

CODE OF CONDUCT (STATUTORY POLICY)

1. **Scope:**

All Council employees, contractors and volunteers must be familiar with and follow the principles and content of the Code of Conduct.

The Code is concerned with our conduct as employees and behaviour as individuals at work and outside the workplace where particular behaviour may be directly related to our employment and Council activities and in other circumstances where our actions may impact upon the public reputation and activities of Council.

2. **Purpose:**

A Code of Conduct is a set of standards and behaviours that places a responsibility on each of us to use sound judgement while at work or undertaking activities that may reflect on our employment with or by the Council.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us as individuals and the Council. This Code does not interfere with your rights as a private citizen or a ratepayer.

The Code is not intended to cover every situation; however, the principles, values, ethics, standards and behaviours outlined are a reference point to help make decisions in situations that it does not directly cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your manager, supervisor, work colleagues and your employer.

3. **Related Documents:**

Primary

Public Sector Ethics Act 1994

Secondary

Anti-Discrimination Act 1991

Commission for Children and Young People and Child Guardian Act 2000

Copyright Act 1968

Crime and Misconduct Act 2001

Environmental Protection Act 1994

Industrial Relations Act 1999

Information Privacy Act 2009

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Right to Information Act 2009

Work Health and Safety Act 2011

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Council related documents:

All Council Policies, Procedures, Guidelines and Charters

4. Definitions:

To assist in interpretation, the following definitions shall apply:

CEO	<i>Chief Executive Officer</i> Means a person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Council	Rockhampton Regional Council
Employee	Means <i>local government employee</i> — (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Contractor	A person or organisation who performs a specific act or acts including the provision of services and/or materials to another person or organisation under an agreement enforceable by law.
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a Volunteer by the Chief Executive Officer and/or his authorised delegates
Social custom	A practice followed by people of a particular group or region. For example, etiquette of the Japanese culture is that it is considered impolite to go to someone's house or place of business without a gift, and that gift must be delivered in a particular method.

5. Policy Statement:

Council must conduct all of its activities with integrity, honesty and fairness and comply with all relevant laws, regulations, codes and corporate standards.

Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. The Council and Leadership Team must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages and develops its employees to work safely, be customer focused, use technology and other assets effectively, adapt to changes and improve their own capabilities and contribute to Council's Community, Corporate and Operational Plans.

The *Public Sector Ethics Act 1994* identifies four ethical principles fundamental to good public administration that should guide our behaviour as Council employees and form the basis for this 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.

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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:

- transparent and effective processes, and decision-making in the public interest;
- sustainable development and management of assets and infrastructure, and delivery of effective services;
- democratic representation, social inclusion and meaningful community engagement;
- good governance of, and by, local government; and
- ethical and legal behaviour of councillors and local government employees.

These legislated principles, together with Council's corporate values, form the basis of this Code of Conduct. They apply to all employees and guide our thinking, actions and decision-making. A guide to ethical decision-making is included at Appendix A to help you in situations not covered by the Code.

The values we share as employees of Council are:

- **Consistency and Fairness** – we will deal with all issues, including the management of change by achieving the fairest outcome possible and by being consistent in our decision making
- **Results** – we are focused on achieving results and in creating value for customers
- **Integrity and Honesty** – we will operate with honesty and integrity, fostering transparency in whatever we do and promoting public trust and continued confidence
- **Teamwork and Staff Development** – we value collaborative effort by staff and are committed to encouraging professional development and learning as important across the organisation
- **Inclusiveness and Fair Representation** – we will listen to, respect the views of, strive to engage with and meet the reasonable expectations of our communities in a professional, compassionate and responsive manner
- **Continuous Improvement and Innovation** – we will achieve value for our communities by utilising more innovative, effective and efficient ways of producing results for our customers
- **Accountability** – in focusing on results and creating value for our customers, we own our successes and failures
- **Leadership** – we will demonstrate high standards of leadership in guiding the community to support and participate in achieving Council's vision and mission

5.1 Code of Conduct Principles

5.1.1 First Principle – Integrity and impartiality

The *Public Sector Ethics Act 1994*, Part 3, Division 2, Section 6 states:

“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.”

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Operationally, this requires the following standards of behaviour:

5.1.1.1 Conflicts of interest

When making decisions, you must declare any conflicts of interest that could affect your objectivity in carrying out your duties.

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 or perceived, you must tell your supervisor promptly. Until the matter is resolved, you must make sure you are not part of any decision-making processes related to the matter.

If you feel you have a conflict of interest between professional and corporate values, discuss it with your supervisor. The CEO will make the ultimate determination of whether a conflict of interest exists or not.

Where required by Chapter 8, Part 5 of the *Local Government Regulation 2012* you may be required to supply details of interests to the CEO to be included in a 'register of interests' and ensure particulars contained in that register remain correct.

5.1.1.2 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 A has more information about how to undertake ethical decision making: see 'A Guide for Ethical Decision-Making'.

5.1.1.3 Accepting gifts and benefits

Occasionally you may be offered gifts or benefits from people with whom you do business.

Pursuant to Chapter 6, Part 5, Division 3, section 199(3) of the *Local Government Act 2009*, it is an offence for an employee to ask for, or accept, a fee or other benefit for doing something as a local government employee. However, section 199(3) does not apply to remuneration paid by Council or a benefit that has only a nominal value.

The acceptance of gifts or benefits of a nominal value may be permitted in limited 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 or perceived conflict of interest or be seen to be receiving a bribe.

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The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties or whether people are likely to believe that you could be influenced.

Items that are given in accordance with social custom which may include token gifts of appreciation or gifts of a symbolic nature such as ties, cuff links, pens, provided that the value of any such item shall not exceed \$100 (Inclusive of GST) at the time of receipt. The provision of hospitality which is within the bounds of normal customary hospitality is acceptable.

If a staff member is presented with a gift in accordance with social custom which exceeds \$100 (Inclusive of GST) at the time of receipt, the gift becomes the property of the Council and the recipient of the gift must deliver the gift to the CEO as soon as possible. Any such gift which exceeds \$100 but is less than \$500 (Inclusive of GST) will be dealt with by CEO as he/she sees fit. If the gift exceeds \$500 it will be dealt with by Council. Without limiting the discretion of the CEO or Council in any way they may, depending on the nature and value of the gift, decide to:

- keep the gift for Council use;
- display the gift at an appropriate venue;
- donate the gift to a community organisation;
- sell or exchange the gift; or
- allow the original recipient to keep the gift.

In all cases, if the person or the CEO believes that the acceptance of any offer of a gift or benefit regardless of value, could in any way be seen to compromise a person's capacity to perform his/her duties impartially or to create an obligation, the offer should not be accepted. For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

All gifts, regardless of value, are required to be reported on the Receipt of Gift Form and documented in the gift register held by the Office of the CEO.

5.1.1.4 *Employment outside Council*

It is not Council's intention to stop people from holding secondary employment over and above your official duties as a Council employee. There is a requirement to declare and seek advice from your supervisor about any secondary employment you currently, or intend to, engage in.

Secondary employment must require CEO approval to remove any doubt that the employee's actions in taking secondary employment may reflect inappropriately on Council. Approval for secondary employment is not a given however will generally be granted for you to undertake private employment outside of your normal working hours as long as the following requirements are met:

- That no Conflict of interest exists or develops, between private employment and your official duties; and
- That your private employment has no effect on the performance of your official duties. This includes effects from a safety/fatigue management perspective; and
- That your private employment does not involve use of Council resources (physical, technological or intellectual); and

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- You must ensure that your work outside Council continues to meet the requirements at a); b) and c) in 5.1.1 above; and
- Pursuant to Chapter 6, Part 5, Division 3 section 198 of the *Local Government Act 2009*, where you seek to be employed by more than one (1) local government at the same time, approval of each of the local governments is required prior to you being appointed to the second position.

Although you do not need written approval, if you undertake voluntary work or a hobby you also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your supervisor.

As with any matter which may result in a conflict of interest, the matter must be decided in the public interest.

5.1.1.5 Public comments on Council business

General application

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.

Staff communications with the media are subject to the following protocol:

- The CEO is the only staff member authorised to make comment to the media;
- Other employees may make comment to the media but only if first discussed with and approved by the CEO.

Refer to Council's Media Policy for more information and direction.

Privacy constraints

For authorised staff, 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* and Council's Privacy Policy.

Public Interest Disclosure constraints

Information can be released under a Public Interest Disclosure to a proper authority, 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 persons 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.

All employees 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*. Also see clause 5.3 of this Code.

5.1.1.6 Advice given to elected officials

Communication between Councillors and employees must be in accordance with the CEO's Guidelines on requests to employees for advice to help a

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Councillor make a decision. 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 conflict between a request from an elected official and Council policies, you must discuss this with your manager. Please refer to Council's guidelines, such as;

- Advice Guidelines for Councillor Requests for Advice to Help a Councillor Make a Decision; and
- Guidelines for Councillor Requests for Information.

5.1.1.7 External activities

Council supports and is committed to ensuring all staff are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, you must make sure that your participation in such activities does not cause either a conflict of interest, and/or unduly restricts the performance of your official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duty, as a Council employee, to give sound advice to Council which is objective, independent, apolitical and impartial.

You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

As a member of an external organisation you need to be aware that participating in activities in the public arena, where you may be identified as a Council employee, can give rise to a perception of conflict of interest in some circumstances. Where such a situation arises, you must declare and manage the conflict in accordance with this Code of Conduct.

5.1.1.8 Behaviour towards each other

We must all treat each other with trust, respect, honesty, fairness, sensitivity and dignity. 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.

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

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not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, or that may constitute unwelcome conduct of a sexual nature.

As an employee you are required to use appropriate and courteous language in your communications to all with a view to promoting respect between individuals and avoiding any discomfort.

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

5.1.1.9 Behaviour towards children and young people

For employees who work with children and young people in particular in regulated areas of employment as defined under the *Commission for Children and Young People and Child Guardian Act 2000* and for those who may be required to work directly with children or young people during the course of their employment with Council, the following standards of behaviour towards children and young people need to be adhered to which include:

Language

- Use encouraging and/or positive words and in a pleasant tone of voice;
- Be open and honest when communicating; and
- For example it is not appropriate to; insult, criticise or name call; bully, swear or yell at a child or young person; and make sexually suggestive comments and/or jokes.

Relationships

- Be a positive role model;
- Build relationships based on trust;
- Empower children to share in decision making; and
- For example it is not appropriate to; show favouritism or gift giving; spend excessive amounts of time alone with children; contact outside of working hours (either physical or via email/phone); bully or harass; or act in a way which would give a reasonable person cause for concern that any meeting with the child or young person arising from the conduct would be for unlawful purposes.

Physical contact

- Allow for personal space;
- It is permissible to touch due to medical emergency or to protect from physical harm;
- Should be non-threatening; and
- For example it is not appropriate to; use violent or aggressive behaviour including hitting, kicking, slapping or pushing; and kiss or touch in a sexual nature.

Other behaviours

- Wear appropriate attire/clothing for your role;
- Use the internet and/or mobile phone for work related purposes only; and
- For example it is not appropriate to; wear inappropriate clothing; and send inappropriate emails or SMS messages.

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5.1.1.10 Non-discriminatory workplace

Council is an equal opportunity employer and as such is proactive in ensuring that its practices do not discriminate based on an attribute, or based on a persons association with another person who maintains an attribute relating to:

- race/ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference/lawful sexual activity;
- age;
- disability/impairment, including infectious disease;
- industrial/employment activity;
- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breast feeding; or
- gender identity.

As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices. If you witness discriminatory behaviour you have a positive obligation to report such actions to your supervisor or manager or if such action involves your supervisor or manager, another senior officer or the Workforce and Strategy section. Proven cases of unlawful discrimination may lead to disciplinary action taken against offending staff.

5.1.1.11 Prevention of 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. This commitment applies to all employees in their relationships with each other, to applicants for employment at Council and to persons who have dealings with Council.

As an employee of Council it is expected that you proactively contribute to building a workplace that is free from sexual harassment; victimisation and bullying. You have a joint responsibility to respect the rights of fellow employees, by not taking part in any action that may constitute harassment of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

Some examples of behaviour which may constitute either sexual harassment or workplace bullying include:

- Acting towards, or speaking to a person in a manner which threatens or vilifies that person;
- Deliberately excluding a particular individual from relevant work related activities or functions;

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- Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or a personal appearance;
- Distribution or display of sexually explicit material (including through email) which may be offensive, including posters, pictures or MPEGs, racist or sexist jokes or cartoons;
- Persistent questions about a person's private life;
- Personal comments about appearance, size, clothing;
- Demands for sexual favours, either directly or by implication;
- Unwanted and deliberate physical contact; and
- Indecent assault, rape and other criminal offences.

5.1.2 Second Principle – Promoting the Public Good

The *Public Sector Ethics Act 1994*, Part 3, Division 2, Section 7 states:

“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 –

- accept and value their duty to be responsive to both the requirements of government and to the public interest; and
- accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions; and
- accept and value their duty to manage public resources effectively, efficiently and economically; and
- value and seek to achieve excellence in service delivery; and
- value and seek to achieve enhanced integration of services to better service clients.”

Operationally, for you this requires the following standards of behaviour:

5.1.2.1 Customer service

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and 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.

You are expected to treat complaints from customers, ratepayers and the community, or fellow employees, seriously and respond to constructive feedback as an opportunity for improvement.

Customers have a right to appropriately complain or criticise Council. Council expects its employees to show respect towards complainants. 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 your supervisor. Council will support any employee who believes they are under threat from a member of the public.

Council's image can be impacted by the presentation of staff. Council requires its office based employees to appear neat and tidy and maintain a professional business standard of dress. If you are unsure about what constitutes appropriate dress, please discuss this with your supervisor. Where you have been provided with Council uniforms, you are required to

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wear all components of the uniform without alteration (other than alterations designed to ensure a proper fit) and ensure that uniforms are clean and tidy. If you have supervisory responsibilities you are expected to ensure that staff are appropriately presented at all times.

5.1.2.2 Fairness to suppliers

Council's contracting activities are regulated pursuant to Chapter 6 of the *Local Government Regulation 2012*. Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the *Local Government Regulation 2012*. You must comply with the *Local Government Regulation 2012*, and Council policy and procedures when seeking suppliers for goods or services.

In dealing with suppliers, you must 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 contract which Council has already entered, unless you are authorised to do so.

5.1.2.3 Public money

You must maintain high standards of accountability if you 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's Entertainment and Hospitality Policy.

5.1.2.4 Intellectual property

Council expects its employees to ensure that their actions do not breach or infringe the *Copyright Act 1968* by unlawfully using the intellectual property of any individual or organisation.

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and including an obligation not to reproduce or quote suppliers' material unless your licence specifically allows it. Similarly, you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate licence or approval. Where this is unclear, you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

Any original work, invention or product you have contributed to in association with your official duties as a Council employee remains the property of Council.

Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your 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 or manager.

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5.1.2.5 Concern for the environment

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm: Refer to Chapter 7, Part 1 of the *Environmental Protection Act 1994*.

5.1.3 Third Principle – Commitment to the system of government

The *Public Sector Ethics Act 1994*, Part 3, Division 2, Section 8 states:

“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.

Subsection (1) 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, for you this requires the following standards of behaviour:

5.1.3.1 Acting within the law

As an employee of Council, you are required 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 supervisor or 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 or the officer to whom the supervisor or manager who is delivering the instructions reports.

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 Strategic Manager. Such disclosure shall be treated as confidential.

5.1.3.2 Acting in accordance with delegations and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the CEO or Council, prior to exercising any power on behalf of the CEO, you must ensure that the appropriate delegations are in place to your position, pursuant to State or Federal legislation and Councils administrative delegations that allows you to exercise the power. Refer to Council's intranet to view the Delegations Register or contact the Corporate Improvement and Strategy unit.

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5.1.3.3 Raising concerns

You have the right to comment on or raise concerns with your supervisor or manager about Council policies, practices or priorities where they impact on your employment; however, you must do this in a reasonable and constructive way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, practices and priorities and that you must comply with all reasonable and lawful instructions, whether or not you personally agree with a given policy direction.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with the Council's Employee Performance Achievement Policy.

5.1.3.4 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 ensure that the collection, storage and use of personal information is done so in accordance with the Privacy Principles outlined pursuant to the *Information Privacy Act 2009* and Council's Privacy Policy.

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;
- 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 to maintaining privacy of personal information.

It may be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs); however in sharing your experiences, you must ensure that where personal information is involved, you do not breach Council's privacy obligations. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media that may include (although is not limited to) 'FaceBook', 'MySpace', 'Twitter', 'linked-in', 'Youtube', 'blogs', 'Bebo' or 'Yammer'. It is essential that you understand that contents posted on social media platforms constitute a breach of this Code of Conduct and/or other Council Policies.

In addition to the *Information Privacy Act 2009*, Chapter 6, Part 5, Division 3 section 200 of the *Local Government Act 2009* makes it an offence for a person who is, or has been, a Council employee to release information that the person knows, or should reasonably know, is information that:

- is confidential to Council; and
- Council wishes to keep confidential.

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Personal and other information may on occasions be sought from Council by an employee or other members of the public pursuant to the *Right to Information Act 2009*. If such a request is made of you, you must ensure that you refer such requests to the Records Section to be properly considered.

5.1.4 Fourth Principle – Accountability and transparency

The *Public Sector Ethics Act 1994, Part 3, Division 2, Section 9* states:

“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 service agencies, public sector entities and Public officials.”

Operationally, for you this requires the following standards of behaviour:

5.1.4.1 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 only for official Council business, unless written approval has been granted.

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.

If your employment involves the driving of Council vehicles or the operation of Council mobile plant and for any reason your driver's licence is suspended or permanently cancelled, you will not be permitted to operate Council vehicles or mobile plant while you are unlicensed. This may require placement in alternative employment at the applicable classification. If a position is not available and depending upon the circumstances, you may be subject to disciplinary action and or be terminated.

Council allows limited personal use of electronic mail and World Wide Web browsing, subject to and in accordance with Council's Information Technology policies.

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

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5.1.4.2 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 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;
- supporting your fellow employees in their work endeavours;
- not allowing your conduct to distract or prevent others from working; and
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy;
- privately owned mobile phones and communication devices are to be turned off during work hours, unless:
 - permission for use has been attained from the Supervisor, or
 - in the case of urgent or emergency circumstances, or
 - where the phone is required for the work at Council; e.g. contractors or volunteers using their own phone as a contact point, or
 - it is a recognised work break such as lunch.

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 or personal 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;

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- employee work times, overtime, allowances and absences are correctly recorded on time sheets and signed off when correct; and
- appropriate action is taken if breaches of this Code occur.

5.1.4.3 Attendance at and absence from duty

You 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.

Council's operational efficiency depends on your punctuality and attendance at your work station/location. If an employee is unable to attend work due to illness or injury, they must notify their supervisor in accordance with any relevant industrial instrument and/or Council's Leave Policy.

If the employee is unable to reach their direct supervisor, they must contact the next line manager. The employee must make every reasonable effort to contact his direct line manager or another of their line managers.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify Council as soon as practicable 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.

5.1.4.4 Self-development

All local government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance: refer to Chapter 2, Part 1, section 13 of the *Local Government Act 2009*. 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.

5.1.4.5 Workplace Health and Safety (WH&S)

Council is committed to providing a safe and healthy working environment for our employees, contractors, volunteers and visitors to the workplace.

Council's primary Work Health & Safety objective is to eliminate or reduce risk by developing proactive strategies and adopting a risk management approach to Work Health & Safety in order to provide an injury/illness free workplace. We understand that creating and maintaining a safe and healthy working environment is a major part of our overall responsibilities, and we expect that all employees are accountable for their health and safety.

Work Health & Safety duty statements have been developed and issued to all employees. Each Work Health & Safety duty statement outlines specific duties that must be followed.

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A worker, while at work, or other person at a workplace, whether or not the person has another duty, must—

- a) take reasonable care for his or her own health and safety;
- b) take reasonable care that his or her acts or omissions do not adversely affect the health and safety of other persons;
- c) comply, so far as the worker is reasonably able, with any reasonable instruction that is given by the 'Person Conducting Business Undertaking' (PBCU) to allow the person to comply with the Work Health and Safety Act 2011;
- d) cooperate with any reasonable policy or procedure of the 'Person Conducting Business Undertaking' (PBCU) relating to health or safety at the workplace that has been notified to workers;

We expect that all employees, contractors, volunteers and visitors to our workplaces follow safe work practices as prescribed under the legislation and in our policies and safe work procedures and that they make every effort to reduce the risk of injury to themselves and others.

We will provide adequate resources to manage and maintain health and safety together with regular training on workplace health and safety and expect our employees to attend.

Workplace Health and Safety is paramount and we all have a duty to ensure that we have a safe and healthy working environment and you must actively participate in workplace health and safety so that we can achieve this.

5.1.4.6 Drugs and Alcohol

We must keep our workplace drug and alcohol free if we are to maintain a safe and efficient working environment. 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;

5.1.4.7 Smoking

To provide a safe and healthy working environment for all workers, Council has adopted a Smoke-Free Workplace Policy and introduced Designated Smoking Areas at Council's major work sites. The Designated Smoking Areas are identified with signage and have been determined based on legislative requirements.

As such you must not:

- Smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 4m of any part of an entrance to an enclosed place.

For more information refer to Council's Smoke-Free Workplace Policy and Drug and Alcohol Policy and Procedure (Workers).

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5.1.4.8 Gambling

You must not Gamble or bet on Council premises (except for authorised sweeps and tipping competitions);

5.2 Breaches of the Code

- 5.2.1** Council expects all employees ensure they demonstrate the basic standards of acceptable conduct as enshrined in this Code. All employees have the responsibility to comply with this Code of Conduct and all other policies which Council implements and/or varies from time to time.
- 5.2.2** A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an employee of Council that contravenes this Code may result in Council taking disciplinary action against that employee which may include dismissal. All suspected breaches will be dealt with on a case by case basis.
- 5.2.3** Suspected official misconduct must be referred to Council's CEO, and the CEO has a duty to notify the Crime and Misconduct Commission of the suspected Official Misconduct. Also, any person has the right to refer a matter to the Crime and Misconduct Commission.
- 5.2.4** In cases where a suspected breach of this Code is under investigation and, if the CEO deems it appropriate, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as the investigation has been completed.
- 5.2.5** All disciplinary action taken by Council against an employee for found breaches of this Code will be in accordance with Council's associated disciplinary procedures and in compliance with Council's obligations pursuant to Chapter 8, Part 3 of the *Local Government Regulation 2012* and the *Industrial Relations Act 1999*, where applicable.

5.3 If you have a concern

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If you have a concern, or suspect a breach of the Code involving one or more Council employees, the *Public Interest Disclosure Act 2010* gives you the right to disclose, in the public interest, information about wrongdoings in the public sector and provides protection to you when you make such a disclosure. Should you wish to make such a disclosure please contact your Operations Manager or Workforce and Strategy section or alternatively directly contact external State agencies (e.g. Crime and Misconduct Commission, Anti-Discrimination Commission, etc).

5.4 Publication

In accordance with the requirements of Part 4, Division 3, Section 20 of the *Public Sector Ethics Act 1994*, the CEO will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its Intranet site for all employees to access.

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5.5 Training

Education and training about public sector ethics will be offered at induction and as frequently as the CEO determines.

5.6 Further assistance

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager. 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 might wish to contact an Advisor from Workforce and Strategy

6. Evaluation Process:

This Policy is reviewed when any of the following occur:

1. As required by Legislation
2. The related information is amended or replaced or
3. .Other circumstances as determined from time to time by the Council.

7. Responsibilities:

Sponsor	Chief Executive Officer
Business Owner	Chief Executive Officer
Policy Owner	Manager Workforce and Strategy
Policy Quality Control	Corporate Improvement and Strategy

EVAN PARDON
CHIEF EXECUTIVE OFFICER

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APPENDIX A

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 Code's 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? How would it read in the local media?

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.

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