



# CODE OF CONDUCT

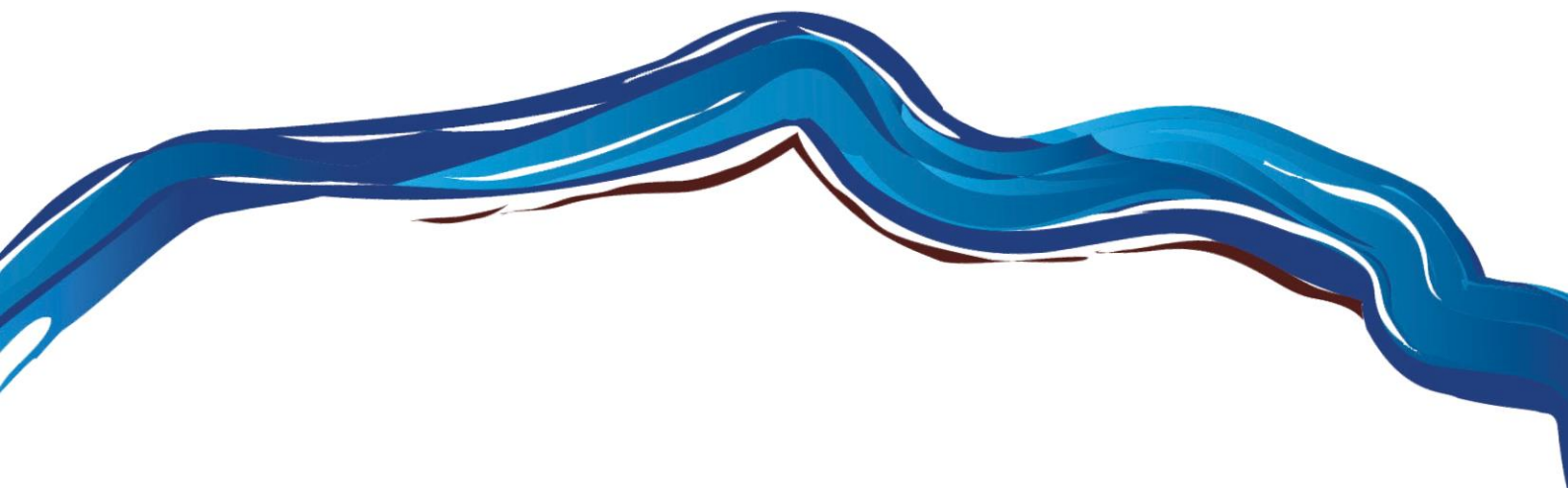
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# GOONDIWINDI REGIONAL COUNCIL CODE OF CONDUCT



VERSION 04 / JULY 2019

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## INTRODUCTION

### The Objective

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement while at work.

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. Nothing in this Code of Conduct (the Code) interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, Supervisors, Managers and by Council.

A guide for ethical decision making is included at Appendix B to help you in situations covered within and outside of the Code.

### How this Code works

Council is required to adopt a Code of Conduct to meet the requirements of the *Public Sector Ethics Act 1994 (Qld)*. This Code seeks to fulfil Council's obligations under that Act. This Code also seeks to set a standard of ethical behaviour which Council believes is appropriate for all persons who are covered by it. Such persons are as follows:

- Employees irrespective of their role, or type of engagement (i.e. full-time, part-time, casual or fixed term);
- Independent contractors and their employees;
- Volunteers; and
- Students on work experience.

In that regard, this Code reflects the desire of Council to highlight the need for all such persons to act with honesty, integrity, diligence and to exercise a high degree of care in their actions.

This Code seeks to set standards which the public has a right to expect as the minimum standards which should apply to all persons covered by it. In meeting these standards, Council staff will act in a manner which should naturally lead to public confidence in the system of local government.

Under the *Public Sector Ethics Act 1994 (Qld)*, all persons covered by this Code are bound by this Code of Conduct. This requirement is compulsory. In adopting the Code as policy, Council has recognised the importance of the Code in ensuring the successful operation of Council.

The *Public Sector Ethics Act 1994(Qld)* defines four principles, each of which is strengthened by a set of values describing the behaviour that will demonstrate that principle. The principles and associated values are equally important.

The standards of conduct, contained in this Code under each set of principles and values, aim to assist all persons covered by it to understand how these principles and values can be put into practice. The standards

are not intended to cover every possible scenario, therefore in adhering to the Code, Council is committed to upholding the intention and spirit of the principles and values.

## **Obligations**

For all persons covered by this Code, you are obliged to ensure that you, and people under your supervision, are aware of, maintain knowledge of and comply with Acts, Regulations, local laws, policies, delegations and procedures applicable to your role. Further, you will comply with relevant awards, certified agreements, Council policies, procedures and organisational values.

Any lawful instruction given by your Supervisor, Manager or any other person who has the authority to direct you, must be obeyed. If you believe that a direction is improper or illegal you should tell the person giving the direction. If you are asked to do something illegal it may qualify as official misconduct and must be reported to the Chief Executive Officer.

You may have a personal objection to an instruction which you are given. If you believe you are unable to comply with a lawful instruction because of a belief, it is best to consult your Supervisor or Manager. A requirement that you act against your beliefs could be seen as discrimination. All persons covered by this Code have a duty of care to follow safe work practices, to avoid actions which may harm themselves or others and to report hazards in the work environment.

In addition, Managers and Supervisors are responsible, within the limits of their authority, for ensuring that activities within their area are undertaken with the exercise of proper diligence for the health and safety of all staff. Breaches of the Workplace Health and Safety legislation or Council policies and procedures may require disciplinary action pursuant to *Local Government Act 2009 (Qld)*. Disciplinary action against an employee of the Council may be in the form of a written reprimand, a deduction from salary or wages, a demotion or dismissal.

## **The Four Principles of the Public Ethics Act 1994 and Standards of Conduct**

The *Public Sector Ethics Act 1994 (Qld)* identifies four ethics principles fundamental to good public administration that guides our behaviour as Public officials and forms the basis for a local government Code of Conduct. The four (4) principles are:

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

The standards of conduct identified below are not an exhaustive list of the standards of conduct expected by Council rather they are examples only, which may also apply across multiple ethical values depending on the circumstances.

## **1. ETHICAL PRINCIPLE 1: INTEGRITY AND IMPARTIALITY - “Doing the right thing”**

### **(a) Ethics Value**

*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 –*

- *are committed to the highest ethical standards; and*
- *accept and value their duty to provide advice, which is objective, independent, apolitical and impartial; and*
- *show respect towards all persons, including employee’s clients and the general public; and*
- *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*
- *are committed to honest, fair and respectful engagement with the community.*

### **(b) Standards of Conduct**

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

#### **1.1 Commit to the highest ethical standards**

We are required to ensure that our conduct meets the highest ethical standards when fulfilling our responsibilities. This means that any advice we provide is objective and impartial and that our decision-making is ethical. We will engage with the community in a consultative, honest, fair and respectful manner. We will meet our obligations to report suspected wrongdoing, including conduct not consistent with this Code.

#### **1.2 Manage conflicts of interest**

A conflict of interest involves a conflict between your official duties and responsibilities in serving the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, employment outside Council, membership of special interest groups, or ownership of property. We may also experience conflicts of interest between our local government ethics and our personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However, failing to disclose and manage the conflict appropriately is likely to be wrongdoing. We must demonstrate impartiality and integrity in fulfilling our responsibilities and as such will:

- always disclose a personal interest (to our Supervisor and/or Manager) that could, now or in the future, be seen as influencing the performance of our duties;
- not improperly use official powers or position, or allow them to be improperly used;
- ensure that any conflict of interest is resolved in the public interest.

### **1.3 Influences on decision making**

We 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.

### **1.4 Accepting Gifts and Benefits**

We must not encourage, seek, ask for any gift or benefit but can accept a gift to the estimated value of \$100 (noncash), other than remuneration/payment for services paid by the Council, in connection with your position or the performance or non-performance of your duties. A gift or benefit could be seen as a bribe. You should immediately report any benefit you are offered or receive regardless of whether or not you accept it to your Manager or Supervisor, Director or Chief Executive Officer.

### **1.5 Contribute to public discussion in an appropriate manner**

Commenting on Council policy is a matter for the Mayor, Councillors, management and other authorised staff. Unless prior authorisation has been given, you will not comment to the media on Council policy.

Like any other resident, we have the right to contribute to public discussions on community and social issues in a private capacity. In doing so, we will:

- take reasonable steps to ensure that any comment we make will be understood as representing our personal views, not those of government;
- maintain the confidentiality of information we have access to due to our roles, that is not publicly available; and
- be aware that personal comments about a public issue may compromise our capacity to perform the duties of our role in an independent, unbiased manner.

### **1.6 Manage participation in external organisations**

Our work does not remove our right to be active privately in a political party, professional organisation or trade union.

In these instances, we are aware that participating in activities in the public arena, where we may be identified as a local government employee, contractor or volunteer, can give rise to a perception of conflict of interest. Where this situation arises, we will declare and manage our activities in accordance with relevant Council policies.

If elected as workplace representatives or officials of a trade union or professional association, we are not required to seek permission from our workplace before speaking publicly in that capacity and we will make it clear that our comments are made only on behalf of that organisation. In all instances, we will comply with the appropriate laws of privacy, confidentiality and information management.

## **1.7 Demonstrate a high standard of workplace behaviour and personal conduct**

We have a responsibility to always conduct and present ourselves in a professional manner and to demonstrate respect for all people. To this end we will:

- treat fellow workers, customers, Councillors and members of the public in an honest, respectful and courteous manner, while recognising that they have the right to hold views which may differ from our own;
- ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment or favouritism;
- ensure our fitness for duty, and the safety, health and welfare of ourselves and others in the workplace, whether fellow workers or customers;
- ensure our private conduct maintains the integrity of the Council and our ability to perform our duties.

## **1.8 After Employment with Council ceases**

If and when we take up work in the private sector after leaving the employment of Council, we are obliged to respect the confidentiality of non-public Council information that has come into our possession on account of our role in Council.

## **1.9 Non-Discriminatory Workplace**

Council is committed to creating and maintaining a workplace free from unlawful discrimination. By law, everyone covered by the Code must ensure that discrimination is not part of our workplace or our practices. Unlawful discrimination can be related to the following:

- sex, age, race, gender identity or sexuality
- relationship status
- pregnancy, breastfeeding, family responsibilities or parental status
- impairment
- religious belief or activity
- political belief or activity
- trade union activity
- status as a legal sex worker.

As an employee of Council, you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with ratepayers and the public generally. If you witness discriminatory behaviour you have a positive obligation to report such actions to your Supervisor/Manager or if such action involves them, another senior officer.

## **1.10 Harassment, Bullying and Sexual Harassment**

Council is committed to preventing harassment, sexual harassment and/or bullying of other people including the public. We all need to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment and supports and promotes the achievement of equal employment opportunities.



## **2. ETHICAL PRINCIPLE 2: PROMOTING THE PUBLIC GOOD – “Doing the best we can for our community”**

### **(a) Ethics Value**

*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.*

### **(b) Standards of Conduct**

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

#### **2.1 Commit to excellence in service delivery**

It is expected that all of us will strive to provide excellent customer service. We must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

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 manager or refer to Council’s Corporate Wardrobe Policy.

Council is entrusted with public funds to develop and deliver services to the community. We have a responsibility to:

- deliver services fairly, courteously, effectively, ensuring we use resources efficiently and economically;
- assist all members of the community, such as people with disabilities, those who speak languages other than English, and those who may find it difficult to access government services; and
- treat complaints from clients and the community seriously and respond to constructive feedback as an opportunity for improvement.

#### **2.2 Ensure appropriate community engagement**

- Community participation is crucial to the development of quality government planning and decision-making processes. We have a responsibility, where appropriate and in accordance with our official duties, to listen and respond to issues and concerns raised by individuals or communities;
- consult with the public to assist in the development of public policy; and
- assist in raising community awareness about public issues and policies.

## **2.3 Work as an integrated service**

In order to deliver excellence in customer service, we will work together to address complex issues and provide integrated services to the community. We have a responsibility to:

- share information across Council departments to enhance the seamless delivery of services;
- share assets, resources and infrastructure to generate economies and efficiencies within Council;
- work with the community to collectively plan and deliver relevant programs and services within the region; and
- work cohesively with all tiers of government in order to provide integrated services.

## **2.4 Intellectual property**

We are expected to ensure that our actions do not breach or infringe the *Copyright Act 1968(Cth)*, by unlawfully using the intellectual property of any individual or organisation.

We must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and which includes that we do not reproduce or quote suppliers' material unless our license specifically allows it.

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

## **2.5 Concern for the environment**

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution.

In performing our duties at Council, we must ensure that we comply with our general environmental duty and where applicable, our duty to notify of environmental harm.

## **3. ETHICAL PRINCIPLE 3 - COMMITMENT TO THE SYSTEM OF GOVERNMENT – “Respecting the law”**

### **(a) Ethics Value**

*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 –*

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

## **(b) Standards of Conduct**

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

### **3.1 Commit to our roles in local government**

As employees of Council, we are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

Our role is to undertake our duties, and to give effect to Council policies. We will:

- accept that the elected Council has the right to determine policy and priorities;
- be responsive to the government of the day and implement decisions and policies professionally and impartially;
- comply with the laws of State, Australian and local governments.

We all have the right to comment on or raise concerns with our Supervisor or Manager about Council policies, or priorities where they impact on our employment and/or engagement with Council.

### **3.2 Ensure proper communication with Mayor and Councillors**

We have the right to communicate directly with the Mayor and/or Councillors outside of working hours, on any issues affecting us as a private citizen. In communicating with the Mayor and/or Councillors as private citizens, we will maintain the confidentiality of information we have access to in our roles with Council. We are not to approach the Mayor and/or Councillors on any Council operational matters.

Under the provisions of the *Local Government Act 2009 (Qld)*, the CEO has determined arrangements for Councillors contact with staff on work related matters. You must ensure that you are aware of this policy and if necessary direct Councillors to your Supervisor if the request is outside of the policy provisions. These guidelines are available on Council's Intranet or may be requested from Human Resources.

At no time is the Mayor and/or Councillors to direct an employee as to how the employee should carry out their work duties.

### **3.3 Privacy**

Council maintains information about individuals, businesses and commercial issues which is private and sensitive, and which could be harmful to a person's interest if released. We should only access personal information and records that we require to perform our official Council duties.

We 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 (Qld)*.

## **4. ETHICAL PRINCIPLE 4 - ACCOUNTABILITY AND TRANSPARENCY – “Looking after what belongs to our community”**

### **(a) Ethics Value**

*In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and Public official –*

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

### **(b) Standards of Conduct**

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

#### **4.1 Using Council Assets**

Council’s assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables. We all 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. We must make sure assets are secured against theft and properly stored, maintained and repaired.

We must ensure that we use Council assets only for official Council business, unless written approval has been granted by our Manager.

If we use Council vehicles or a Council issued mobile telephone for non-official purpose, we must ensure that our use is in accordance with Council policy.

Upon our employment terminating with Council, we must return all council property and work-related documents immediately.

#### **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. We all contribute to this aim by carrying out our duties honestly, responsibly, in a conscientious manner and to the best of our ability. This includes: -

- maintaining punctuality and not being absent from our workstation/location during work time without reason;
- giving priority to official duties over personal activities during work time;

- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting ourselves in a way so others gain confidence and trust in the way Council does business;
- not allowing our conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of our negligence or breach of any law or policy.

### **4.3 Attendance at and absence from duty**

We are all 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 our work and leave periods.

Absence without approval and without reasonable excuse can create concerns for our safety and lead to unproductive time for others. We all have an obligation to ensure that we promptly notify Council as soon as practicably possible upon becoming aware that we 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 the case of an employee, Council taking disciplinary action.

### **4.4 Self development**

We all have an obligation to be proactive in the continual improvement of all aspects of our work performance. We have a continuing responsibility to maintain and enhance our skills and expertise and keep up to date the knowledge associated with our area of work.

Council will assist its employees by providing equitable access to training and development opportunities (e.g. accessing the study assistance program, learning new work duties, participating in project work or undertaking internal or external training).

### **4.5 Workplace health and safety**

We are all committed to zero harm in the way we conduct our business and Council activities.

Council will endeavour to ensure that persons are free from: -

- death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work; and
- the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work.

We must take reasonable steps to ensure our own safety, health and welfare in the workplace. We also have duty of care to both fellow employees and members of the public. As a worker we have the following obligation at the workplace: -

- to comply with the instructions given for workplace health and safety at the workplace by Council;
- to use personal protective equipment provided by Council for our use;
- not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace;
- not to wilfully place at risk the workplace health and safety of any person at the workplace.

We must keep our workplace drug and alcohol free if we are to maintain the trust and confidence of the broader public and ensure the health and safety of all employees. The use of drugs or alcohol can adversely affect productivity, attendance and on the job safety.

We must not: -

- use, possess or be impaired by the effects of illegal drugs whilst on duty;
- come to work impaired by the effects of alcohol or drugs;
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy;
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions);
- undermine Council's service to customers by leaving your workstation/location in order to smoke. Smoking is only permissible during meal breaks;
- smoke anywhere within Council's buildings, in Council vehicles, in any enclosed spaces whilst on site or within 4 metres of any part of an entrance to an enclosed place.

## **5. Breaches of the Code**

Council expects all persons covered by this code to demonstrate the basic standards of acceptable conduct as enshrined within. We all have the responsibility to comply with this Code and all other applicable policies which Council implements and or varies from time to time.

A breach of the Code damages the organisation's 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, and which may include dismissal. All suspected breaches will be dealt with on a case by case basis.

Similarly, an act or lack of action by a contractor or volunteer that contravenes this code may result in the termination of their engagement with Council.

Suspected Official Misconduct must be referred to Council's Chief Executive Officer, and the Chief Executive Officer has a duty to notify the Crime and Misconduct Commission of the suspected Official Misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer 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.

All disciplinary action taken by Council against an employee for found breaches of this Code will be in accordance with Council's Disciplinary Procedures and in compliance with Council's obligations pursuant to *Chapter 8, Part 2, Local Government Regulation 2012 (Qld)*.

## **APPENDIX A - DEFINITIONS OF TERMS**

The terms below have the following meanings for the purposes of this Code. Where appropriate, meanings have been adopted from relevant legislation.

**“advice”** includes access to, copies or, files, records, documents, data and other forms of information, and opinions or recommendations.

**“benefit”** – means something that is similar to a Gift in that it is of value.

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

**“fraud”** includes the broad range of deceitful acts that people may perform to benefit themselves or some other person at the expense of others. Fraud can be committed by employees (internal fraud) or by people outside Council (external fraud).

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

**“impaired by the effects of alcohol or drugs”** means: -

- For employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Qld Transport Regulations).
- For employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Qld Transport Regulations).
- For all employees – a positive drug test result in excess of the cut off levels specified in Australian Standard AS4308; and/or physical or mental condition and/or behaviour which limits the employee’s ability to undertake work in a safe and effective manner.

**“intellectual property”** means an invention, original work, the results of scientific research or a product development, which can be protected.

## **APPENDIX B - 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.

### **Assessing 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?

### **Council Point of View**

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

### **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?

### **Consider the Options**

- Ask your Supervisor/Manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, 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?

### **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.



