



EMPLOYEE *code of conduct*



Table of Contents

01	CEO's Foreword
01	Application
02	Objective/Purpose
02	Responsibilities
03	Council Statement
04	Legislative Principles
05	Principle 1: Integrity and Impartiality
11	Principle 2: Promoting the Public Good
14	Principle 3: Commitment to the System of Government
17	Principle 4: Accountability and Transparency
21	Additional Information
21	Breaches of the Code
22	Obligation to Report Wrongdoing
23	Public Interest Disclosures
24	Review
24	Publication
24	Training
24	Authority
24	Further Assistance
26	Appendices



CEO's Foreword

Balonne Shire Council is focused on providing exceptional service to the community. This means, amongst other things, we ensure our day-to-day conduct is of a high standard – in keeping with the trust held by the community.

This Code of Conduct provides a clear outline of minimum standards of behaviour required of all employees of Council, regardless of employment status. It is expected that all employees will take responsibility to uphold this Code of Conduct. The public has a right to expect the same high ethical behaviours from all Council staff, no matter what job we perform.

Application

The Code of Conduct applies to all Council employees regardless of their employment status, role or position (permanent, temporary, casual or part-time employees, Managers, Supervisors, Team Leaders, Team Members or individuals). Contractors and volunteers must also be familiar with and follow the spirit and content of the Code of Conduct.

The Code applies at all times including when employees are on leave or suspended from the workplace, and when representing Council at conferences, training events, on business trips or attending work-related social events.

Objective/Purpose

A Code of Conduct is a set of standards and behaviours describing the way we do our work. It outlines the responsibility on each of us to use sound ethical judgement.

It ensures those standards of behaviour are clear and guided by sound public service ethics. By consistently applying these standards, we enhance the trust and confidence that the public has in each of us. Nothing in this Code interferes with your rights as a private citizen.

The Code doesn't describe every possible situation that might occur in your workplace. However, the values, ethics, standards and behaviours it outlines are to be used to make decisions in situations it does not describe. If you act in good faith and in keeping with the spirit and principles of the Code, you can expect to be supported by your colleagues, your supervisors, Management and Councillors.

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



Responsibilities

We are all responsible for implementing the Code in our workplace.

All employees are responsible for ensuring that their behaviour reflects the standard of conduct in the Code and builds a positive workplace culture.

Leaders have a special responsibility to support employees in achieving the goals of the Code and to lead by example. In this Code, a leader is any employee with supervisory responsibilities, such as a Manager or Team Leader.

Council Statement

Council conducts its business with integrity, honesty and fairness, and complies with all relevant laws, regulations, codes and corporate standards. Everyone working for Council must follow the highest standards of behaviour when dealing with customers and each other. Each person must encourage an inclusive culture where ethical conduct is recognised, valued and followed at all levels.

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

Vision

Welcoming, connected and innovative communities, where economies are strong and opportunities are abundant.

Mission

To invest in people, ignite ideas, meet our challenges and grow in prosperity.

Our Values

Our Customers

Our customers are the centre of everything we do; we aim to get things done with speed, conviction and agility.

Our People

We value teamwork and interdependence; we value each other and seek benefit from diverse people and perspectives.

Our Reputation

Our reputation is our most valuable asset; we act honestly and consistently in our behaviours, actions and decisions.

Legislative Principles

The *Public Sector Ethics Act 1994 (Qld)* was introduced by the Queensland Government for two main reasons:

- to encourage high standards of official conduct; and
- to encourage agencies to take effective disciplinary action where employees behave unethically. The Act requires that all Councils develop Codes of Conduct for their staff.

A Code of Conduct (Code) describes what is acceptable behaviour in different circumstances and relationships including with colleagues, supervisors, Councillors and the public. However, a Code of Conduct cannot anticipate all situations that will arise. For this reason, it is important to base a Code on principles that are well understood, to help employees determine the right behaviour in situations that are not described by the Code.

The *Public Sector Ethics Act 1994 (Qld)* identifies four ethics principles fundamental to good public administration that guide our behaviour as Public Officials. The four principles are:

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

The *Local Government Act 2009* sets out how a local government is constituted, the nature and extent of its responsibilities and powers. The Act requires Councils to act consistently with the following local government principles:

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

These two sets of legislated principles, together with Council's corporate values of **Our Customers, Our People** and **Our Reputation**, form the basis of our Code of Conduct. They apply to all Council employees and guide our thinking, actions, decision-making and general behaviour towards colleagues, supervisors, Councillors and the public.

Principle 1 – Integrity and Impartiality

This means that employees should, for example:

- avoid acting in a way that may cause public concern about the integrity of Council;
- provide expert and comprehensive advice to elected officials to the best of their ability;
- ensure that individual behaviour is not harassing or discriminatory;
- disclose all conflicts of interest;
- avoid favouritism; and
- act honestly and disclose any known fraud, corruption or maladministration.

The following Standards of Conduct are required:

1.1 CONFLICT 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 or beliefs. 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. For further information on conflict of interest, refer to Appendix A for definitions and examples.

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

If you feel you have a conflict of interest between professional and corporate values, discuss it with your Team Leader/Supervisor/

Manager. You should also refer to Council's Staff Induction Manual on how to report and manage a conflict of interest.

Where required by the *Local Government Regulation 2012 (Qld)*, you may be advised to supply details of interests to the CEO or Mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain current and correct.

Managing conflicts of interest is particularly important for senior staff who make decisions on contracting, tendering, purchasing or other regulatory functions.

Conflicts of interest can occur when you:

- are making decisions on behalf of Council (eg. appointing a supplier to perform work or interviewing an applicant for a vacant position);
- work for yourself or another employer as well as Council (eg. performing work privately that is the same or similar to your role at Council or working on weekends for a local business that Council contracts with); and
- have friends or relatives conducting business with Council where you are the main contact (eg. as a rates officer you receive a rate query for land owned by your uncle or you are looking to engage a contractor for plumbing works and your mate is a plumber).

Your Team Leader/Supervisor/Manager can provide direction on how to resolve a conflict of interest in the public interest. This might include for example, that you do not participate in the interview panel to appoint a particular role; you do not evaluate the quotes for a particular purchase or you do not perform any works associated with a particular supplier.



1.2 INFLUENCING DECISION-MAKING

You must not attempt to influence any person, or offer to be influenced, in any improper way, in order to obtain a personal advantage or favour.

This means that you cannot bribe, intimidate, threaten, victimise or take any form of reprisal action to obtain something that you would not otherwise be entitled to or that places you in a better-off position than you would be otherwise.

Under 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.

Occasionally you may be offered gifts or benefits from people with whom you do business. The acceptance of gifts, benefits or hospitality 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 could be seen to be influenced by receiving a gift, benefit or hospitality. Refer to Council's Gifts and Benefits Council Policy for further details, including the disclosure of any gifts in relevant registers.

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, 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 (Qld)*.

Examples: inform a local business you will not approve their development or building application unless they make a cash payment to you; or you physically threaten or abuse a local supplier to the point they won't do business with Council.

1.3 WORK OUTSIDE OF COUNCIL

It is not Council's intention to stop people from having other employment in addition to their role as a Council employee. Council also encourages staff to be active and involved within their community, profession, trade, union or other interests. Approval for other employment or interests is not required (ie. is automatically granted) as long as the following requirements are continuously met:

- No conflict of interest exists or develops, or could be perceived, between your other employment or interest and your Council responsibilities;
- Your other employment or interest has no effect on the performance of your official duties, such as safety and fatigue management.
- Your other employment or interest does not involve use of any Council resources (physical, technological or intellectual).
- Where you seek to be employed by more than one local government at the same time, approval of each of the local governments is required prior to you being appointed to the second position.
- If you comment publicly in connection with your non-council interests, you must make a clear distinction between your opinion as a member of the external organisation and your opinion as a council employee.
- You must not use your role in council, council information or information gained in the course of your official duties as a council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide

council information to members of other groups or related persons, except where this information is publicly available.

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

If employees are in any doubt or are asked by their Manager, they must disclose sufficient information to allow the Manager to evaluate whether any actual or perceived conflicts of interest may arise and, if necessary, put measures in place to ensure that employees and Council are protected from allegations of inappropriate conduct.

1.4 PROVIDING CLEAR ADVICE

Employees are required to faithfully serve the duly elected Council of the day, regardless of their personal political preferences or beliefs.

Council employees have a responsibility to provide Supervisors, Managers, Executive and Elected Members (Councillors) with advice that is thorough, accurate, responsive, objective, non-political and impartial so that the leadership and Councillors can make well informed decisions and carry out their responsibilities. This requires explaining available options, the advantages, disadvantages, costs and consequences of each and your recommendation and reasoning why.



1.5 BEHAVIOUR TOWARDS EACH OTHER

All employees must treat each other with respect, honesty, fairness, sensitivity and dignity, in order to develop and maintain trust and cooperation. This includes being tolerant of, and not dismissing, the views held by others, which may be different from the employees' own views.

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 when dealing with internal and external customers.

Council values diversity, and expects all its employees, contractors and volunteers to accommodate and respect different opinions and perspectives, make reasonable efforts to gain an understanding and appreciation of cultural differences, and manage interpersonal disagreements by rational and respectful discussion.

Employees 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. This includes assault as defined in the *Criminal Code Act 1899 (Qld)* (see section 245), and unlawful stalking (see section 359B).

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

Staff in leadership positions (such as Supervisors, Managers and Directors) are expected to behave in an exemplary manner and lead by example regarding their overall conduct. This includes but is not limited to an obligation to:

- behave in accordance with the Code of Conduct and all of Council's policies;
- maintain open and honest face to face communication with their staff;
- treat staff fairly, equitably and consistently;
- provide training and development opportunities to staff;
- ensure staff understand performance expectations and provide clear and constructive feedback regarding performance;
- address performance issues promptly;
- ensure staff can operate in a safe and healthy environment;
- intervene at the earliest possible opportunity and address any inappropriate behaviour; and
- encourage teamwork.



1.6 DISCRIMINATION AND HARASSMENT

Council is committed to creating and maintaining a workplace that is free from discrimination or harassment based on any attributes including:

- race/ethnicity;
- national origin;
- gender/gender identity;
- marital status;
- age;
- sexual preference/lawful sexual activity;
- disability/impairment;
- industrial/employment activity;
- physical features;
- pregnancy/breastfeeding;
- family responsibilities;
- religious beliefs; and
- political convictions.

All employees have a responsibility to respect the rights of all people (including fellow employees, customers and the public) by not acting in any way that might be regarded as harassing or intimidating, including but not limited to:

- acting towards, or speaking to a person in a threatening manner;
- deliberately excluding a particular individual from relevant work-related activities or functions;

- making jokes or suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnicity, disability, gender or sexual characteristics;
- distribution or display of offensive or sexually explicit material including emails, jokes, pictures, posters and cartoons;
- persistent questions about a person's private life;
- personal comments about size, appearance, clothing or impairments;
- demands/requests/jokes about sexual favours;
- unwanted advances or physical contact;
- indecent assault, rape or other criminal offences; and
- comments made via a social media platform that may negatively impact or target an employee, elected member, public official or individual or group of people.

All employees have a shared responsibility to ensure that discrimination or harassment are not part of our workplace or our practices. Staff must make themselves familiar with Council's adopted policies regarding anti-discrimination, bullying and harassment, equal employment opportunity principles and human rights, and the reporting of such inappropriate behaviours.



Principle 2 – Promoting the Public Good

This means that employees should, for example:

- manage all forms of public resources in accordance with Council's goals;
- use or manage customers' money in accordance with Council policy;
- ensure terms of any grants and funding arrangements are complied with;
- allocate resources consistent with Council policy; and
- ensure that customers are treated with respect and know their rights.

The following Standards of Conduct are required:

2.1 CUSTOMER SERVICE AND PRESENTATION

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 direct contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

You are expected to treat complaints from customers, ratepayers and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement. Council has a Customer Service Council Policy and Charter outlining service standards and conditions, and an Administrative Complaints Council Policy to manage complaints.

Customers have a right to complain or criticise Council. Council expects its employees to show respect towards complainants. While you must make all reasonable efforts to help customers lodge complaints, if you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a Team Leader/Supervisor/Manager. Council will support any employee who believes they are under threat from a member of the public.

Council strives for excellence in serving the community and seeks to maintain professional standards at all times. Community confidence in Council can be impacted by the presentation of employees. Council requires all employees to be neat, clean and tidy and maintain a professional and safe standard of dress as required by their role. Where employees are provided with a uniform as part of their role, the uniform must be worn complete and in good order.

Employees must wear and use personal protective equipment when and as required by Council policy or other lawful direction.

Employees who have been provided name badges must wear them at all times when at work.

If employees find themselves in a public place and in uniform when off duty, they must be aware that they may be perceived as representing Council and must act accordingly. In particular, if an employee is consuming alcohol in a public place while off duty but still in uniform, they must ensure that their behaviour does not bring Council's reputation into disrepute.

2.2 USE OF RESOURCES

Council's resources include property, plant, equipment, information systems, computing resources, goods, products and valuables. All resources must be used economically, efficiently, carefully, protected from misuse or theft and stored, maintained and repaired in good working order. All employees share the responsibility for looking after Council resources and must also avoid waste or extravagance, ensuring that resources are used only for legitimate activities of Council.

Council resources are not to be consumed or borrowed for personal use. Where materials are set aside for a particular job and are not completely used, the remaining material is to be returned to stock for future use. Personal use of technical and IT equipment and services (eg. computers, photocopiers, telephones, internet access) is not generally permitted except where allowed under policy. You must not store personal information on Council's IT assets. Council does not warrant the security of any personal information stored on or accessed using Council assets.

Council vehicles are a significant and valuable part of Council's resources and must be treated with care. When using Council vehicles, employees must be aware that they are subject to public scrutiny and ensure that the vehicle is used in a safe and efficient manner at all times. If employees have approved personal use of a Council vehicle, they must ensure that it is used and maintained in accordance with relevant Council policy and contractual agreements.

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

2.3 FAIRNESS TO SUPPLIERS

Council's contracting activities are regulated pursuant to the *Local Government Act 2009* (LGA). Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the LGA. You must comply with the provisions of the LGA and Council procedures when seeking suppliers for goods or services as outlined in the Staff Induction Manual. Please also refer to the Procurement Policy.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work. Council utilises Vendor Panel for procurement from pre-qualified lists and to conduct public tenders.

Employees must not use their official powers or position improperly. It is improper to show favouritism to business associates, relatives, friends or companions in providing jobs, privileges, the rewarding of work or contracts or any other benefit or consideration that is not equally available to all others.

2.4 PUBLIC MONEY

Employees must maintain high standards of accountability if collecting and using public money. Employees are not to borrow or use Council money for private purposes. This also applies to items such as credit cards, cash advances and/or transactions or other vouchers.

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

2.5 INTELLECTUAL PROPERTY AND RECORD KEEPING

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

You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council and includes that you do not reproduce or quote suppliers' material unless your licence specifically allows it.

Similarly, you must not store or copy audio, video or image files, printed media and software on Council assets without an appropriate licence or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties.

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

The *Public Records Act 2002 (Qld)* requires Council to maintain full and accurate record of its activities. This Act also outlines that Council officers must manage records responsibly and it specifically states that unlawful disposal of a record by any person

is a criminal offence punishable by law. Obligations also under this Act are consistent with the *Right to Information Act 2009 (Qld)* and the *Information Privacy Act 2009 (Qld)* stating that all Council employees must maintain proper records to assist performance and accountability, ensuring records are managed as openly as practicable, and that contents may, in specified circumstances, become known to the public.

2.6 CONCERN FOR THE ENVIRONMENT

All employees 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 (eg. 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 at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm – refer to the *Environmental Protection Act 1994 (Qld)*. In addition to these legal obligations, Council is committed to lead the community by example by ensuring that all services and activities are conducted in an environmentally responsible manner.

Principle 3 – Commitment to the System Of Government

This means that employees should, for example:

- ensure that their actions are in accordance with legislation and Council policy;
- exercise powers lawfully; and
- use powers and resources for the purpose for which they were intended.

The following Standards of Conduct are required:

3.1 KNOW AND COMPLY WITH THE LAW

As an employee of Council, you are expected to have a working knowledge of, access to and comply with applicable legislation, awards, certified agreements, Council policies, management directives and local laws.

Managers have a special responsibility to assist employees to understand relevant legislation, policies and awards.

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

3.2 CONTACT BETWEEN EMPLOYEES AND COUNCILLORS

As described in the *Local Government Act 2009* (section 170), staff should generally be directed by the CEO or delegated Manager, not by elected Councillors. This is in order to avoid a situation where an employee is disrupted from their allocated work schedule, direction and priorities as determined by the CEO or delegated Manager.

Councillors can ask certain employees in certain situations for advice or assistance in carrying out their responsibilities under the *Local Government Act 2009*. The detailed circumstances and processes are described in the Acceptable Request Guidelines Council Policy.

If you believe there is conflict between a request from an elected official and Council policies, you must discuss this with your Team Leader/Supervisor/Manager.

Similarly, it is inappropriate for employees to approach Councillors with queries or concerns regarding staffing or operational matters.

3.3 PUBLIC COMMENTS

Generally, the Mayor and CEO are the only persons authorised to comment publicly on Council business. Council business can be topical, sensitive and controversial and the issuing of public comments is guided by Council Policy.

If you are asked to comment on any Council matter by the media or other external entities, you must first refer to Council's Media Policy and discuss with your Manager and Council's Corporate Communications Co-ordinator.

If employees comment publicly as a member of an external organisation or

group (including via social media), they must make a clear distinction that the opinion is being offered as a member of the external organisation, and not as a Council employee.

Where an employee feels it is necessary to speak or write publicly in a private capacity on a matter involving Council, they must:

- make it very clear that their personal views are being expressed, not the views of Council;
- give regard to how what is being said may be perceived by others;
- ensure that any comments do not compromise the employee's ability to be unbiased in their work or decisions;
- ensure that the comments do not compromise the ability of other employees to undertake their duties;
- ensure that the comments are not so strong and persistent that they create a perception that the employee is not prepared to implement the policies of Council;
- not breach confidentiality or release information that is only known by the employee due to their Council employment; and
- at all times show respect for the opinions of others.

3.4 RAISING CONCERNS

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

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

3.5 FRAUD AND CORRUPTION

Balonne Shire Council has a zero tolerance for corruption and fraud and is committed to acting in the best interest of the community and upholding the principles of honesty, integrity and transparency. It is unacceptable for any Councillor, employee or associated party to engage or participate in corruption or fraud. Please refer to the Corruption and Fraud Control Policy.

3.6 RESPECT FOR CIVIC DUTIES

In keeping with the spirit of respect for the law and the system of government, Council will support staff in the undertaking of civic duties. These duties include jury duty, Justice of the Peace and Commissioner for Declarations roles and Defence Force Reserves.

If an employee wishes to stand for election in local Council, state or federal parliaments, they must observe the requirements set out in the *Parliament of Queensland Act 2001* and the *Local Government Act 2009*.



Principle 4 – Accountability and Transparency

This means that employees should, for example:

- perform their duties to the best of their ability;
- carry out all lawful and reasonable instructions; and
- perform individual functions fairly and equitably

The following Standards of Conduct are required:

4.1 PROCEDURAL FAIRNESS (NATURAL JUSTICE)

Procedural fairness or “natural justice” is integral to fair and proper administrative decision-making. It is concerned with ensuring a fair and correct decision is reached. Procedural fairness involves:

- decision-makers informing individuals of their interests in a matter to be decided including any claim, allegation or case against them;
- giving individuals a right to be heard and present their case;
- decision-makers not having a personal interest or bias in matters to be decided by them; and
- ensuring that a decision is based upon sound reasoning and relevant evidence.

4.2 ACTING IN ACCORDANCE WITH DELEGATIONS AND SIGNING DOCUMENTS ON BEHALF OF COUNCIL

Employees must be aware of the extent of their delegated authority for making decisions or authorising expenditure and act within that scope. Employees must also be familiar with their responsibilities under their employment contract, position description and any policies

or management directives of Council which are relevant to their duties.

If employees are requested to undertake an action on behalf of Council, prior to exercising any power they must ensure an appropriate delegation exists. Refer to Council's Delegations Register for further information.

The following persons are the only persons who may sign a document on behalf of Council, consistent with the LGA:

- the head of the local government (Chief Executive Officer);
- a delegate of the local government (Directors); and
- a Councillor or local government employee who is authorised by the head of the local government, in writing, to sign documents (Mayor).

Hence, the Mayor or CEO sign the majority of documents on behalf of Council.

4.3 DILIGENCE, CARE AND ATTENTION

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

This includes:

- maintaining punctuality and not being unreasonably absent from your work location during work time;
- ensuring you do not undertake personal work during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- helping Council achieve its goals by contributing to improve systems and practices;

- conducting yourself in a way so others gain confidence and trust in Council;
- not allowing conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy;
- performing duties in a timely manner and seeking to minimise delays and related costs to Council and its customers;
- taking ownership of and being accountable for your actions and decisions and reporting mistakes openly and promptly;
- following Council working arrangements, agreements and rulings regarding attendance at work and leave;
- not being absent from your usual workplace without approval; and
- accurately and truthfully recording work and leave periods in official documents such as timesheets.

Supervisors must also ensure that:

- they model the values and principles outlined in this Code and ensure that employees within their area of responsibility understand and comply with the Code;
- they do not come under a financial obligation to any employee they supervise or manage;
- their work and the work of those they 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;
- employee work times, overtime, allowances and absences are correctly recorded on time/flex sheets and pay summary reports; and
- appropriate action is taken if breaches of this Code occur.

4.4 LAWFUL AND REASONABLE INSTRUCTIONS

Employees are expected to comply with all lawful and reasonable instructions related to their work. You are obliged to carry out an instruction unless there is a danger to a person's health and safety, or it appears to be an unlawful or unreasonable instruction. Unreasonable instructions might relate to issues of competence, resources, efficiency, personal beliefs or conflict with professional ethics.

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.

Where an instruction appears unsafe, unreasonable or unlawful, you should communicate this to the person giving you the instruction to allow for clarification. If you remain not convinced of the safety, lawfulness or reasonableness of the direction, you must then raise this at a higher level in the organisation immediately.

All supervisors must be open to constructive questions about their directions. As an employee, you must accept that it is likely that you will not always agree personally with all of the decisions or directions made by supervisors.

4.5 CONFIDENTIALITY AND 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. If you have access to this information, it is with the condition that it will only be used for specific Council purposes and will remain secure and confidential. You must only access such information and records if you are authorised to in order to perform your official Council duties and you must not share it in any way with anyone who does not have a legitimate right to access it.

If you leave a work area of Council and take up employment in another area of Council, or leave Council altogether, you must continue to respect the confidentiality of the information that you may have had access to in the course of your duties.

You must ensure that the collection, storage and use of personal information is done so in accordance with the Privacy Principles outlined in the *Information Privacy Act 2009*. Only certain employees specifically delegated by the CEO can provide access to information requested under the *Right to Information Act 2009* and *Information Privacy Act 2009*.

You must preserve the confidentiality of Council's information. Unauthorised release of any non-public information is a breach of Council policy and may be a legal offence. Union Representatives and Delegates may have access to confidential information about Council employees in the normal course of their duties but must not access, share or use that information for other purposes.

4.6 INTELLECTUAL PROPERTY AND COPYRIGHT

You must obtain approval before publishing or disclosing any articles or materials you produce as part of your official duties. Any original work, invention or product you contributed to in association with your work remains Council property unless otherwise agreed and documented beforehand with the CEO.

You must be aware of copyright restrictions placed on documents, publications, audio visual materials and computer software in use throughout Council. You must obtain the permission of the CEO before entering into any arrangements regarding the publication or disclosure of any articles or materials produced as part of your Council work. Council will own the copyright in any such publications, if developed during the course of your work.

4.7 RECORDING OF CONVERSATIONS

Although recording a private conversation you are party to, with or without permission, is not against Queensland legislation, it is not consistent with Council's values. Particularly, the recording of conversations without permission or knowledge of the people being recorded does not help to create the open, honest and respectful environment which Council aims to achieve. The secret recording of conversations between employer and employee also breaches the mutual trust in the employment relationship.

Therefore, such private conversations may only be recorded with the prior approval of the parties and the relevant Manager.

This restriction on recording private conversations applies to any format of recording and the use of any electronic device including mobile phones. The act of recording a private conversation without the prior permission of the parties and the Manager will result in disciplinary action.

4.8 SELF-DEVELOPMENT

All local government employees have an obligation to be proactive in the continual improvement of all aspects of their work performance. You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service.

You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work.

Approval must be sought for training and professional development from the Director, and the training form and resulting competency/certification forwarded to Finance & Corporate Services to be included in Council's training register.

4.9 WORKPLACE HEALTH AND SAFETY

Council is committed to zero harm in the way we conduct our business and 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.

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.

For more information refer to Council's Health and Safety Policy and Staff Induction Manual.



Additional Information

Breaches of the Code

Council expects all employees to ensure they demonstrate the standards of acceptable conduct as outlined in this Code. All employees have the responsibility to comply with this Code and all other Council policies.

A breach of the Code may damage business effectiveness, public perception of Council or interpersonal work relationships and it might also break the law. Any action or lack of action by an employee of Council that contravenes this Code will be dealt with on a case-by-case basis.

Some possible consequences of a breach include:

- referral to the Employee Assistance Program;
- performance management process;
- disciplinary action which may include dismissal;
- referral to the Crime and Corruption Commission (CCC); and
- referral to Police.

Obligation to Report Wrongdoing

All employees have an obligation to address inappropriate behaviour that may result in a breach of the Code. This can be addressed through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. If you are concerned about a possible breach of the Code, you are encouraged to raise it with your Supervisor, Manager or Director.

Reasonably suspected corrupt conduct must be referred to Council's CEO who has a duty to notify the Crime and Corruption Commission via statutory notice.

Section 15 of the *Crime and Corruption Act 2001 (Qld)* defines corrupt conduct in detail. It can generally be described as conduct by a public official that results in the performance of functions or the exercise of powers in a way that:

- a. is not honest or impartial; or
- b. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
- c. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment;
- d. and would if proved, amount to a criminal offence or a disciplinary breach that provides reasonable grounds for terminating the person's employment.

Examples of corrupt conduct include:

- assaulting a person;
- stealing or misusing Council property or money;
- gaining a personal benefit by not revealing a conflict of interest; and
- accepting a bribe or other benefit.

In cases where a suspected breach of this Code is under investigation, and if the CEO deems it appropriate, any employee suspected of a breach of this Code may be suspended from duty on full pay until such time as the investigation has been completed.

All disciplinary action taken by Council against an employee for found breaches of this Code will be in accordance with relevant Council policy and in compliance with Council's obligations pursuant to sections 197, 259, 278, 279, 280, 281, 282 and 282 of the LGA.



Public Interest Disclosures

The *Public Interest Disclosure Act 2010 (Qld)* and the *Public Sector Ethics Act 1994 (Qld)* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct and are protected if they make disclosures.

You have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with the *Public Interest Disclosure Act 2010 (Qld)* where you believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- a. corrupt conduct; or
- b. maladministration; or
- c. a substantial misuse of public resources; or
- d. a substantial and specific danger to public health or safety; or
- e. a substantial and specific danger to the environment.

Should you wish to make such a disclosure, please contact the Director of Corporate and Financial Services, CEO or through external channels (eg. the Crime and Corruption Commission, Queensland Ombudsman, Anti-Discrimination Commission, etc.). Refer to Council's Public Interest Disclosure policy for further information.

The taking of reprisals against those who have made or are perceived to have made a disclosure under the Public Disclosure Act are subject to strong sanctions and disciplinary action. Council recognises its obligations under the Act to protect people who make a disclosure from such reprisals.

Council will support any employee who reports genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.



Review

This Code will be reviewed every two years in consultation with staff.

Publication

In accordance with the requirements of section 20 of the *Public Sector Ethics Act 1994 (Qld)*, the CEO will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its public website for all employees to access.

Training

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

Authority

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

Staff were given the opportunity to make comment and have input, and the draft code was presented to applicable unions, union delegates, the Crime & Corruption Commission and Queensland Ombudsman as part of the consultation process in preparing the Code.

This Code was approved by the CEO in accordance with section 17 of the *Public Sector Ethics Act 1994*.

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, Team Leader or divisional Manager. If you have concerns about approaching any of these people, contact the next most senior person in your area.

Alternatively, you might wish to contact one of the following:

Director of Corporate and Financial Services
P: 4620 8819

Manager Corporate Services
P: 4620 8827

Related information – includes but not limited to:

- Acceptable Request Guidelines
- Code of Conduct for Queensland Councillors
- Code of Meeting Practice
- Corruption and Fraud Control Policy
- Councillor Complaints Investigation Policy
- Drug and Alcohol Policy
- Entertainment and Hospitality Policy
- Gifts and Benefits Policy
- Health and Safety Policy
- Human Rights Policy (Statutory)
- Media Policy
- Procurement Policy
- Public Interest Disclosure Policy
- Staff Induction Manual

Adopted: 17 March 2022

Replaces: Code of Conduct dated Version 1.2 – adopted 21/11/2014
Consultation Draft dated April 2021

Appendices:

Appendix A Definitions

Appendix B A Guide to Ethical Decision-Making





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 or perceived.

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. Ron has a real conflict of interest and should not be involved in the recruitment.

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 by 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. Frida should declare the perceived conflict of interest to her supervisor and discuss whether her role in the grant assessment should be changed.

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 - Kim's partner owns a company which is tendering for work with Council.

Some examples of non-financial interests are:

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

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

Impaired by the effects of alcohol or drugs means:

- For employees operating/driving heavy vehicles and buses, a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations);
- For employees driving light vehicles or operating mechanical tools or equipment, a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations); and
- 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.

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.

Corrupt Conduct: 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. is not honest or is not impartial; or
- b. involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or
- c. involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and
- d. 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.

Appendix B

A Guide to Ethical Decision-making

The following guide is to help you reach an ethical decision based on the relevant facts and circumstances of a situation. If in any doubt, consult with your supervisor or another senior employee before taking the action or making the decision. The Queensland Ombudsman also has some useful resources to help guide staff to make good decisions: ombudsman.qld.gov.au/improve-public-administration/public-administration-resources/good-decisions

STEP 1 Assess the situation

- a. What is your aim?
- b. What are the facts and circumstances?
- c. Does it break the law or go against Council policy?
- d. Is it in line with the Code's principles?
- e. What principles does it relate to? Why?
- f. Who is affected? What rights do they have?
- g. What are your obligations or responsibilities?

STEP 2 Look at the situation from Council's viewpoint

- a. As a Public official, what should you do?
- b. Remember you are using public money.
- c. What are the relevant laws, rules and guidelines?
- d. Who else should you consult?

STEP 3 How would others see your actions?

- a. Would a reasonable person think you used your powers or position improperly?
- b. What does the community and ratepayers expect?
- c. Would the public see your action or decision as honest and impartial?
- d. Do you have a Conflict of interest?
- e. Will your decision or action stand up to public scrutiny?
- f. Does it pass the "pub test"? How would you feel if your actions were described in the newspaper or over social media?

STEP 4 Consider the options

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

STEP 5 Choose your course of action. Make sure your actions are:

- a. Within your power to take, legal and in line with policy and this Code;
- b. Fair and justifiable to your manager and the public;
- c. Documented so a statement of reasons can be supplied;
- d. Consistent with Council's mission, goals and values; and
- e. Backed by advice from Council specialists, if this is appropriate.



BALONNE SHIRE COUNCIL

118 Victoria Street, St George QLD 4487

PO Box 201, St George QLD 4487

P: 07 4620 8888 | F: 07 4620 8889 | E: council@balonne.qld.gov.au