; and
- (f) value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and Public officials.

Operationally this includes the following standards of behaviour:

##### **4.4.1 USING COUNCIL ASSETS**

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees share the responsibility for looking after them.

If you are in charge of assets, you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired.

You must ensure that you use Council assets in accordance with Council policies and only for official Council business, unless written approval has been granted by your manager.

It is preferable not to store personal files on Council's IT assets. Council monitors the use of the network and systems, and may access stored data, usage or communications logs at its discretion.

You can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours.

If you use Council vehicles or a Council issued mobile telephone for non-official purposes, you must ensure that your use is in accordance with Council policy.

Council allows limited personal use of electronic mail and World Wide Web browsing, subject to and in accordance with Council Policy.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

#### 4.4.2 DILIGENCE, CARE AND ATTENTION

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this aim by carrying out your duties honestly, responsibly, in a conscientious manner and to the best of your ability. This includes:

- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- not wasting time chatting about personal matters and/or interrupting other staff;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contributes to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time sheets and pay summary reports;
- appropriate action is taken if breaches of this Code occur.

#### 4.4.3 ATTENDANCE AT AND ABSENCE FROM DUTY

Council employees are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Absence without approval and without a reasonable excuse can create concerns for your safety and unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicably upon becoming aware that they are going to be absent from work. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

If you or someone you provide carer responsibilities to, are required to attend a scheduled medical appointment, you must advise your supervisor of the time and expected duration of the appointment as soon as possible after the appointment is made so that the supervisor can make the necessary arrangements to cover your absence.

#### **4.4.4 SELF-DEVELOPMENT**

You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Council will assist you by providing equitable access to training and development opportunities. This may include accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training.

#### **4.4.5 WORKPLACE HEALTH & SAFETY**

Council employees must commit to zero harm in the way Council business and activities are conducted. You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public.

Council employees have a duty to:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use personal protective equipment if required;
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' and implement improvements; and
- participate in rehabilitation and return to work programs if required.

Council employees must keep the workplace drug and alcohol free if they are to maintain the trust and confidence of the broader public, and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety. As such you must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty;
- come to work impaired by the effects of alcohol or drugs;
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy;
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions);
- undermine Council's service to customers by leaving your work station/location in order to smoke. Smoking is only permissible in accordance with Council policy.

## **5. BREACHES OF THE CODE**

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All employees have a responsibility to comply with this Code of Conduct and all other policies which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business, public and work relationships. Any act or lack of

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action that contravenes this Code may result in Council taking disciplinary action against the relevant employee which may include dismissal. All suspected breaches will be dealt with on a case by case basis, in accordance with Council policies and procedures.

Suspected Official Misconduct must be referred to the Chief Executive Officer who has a duty to notify the Crime and Corruption Commission.

If deemed appropriate, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as an investigation has been completed. An employee may be suspended from duty, with or without pay:

- if there is suspected official misconduct;
- while an investigation is progressed;
- while charges are determined by the relevant court.

## **6. IF YOU HAVE A CONCERN**

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Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- official misconduct; or
- maladministration that adversely affects a person's interests; or
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure; or
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment,

you have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the Public Interest Disclosure Act 2010.

In the first instance, you should contact your manager, general manager, CEO or Human Resources section. If you are not satisfied with the Council's response or action has not been taken within a reasonable timeframe, you can contact an external agency such as the Crime and Corruption Commission or the Anti-Discrimination Commission.

## **7. REVIEW**

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It is the responsibility of the Director Corporate and Community Services to monitor the adequacy of this policy and recommend appropriate changes. This policy will be formally reviewed every three years or as required by Council.

## **8. PUBLICATION**

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In accordance with the requirements of section 20 of the Public Sector Ethics Act 1994, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Council Service Centres and Council will publish the Code on its Intranet site for all employees to access.

## 9. TRAINING

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In accordance with section 21 of the Public Service Ethics Act 1994, education and training about public sector ethics will be offered at induction and as frequently as the Chief Executive Officer determines.

## 10. AUTHORITY

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In accordance with Section 16 of the Public Sector Ethics Act 1994, the following consultation process was followed in development of this Code:

- EBA Representatives;
- Management team.

This Code was approved by the Chief Executive Officer in accordance with Section 17 of the Public Sector Ethics Act 1994.

## 11. FURTHER ASSISTANCE

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If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager, team leader or supervisor. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area. Alternatively, you can contact the Human Resources Team.

**This policy is to remain in force until otherwise determined by Council.**



## 12. APPENDICES

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### 12.1 APPENDIX 1 - DEFINITIONS

**Benefit** – means something that is similar to a Gift in that it is of value to the recipient, but it is less tangible in nature (e.g. a new job or promotion, preferential treatment or access to confidential information).

**Conflict of interest** – means a conflict between a Council employee’s work responsibilities and their personal or private interests. A conflict of interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

**Types of interests** – interests can be financial, non-financial, personal, private, family or business. A financial interest is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel.

Some examples of non-financial interests include:

- You work in the strategic procurement area and one of your regular fishing friends asks you to keep an eye on his tender application.
- You work in the funding application area and you are also president of a local group applying for funding from Council.
- You work in the development applications area and your children’s school will be affected by a new development and the development proposal has been submitted to Council for approval.

**Gift** – means an item of value – money, voucher, entertainment, hospitality, travel, commodity, property – that one person gives to another. Gifts may be offered as an expression of gratitude with no obligation to repay, or given to create a feeling of obligation.

**Impaired by the effects of alcohol or drugs** - means:

- for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);
- for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations);
- for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308, and/or physical or mental condition and/or behaviour which limits the employee’s ability to undertake work in a safe and effective manner.

**Indictable offence** – means a crime or misdemeanour for which an offender cannot, unless otherwise expressly allowed, be prosecuted or convicted except upon indictment.

**Indictable offence conviction** – means a finding of guilt, and the acceptance of a plea of guilty, by a court, whether or not a conviction is recorded, in relation to an indictable offence.

**Limited Personal Use (Electronic Mail and World Wide Web)** – means the following:

Use that is infrequent and brief and is performed during the employee’s non-paid time, that is, before and after work or during meal breaks.

Use that does not breach this Code of Conduct, Council policy, Public Sector Ethics Act 1994 (Qld), Local Government Act 2009 (including Regulations) (Qld) or related State and Federal legislation and regulations.

Personal use refers to personal related activities which do not interfere with the operations of Council. Examples of permitted limited personal use of the internet include:

- internet access that is incidental to employment or personal business transactions such as accessing government information sites and online banking and bill paying;
- participation in approved online training or personal development programs;
- sending or receiving infrequent personal messages by email, provided the content of the message does not breach the Code of Conduct or Corporate Policies.

Examples of limited personal use of the internet that is NOT permitted (not an exhaustive list) include:

- gambling (including gaming, online betting, bookmaker odds, lottery pages, bingo, football tipping);
- games (including traditional board games, card games and role playing games, for example, Solitaire and World of Warcraft);
- participation in online auctions (including eBay);
- dating (including the use of online dating services);
- downloading and storage of music, video files and pictures (including the use of YouTube, iTunes, Napster, BitTorrent and similar sites/programs) unless the use is directly connected with your duties, is for the purpose of communicating approved Council publications and/or media releases and has been approved by your team leader/supervisor/manager;
- accessing social networking sites (including Facebook, Twitter, MySpace and similar sites) unless the use is directly connected with your duties, is for the purpose of communicating approved Council publications and/or media releases and has been approved by your team leader/supervisor/manager;
- accessing, downloading, storing or sending racially and/or sexually offensive, obscene and/or other threatening, belligerent or libellous electronic communications.

**Official Misconduct** – means wrongdoing by a public sector official (including police) in carrying out their official duties or exercising their powers. It must involve one of the following:

- dishonesty or lack of impartiality;
- a breach of the trust put in a person by virtue of their position; or
- a misuse of officially obtained information.

It must also be a criminal offence or serious enough to justify dismissal of the person from their position.

**Public official** – means an employee of Council.

**Summary conviction** – means a summary conviction of an indictable offence by a Magistrates Court.

## 12.2 APPENDIX 2 - A GUIDE TO ETHICAL DECISION-MAKING

The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

### Step 1: Assess the situation.

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Is it in line with the local government and public service ethics principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

### Step 2: Look at the situation from Council's viewpoint.

- As a Public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

### Step 3: How would others see your actions?

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a conflict of interest?
- Will your decision or action stand up to public scrutiny?

### Step 4: Consider the options.

- Ask your team leader/supervisor/manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for Council, your colleagues, others and you?

### Step 5: Choose your course of action.

Make sure your actions are:

- within your power to take, legal and in line with policy and this Code;
- fair and able to be justified to your manager and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values; and
- backed by advice from Council specialists, if this is appropriate.