



# Code of Conduct - Employees



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## Message from the Chief Executive Officer:

The Code of Conduct for Employees is a best practice guide to help employees of Cloncurry Shire Council operate to the high standards required of a local government worker.

This Code sets out the standards of conduct that Council expects from employees when conducting Council business. The Code sets out Council's corporate values and the behaviours that define the culture of our organisation. These values and behaviours include:

- respect for each other
- working as a team
- excellence in service
- ethical decision making

It is important that all employees conduct their business in a way that maintains the reputation of Council and is in keeping with the trust community members place in Council to operate in an accountable and transparent way. Employees must act in a manner that exemplifies the ethics, standards of behaviour and values of Cloncurry Shire Council.

David Bezuidenhout

Chief Executive Officer (CEO)

### 1. Intent:

This Code of Conduct is a set of standards and behaviours related to the way we do our work. It places a responsibility on each of us to use sound judgement whilst discharging our duties as employees of 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 how we operate.

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 the code may 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 and by Council.

A 'Guide for ethical decision-making' is included as Appendix B to help you in situations not covered by the Code.

### 2. Scope:

All Council employees must be familiar with and follow the content and spirit of the Code of Conduct. The Code also applies to contractors and volunteers.

The Code is concerned with our conduct and behaviour as public officials and with our behaviour as individuals outside the workplace where particular behaviour may be directly related to our employment with Council. The Code applies in a range of circumstances where our behaviour may impact upon the reputation of Council and where that behaviour has a connection with our duties as an employee with Council, for example, at conferences or official gatherings.

A separate '*Code of Conduct – Councillors*' applies to the Mayor and Councillors of Cloncurry Shire Council.



### 3. Legislative principles and corporate values:

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

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency.

The *Local Government Act 2009* sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act ensures 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
- 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 actions and decision-making.

The values we share as employees of Council are:

- a passion for the community of Cloncurry Shire
- responsive customer service
- respect for people
- courage to make a difference
- working together
- getting things done
- value for money.

### 4. Ethical principles, values and conduct:

#### 4.1. The first principle – integrity and impartiality:

We provide a service to the community of Cloncurry Shire. As a public sector entity we seek to promote public confidence in our service delivery by:

- being committed to the highest ethical standards
- providing advice that is objective, independent and impartial
- showing respect to community members
- acknowledging we act in the public interest
- being committed to honest, fair and respectful engagement with the community

These commitments to service delivery are encompassed in the principle of acting with integrity and impartiality.



## For you this requires the following standards of behaviour:

### (a) 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, potential or perceived, you must tell your manager as soon as possible. Your manager will then provide further direction on how to resolve the matter giving rise to the conflict.

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 when discharging your duties please discuss this with your manager.

### (b) Influences on decision-making:

You must not influence any person in an improper way with the aim of obtaining 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.

Appendix B has more information about how to undertake ethical decision making: see ‘A guide to ethical decision-making’.

You must ensure that any contact with lobbyists complies with any policy of Council and the requirements of the *Integrity Act 2009* (as outlined at Appendix C).

### (c) Accepting gifts and benefits:

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

Pursuant to section 199 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, this 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, potential or perceived conflict of interest or be seen to be receiving a bribe.

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.

For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

Please refer to the ‘*Gifts and Benefits*’ policy for further guidance.



(d) Employment outside of Council:

Approval must be sought in writing from the CEO for any secondary employment. It is not Council's intention to stop employees from having secondary employment, however, this employment must not affect your ability to discharge your duties as a Council employee. The following requirements must be met if you are seeking approval for secondary employment:

- That no Conflict of Interest exists or develops between secondary employment and your official duties.
- That your secondary employment has no effect on the performance of your official duties. This includes effects from a safety and fatigue management perspective.
- That your private employment does not involve use of Council resources (physical, technological or intellectual)
- You must ensure that your work outside Council continues to meet the requirements of (a), (b) and (c)
- Pursuant to section 198 of the *Local Government Act 2009*, where you seek to be employed by more than 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.

Disclosure of this information will ensure an appropriate decision can be made regarding the suitability of a request for secondary employment and ensure you are protected from allegations of inappropriate conduct.

(e) Public comments on Council business:

Only Councillors and nominated senior staff may comment publicly on Council business. Council business can often be sensitive and controversial and there is a process to be followed when making public comments.

You must not make public comments on Council business to the media or any entity that will disseminate your comment. You must not comment on Council business on social media.

Please refer to the '*Social Media*' policy for further guidance.

(f) Advice given to Elected Officials:

Communication between Councillor and employees must be in accordance with the 'Councillor Acceptable Request Guidelines'. Council employees have a responsibility to provide such relevant advice as requested by a Councillor and in doing so must ensure that such advice is thorough, responsive, objective, independent, apolitical and impartial.

Where an employee believes that a request for advice by a Councillor is not in accordance with Council's adopted 'acceptable requests guidelines' you must report the request to your manager.

Please refer to the '*Councillor Acceptable Request Guidelines*' for further guidance.

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 or restricts the performance of your official duties with Council.

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



You are not to take part in political affairs whilst on duty with Council. 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, groups or Council itself.

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 a 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 and any other relevant Council policy.

(g) Behaviour towards each other:

We must all treat others 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 at work and when dealing with ratepayers and the public generally.

Council values diversity and expects all its employees, contractors and volunteers to accommodate and respect different opinions and perspectives and to manage interpersonal disagreements in a rational way. You must 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.

Effective teamwork is an essential part of a productive workplace environment. Each team member needs to work co-operatively with fellow employees and actively work as a team.

(h) 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 person's 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
- 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 in dealing with ratepayers and the public. If you witness discriminatory behaviour you have an obligation to report such actions to your supervisor or manager.

(i) Sexual and other forms of workplace harassment:

Council is 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 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.

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
- 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
- indecent assault, rape and other criminal offences.

#### **4.2. The second principle – promoting the public good:**

We deliver programs and services to the community of Cloncurry Shire. All Council employees must strive to provide excellent customer service and manage Council resources effectively, efficiently and economically.

Council's image and reputation can be impacted upon by how you present to and treat community members. As Council employees we promote the public good by:

- having a professional presentation via the wearing of the Council uniform
- treating customers and ratepayers with respect
- being calm and professional in our manner
- responding appropriately to customer complaints and requests



**For you this requires the following standards of behaviour:**

(a) 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 regard constructive feedback as an opportunity for improvement.

Customers have a right to provide feedback to 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 a team manager. Council will support any employee who believes they are under threat from a member of the public.

Council's image can be impacted upon 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. Where you have been provided with Council uniforms you are required to wear all components of the uniform without alteration and ensure that uniforms are clean and tidy. If you are a manager you are expected to ensure that staff are always appropriately presented.

(b) Fairness to suppliers:

Council has a range of policies and procedures to ensure the fair dealing with suppliers of goods and services to Council. You must comply with these procedures when entering into agreements on behalf of Council for purchasing goods or engaging services.

Please refer to the '*Procurement*' policy for further guidance.

(c) Public money:

You must maintain high standards of accountability if you collect and use public money.

(d) Intellectual property:

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

Intellectual property refers to a business's trademarks, copyright in documents they produce and patents. You must not infringe on these legal rights by copying or reproducing work unless you have been given permission to do so.



(e) Concern for the environment and cultural heritage:

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

In performing your duties with 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* for further guidance.

### **4.3. The third principle – commitment to the system of government:**

Local Government is one of the three tiers of government in Australia. The other two tiers are the State and Federal government systems. As local government employees we have a duty to uphold the laws of local, state and federal government and are committed to giving proper effect to these laws.

We give effect to these laws by:

- upholding the values of the system of government we work within
- committing to the public sector priorities enshrined in legislation
- operating within the framework of local government

#### **For you this requires the following standards of behaviour:**

(a) Acting within the law:

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

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something or if you think that a direction may be in breach of the law.

(b) 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 prior to exercising any power on behalf of the Chief Executive Officer you must ensure there exists an appropriate delegation pursuant to State or Federal legislation that allows you to exercise that authority. These authorities are recorded in Council's Delegations Registers.

(c) Raising concerns:

You have the right to comment on or raise concerns with your team 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.



(d) Privacy:

Council maintains information about individuals and businesses which is private and confidential, 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 complies with the Privacy Principles outlined in the *Information Privacy Act 2009*. A copy of the Privacy Principles is attached as Appendix D.

You must 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
- ensuring that you are complying with Council policy in relation to maintaining privacy of personal information.

In addition to the *Information Privacy Act 2009*, section 200 (5) of the *Local Government Act* makes it an offence for a person who is (or has been) a Council employee to release information that the person knows is information that:

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

#### **4.4. The fourth principle – accountability and transparency:**

We are committed to exercising proper diligence, care and attention when carrying out our duties with Council and are committed to doing so in an effective and accountable way. Our attention to how we conduct ourselves at work allows us to achieve the highest standards of public administration.

Working within the legal framework of local government and valuing community feedback on our service delivery allows us to be accountable for the overall operations of Council. Being accountable and transparent to both community members and oversight agencies allows us to:

- constantly improve our programs and services to the community
- innovate and continuously improve performance
- operate effectively within the legal framework of local government.

#### **For you this requires the following standards of behaviour:**

(a) Using Council assets:

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and valuables. All employees share the responsibility for looking after these assets and ensuring they are appropriately used.

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. Further:

- you must ensure that you use Council assets only for official Council business, unless written approval has been granted by your manager.



- you must not store personal files on Council's IT assets. Any files stored on, or information accessed using Council assets, are discoverable by Council.
- you can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours.
- if you use Council vehicles or Council issued mobile phones for non-official purposes you must ensure that your use is in accordance with Council policy.

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

(b) 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 by carrying out your duties honestly, responsibly and in a conscientious manner to the best of your ability. This includes:

- maintaining punctuality and not being absent from your workstation or 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
- 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 conducts business
- not allowing your conduct to distract or prevent others from working.

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
- your work and the work of those you supervise contribute 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
- appropriate action is taken if breaches of this Code occur.

(c) Attendance at and absence from work:

You are expected to follow Council employment and working arrangements, agreements and rulings on attending work. 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. If you are unavoidably detained you are required to advise your team manager as soon as reasonably possible before your expected start time.



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 for the period of absence and may result in Council taking disciplinary action.

(d) Professional development:

Council values the skills and capabilities of its employees and encourages continual development and training.

Council will assist you to improve your skills 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.

(e) Workplace health and safety:

Council and all Council employees are committed to the highest adherence to workplace health and safety. A safe and healthy workplace is Council's number one commitment to its employees.

You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty-of-care to both fellow employees and members of the public. As an employee you have the following obligations:

- to comply with lawful instructions given for workplace health and safety
- to use personal protective equipment provided by Council if you have been properly instructed in its 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
- not to wilfully injure yourself.

In contributing to a safe workplace you have a duty to:

- identify hazards and manage risks to health and safety
- perform all work safely and follow safe work practices
- report any incidents or hazards immediately and support investigations
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements.

As such you must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty
- come to work impaired by the effects of alcohol or drugs
- consume alcohol while on duty or in the workplace other than strictly in accordance with Council Policy.
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions)
- undermine Council's service to customers by leaving your 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 4m of any part of an entrance to an enclosed place.

Please refer to the '**Drug and Alcohol**' policy for further guidance.



## 5. Breaches of the Code of Conduct:

All employees have a responsibility to comply with this Code of Conduct and all other policies and procedures of Council.

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. This action may include dismissal. All suspected breaches will be dealt with on a case-by-case basis.

Suspected official misconduct must be referred to the Chief Executive Officer. The Chief Executive Officer has a duty to notify the Crime and Misconduct Commission of the suspected misconduct.

In cases where a suspected breach of this Code is under investigation, and if the Chief Executive Officer deems it appropriate and believes disciplinary action in some form will occur, an employee suspected of a breach of this Code may be suspended from duty on full pay until such time as an investigation has been completed.

All disciplinary action taken by Council against an employee for suspected breaches of this Code will be in accordance with Council's Performance and Misconduct Policy and obligations pursuant to Part 3 of Chapter 8 of the *Local Government Regulation 2012*.

Please refer to the '*Performance and Misconduct*' policy for further guidance.

## 6. 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 and local government employees understand and maintain appropriate standards of conduct.

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

- official misconduct
- maladministration that adversely affects a person's interests
- 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
- a substantial and specific danger to public health or safety
- a substantial and specific danger to the environment

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

Should you wish to make such a disclosure please see your Manager or any other senior member of staff.

Should you wish to make such a disclosure to an external agency please contact:

[www.Ombudsman.qld.gov.au](http://www.Ombudsman.qld.gov.au)

Please refer to the '*Public Interest Disclosure*' policy for further guidance.



## 7. Publication:

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

## 8. Authority:

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

- discussion with the Executive Management Team.
- discussion with Councillors.

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

## 9. 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 manager. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching your manager, contact the next most senior person in your area or the Human Resources Coordinator.

### 9.1. References and related documents:

*Copyright Act 1968*

*Environmental Protection Act*

*Information and Privacy Act 2009*

*Integrity Act 2009*

*Local Government Act 2009*

*Public Sector Ethics Act 2010*

*Public Interest Disclosure Act 2010*

*Right to Information Act 2009*

Procurement Policy COR 1004

Entertainment and Hospitality Policy (1.20)

No Smoking Policy

Drug and Alcohol Policy

Anti-Discrimination and EEO Policy HRM 1002

Workplace Bullying Policy HRM 1003



## 10. Policy Version and Revision Information:

### Adopted by Council Resolution

Version No.	Date Adopted	Review Date
2	23 October 2019	10/2021

*Policy Authorised by: David Bezuidenhout*

  

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*Title: Chief Executive Officer*



## 11. APPENDIX A - Definitions

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

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

A real Conflict of Interest is a conflict between the employee’s duties and their private interests. For example Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.

A perceived Conflict of Interest arises where a person is likely to believe an employee’s private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable member of the public could be expected to believe. For example Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the funding program Frida is managing. A reasonable person is likely to believe that Frida could be improperly influenced by the relationship she has developed with the director at tennis.

**Types of interests** – interests can be financial, non-financial, personal, private, family or business.

A financial interest is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel. For example Frida’s partner owns a company which is tendering for work with Council.

Some examples of non-financial interests are below.

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

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

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

for employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);

for employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations);

for all employees – a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308 (urine testing) and/or Australian Standard AS4760 (saliva testing); and/or physical or mental condition and/or behaviour which limits the employee’s ability to undertake work in a safe and effective manner.



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

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

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

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

Use that does not breach this Code of Conduct, Council policy, Public Sector Ethics Act 1994 (Qld), Local Government Act 2009 (including Regulations) (Qld), Crime and Misconduct Act 2001 (Qld) or related State and Federal legislation and regulations.

Personal use is activity conducted for purposes other than undertaking official business, professional duties, and/or professional development.

Personal use refers to personal related activities which do not interfere with the operations of the Council.

Examples of permitted limited personal use of the internet include:

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

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

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

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

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

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



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

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

## **12. 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.

### **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?

### **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.

## 13. APPENDIX C – Contact with Lobbyists

The following guide is designed to help you deal with lobbyists appropriately and in compliance with provisions of the Integrity Act 2009.

### 2. Contact by Registered Lobbyists

Councillors and Council employees who receive contact from a lobbyist must establish whether the lobbyist is registered. The Lobbyist Register may be viewed at:

<http://lobbyists.integrity.qld.gov.au/who-is-on-the-register.aspx>

Councillors and Council employees who receive contact by a registered lobbyist must create a record of that contact and forward the following core information to the Corporate Development Officer:

Date of Contact  
Name and title of Councillors and Council employees present  
Name and title of Lobbyist/s present  
Name and title of Lobbyist's clients/s present  
Method of contact (e.g. telephone call)  
Purpose of contact (e.g. follow up of progress with application)  
Brief description of issue  
Outcome of contact

### 3. Contact by Unregistered Lobbyists

Councillors and Council employees must not engage in lobbying activity with unregistered lobbyists. If you reasonably believe someone is an unregistered lobbyist and undertaking a lobbying activity, please follow the below steps:

Advise the person (in a professional manner) that you believe that:-

- (a) This contact may be a "lobbying activity" under the Integrity Act 2009;
- (b) You are required under that Act to seek some clarification as to the person's standing as a unregistered lobbyist under the Integrity Act 2009
- (c) You can no longer discuss with this person any lobbying activity matters, but you can assist with any "unrelated lobbying activity" discussions.

Make a note of the person's details and circumstances of the lobbying activity (i.e. time, date and place of incident, who were the people involved in the incident and how you believe this was a "lobbying activity");

Report the matter (including a copy of your notes of the incident) to Coordinator Governance and Policy; and

Discontinue contact with the person on any "lobbying activity", until the matter is resolved. This does not mean you cannot assist the person with other "unrelated lobbying activity" matters.



## 14. APPENDIX D – Information Privacy Principles

### 1 IPP 1 - Collection of personal information (lawful and fair)

(1) An agency must not collect personal information for inclusion in a document or generally available publication unless--

- (a) the information is collected for a lawful purpose directly related to a function or activity of the agency; and
- (b) the collection of the information is necessary to fulfil the purpose or is directly related to fulfilling the purpose.

(2) An agency must not collect personal information in a way that is unfair or unlawful.

### 2 IPP 2 - Collection of personal information (requested from individual)

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies only if the agency asks the individual the subject of the personal information for either-

- (a) the personal information; or
- (b) information of a type that would include the personal information.

(3) The agency must take all reasonable steps to ensure that the individual is generally aware of -

- (a) the purpose of the collection; and
- (b) if the collection of the personal information is authorised or required under a law -
  - (i) the fact that the collection of the information is authorised or required under a law; and
  - (ii) the law authorising or requiring the collection; and
- (c) if it is the agency's usual practice to disclose personal information of the type collected to any entity (the first entity) - the identity of the first entity; and
- (d) if the agency is aware that it is the usual practice of the first entity to pass on information of the type collected to another entity (the second entity) - the identity of the second entity.

(4) The agency must take the reasonable steps required under subsection (3) -

- (a) if practicable - before the personal information is collected; or
- (b) otherwise - as soon as practicable after the personal information is collected.

(5) However, the agency is not required to act under subsection (3) if-

- (a) the personal information is collected in the context of the delivery of an emergency service; and

Example--

personal information collected during a triple 0 emergency call or during the giving of treatment or assistance to a person in need of an emergency service

- (b) the agency reasonably believes there would be little practical benefit to the individual in complying with subsection (3) in the circumstances; and

(c) the individual would not reasonably expect to be made aware of the matters mentioned in subsection (3).

### **3 IPP 3 - Collection of personal information (relevance etc.)**

(1) This section applies to the collection by an agency of personal information for inclusion in a document or generally available publication.

(2) However, this section applies to personal information only if the agency asks for the personal information from any person.

(3) The agency must take all reasonable steps to ensure that -

(a) the personal information collected is -

(i) relevant to the purpose for which it is collected; and

(ii) complete and up to date; and

(b) the extent to which personal information is collected from the individual the subject of it, and the way personal information is collected, are not an unreasonable intrusion into the personal affairs of the individual.

### **4 IPP 4 - Storage and security of personal information**

(1) An agency having control of a document containing personal information must ensure that -

(a) the document is protected against -

(i) loss; and

(ii) unauthorised access, use, modification or disclosure; and

(iii) any other misuse; and

(b) if it is necessary for the document to be given to a person in connection with the provision of a service to the agency, the agency takes all reasonable steps to prevent unauthorised use or disclosure of the personal information by the person.

(2) Protection under subsection (1) must include the security safeguards adequate to provide the level of protection that can reasonably be expected to be provided.

### **5 IPP 5 - Providing information about documents containing personal information**

(1) An agency having control of documents containing personal information must take all reasonable steps to ensure that a person can find out -

(a) whether the agency has control of any documents containing personal information; and

(b) the type of personal information contained in the documents; and

(c) the main purposes for which personal information included in the documents is used; and

(d) what an individual should do to obtain access to a document containing personal information about the individual.

(2) An agency is not required to give a person information under subsection (1) if, under an access law, the agency is authorised or required to refuse to give that information to the person.



## **6 IPP 6 - Access to documents containing personal information**

- (1) An agency having control of a document containing personal information must give an individual the subject of the personal information access to the document if the individual asks for access.
- (2) An agency is not required to give an individual access to a document under subsection (1) if -
  - (a) the agency is authorised or required under an access law to refuse to give the access to the individual; or
  - (b) the document is expressly excluded from the operation of an access law.

## **7 IPP 7 - Amendment of documents containing personal information**

- (1) An agency having control of a document containing personal information must take all reasonable steps, including by the making of an appropriate amendment, to ensure the personal information -
  - (a) is accurate; and
  - (b) having regard to the purpose for which it was collected or is to be used and to any purpose directly related to fulfilling the purpose, is relevant, complete, up to date and not misleading.
- (2) Subsection (1) applies subject to any limitation in a law of the State providing for the amendment of personal information held by the agency.
- (3) Subsection (4) applies if -
  - (a) an agency considers it is not required to amend personal information included in a document under the agency's control in a way asked for by the individual the subject of the personal information; and
  - (b) no decision or recommendation to the effect that the document should be amended wholly or partly in the way asked for has been made under a law mentioned in subsection (2).
- (4) The agency must, if the individual asks, take all reasonable steps to attach to the document any statement provided by the individual of the amendment asked for.

## **8 IPP 8 - Checking of accuracy etc. of personal information before use by agency**

Before an agency uses personal information contained in a document under its control, the agency must take all reasonable steps to ensure that, having regard to the purpose for which the information is proposed to be used, the information is accurate, complete and up to date.

## **9 IPP 9 - Use of personal information only for relevant purpose**

- (1) This section applies if an agency having control of a document containing personal information proposes to use the information for a particular purpose.
- (2) The agency must use only the parts of the personal information that are directly relevant to fulfilling the particular purpose.

## **10 IPP 10 - Limits on use of personal information**

- (1) An agency having control of a document containing personal information that was obtained for a particular purpose must not use the information for another purpose unless -
  - (a) the individual the subject of the personal information has expressly or impliedly agreed to the use of the information for the other purpose; or

(b) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or

(c) use of the information for the other purpose is authorised or required under a law; or

(d) the agency is satisfied on reasonable grounds that use of the information for the other purpose is necessary for 1 or more of the following by or for a law enforcement agency -

(i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;

(ii) the enforcement of laws relating to the confiscation of the proceeds of crime;

(iii) the protection of the public revenue;

(iv) the prevention, detection, investigation or remedying of seriously improper conduct;

(v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or

(e) the other purpose is directly related to the purpose for which the information was obtained; or

Examples for paragraph (e)—

1 An agency collects personal information for staff administration purposes. A new system of staff administration is introduced into the agency, with much greater functionality. Under this paragraph, it would be appropriate to transfer the personal information into the new system.

2 An agency uses personal information, obtained for the purposes of operating core services, for the purposes of planning and delivering improvements to the core services.

(f) all of the following apply -

(i) the use is necessary for research, or the compilation or analysis of statistics, in the public interest;

(ii) the use does not involve the publication of all or any of the personal information in a form that identifies any particular individual the subject of the personal information;

(iii) it is not practicable to obtain the express or implied agreement of each individual the subject of the personal information before the use.

(2) If the agency uses the personal information under subsection (1)(d), the agency must include with the document a note of the use.

### **11 IPP 11 - Limits on disclosure**

(1) An agency having control of a document containing an individual's personal information must not disclose the personal information to an entity (the relevant entity), other than the individual the subject of the personal information, unless -

(a) the individual is reasonably likely to have been aware, or to have been made aware, under IPP 2 or under a policy or other arrangement in operation before the commencement of this schedule, that it is the agency's usual practice to disclose that type of personal information to the relevant entity; or



- (b) the individual has expressly or impliedly agreed to the disclosure; or
- (c) the agency is satisfied on reasonable grounds that the disclosure is necessary to lessen or prevent a serious threat to the life, health, safety or welfare of an individual, or to public health, safety or welfare; or
- (d) the disclosure is authorised or required under a law; or
- (e) the agency is satisfied on reasonable grounds that the disclosure of the information is necessary for 1 or more of the following by or for a law enforcement agency -
  - (i) the prevention, detection, investigation, prosecution or punishment of criminal offences or breaches of laws imposing penalties or sanctions;
  - (ii) the enforcement of laws relating to the confiscation of the proceeds of crime;
  - (iii) the protection of the public revenue;
  - (iv) the prevention, detection, investigation or remedying of seriously improper conduct;
  - (v) the preparation for, or conduct of, proceedings before any court or tribunal, or implementation of the orders of a court or tribunal; or
- (f) all of the following apply -
  - (i) the disclosure is necessary for research, or the compilation or analysis of statistics, in the public interest;
  - (ii) the disclosure does not involve the publication of all or any of the personal information in a form that identifies the individual;
  - (iii) it is not practicable to obtain the express or implied agreement of the individual before the disclosure;
  - (iv) the agency is satisfied on reasonable grounds that the relevant entity will not disclose the personal information to another entity.

(2) If the agency discloses the personal information under subsection (1)(e), the agency must include with the document a note of the disclosure.

(3) If the agency discloses personal information under subsection (1), it must take all reasonable steps to ensure that the relevant entity will not use or disclose the information for a purpose other than the purpose for which the information was disclosed to the agency.

(4) The agency may disclose the personal information under subsection (1) if the information may be used for a commercial purpose involving the relevant entity's marketing of anything to the individual only if, without limiting subsection (3), the agency is satisfied on reasonable grounds that -

- (a) it is impracticable for the relevant entity to seek the consent of the individual before the personal information is used for the purposes of the marketing; and
- (b) the relevant entity will not charge the individual for giving effect to a request from the individual to the entity that the individual not receive any marketing communications; and
- (c) the individual has not made a request mentioned in paragraph (b); and

(d) in each marketing communication with the individual, the relevant entity will draw to the individual's attention, or prominently display a notice, that the individual may ask not to receive any further marketing communications; and

(e) each written marketing communication from the relevant entity to the individual, up to and including the communication that involves the use, will state the relevant entity's business address and telephone number and, if the communication with the individual is made by fax, or other electronic means, a number or address at which the relevant entity can be directly contacted electronically.



## Workplace Participant Acknowledgement

*I acknowledge:*

- 1. receiving the Council's Code of Conduct;*
- 2. that I should comply with the policy; and*
- 3. that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

Your name:

Signed:

Date:

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