

CODE OF CONDUCT

STATUTORY POLICY



1 Scope

The Code of Conduct applies to all Rockhampton Regional Council workers. It also applies to workers outside the workplace where their particular behaviour or activities may be directly related to their employment, Council activities or the reputation/image of Council.

The Code does not cover all situations however the principles, values and behaviours outlined are a reference point to help make decisions. 'A Guide to Ethical Decision Making' is included to help you in situations not covered by the Code.

2 Purpose

The purpose of this policy is to set standards and behaviours supported by our corporate values to guide the way we work including our actions, how we think and decision making.

The Code does not interfere with your rights as a member of the public or ratepayer; however it aims to deliver best practice by ensuring clear standards. By consistently applying these standards, you enhance public trust and confidence as individuals and the Council.

3 Related Documents

3.1 Primary

Public Sector Ethics Act 1994

3.2 Secondary

Age Discrimination Act 2004 (Cwth)

Anti-Discrimination Act 1991

Australian Human Rights Commission Act 1986 (Cwth)

Copyright Act 1968

Crime and Corruption Act 2001

Criminal Code Act 1899

Disability Discrimination Act 1992 (Cwth)

Environmental Protection Act 1994

Human Rights Act 2019

Industrial Relations Act 2016

Information Privacy Act 2009

Integrity Act 2009

Invasion of Privacy Act 1971

Local Government Act 2009

Local Government Regulation 2012

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Ombudsman Act 2001

Public Interest Disclosure Act 2010

Racial Discrimination Act 1975 (Cwth)

Right to Information Act 2009

Sex Discrimination Act 1984 (Cwth)

Work Health and Safety Act 2011

Working with Children (Risk Management and Screening) Act 2000

Workplace Gender Equality Act 2012 (Cwth)

Certified Agreements

Rockhampton Regional Council Corporate Plan

Rockhampton Regional Council Operational Plan

Rockhampton Regional Council Policy Documents

4 Definitions

To assist in interpretation, the following definitions apply:

Administrative Action	As per the <i>Local Government Act 2009</i> , including the following, for example a decision, or a failure to make a decision, including a failure to provide a written statement of reasons for a decision; an act, or a failure to do an act; the formulation of a proposal or intention; or the making of a recommendation.
Charge	Upon which a person was acquitted or disposed of by a court otherwise than by way of conviction.
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.
Code	Code of Conduct
Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Conviction	A finding of guilt by a court, or the acceptance of a plea of guilty by a court, whether or not a conviction is recorded and regardless of when and where it occurred.
Corrupt Conduct	As defined in the <i>Crime and Corruption Act 2001</i> , conduct of a person (regardless of whether the person holds or held an appointment) that fulfils each of the following elements: (a) Adversely affects, or could adversely affect, directly or indirectly, the performance of functions, or the exercise of powers of a Unit of Public Administration (UPA) or a person holding an appointment; (b) Results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that is: (i) Not honest or is not impartial; or (ii) Involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or (iii) Involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and

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	<p>(c) Would, if proved, be a criminal offence; or a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p> <p>Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>(a) Impairs, or could impair, public confidence in public administration; and</p> <p>(b) Involves, or could involve, any of the following:</p> <p>(i) Collusive tendering;</p> <p>(ii) Fraudulent applications for licences, permits or other authorities under an Act necessary with a purpose or object of any of the following (however described):</p> <p>(A) Protecting health or safety of persons;</p> <p>(B) Protecting the environment;</p> <p>(C) Protecting or managing the use of the State's natural, cultural, mining or energy resources;</p> <p>(iii) Dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;</p> <p>(iv) Evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;</p> <p>(v) Fraudulently obtaining or retaining an appointment; and</p> <p>(c) Would, if proved, be:</p> <p>(i) A criminal offence; or</p> <p>(ii) A disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
Council	Rockhampton Regional Council
Councillors	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Delegated Officer	An employee appointed to a position with a legislative, administrative, corporate or financial delegation.
Disrepute	The state of being held in low esteem by the public.
Duty of Care	An obligation recognised by law to avoid conduct fraught with unreasonable risk of danger to others.
Employees	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Industrial Instrument	Council's Certified Agreements, relevant Awards and Contracts of Employment.
Natural Justice	The principles and procedures that govern the adjudication of disputes between persons or organisations. The principles of natural justice are: (a) All parties will have the right to be heard and judged without bias. (b) All issues are investigated thoroughly and justly.

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Procedural Fairness	Procedures used by a decision-maker, rather than the actual outcome reached. It requires a fair and proper procedure be used when making a decision. The principles of procedural fairness are: (a) The standards of conduct or job performance required will be made clear to the employee. (b) The employee will be made aware of the likely next steps in the event that satisfactory performance or conduct is or is not maintained. (c) The employee will be afforded the right to be accompanied and represented by an employee representative at discussions or interviews at any level of the discipline process. (d) The substance of a complaint regarding an employee's performance or conduct will be verified before any action is taken on the matter.
Public Official	As defined by the <i>Public Sector Ethics Act 1994</i> , an officer or employee of the entity.
Region	Rockhampton Regional Area defined by the Local Government Areas of Queensland.
Senior Executive Employee	As defined by the <i>Local Government Act 2009</i> , an employee of the local government: (a) Who reports directly to the CEO; and (b) Whose position ordinarily would be considered to be a senior position in the local government's corporate structure.
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 CEO and/or their authorised delegates.
Worker	Employee, contractor or subcontractor, an employee of a contractor or subcontractor, an employee of a labour hire company assigned to work for Council, work experience participant or a volunteer.
Workplace	A workplace is a place where work is carried out, a work related function or where an employee is representing or can be identified as working for Council.

5 Policy Statement

Council aims to conduct its business with integrity, honesty and fairness and to comply with all relevant laws, regulations, codes and corporate standards.

You must follow the highest standards of behaviour when dealing with customers and each other. Council encourages a culture where ethical conduct is recognised, valued and followed at all levels and ensures appropriate action is taken to prevent fraud and corruption.

Council actively supports, encourages and develops you to work safely, be customer focused, use technology and Council assets effectively, adapt to changes, improve your capabilities, and contribute to Council's Corporate and Operational Plans.

The Code may also apply to certain activities or behaviours undertaken by employees outside of the workplace where it may impact upon the image and reputation and activities of Council, for example, the use of social media or wearing Council identified clothing in public.

The *Public Sector Ethics Act 1994* identifies four fundamental ethics principles that guide our behaviour including:

(a) The First Principle – Integrity and Impartiality

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:

- (i) Are committed to the highest ethical standards;
- (ii) Accept and value their duty to provide advice which is objective, independent, apolitical and

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impartial;

- (iii) Show respect towards all persons, including employees, clients and the general public;
- (iv) 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
- (v) Are committed to honest, fair and respectful engagement with the community.

(b) The Second Principle – Promoting the Public Good

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:

- (i) Accept and value their duty to be responsive to both the requirements of government and to the public interest;
- (ii) Accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions;
- (iii) Accept and value their duty to manage public resources effectively, efficiently and economically;
- (iv) Value and seek to achieve excellence in service delivery; and
- (v) Value and seek to achieve enhance integration of services to better service clients.

(c) The Third Principle – Commitment to the System of Government

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:

- (i) Accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and Local Government;
- (ii) Are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- (iii) Accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

(d) The Fourth Principle – Accountability and Transparency

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

- (i) Are committed to exercising proper diligence, care and attention;
- (ii) Are committed to using public resources in an effective and accountable way;
- (iii) Are committed to managing information as openly as practicable within the legal framework;
- (iv) Value and seek to achieve high standards of public administration;
- (v) Value and seek to innovate and continuously improve performance; and
- (vi) Value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

The *Local Government Act 2009* requires that Council's actions are consistent with the following Local Government principles:

- (a) Transparent and effective processes, and decision-making in the public interest;
- (b) Sustainable development and management of assets and infrastructure, and delivery of effective services;
- (c) Democratic representation, social inclusion and meaningful community engagement;
- (d) Good governance of, and by, local government; and

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(e) Ethical and legal behaviour of Councillors and Local Government employees.

The values we share as Council workers are:

- (a) Accountable;
- (b) Customer Focused;
- (c) People Development;
- (d) One Team; and
- (e) Continuous Improvement.

The legislative principles, together with Council's values, form the basis of this Code. They apply to all workers and guide thinking, actions and decision-making.

5.1 The First Principle – Integrity and Impartiality

5.1.1 Conflict of Interest

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

Conflicts can be actual, potential or perceived and therefore seen to be compromising your duty to act in the public interest.

An actual conflict of interest involves a direct conflict between a worker's current duties and responsibilities and existing personal interests. For example, you receive an invoice from your relative's construction business as they have been working on a jobsite you are managing. You pass the invoice onto your manager to approve due to a conflict of interest existing.

A perceived conflict of interest can exist where it could be perceived or appears that a worker's personal interest could improperly influence a decision or action – whether or not this is the case. For example, you are on an interview panel and a friend has applied for the position. Due to the perception that you may be biased towards your friend, you discuss with your supervisor who decides to remove you from the panel to eliminate any perceived conflict of interest.

A potential conflict of interest arises where a worker has a personal interest that could conflict with their official duties in the future. For example, you are employed to consult to another Council in a similar role. This may cause a potential conflict of interest as the nature of your work is the same.

You must declare any conflict of interest you may have to your supervisor upon becoming aware of the conflict. You must not take part in any decision making until the matter is resolved. If you are unsure if there is an actual, perceived or potential conflict of interest, it is important to discuss with your supervisor prior to any action being undertaken.

If the supervisor is unsure of the action to take regarding a conflict of interest, they are to refer the matter to their manager. The CEO makes the ultimate determination of whether a conflict exists or not.

You may be required to supply information of your interests to the CEO to be included in the 'Register of Interests'. The 'Register of Interests' must be kept by Council detailing the financial and non-financial interests of each Councillor, CEO, senior executive employees and their immediate family and dependents. The register includes information relating to gifts received, hospitality benefits and membership of organisations.

It is your responsibility to ensure any information relating to a conflict of interest is kept up to date and is accurate.

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5.1.2 Influencing Decision Making

You have an obligation to follow the principles of natural justice and procedural fairness (an unbiased, impartial process and a fair hearing) to ensure fair decisions are made.

It is important you do not influence others to make decisions in an inappropriate way to obtain a personal advantage or favour. You must not deliberately mislead decision makers by providing them with false, biased, incomplete or inaccurate information.

Your decisions need to be fair and transparent, which can be achieved by:

- (a) Following Council's policy documents;
- (b) Clear record-keeping; and
- (c) Documenting the decision making process.

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

You should also refer to:

- (a) Appendix A – A Guide to Ethical Decision Making.

5.1.3 Accepting Gifts and Benefits

You may be offered gifts/benefits from others. You must not ask for, or accept, a fee or other gift/benefit for doing something as a worker. This does not apply to payment made to you by Council for duties undertaken. You must not accept cash or the transfer of money in any form, (cheque, bank transfer, vouchers, lottery tickets, scratch-it tickets).

You are to politely refuse any gift/benefit which may bring Council's integrity or impartiality into question and if accepting the gift will be perceived as a conflict of interest or a bribe.

If you are pressed to accept or the non-acceptance may be seen to be not conducive to the ongoing business relationship, you may accept the gift but are to report immediately to your supervisor and the CEO using the Receipt of Gift Form. All gifts should be reported using the Receipt of Gift Form. Gifts up to and including the value of \$50 may generally be kept by the recipient provided the gift does not create a real or perceived conflict of interest or be seen as receiving a bribe.

Details of all gifts are recorded on the gift register held by the Office of the CEO.

The CEO will ultimately determine whether accepting the gift/benefit creates a real/perceived conflict of interest or may be seen as a bribe. The CEO will also determine the ownership of the gift/benefit and may direct the gift/benefit to be:

- (a) Kept by the original recipient of the gift;
- (b) Kept for Council use;
- (c) Displayed at an appropriate venue;
- (d) Donated to a community group;
- (e) Sold or exchanged;
- (f) Returned; or
- (g) Destroyed.

You should also refer to the:

- (a) Receipt of Gift or Benefit Guideline.

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5.1.4 Employment Outside of Council

Employees are to seek approval for any employment undertaken outside of their official duties with Council. It is not Council's intention not to approve your request of holding other employment or operating a business outside your normal working hours, providing your other employment or business:

- (a) Does not create or develop a conflict of interest;
- (b) Has no effect on the performance of your official duties including fatigue, safety or the possible exacerbation of an illness or injury;
- (c) Does not bring Council's reputation into disrepute; and
- (d) Does not involve the use of Council resources (physical, technological or intellectual).

You may be employed by more than one Council at any one time, if each Council approves prior to being appointed in the second position.

You do not require approval for voluntary work or a hobby however you must ensure these activities meet the above requirements. If you are unsure you should discuss with your supervisor.

You should also refer to the:

- (a) Employment Outside of Council Procedure.

5.1.5 Public Comment

Only Councillors, the CEO and delegated officers are to comment publicly on Council business.

If you are not a delegated officer you are not to comment publically on any Council matter unless the CEO has provided prior approval. If approached by the media you are to refer them directly to the CEO or the appropriate delegated officer for response.

You should also refer to the:

- (a) Media Policy.

5.1.6 Social Media

A high standard of conduct and behaviour is expected online. Council has delegated a number of officers who are responsible for all Council public social media platforms who are the only employees approved to post and respond to comments on behalf of Council.

As a worker you are not to identify yourself, either intentionally or accidentally as representing Council unless specifically approved to do so by the CEO when contributing to or addressing personal social networking sites (for example Facebook, Instagram, Twitter, Snapchat).

Information published by workers on social media must withstand public scrutiny and be disclosed in a way that does not bring Council into disrepute.

You are personally responsible for any social media content published, posted, forwarded, shared or endorsed in a personal capacity. It is recommended that you do not identify as an employee of Council including posting photographs of yourself in Council's uniform.

As a worker, you must not:

- (a) Share any information, either intentionally or accidentally that you have access to in your position on social media unless it is publically available;
- (b) Post anything that may affect Council's or the public's trust and confidence of you as a worker;
- (c) Create or distribute any malicious, bullying/harassing or damaging material; or
- (d) If another person has posted material about/of you or tagged you in a manner likely to cause damage to Council's reputation or bring it into disrepute, you must arrange to have the material removed and report to your manager immediately.

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Even when posting material that relates to you as a worker and/or impacts on Council's reputation, on your personal social media accounts, you must continue to uphold this Code.

You should also refer to the:

- (a) Acceptable Use of Social Media Procedure; and
- (b) Media Policy.

5.1.7 Advice to Councillors

Councillors may ask for advice and/or information to assist them in carrying out their responsibilities. Any requests from Councillors for advice must be in accordance with Council policy and legislation.

If there is a conflict between a Councillor's request and Council policy, you must discuss with your supervisor as soon as you become aware of the conflict.

You should also refer to the:

- (a) Councillor Acceptable Request Guidelines Policy.

5.1.8 External Activities

Outside of work you are free to engage in union, political, professional, interest or charity groups and other social activities of your choosing. Participation in these activities is not to cause a conflict of interest, affect your performance in your position at Council or utilise Council resources with an exception of approved union workplace activities and dissemination of Council correspondence to union members.

Council's information technology systems, including internet access and email, Council newsletters and workplaces must not be used for any external activities, for example political messages.

If you comment publicly in connection with such activities, you must make it clear the comment is your opinion as a member of those organisations. You must not give your unauthorised 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 worker, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation or activity.

5.1.9 Behaviour Towards Each Other

We must all treat and speak to each other including our customers with respect, honesty, fairness, sensitivity and dignity. Council employees with a supervisory responsibility must model this behaviour and ensure the workers they manage understand the standard of performance and behaviour expected of them.

You are to respect differing opinions and perspectives and manage disagreements rationally using an appropriate standard of language (i.e. swearing is deemed inappropriate workplace language). You are not to use verbal or physical abuse/violence or to behave in a way that is intimidating or overbearing.

Working as One Team is essential to a productive workplace culture. We need to work together and openly share knowledge, information and resources in order to deliver the best outcome for Council. You are to actively and willingly participate in team activities such as toolbox and team meetings.

5.1.10 Recording Conversations and Activities

As an employee of Council you are expected to act honestly and truthfully in undertaking your responsibilities and are discouraged from audio or video recording any conversations or activities without the consent of all of the parties being recorded. In exceptional circumstances, the manager may approve the recording, for example to capture/use formal investigation statements and meeting minutes on behalf of Council. It is illegal to record private

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conversations that you are not directly involved in and in most circumstances, it is illegal to communicate or publish any record of a private conversation that has been recorded with a listening device without the consent of the party to the private conversation.

You should also refer to the:

- (a) *Information Privacy Act 2009*;
- (b) *Invasion of Privacy Act 1971*; and
- (c) Recording of Investigative Activities Procedure.

5.1.11 Working with Children and Young People

Council aims to create an environment where everyone feels safe, respected and valued including children and young people. When working with or in proximity of children and young people you are to behave in a way that encourages a secure environment which may include:

- (a) The use of encouraging and positive language;
- (b) Do not swear, yell or use a negative tone;
- (c) Be a positive role model;
- (d) Do not use violent or aggressive behaviour; and
- (e) Do not act inappropriately, specifically in a sexual manner.

You should also refer to the:

- (a) *Working with Children (Risk Management and Screening) Act 2000*;
- (b) Blue Card Policy and Procedure; and
- (c) Child and Youth Risk Management Strategy.

5.1.12 Non-Discriminatory Workplace

Council has a diverse workforce and encourages an inclusive and non-discriminatory work environment. We are an equal opportunity employer and are proactive in ensuring our practices do not discriminate based on an attribute, relating to:

- (a) Race;
- (b) Age;
- (c) Sex;
- (d) A disability, disease or injury, including work-related injury;
- (e) Family responsibilities;
- (f) Industrial activity, including union membership;
- (g) Religion;
- (h) Pregnancy and breastfeeding;
- (i) Sexual orientation, intersex status or gender identity;
- (j) Marital status;
- (k) Political opinion;
- (l) Social origin;
- (m) Medical record; and
- (n) An association with someone who has, or is assumed to have, one of these characteristics.

If you witness discriminatory behaviour you have an obligation to report it to your supervisor. If the behaviour involves your supervisor you can report it to your manager/general manager.

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You should also refer to the:

- (a) Workplace Bullying, Discrimination and Sexual Harassment Policy; and
- (b) Grievance Procedure.

5.1.13 Prevention of Bullying and Sexual Harassment

Council is committed to the prevention of any form of sexual harassment or other forms of bullying in the workplace, online or at work related social functions.

It is expected as a worker of Council you are proactive in building a healthy and safe workplace where you respect the rights of others.

Council does not tolerate any behaviour that may constitute bullying/harassment in any form. This behaviour may be conducted in person or electronically through email, telephone or social media. It may include conduct such as:

- (a) Acting towards, or speaking to a person in a manner which threatens or belittles that person;
- (b) Deliberately excluding a person from work related activities or functions;
- (c) Making discriminating jokes, suggestive comments or offensive gestures;
- (d) Distribution, display or accessing sexually explicit material including websites, posters, pictures or sexist jokes;
- (e) Intrusive questions or comments about a person's private life or body;
- (f) Inappropriate advances for sexual favours;
- (g) Unwelcomed and deliberate physical contact; and
- (h) Behaviour which is an offence by law such as assault, stalking or indecent exposure.

If you witness bullying or sexual harassment you have an obligation to report it to your supervisor. If the behaviour involves your supervisor you can report it to your manager/general manager.

You should also refer to the:

- (a) Workplace Bullying, Discrimination and Sexual Harassment Policy; and
- (b) Grievance Procedure.

5.2 The Second Principle – Promoting the Public Good

5.2.1 Customer Service

You are to provide excellent customer service and treat members of the public with honesty, fairness, sensitivity and respect. If you have regular contact with customers in your role it is important you are confident to handle difficult situations and people.

You are to treat complaints from customers, workers and the community seriously and respond to constructive feedback as an opportunity for development.

Customers have a right to appropriately complain or criticise Council and as a worker you are to show respect towards those making the complaint. You are to assist customers in lodging a complaint however if the situation becomes threatening or intimidating Council supports you to withdraw from the situation respectfully. If you require support you can seek assistance from a more experienced employee or your supervisor.

The presentation of workers can impact on Council's image. You are to project a professional image of Council by presenting yourself in an appropriate standard that is professional, clean, neat and tidy. If you are unsure about the appropriate standard of dress you are to discuss with your supervisor. Alterations to Council uniforms are not acceptable unless required to ensure a suitable fit. Supervisors are to monitor and address any issues to ensure employees are appropriately presented at all times.

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You should also refer to the:

- (a) Customer Service Charter;
- (b) Complaints Management Policy;
- (c) Administrative Action Complaint Procedure;
- (d) Actionable Communications Whole of Council Work Instruction; and
- (e) Corporate Uniform Policy.

5.2.2 Fairness to Suppliers

Dealings with current and potential suppliers should be conducted in an open, fair and transparent manner. If you are seeking suppliers for goods or services you must comply with Council's policy.

You must 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 into, unless you are authorised to do so.

You should also refer to the:

- (a) Purchasing Policy – Acquisition of Goods and Services; and
- (b) Selecting the Procurement Method Procedure.

5.2.3 Public Money

You must maintain a high standard of accountability if collecting or using public money. If you have any reason to incur an expense on behalf of Council, you are to ensure the expense is for legitimate activities of Council, you have the appropriate sub-delegations or seek approval prior to incurring any expenses.

You are not to use public money, including taxi vouchers or other vouchers for private use.

Council recognises that there are circumstances where expenses on entertainment and hospitality are appropriate however must be in accordance with Council's policy.

You should also refer to the:

- (a) Purchasing Policy – Acquisition of Goods and Services;
- (b) Petty Cash Procedure;
- (c) Corporate Purchase Card Procedure;
- (d) Financial Delegations Policy; and
- (e) Entertainment and Hospitality Policy.

5.2.4 Intellectual Property

You are not to unlawfully use the intellectual property of any individual or organisation including copyrights, trademarks and patents or reproduce or quote material unless Council's licence specifically allows it. You must also obtain written approval before arranging to publish or disclose any articles or materials produced as part of your official duties. Any original work, invention or product you contribute to in association with your work remains the property of Council.

You must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate licence.

You may share information relating to your official duties to other organisations, however, in doing so you are not to breach this Code or the confidentiality of Council, its workers or its suppliers.

If you are unsure whether your actions will breach this Code you are to seek clarification from your supervisor before sharing any information.

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You should also refer to the:

- (a) Privacy Policy; and
- (b) *Information Privacy Act 2009*.

5.2.5 Record Keeping

You are responsible and accountable for making and keeping full and accurate records. If you create or receive records as part of your official duties, you must register these records into Council's record management systems in accordance with Council policy.

Council has an obligation to ensure information regarding their policies, structures and activities are made publically available.

Members of the public and workers have the right to access information held by Council which is not publically available through a Right to Information and Information Privacy Access Application. Information may not be released if it is exempt or its release would be contrary to the public interest in accordance with relevant legislation. You are to refer all requests for information not publically available to your supervisor or nominated Right to Information Officer to be properly considered in accordance with Council policy.

Personal information collected by Council is to remain confidential. When collecting, handling or giving access to personal information, ensure you comply with the Information Privacy Principles defined in the *Information Privacy Act 2009*.

You should also refer to the:

- (a) Privacy Policy;
- (b) Right to Information Policy;
- (c) Recordkeeping Policy;
- (d) *Information Privacy Act 2009*; and
- (e) *Right to Information Act 2009*.

5.2.6 Environment and Sustainability

Council is committed to ensuring our Region's natural environment is preserved and maintained for current and future generations.

All workers share a level of responsibility to create healthy surroundings for our community, by maintaining our natural environment and embedding sustainability principles in everything we do.

In performing your duties at Council, you must ensure you comply with legislation, Council policy and your general environmental duty of care and where applicable, notify your supervisor of potential or actual environmental harm.

You should also refer to the:

- (a) Environmental Sustainability Policy.

5.3 The Third Principle – Commitment to the System of Government

5.3.1 Acting within the Law

You must comply with all legislation and other statutory obligations relevant to Council including industrial instruments, delegations and authorisations, policy documents and Local Laws.

You have an obligation to report to your supervisor any traffic infringements you receive whilst driving or operating Council vehicles or plant.

You are to immediately notify your general manager if you are charged with having committed any criminal offence or subject of a conviction or charge. Such a disclosure will be kept confidential.

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Specific licence, qualification or certification may be required to fulfil the requirements of your role at Council. If these are suspended, cancelled or lapsed for any reason you are to immediately report to your supervisor.

The suspension, cancellation or lapse in a licence, qualification or certification may require you to be placed in an alternative position. If a position is not available and dependent on circumstances, this may result in loss of employment. If due to a suspension, cancellation or lapse of a drivers licence you will not be permitted to operate any Council vehicles or plant while unlicensed.

5.3.2 Acting within Delegation and Authorisation

If you are requested to undertake an action on behalf of the CEO or Council, prior to exercising any power you must ensure you have the appropriate delegation or authorisation to carry out such action under State or Federal legislation and/or Council's financial, administrative and corporate delegations.

You should also refer to the:

- (a) Delegation and Authorisation Policy and Procedure.

5.3.3 Raising Concerns

You have the right and responsibility to respectfully raise concerns about Council's policies or practices that may impact on your employment including how you do your work, particularly if there is a risk to the safety of yourself or others, there is a better way of doing a task or if you think the direction may be in breach of the law.

You are to raise concerns or grievances in a constructive, reasonable way and act in good faith. Once your concerns are raised you are to work as directed by your supervisor unless the direction is unlawful or a risk to safety.

If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager or reported through the chain of command. Concerns related to your employment or other work related matters are to be raised following Council's grievance or dispute resolution processes.

The CEO is the ultimate decision maker in relation to work related matters. You are not permitted to contact or raise concerns with the Mayor or Councillors in regards to workplace concerns. Dissatisfaction with a CEO decision may be raised through external avenues.

You have the right to report a public interest disclosure to an appropriate external agency where you have reasonable cause to suspect that the information may relate to:

- (a) Corrupt conduct by another person;
- (b) Maladministration that adversely affects a person's interests;
- (c) A substantial misuse of public resources;
- (d) A substantial and specific danger to public health or safety; or
- (e) A substantial and specific danger to the environment.

Complaints or grievances which are considered vexatious or frivolous will not be progressed and Council's disciplinary process may apply in accordance to Council policy.

You should also refer to the:

- (a) Complaint Management Policy;
- (b) Public Interest Disclosure Policy and Procedure;
- (c) Grievance Procedure;
- (d) Prevention and Settlement of Disputes and Grievances process within the relevant Certified Agreement; and

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(e) *Public Interest Disclosure Act 2010.*

5.3.4 Privacy

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and could be harmful to a person's interest if released. Council is committed to upholding the right to privacy of all customers who have business dealings with Council.

You must ensure the collection, storage and use of personal information is done so in accordance with the Privacy Principles outlined in Council policy and relevant legislation. As a general rule you can maintain privacy by:

- (a) Not discussing matters with people who are not entitled to know such information;
- (b) Taking responsibility to safeguard confidential files and information; and
- (c) Ensuring information collected is used for the purpose it was originally collected for.

It may be appropriate to share information based on your experiences in some cases including training sessions or conferences; however in doing so you must not breach Council's privacy obligations. Council's privacy obligations may also be breached if comments or information that is not your own are shared in your private life including but not limited to social media.

It is an offence for you to release information you know or reasonably know is information that is confidential to Council.

You should also refer to the:

- (a) Privacy Policy;
- (b) Right to Information Policy;
- (c) *Right to Information Act 2009*; and
- (d) *Information Privacy Act 2009.*

5.4 The Fourth Principle – Accountability and Transparency

5.4.1 Using Council Assets

Council has a number of assets including property, plant, equipment, information systems, computing resources and/or goods. Council assets also include any surplus material, waste material and offcuts. You have the responsibility to look after and use assets in the correct manner and in accordance with Council policy, while in your possession or use. You are to ensure assets are used economically and effectively, are secured against theft and properly stored, maintained and repaired.

You are only to use Council assets for official Council business and not for personal use unless you have written approval from your manager.

Personal files are not to be stored on Council's assets for example, mobile telephones or computers. Any files stored on, or information accessed using, Council assets becomes Council property and is discoverable by Council.

You can use Council telephones, internet and email for private use on a limited basis which means use is infrequent and brief, performed during meal breaks, before or after work, subject to and in accordance with Council policy.

If your employment with Council ceases you must return all Council property and work related documents to your supervisor upon departure.

You should also refer to the:

- (a) Information and Communication Technology Acceptable Use Policy;
- (b) Fleet Management Policy – Provision of Council Motor Vehicles; and
- (c) Fleet Management Policy – Motor Vehicle Allocations – Contract Employees.

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5.4.2 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 and accountable manner and to the best of your ability. This includes:

- (a) Behaving and acting in accordance with this Code;
- (b) Maintaining punctuality and not being absent from your work location during work time without reason;
- (c) Giving priority to official duties over personal activities during work time;
- (d) Being responsible for meeting the standard of work performance required in your position;
- (e) Helping Council achieve its mission and goals by acting to improve systems and practices;
- (f) Conducting yourself in a way so others gain confidence and trust in the way Council does business;
- (g) Not allowing your conduct to distract or prevent others from working;
- (h) Productively and positively contributing to the culture of Council;
- (i) Not exposing Council to judgement for damages against it, as a result of negligence or breach of any law or policy; and
- (j) Privately owned mobile phones and communication devices are to be turned off during work hours (excluding meal breaks), unless prior approval has been provided by your supervisor.

If you have a supervisory responsibility, you must ensure:

- (a) You are a role model by demonstrating Council's values and principles within this Code;
- (b) Ensure your workers understand and are compliant with this Code;
- (c) You do not come under financial obligation to any worker you supervise;
- (d) Your work, and the work of those you supervise, contributes to the achievement of Council goals;
- (e) Workers are provided with sufficient information and resources to effectively perform their official duties and performance is monitored with constructive and regular feedback provided;
- (f) Employees are provided with professional development opportunities, where relevant;
- (g) Resources and workloads are fairly distributed;
- (h) Workers opinions are respected and considered;
- (i) Workers who collect, handle or disburse public money are properly supervised;
- (j) Employee work times, overtime, allowances and absences are correctly recorded in a timely manner in accordance with Council policy; and
- (k) Appropriate action is taken if breaches of this Code occur.

You should also refer to the:

- (a) Recording Employee Entitlements Policy and Procedure.

5.4.3 Attendance at and Absence from Work

Council's operational efficiency depends on your punctuality and attendance at work. You are to follow Council's employment and working arrangements, agreements and policies on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

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Absences without approval or without reasonable excuse can create concerns for your safety and can be unproductive for others. Absences that have not been approved or non-notification of absences may result in the non-payment of wages for the period and/or possible disciplinary action.

If you are unable to attend work due to injury or illness, you must notify your supervisor by telephone call within thirty minutes of your starting time in accordance with Council policy and relevant industrial instrument. You must make every reasonable effort to contact your supervisor. If you cannot contact your supervisor you must make contact through to the next line management through the chain of command.

You should also refer to the:

- (a) Employee Leave Policy and Procedure.

5.4.4 Self-Development

Council encourages you to undertake development opportunities to improve your performance and aid in the achievement of Council's objectives. It is your continuing responsibility to maintain and enhance your skills and expertise and keep up to date with knowledge associated with your work area.

Council will assist you by providing access to training and professional development opportunities where appropriate.

You should also refer to the:

- (a) Training and Development Policy; and
- (b) Study Assistance Procedure.

5.4.5 Work Health and Safety

Council is committed to providing a safe and healthy work environment. You are accountable for the health and safety of yourself and others. You must make every effort to reduce the risk of injury to yourself and others and contribute to maintaining a safe work environment at all times.

As a worker of Council you are to follow safe work practices as prescribed under legislation and Council policy. You have been issued with a Work Health and Safety Duty Statement outlining your health and safety obligations relevant to your position at Council.

You are to ensure your safety obligations are met by:

- (a) Taking reasonable care for your own health and safety;
- (b) Taking reasonable care that your acts or omissions do not adversely affect the health and safety of others;
- (c) Identifying hazards and managing risks to health and safety;
- (d) Performing all work safely and following safe work practices;
- (e) Using personal protective equipment if required;
- (f) Using personal protective equipment correctly;
- (g) Reporting incidents or hazards immediately in accordance with Council policy;
- (h) Supporting investigations; and
- (i) Taking corrective action to make the workplace safe and implement improvements.

Council is a smoke free workplace and has designated smoking areas. You are permitted to use smoking products during your meal breaks and rest pauses and designated non-working periods in accordance with Council policy and legislation; in the designated smoking areas.

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You should also refer to the:

- (a) Our Safety Commitment;
- (b) Workplace Health and Safety Policy; and
- (c) Smoke-Free Workplace Policy.

5.4.6 Drugs, Alcohol and Gambling

To ensure a safe work environment you must not consume, use, possess or be impaired by the effects of alcohol and/or drugs while at work. Drug and/or alcohol usage impairs your capacity to perform your official duties and may adversely affect productivity and attendance.

If you are using a prescribed or over the counter pharmaceutical medication that may affect your performance (for example Codeine, Valium) you must notify your supervisor prior to commencing work.

Gambling or betting is not permitted on Council premises.

The CEO may approve consumption of alcohol at authorised social events and employee functions as well as sweeps and tipping competitions.

You should also refer to the:

- (a) Drug and Alcohol Policy and Procedure; and
- (b) Pre-Employment Screening Policy and Procedure.

5.5 Breaches of the Code

As a worker of Council, you hold a position of trust and are accountable for your actions. Council acknowledges that the majority of workers are committed to a high standard in relation to this Code and Council's values.

Council is committed to ensuring the standing and reputation of Council is maintained and continually enhanced where opportunities exist.

Council has a zero tolerance approach and is committed to eliminating and/or minimising the potential of any corrupt conduct.

Failure to comply with any aspect of this Code, unethical or corrupt behaviour will be investigated and may result in Council taking disciplinary action including termination of employment or contract. Breaches will be dealt with on a case by case basis according to the Discipline Procedure or contractual agreement with Council.

All workers have a duty of care and an obligation to report any suspicions or allegations of corrupt conduct. Workers are to report possible breaches of this code to a Council supervisor or manager who is responsible for their workplace. Supervisors and managers are to address any potential breaches of the Code as soon as becoming aware and have a responsibility to report all possible breaches in line with Council policy.

You may be suspended from your official duties on full pay, if you have allegedly committed corrupt conduct, or when there is a risk to you or others if you remained in the workplace, whilst an investigation is undertaken or while charges are being determined by Court.

You should also refer to the:

- (a) Complaint Management Policy;
- (b) Corrupt Conduct Policy and Procedure;
- (c) Investigation Procedure;
- (d) Discipline Procedure; and
- (e) *Crime and Corruption Act 2001*.

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5.6 Addressing Concerns

Council recognises the important role Councillors, workers and the public can play in the identification and reporting of public interest disclosures, corrupt conduct, maladministration and administrative actions.

If you have a concern or suspect a breach of this Code involving one or more workers or a Councillor you have the right and obligation to report the matter which may be deemed as a public interest disclosure and you will be afforded protection from reprisals when making such a disclosure.

Throughout the investigative process of a public interest disclosure or any other type of complaint matters will be dealt with, in the strictest confidence.

To report such a matter you should contact your manager or you may refer to the appropriate external agency (i.e. Crime and Corruption Commission, Department of Local Government, Racing and Multicultural Affairs, Human Rights Commission, Queensland Industrial Relations Commission, Queensland Ombudsman Office or Workplace Health and Safety Queensland).

You should also refer to the:

- (a) Complaint Management Policy;
- (b) Corrupt Conduct Policy and Procedure;
- (c) Public Interest Disclosure Policy and Procedure;
- (d) *Public Interest Disclosure Act 2010*; and
- (e) *Crime and Corruption Act 2001*.

5.7 Training

Compulsory training in the contents of this Code will be provided at Council's induction and thereafter on at least an annual basis.

5.8 Publication

Council will provide reasonable access to this Code for all workers. The Code will be available to workers upon commencement to Council, through an induction process, on Council's website and the Hub or upon request from your supervisor or Workforce and Governance.

5.9 Further Assistance

If after reading this Code you are unsure how it applies to you, it is important that you discuss with your supervisor.

If you do not feel comfortable discussing with your supervisor, you are able to contact your next line manager or Workforce and Governance.

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6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	Manager Workforce and Governance
Policy Owner	Manager Workforce and Governance
Policy Quality Control	Legal and Governance



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Appendix A

A Guide to Ethical Decision Making

The following guide is to assist you reach an ethical decision based on relevant facts and circumstances of a situation. If in doubt consult and disclose to your supervisor or another senior officer before taking the action or making the decision.

Assess the Situation	<ul style="list-style-type: none"> (a) What is your aim? (b) What are the facts and circumstances? (c) Does it break the law or go against Council policy? (d) Is it in line with the Code's principles? (e) What principles does it relate to? Why? (f) Who is affected? (g) What rights do they have? (h) What are your obligations or responsibilities?
Look at the Situation from Council's Viewpoint	<ul style="list-style-type: none"> (a) As a public official, what should you do? (b) Is it in line with Council's values? (c) What are the relevant laws, rules and guidelines? (d) Who else should I consult?
How Would Others View Your Actions	<ul style="list-style-type: none"> (a) Would a reasonable person think you used your powers or position improperly? (b) Would the public see your action or decision as honest and impartial? (c) Do you face a conflict of interest? (d) Will your decision or action stand up to public scrutiny? (e) How would it read in the media?
Consider the Options	<ul style="list-style-type: none"> (a) Ask your team leader/supervisor/manager or any person who is able to give sound, relevant advice. (b) What options and consequences are consistent with Council's values, the four principles and your obligations under the Code? (c) What are the costs and long term consequences? (d) How would the public view each option? (e) What will be the outcome for Council, your colleagues, others and you?
Choose your Course of Action	<p>Ensure your actions are:</p> <ul style="list-style-type: none"> (a) Within your power to take, legal and in line with policy and this Code; (b) Fair and able to be justified to your manager and the public; (c) Documented so a statement of reasons can be supplied; (d) Consistent with Council's mission, goals and values; and (e) Backed by advice from Council specialists, if this is appropriate.

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