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# **CODE OF CONDUCT**

## **INTENT:**

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The objective of Council's Code of Conduct for employees is to provide a set of standards and behaviours related to the way we do our work. It aims to deliver best practice by ensuring the standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

The Code does not cover every situation. The values, ethics, standards and behaviours it outlines, however, are a reference point to help make decisions in situations it does not cover. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your co workers, your direct supervisor/manager and by Council.

A 'Guide for ethical decision-making' is included at Appendix B to help you apply the Code in everyday situations.

## **SCOPE:**

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The Code of Conduct applies to all Cook Shire Council employees regardless of their employment status, role or position e.g. permanent, temporary, casual or part time employees, managers, supervisors, councillors, contractors, consultants, volunteers and students.

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

## **LEGISLATIVE PRINCIPLES:**

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### **The Principles**

The *Public Sector Ethics Act 1994* identifies four (4) principles fundamental to good public sector practice that guide our behaviour as public officials and form the basis for a local government Code of Conduct:

- 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 requires that 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.

### **Council's Corporate Values**

The values we share as employees of Council are:

- Passion for Cook Shire.
- Customer satisfaction.
- Respect for each other.
- Working together.
- Getting things done right.
- Value for money.

These legislated principles combined with Council's corporate values, form the basis of this Code of Conduct.

### ***LEGISLATION:***

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Public Sector Ethics Act 1994  
 Local Government Act 2009  
 Workplace Health and Safety Act 2011  
 Public Interest Disclosure Act 2010  
 Public Records Act 2002  
 Information Privacy Act 2009

Anti-Discrimination Act 1991  
 Copy Right Act 1968  
 Crime and Corruption Act 2001  
 Queensland Industrial Relations Act 1999  
 Information Privacy Act 2009  
 Right to Information Act 2009

### ***PROCEDURE REQUIREMENTS***

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#### **1. The First Principle - Integrity and Impartiality**

In recognition that public office involves a public trust, Council employees must seek to promote public confidence in the integrity of the Council. They must:

- a) Be committed to the highest ethical standards.
- b) Accept and value their duty to provide advice, which is objective, independent, apolitical and impartial.
- c) Show respect towards all persons, including employees, clients and the general public.
- d) Acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest.
- e) Be committed to honest, fair and respectful engagement with the community.

## **Standards of Conduct**

### **1.1 Conflicts of Interest**

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

A conflict of interest occurs when you as a public official are in a position to be influenced, or appear to be influenced, by your private interests when doing your job. A conflict of interest can arise from avoiding personal disadvantage as well as gaining personal advantage - whether financial or otherwise. This includes advantages for relatives and friends.

If you feel you have a conflict of interest, whether actual, perceived or potential, you may discuss it with your supervisor/manager with a view to avoiding it.

If the conflict of interest cannot be avoided, you must report it to the chief executive officer or supervisor/manager promptly. Your chief executive officer or supervisor/manager will then provide further direction on how to resolve the matter giving rise to the conflict of interest. Until the matter is resolved, you must make sure you are not part of any decision making process related to the matter.

Where required you may be required to supply details of interests to the chief executive officer or mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain correct.

You should also refer to the Local Government Regulation 2012, Chapter 8 Administration Part 3.

### **1.2 Influences on Decision Making**

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record keeping and showing how decisions were made.

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

Appendix A has more information about how to undertake ethical decision making: see "A guide to ethical decision making".

### **1.3 Benefits and Gifts**

Occasionally an employee may be offered gifts or benefits from people with whom they do business.

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

In the following circumstances, Council policy has determined it is acceptable to participate in activities that may otherwise be deemed to be the receipt of a gift, benefit, product or service.

1. A gift may be accepted where it is given to Council\* and is used for a common and ideally public purpose. For example:
  - biscuits given to an employee as a thank you shared amongst the office; or
  - a gift given to Council later donated or raffled off for fundraising purposes.
  
2. A gift that can be consumed\*\* and is given to Council for a specific event. For example:
  - Beer given to Council for its annual Christmas party; or
  - Biscuits brought in to a Council hosted meeting by an external party.
  
3. A gift that is consumed during a specific event intended to support the growth of appropriate relationships but may be employee specific. For example:
  - Drinks paid for by a supplier at an annual conference;
  - Social events sponsored by suppliers intended to build a relationship with Council;
  - Invitations to a suppliers Christmas party at the conclusion of works;
  - Travel and accommodation paid for by a supplier so that a specific employee might attend a workshop.

\* For the purpose of the above section ‘Council’ means that the gift is not intended for a specific person.

\*\* Consumed refers to a product or service, food or beverages, that has no lifespan i.e. an airfare. It cannot be taken away and consumed at a later point in time.

As a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a 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 you could be influenced. For example, ask yourself if accepting the gift or benefit could suggest to others that the giver may or would receive favourable treatment.

Where a gift, benefit or service (“the Gift”) is received under the policy exceptions, the following procedure is mandatory

1. THE GIFT IS TO RECORDED IN THE BENEFITS AND GIFTS REGISTER (PRIOR TO THE ACCEPTANCE OF THE GIFT WHEREVER POSSIBLE);
2. THE GIFT IS TO BE RECORDED BY THE RECIPIENT USING COUNCIL’S **CONFLICT OF INTEREST FORM** WITH THE ‘BENEFIT OR GIFT’ BOX CHECKED;
3. THE RECIPIENT IS TO DETAIL HOW THE GIFT COULD COMPRISE AN ACTUAL OR PERCEIVED CONFLICT OF INTEREST AND THE STEPS TAKEN TO MITIGATE THE CONFLICT. FOR EXAMPLE:
  - TICKETS AND DRINKS ARE BROUGHT FOR AN EMPLOYEE TO AN EVENT IN THE PURSUIT OF BETTER RELATIONSHIPS BETWEEN COUNCIL AND THE SUPPLIER.
  - THE RECIPIENT MUST COMPLETE THE CONFLICT OF INTEREST FORM AND ENSURE THAT A PLAN IS PUT INTO PLACE TO ENSURE THAT ANY ORDERS

PLACED WITH THE SUPPLIER ARE REVIEWED BY A PARTY WHO DID NOT RECEIVE THE GIFT; AND

4. AN APPROPRIATE SUPERVISOR IS TO REVIEW AND SIGN OFF ON THE **CONFLICT OF INTEREST FORM**, ENSURING THE ACTUAL OR PERCEIVED CONFLICT OF INTEREST WILL BE MANAGED PROPERLY.

Where required senior staff (including the Chief Executive Officer) must ensure that gifts are recorded in the Register of Interests.

Refer to Council's:

- Benefits and Gifts Policy.
- Appendix A - A guide to ethical decision making.

#### **1.4 Secondary Employment**

Employees are able to undertake secondary employment provided it does:

- Not conflict or be perceived to conflict with your official Council responsibilities.
- Not negatively impact on the performance of your Council responsibilities and duties.

If you have any concerns as to whether undertaking secondary employment is in breach of the above requirements, you are required to consult your direct supervisor or manager who will decide whether there is any conflict between the potential secondary employment and your official Council duties.

#### **1.5 Public Comments on Council Business**

Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

Only the mayor can comment on matters of policy and decision making and only the chief executive officer can comment on matters relating to Council's operations, administration and industrial matters.

Council employees must also ensure that to the extent of collecting, handling or giving access to personal information, they comply with the Privacy Principles outlined under the *Information Privacy Act 2009*.

Where an employee speaks out in public, as a private citizen, on matters of public interest, an employee should comply with the following:

- It should be made clear that the employee's personal views are being expressed and that these do not represent the views of Council.
- Think about what is being said or written and how it might be perceived.
- Avoid any comments that amount to criticism or perceived criticism of Councillors, council policies and decisions and other employees of Council.
- The comments should not lead to a breach of confidentiality.

#### **1.6 External Activities**

Council supports and is committed to ensuring all employees are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing. However, employees must

make sure that their participation in such activities does not cause: either a conflict of interest and/or unduly restrict the performance of their official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duty as a Council employee to give sound advice to Council which is objective, independent, apolitical and impartial. You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, Council newsletters and workplaces must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

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

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 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 other policies.

## **1.7 Behaviour Towards Each Other**

Employees should treat other employees with trust, respect, fairness, sensitivity and dignity. This includes being tolerant of, and respecting the different views and opinions held by others.

With an increasingly multi cultural society, employees must make all reasonable efforts to respect and appreciate cultural differences.

Effective teamwork is an integral part of building a positive and productive workplace culture. Each team member needs to work co-operatively with others and actively and willingly take part in team activities (e.g. meetings).

## **1.8 Managers and Supervisors Behaviour**

Managers and Supervisors are expected to behave in an exemplary manner and to set good standards for their employees to follow. Those who supervise and manage other staff have moral and legal responsibilities including the responsibility to:

- Set good examples for employees through their own behaviours, especially in relation to implementing this Code of Conduct and in observing Council's Policies and Procedures.
- Treat employees fairly, equitably and consistently.
- Ensure workloads are fairly distributed.
- Ensure employees work times, overtime, allowances and absences are correctly recorded on timesheets, attendance records and in Council's payroll system.
- Maintain open and honest communication with all employees.
- Provide equitable training and development opportunities to all employees.
- Ensure employees understand performance expectations and provide ongoing clear and constructive feedback to employees.
- Address poor performance issues and enforce performance counselling/disciplinary procedures when required.
- Ensure employees are able to operate in a safe and healthy work environment.
- Intervene at the earliest possible opportunity and take the correct course of action if they observe inappropriate behaviour taking place in the workplace.
- Encourage teamwork.

## **1.9 Non Discriminatory Workplace**

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

- Age.
- Breastfeeding.
- Impairment.
- Marital status.
- Political belief or religious activity.
- Pregnancy.
- Sex.
- Sexuality/lawful sexual activity.
- Family responsibilities.
- Gender identity.
- National origin.
- Parental status.
- Race.
- Relationship status.
- Trade union activity.
- Association with, or relation to a person identified on the basis of any of the above attributes.

Council aims to create and maintain a workplace free from discrimination. As an employee of Council you have a shared responsibility to ensure that discrimination is not part of the workplace or our practices. If you witness discriminatory behaviour you have a positive obligation to report such actions to your supervisor or manager or if such action involves your supervisor or manager, another senior officer. Unlawful discrimination may lead to disciplinary action being taken against offending staff.

## **1.10 Workplace Harassment, Including Harassment of a Sexual Nature**

Council is also committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work related activities are performed, including social functions. This applies to all employees in their relationships with each other, to applicants for employment at Council and to any 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 in any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

Examples of behaviour which may constitute either sexual harassment or workplace bullying includes:

- 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.

You should also refer to Council's:

- Anti-Discrimination and Equal Employment Opportunity Policy and Procedure.
- Anti- Discrimination Act 1991.

### **1.11 Workplace Health and Safety**

As Council employees' we must strive to eliminate work related injury and illness. You must take all 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.

Council aims to ensure that the risk of death, injury or illness caused at the workplace, relevant workplace area, work activities, or plant/substances for use at work, is minimised to as low as reasonably practicable.

While at work you must:

- Take reasonable care for your own health and safety.
- Take reasonable care that your acts, or omissions, do not adversely affect the health and safety of others.
- Comply, so far as you are reasonably able, with any reasonable instruction that is given;
- Cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

You also have a duty to:

- Identify hazards and manage risks to health and safety.
- Immediately report any identified incidents or hazards to your direct supervisor.
- Support any workplace investigations.
- Perform all work safety and follow safe work practices.
- Take corrective action and to 'make safe' the workplace, or work activities and implement improvements.
- Participate in any education or training programs as directed.
- Participate in rehabilitation and return to work programs if required.

### **1.12 Drugs and Alcohol**

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

No alcohol is to be consumed within Council unless specifically authorised or supplied by Council. In all cases, the following conditions apply:

- Employees are not to use, possess or be impaired by the effects of alcohol or any illegal drug whilst on duty.
- If any employee is using a prescribed or over the counter pharmaceutical drug that may affect performance then they shall notify their supervisor prior to commencing work;
- Unless approved in accordance with policy, consumption of alcohol by employees at any time when they are on duty is prohibited and may result in disciplinary action.

You should also refer to Council's Drug and Alcohol Policy.

## **2 The Second Principle - Promoting the Public Good**

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Cook Shire, Council employees:

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

### ***Standards of Conduct***

#### **2.1 Customer Service**

All employees must strive to provide and maintain excellent customer service. They must treat members of the public with honesty, fairness, sensitivity and dignity.

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. Customers have the right to complain or criticise Council. Council expects its employees to show respect towards complainants and ensure that all reasonable efforts are made to help customers lodge complaints.

Council does not expect employees to be treated in an inappropriate manner. Employees remain professional and should they believe the situation is threatening or intimidating, they immediately withdraw from the situation and seek help and advice from a senior officer.

Internal employees are to be treated as internal customers within the spirit of teamwork and cooperation.

#### **2.2 Corporate Image**

An integral part of promoting a professional image is the personal presentation of Council employees. Where employees are provided with a uniform, the uniform must be worn.

Your personal presentation in the workplace or while on official duties must be clean, neat and tidy and be inoffensive to customers. It should have regard to the work being performed, workplace health and safety factors and consistency across Council with respect to a professional image and climatic conditions. Employees must wear personal protective clothing and equipment when required.

Should you find yourself in a public area and still in uniform when off duty, you must be aware at all times that you may be perceived as representing Council and must act accordingly. In particular, when

you are consuming alcohol in a public area while off duty but still in uniform, you must ensure your behaviour and conduct does not bring Council into disrepute.

### **2.3 Public Money**

You must maintain high standards of accountability if you collect and use public money. You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

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

You should also refer to Council's:

- Entertainment and Hospitality Policy.
- Procurement Policy.

### **2.4 Fairness to Suppliers**

Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect the content of the *Local Government Act 2009*, the *Local Government Regulation 2012*, and Council procedures when seeking suppliers for goods or services.

If you have been approved to offer contracts or buy 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.

You should also refer to Council's Procurement Policy.

### **2.5 Promoting the Public Interest**

Employees should make decisions and recommendations in an impartial manner, with the aim of promoting the public interest and achieving best value for money.

To maintain and enhance public confidence in the integrity of public administration, it is essential that Council employees do 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.

## **3 The Third Principle - Commitment to the System of Government**

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government employees should:

- a) Accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government.
- b) Be committed to effecting priorities, policies and decisions professionally and impartially.
- c) Accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

This does not limit the responsibility of Council or a Council employee to act independently of government if the independence is required by legislation or government policy, or is a customary feature of the work of Council or a Council employee.

## **Standards of Conduct**

### **3.1 Contact Between Employees and Councillors**

*The Local Government Act 2009 section 170* makes provision for Councillors to ask employees for help or advice.

Communication between Councillors and employees must be in accordance with Chief Executive Officer's Advice Guidelines.

Councillors can seek advice directly from the Chief Executive Officer or directors, managers or other officers as delegated by the Chief Executive Officer. If an employee other than those listed above, receives a request for advice from a Councillor, this must be reported to the Chief Executive Officer.

It is inappropriate for employees to approach Councillors with enquiries/requests relating to everyday operational matters.

You should also refer to Council's Chief Executive Officer's Advice Guidelines.

### **3.2 Know the Law**

You are expected to be aware of, and comply with applicable legislation, awards, certified agreements, Council policies and local laws relevant to your area of work. You are entitled to have access to any legislation that may be relevant to your work.

Supervisors and Managers have a special responsibility to assist employees to understand relevant legislation.

If you are charged with having committed any indictable offence, are subject to an indictable offence conviction, or are subject to summary conviction, you should immediately report the circumstances to your direct Supervisor.

### **3.3 Delegations of Authority**

If you are requested to undertake an action on behalf of the Chief Executive Officer or Council, prior to exercising any power on behalf of the Chief Executive Officer, you must ensure there exists an appropriate delegation pursuant to the *Local Government Act 2009* that allows you to exercise power.

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

- The Mayor.
- A delegate of Council.
- A Councillor or Council employee who is authorised, in writing, in accordance with the authorisation made by the Mayor to the Chief Executive Officer to sign documents.

You should also refer to Council's Register of Delegations.

### **3.4 Copyright**

You must be aware of copyright restrictions placed on documents, publications, audiovisual materials and computer software in use throughout Council.

You must seek permission from your supervisor/manager before entering into any arrangements regarding the publication or disclosure of any articles or materials produced as part of their work.

## **4 The Fourth Principle - Accountability and Transparency**

In recognition that public trust in Council requires high standards of public administration, Council employees:

- a) Are committed to exercising proper diligence, care and attention.
- b) Are committed to using public resources in an effective and accountable way.
- c) Are committed to managing information as openly as practicable within the legal framework.
- d) Value and seek to achieve high standards of public administration.
- e) Value and seek to innovate and continuously improve performance.
- f) Value and seek to operate within a framework of mutual obligation and shared responsibility.

## ***Standards of Conduct***

### **4.1 Procedural Fairness (Natural Justice)**

Procedural fairness or natural justice is integral to fair and consistent administrative decision making. Procedural fairness involves:

- Decision makers informing persons of the case against them or their interests.
- Giving them the right to respond and present their case.
- The decision makers not having a personal interest or bias in the matter.
- Ensuring that a decision is based upon sound reasoning and relevant evidence.

### **4.2 Performance at Work**

You are required to exercise proper diligence, care and attention to perform your duties to the best of your ability.

You are expected to perform a reasonable day's work in line with the duties and responsibilities of your position description. Duties must be carried out in a timely manner so as to minimise delays, frustration and consequent costs, complaints and detriment to Council. In keeping with responsible work ethics, you should take ownership and be accountable, for your actions and decisions.

You should aim to maintain and improve your work performance and that of your work section in the delivery of customer services. You have a responsibility to maintain and enhance your skills and knowledge. Council will assist by providing equitable access to training and development opportunities.

You should act professionally and avoid situations where your behaviour could reflect badly on Council or impact on your workplace.

### **4.3 Attendance at and Absence from Work**

You are expected to follow Council employment and working arrangements and agreements on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods. Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. You have an obligation to ensure that you notify your supervisor/manager as soon as practicable upon becoming aware that you are going to be absent from work.

Failure to notify Council may result in the non payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

#### **4.4 Using Council Resources**

Council resources include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All resources must be treated with care and used in an economic and efficient manner. In addition you must ensure the resources are protected to avoid theft and misuse and avoid waste and extravagance in the use of resources, making sure that resources are used for legitimate activities of Cook Shire Council only.

- Council property is not to be borrowed for personal use by employees.
- Where materials are not completely used up when doing a job, the remaining material should be returned to stock for future use.
- Council's internet facilities are to be used in accordance with Council's policy. Internet use is monitored and any unauthorised use or misuse may be subject to disciplinary action.
- Council's e-mail facilities should always be used in a professional manner and in accordance with Council's policy. E-mail use is monitored and any unauthorised use or misuse may be subject to disciplinary action.

You should also refer to Council's:

- Email Policy.
- Internet Policy.

#### **4.5 Private Use of Council Resources**

The private use of resources is acceptable in the following situations:

- Use of telephones on a limited basis for local calls that you cannot make conveniently outside of working hours.
- Limited personal use of e-mail and internet facilities, subject to and in accordance with Council's policies. Limited personal use means infrequent and brief, and is performed during your non paid time, that is, before and after work or during meal breaks.
- Limited, occasional personal use of photocopier.

You should also refer to Council's Email Policy.

#### **4.6 Motor Vehicles**

Council vehicles must be treated with due care and attention. When using Council vehicles, employees must be aware that they are subject to public scrutiny and therefore ensure the vehicles are used in a safe and efficient manner at all times.

If employees have personal use of a Council vehicle they must ensure it is maintained and serviced in accordance with Council's Policy.

You should also refer to Council's Motor Vehicle Policy.

#### **4.7 Confidentiality**

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released.

Employees may have access to information of a private or personal nature relating to customers or other employees in order to perform their Council duties. They are privy to this information provided it is used for work purposes only and remains confidential. Confidential information is to be kept secure and not discussed with persons not entitled to know such information. Employees must ensure that the

collection, storage and use of personal information is done in accordance with the *Information Privacy Act 2009*.

When employees leave a work area of Council to take up employment in another area or leave Council altogether, they must continue to respect the confidentiality of official information that may have been available to them in the course of their duties.

Personal and other information may on occasion be sought from Council by an employee or other members of the public pursuant to the *Right to Information Act 2009*. If such requests are made, refer them to the Corporate Services Division.

Unauthorised release of non public Council information is a breach of Council policy and may be an offence at law. Employees must preserve the confidentiality of Council's information, as a legal obligation under the *Information Privacy Act 2009* and in line with Section 200(8) of the *Local Government Act 2009*.

In addition, employees may breach this legal obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media outlets such as "Face Book" or "Twitter".

You should also refer to:

- *Right to Information Act 2009*.
- *Information Privacy Act 2009*.
- *Local Government Act 2009*.

#### **4.8 Intellectual Property**

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.

### **Breaches of the Code of Conduct**

Council requires all employees to comply with the basic conduct standards in this Code.

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 that may include:

- Referral to the employee assistance program.
- Performance management process.
- Disciplinary procedure.
- Counselling and training.
- Referral to Crime and Misconduct Commission.
- Referral to Police (in cases of suspected criminal activity).

Supervisors/managers must seek to go beyond the minimum standards of conduct and to lead by example in setting and encouraging the highest possible standards.

Supervisors/managers should closely observe to ensure appropriate standards of behaviour and provide constructive support at all times. Supervisors/managers must make fair, transparent and consistent decisions in relation to breaches of the Code.

You should also refer to the Local Government Act 2009 and the Local Government Regulation 2012, Chapter 8 Administration Part 3.

## **If you have a Concern**

All employees are required to report a suspected breach of the Code of Conduct.

This Code also covers corrupt conduct. The law changed so that the old *Crime and Misconduct Act* and Commission were replaced by the *Crime and Corruption Act 2001* and Crime and Corruption Commission.

Under the *Crime and Corruption Act 2001* conduct includes:

- Neglect, failure and inaction
- Conspiracy to engage in conduct
- Attempt to engage in conduct

Examples of conduct that could be corrupt conduct include:

- Abuse of public office
- Bribery (relating to an election)
- Extortion
- Obtaining or offering a secret commission
- Fraud, stealing or forgery
- Perverting the course of justice
- Offence relating to an electoral donation
- Sedition
- Homicide, serious assault or assault occasioning actual bodily harm or grievous bodily harm
- Illegal drug trafficking
- Illegal gambling

Public sector agencies (which Council is) only have to refer complaints where they reasonably suspect that a complaint involves or may involve corrupt conduct and a complaint to the Crime and Corruption Commission must be via statutory declaration.

Protection is available to employees and any person making a public interest disclosure in accordance with the *Public Interest Disclosure Act 2010*.

Should you wish to make such a disclosure please contact:

- Internal channels (e.g. direct Supervisor, Manager, Director, and Chief Executive Officer).
- External channels (e.g. Crime and Corruption Commission, the Ombudsman, Anti-Discrimination Commission, etc).

You should also refer to *Public Interests Disclosure Act 2010*.

## **Further Information**

If you read the Code of Conduct and are still unsure how it applies to you, it is important that you discuss this with your supervisor/manager.

There are a number of Council policies interconnected with this Code of Conduct. You are required to read and understand the policies that govern your employment with Council.

THIS POLICY IS TO REMAIN IN FORCE UNLESS OTHERWISE DETERMINED BY COUNCIL.

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Officer responsible for review:	Chief Executive Officer
Originally adopted:	March 2006
Review Every 2 Years	
Reviewed:	February 2016
Date for review:	February 2018

## **APPENDIX A - A GUIDE TO ETHICAL DECISION MAKING:**

The following guide is designed to help and assist employees to reach an ethical decision based on relevant facts and circumstances of a situation.

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### **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 point of view**

- As a Council employee, 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 supervisor/manager or any other 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?
- What are the legal implications?
- How would the public view each option?
- What will be the outcome for Council, your fellow workers, others and you?

### **Step 5 - Choose your course of action**

Make sure your actions are:

- Within your authority to make, legal and in line with policy and this Code.
- Fair and able to be justified to your supervisor/manager and the public.
- Documented, so a statement of reasons can be supplied if required.
- Consistent with Council's mission, goals and values.
- Supported by advice from Council specialists, if appropriate.