

OUR COMMUNITIES | OUR FUTURE



CODE OF CONDUCT

2011

Message from The Chief Executive Officer



Western Downs Regional Council aims to provide a workplace where trust, integrity and service to the community are the standards of behaviour that are valued by all staff. In accordance with the Public Sector Ethics Act 1994, Council has developed a staff 'Code of Conduct' which applies to all employees and outlines a framework on which our decisions and actions can be based.

By promoting ethical and transparent behaviour within our organisation, we all can create a positive workplace culture built on honesty, trust and mutual respect.

The Western Downs Regional Council's Guiding Principles and Mission are at the core of this Code of Conduct. Positive conduct will be strongly promoted and supported, however serious breaches of the Code including bullying and harassment will not be tolerated

The implementation of the Code in our workplace is the responsibility of all Western Downs Regional Council employees. Managers and Supervisors have the added responsibility of ensuring that the Code is understood by all employees. Western Downs Regional Council as an organisation is also responsible for making this new Code a constructive and useful document.

The Code sets very high standards, however I expect everyone to read and act in accordance with this Code for the benefit of all Council staff and the community we serve.

A handwritten signature in black ink, appearing to read "P. Berting".

Phil Berting

CHIEF EXECUTIVE OFFICER



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Introduction

The *Public Sector Ethics Act, 1994* 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 staff behave unethically.

The Act requires that all councils develop codes of conduct for their staff.

Ethics are the moral principles which guide our relationships between people and our consequent actions. Being employed by a Council, involves establishing several types of appropriate relationships. It is necessary to assess how to behave towards:

- colleagues;
- supervisors;
- councillors; and
- the public.

In order to avoid potential conflict, it is desirable that there be mutual agreement about appropriate behaviour in each of these relationships.

A Code of Conduct can help to express what is likely to be acceptable behaviour in different circumstances, and this can remove some of the uncertainty about these relationships.

It is unlikely that a Code of Conduct can anticipate all the situations that will arise. It is therefore important that council staff have a set of principles to fall back on, which they fully understand, and which will help them to decide on appropriate behaviour when the Code does not provide a solution.

THE PRINCIPLES OF THE *PUBLIC SECTOR ETHICS ACT, 1994*

The *Public Sector Ethics Act, 1994* declares four (4) Ethic Principles to be the basis of good public sector practice:

- **Integrity and Impartiality**
- **Promoting the Public Good**
- **Commitment to the System of Government**
- **Accountability and Transparency**

The Code of Conduct also embodies Western Downs Regional Council's Guiding Principles or Core Values of:

- Invest in our people
- Think regionally – deliver locally
- Facilitate growth – manage impact
- Excellence in affordable service delivery
- Consistent and informed decisions

And as a team we will work together to achieve:

- Quality outcomes for our communities
- An inclusive team culture
- Pride in our organisation
- Continuous improvement

PRINCIPLES OF LOCAL GOVERNMENT

The purpose of the *Local Government Act 2009* is to provide for a system of local government in Queensland that is accountable, effective, efficient and sustainable.

Parliament requires anyone who is performing a responsibility under this Act to do so in accordance with the following local government principles:

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

WHO DOES THE CODE APPLY TO?

The Code of Conduct prescribes appropriate behaviour for all officers and employees of Western Downs Regional Council, including permanent, temporary, full time, part time and casual employees as well as all volunteers, contractors, consultants and students.

The Code continues to apply to people while they are on leave or suspended from the workplace.

RESPONSIBILITIES UNDER THE CODE

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.

Managers have a special responsibility to support employees in achieving the goals of the Code and to lead by example. In this Code, a Manager is deemed to be any employee with supervisory responsibilities.

Breaches of the Code

Managers and Supervisors must seek to avoid escalation of inappropriate behaviour that may result in a breach of the Code and deal with workplace conflict through timely and direct (face to face) communication that immediately addresses the behaviour in a constructive way.

Managers and Supervisors must make fair, transparent and consistent decisions in response to instances of breaches of the Code. In determining the action to be taken, the nature and seriousness of the breach will be considered. Some possible consequences of a breach include:

- Referral to the Employee Assistance Program (EAP)
- Performance Management Process
- Disciplinary procedure
- Referral to Crime and Misconduct Commission
- Referral to the police (in cases of suspected criminal activity)

If you are concerned about a possible breach of the Code you should speak to your Supervisor, Manager, Director or Human Resources.

Official Misconduct

Some situations may constitute official misconduct as defined in the *Criminal Justice Act 1989* Sections 32.1. It can generally be described as conduct by a public official that involves:

- carrying out the duties or exercising the powers of the public official in a manner that is dishonest or lacks impartiality, or
- a breach of the trust placed in the person by reason of their official position, or

- a breach of confidentiality; and
- that could amount to a criminal offence or a disciplinary breach that provides reasonable ground for terminating the person's employment.

Obvious examples of official misconduct include:

- verbally, physically or sexually abusing a customer or employee
- stealing or misusing Council property
- making a false claim for remuneration with the knowledge that the claimant is not entitled to that remuneration
- accepting a bribe or other benefit

If an employee suspects that another employee or a Councillor is involved in official misconduct, this can be reported to either the Chief Executive Officer (CEO) or alternatively to the Crime and Misconduct Commission (CMC). If the CEO is aware of probable misconduct this must be reported to the CMC as a requirement of the *Criminal Justice Act 1989* before the alleged misconduct is investigated.

Public Interest Disclosure Act 2010

The *Public Interest Disclosure Act 2010* safeguards public officials who disclose unlawful and improper conduct including breaches of this Code of Conduct.

The taking of reprisals against those who have, or are perceived to have made a disclosure under the Act, are subject to strong sanctions and disciplinary action. Council recognises its obligations under the Act to protect whistleblowers from such reprisals and will take appropriate action to do so.

The Code

ETHIC PRINCIPLE 1: INTEGRITY AND IMPARTIALITY

Ethics Values

Council employees recognise that public office involves a public trust, public service agencies, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and

This means employees:

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

Standards of Conduct

1.1 Discrimination and Harassment

Council is committed to creating and maintaining a workplace free from discrimination and harassment. Employees must not discriminate against, harass (including sexually harass), bully, insult, intimidate or mistreat customers, employees or members of the public. Managers are expected to provide leadership in eliminating bullying and other aggressive or coercive behaviours. These behaviours will not be tolerated.

1.2 Behaviour towards each other

Employees should treat other employees with respect, honesty, courtesy, fairness, sensitivity and dignity, regardless of their employment status within the Council. This includes being tolerant of, and not dismissing the views held by others which may be different from the employee's own view. As members of an increasingly multi cultural society, employees must make all reasonable

efforts to gain an understanding and appreciation of cultural differences.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work cooperatively with fellow staff and actively and willingly take part in team activities.

1.3 Managers and Supervisors Behaviour

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

- Set good examples for staff through their own behaviours, especially in relation to implementing this Code of Conduct and in observing Council's Policies, Guidelines and Procedures
- Maintain open and honest face to face communication with all staff
- Treat staff fairly, equitably and consistently
- Ensure employees understand performance expectations and provide clear and constructive feedback to employees
- Ensure staff are able to operate in a safe and healthy 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

1.4 Conflicts of Interest

Conflicts of Interest arise where employees feel there is a conflict between duty to the Council and a personal interest or belief. Where a conflict of interest arises over a particular matter, the employee should disclose in writing to their manager any real or perceived conflicts of interest. If an employee considers that a potential conflict of interest cannot be satisfactorily resolved otherwise, a request can be made that another employee deal with the matter.

If any employee has an interest or a potential interest in a firm which is seeking to contract with the Council for the

provision of goods or services, a declaration to this effect must be made by the employee and addressed to the CEO. In the event that such a declaration is not made, the contract may be declared void.

1.5 Reporting Improper Conduct

A Council employee who knows or has good reason to suspect any maladministration or fraudulent, corrupt, criminal or unethical conduct must report it immediately to the Chief Executive Officer. Alternatively employees do have a right to go independently to an appropriate public entity such as the CMC, the Ombudsman, Human Rights Commission, etc.

1.6 Public Comment

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments. If you are asked to comment on any Council matter by the media, it should be referred to the employees Director or the Corporate Communications section.

However, the rights of employees to free speech are acknowledged. Where an employee feels the need to speak out in public on a political or social matter, it should be made clear that the employee's personal views are being expressed and that these do not represent the views of the Council. The comments should not lead to a breach of confidentiality.

1.7 Outside Employment

Employees of Council must get approval from their Manager prior to undertaking private work outside of Council. Generally, employees are able to undertake private employment outside their normal working hours provided:

- that no conflict of interest exists, or has the potential to develop, between private employment and official Council duties; and
- that private employment has no negative effect on the performance of official Council duties.

In considering requests to undertake other employment, a

balance must be sought between the legitimate interests of the Council to protect its integrity and the rights of Council employees to lead their private lives free from unnecessary intrusion by the Council.

1.8 Promoting the Public Interest

Employees should make decisions and recommendations in an impartial manner, with the prime 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 and any other benefit or consideration that is not equally available to all others.

ETHIC PRINCIPLE 2: PROMOTING THE PUBLIC GOOD

Ethics Obligation

Council employees should recognise that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials.

This means employees should, for example:

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

Standards of Conduct

2.1 Appropriate Interrelationships between Staff and Councillors

The *Local Government Act 2009* makes it clear that staff should not be directed by individual Councillors. This is in order to avoid a situation where an employee is given several conflicting directions and there is confusion about lines of accountability. It is also desirable to avoid a situation where councillors act to influence an employee's actions or outcomes.

As a means of increasing communication, this code will allow Councillors to seek advice directly from the CEO, Executive Managers or officers delegated by the CEO. The Council officer, prior to giving that advice, should be informed of the purpose for which the advice is to be used. Similarly, it is inappropriate for employees to approach Councillors with queries relating to everyday staffing matters.

If an employee receives a request for advice from a Councillor, this must be reported to the CEO and the supervisor as an obligation under the *Local Government Act 2009* as outlined in Council's Councillor/Staff Communication Guidelines (OS C/1.1.4).

2.2 Clarity of Advice

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

Employees must provide Directors/Managers/Coordinators/Supervisors and where appropriate the Council, advice which is frank, independent, accurate and comprehensive. This includes setting out the identifiable advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a particular course of action. Excessive use of jargon should be avoided.

Managers/Coordinators/Supervisors must ensure all relevant Policies, Operating Guidelines & Procedures are clearly stated, explained and understood by staff and that they act in light of the most recent information. The Council accepts responsibility for keeping its employees informed about changes that are relevant to the performance of their duties.

2.3 Acting within Corporate Limitations

Employees must be aware of the extent of their delegated authority for making decisions and authorising budgetary expenditure. They must be aware of their responsibilities in terms of their employment contract, position description and the policies and practices of Council which are relevant to the performance of their duties.

2.4 Performance at Work

Employees should perform their duties in a timely manner so as to minimise delays and consequent costs for Council and its clients. As a general rule, routine tasks should be completed within the established time frames.

Employees are expected to perform a reasonable day's work in line with the accountabilities of their position descriptions, goals and objectives. In keeping with responsible work ethics, employees should take "ownership" over, and be accountable for, their actions and decisions. Employees should perform their duties to the best of their ability with care and competence and be open about reporting mistakes.

Employees are required to present for duty on time and to observe the limits of their daily breaks. If unable to attend work for any reasons, employees are expected to contact their Supervisor no later than 1 hour after their nominated start time to inform the Supervisor of their impending absence.

Additionally, employees should endeavour to maintain and improve their knowledge and skills. Council will assist by providing equitable access to training and development opportunities.

Employees should act professionally and avoid situations where their behaviour could reflect badly on Western Downs Regional Council or impact on their workplace.

2.5 Corporate Dress Standards

Western Downs Regional Council is striving for excellence in serving the community and seeks to have the professional image of Council reflected at all times. Integral to promoting this image, is the personal presentation of Council employees. Where employees are provided with a uniform, the uniform should be worn complete and in good order.

Employee's personal presentation in the workplace or

while on official duty must be clean, tidy, and inoffensive to customers. It should have regard to the type of work being performed, Workplace Health and Safety factors, cultural diversity and consistency across Council with respect to a professional image and climatic conditions. Employees must wear personal protective clothing and equipment when required.

Employees who have been issued with name badges must wear the badges at all times when performing official Council duties.

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

Examples of unacceptable clothing and presentation include:

- clothing printed with offensive matter
- clothing made of see-through fabric
- clothing that is revealing
- jewellery that could get caught in equipment
- bare feet, thongs or any shoes that are not enclosed
- clothing that exposes the midriff/abdomen
- Wearing of jewellery on facial features other than ears eg. nose rings, pierced eyebrows
- Offensive body art must be covered

2.6 Equal Employment Opportunity

Council is strongly committed to ensuring that the principles of EEO and equity are integral to all management processes, working conditions and to all aspects of service delivery. Employees must ensure that they have a thorough understanding of EEO and anti-discrimination obligations and are familiar with Council's Policies relating to EEO and anti-discrimination.

2.7 Obligations

Employees have a general legal duty to take reasonable care to avoid causing harm to themselves, another person or to the environment. Employees are required to exercise the degree of care that could reasonably be expected from a competent and skilled person in their job.

Working with vulnerable or dependent customers means that employees should exercise a high level of care, diligence and professional competence.

Employees must avoid negligent conduct by giving sufficient attention to their actions and decisions and by obtaining the direction and advice of Supervisors if they are unsure how to proceed.

Supervisors must address diminished performance issues and enforce performance counselling/ disciplinary procedures when required. Refer to Diminished Work Performance Policy.

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your manager about the options available. Seeking approval for planned leave in advance will help your team to make the necessary arrangements to avoid disruptions to customer service.

2.8 Customer Service

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

If your role in Council involves contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people. Customers have a right to complain or criticise Council. While you must make all reasonable efforts to help customers lodge complaints, situations may arise that become abusive, threatening or intimidating. Council does not expect employees to be treated in such an inappropriate manner, nor does it expect employees to resort to such actions themselves. Employees should remain calm, patient and dignified and should they judge the situation to be getting out of hand, they should immediately withdraw from the situation and seek the assistance and advice of a senior officer. Council will support employees taking appropriate action.

ETHIC PRINCIPLE 3: COMMITMENT TO THE SYSTEM OF GOVERNMENT

Ethics Obligation

Subsection (1) One

Council employees recognise that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public service agencies, public sector entities and public officials.

This means employees should, for example:

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

Subsection (1) One does not limit the responsibility of a public service agency, public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

Standards of Conduct

3.1 Know the Law

You are expected to have a working knowledge of the law and act within the law as it applies to your work. All employees are entitled to have access to legislation, policies and industrial instruments such as awards that apply to their work.

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

3.2 Acceptance of Gifts and Rewards

The *Local Government Act 2009* requires that employees must not ask for or accept benefits other than their official remuneration in return for performing their duties. This includes offers of travel and accommodation, meals and entertainment. In the event that a gift is made to an employee where:

- it has token value (eg less than \$100);
- it would be impolite to refuse it; and
- acceptance of the gift would not raise any public concern that favours were expected in return

Then the employee must declare the gift to his/her Supervisor, but may be allowed to keep it.

In the event that the gift has substantial value (eg more than \$100) but it would be impolite to refuse it, the gift may be accepted on behalf of the Council, and referred to the CEO

who will determine the appropriate action to be taken.

Employees must not seek or accept a bribe or other improper inducement, nor use their official position to gain advantage or to improperly influence others in the performance of their duties.

3.3 Copyright

Employees must be aware of copyright restrictions placed on documents, publications, audiovisual materials and computer software in use throughout Council. Employees must seek permission from the Chief Executive Officer before entering into any arrangements regarding the publication or disclosure of any articles or materials produced as part of their work. Such publications, if developed during the course of official duties, will be copyright in the name of Western Downs Regional Council.

3.4 Lawful and Reasonable Instructions

Employees are expected to comply with all lawful and reasonable instructions related to their work.

Employees are obliged to carry out an instruction unless there is a danger to a person's health and safety or if it appears to be an unlawful or unreasonable instruction. Unreasonable relates to issues of competence, resources, efficiency, personal beliefs (e.g. religion) or conflict with professional ethics. Where an instruction appears unsafe, unreasonable or unlawful, an employee should communicate this to the person giving the instruction. If an employee is still not convinced of the reasonableness or lawfulness of the direction, the employee may raise the issue at a higher level in the organisation or lodge a grievance through Council's Grievance Procedure.

Supervisors should, in all circumstances, be open to constructive questions about their directions. Employees must accept that it is likely that they will not agree personally with all decisions made by Supervisors.

3.5 Respect for Civic Duties

In keeping with the spirit of respect for the law and the system of Government, this Council will fully support staff in the undertaking of civic duties from time to time. These duties include: jury duty, Justice Of the Peace/Commissioner for Declarations roles and Defence Force Reserves.

If an employee wishes to stand for election in local, federal or state parliaments, they must observe the procedures as set out in the *Queensland Local Government Act 2009*.

ETHIC PRINCIPLE 4: ACCOUNTABILITY AND TRANSPARENCY

Ethics Obligation

Council employees recognise that public trust in public office requires high standards of public administration, public service agencies, public sector entities and public officials.

This means employees, for example:

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

Standards of Conduct

4.1 Safety, Health and the Environment

Employees must take all reasonable steps to ensure their own safety, health and welfare in the workplace.

Employees must:

- Report any workplace injury, illness, incident, 'environmental harm' or risk to employees.
- Not use, possess or be impaired by any mind altering substances such as drugs or alcohol while at work as per Council's Drug and Alcohol Policy.
- Not smoke in any council building or vehicle.
- Support the use of the Employee Assistance Program for any employees in need.

- Support staff participation on Workplace Rehabilitation Programs.
- Follow standard work procedures.
- Ensure that the Material Safety Data Sheet is read before using chemicals.
- Ensure that personal protective equipment is utilised as per requirements.

Council has legal responsibilities to protect and manage the environment. 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. Employees (including contract staff) must not carry out any activity that causes, or is likely to cause, environmental harm unless the employee takes all reasonable and practical measures to prevent or minimise the harm.

4.2 Managing Council Resources

Council resources include property, plant, equipment, information systems, computing resources, goods, products and valuables. All resources must be used economically and efficiently and treated with care and given adequate protection to avoid misuse or theft. In addition, employees must avoid waste and extravagance in the use of resources, ensuring that resources are used for legitimate activities of Western Downs Regional Council only.

The following conditions apply to council resources:

- Council property is not to be borrowed for personal use by employees.
- Where materials are set aside for a particular job and are not completely used up, the remaining material should be returned to stock for future use.
- Minimal photocopying for school, outside committees, etc. is permissible.
- All Council employees who have access to email facilities should have read and understood Western Downs Regional Council's Guidelines for Use of email before being provided with this functionality. The guidelines can be accessed via the Western Downs Regional Council Intranet.
- Council's email facilities should always be used in a professional and courteous manner and messages should not include any material which infringes on State or Commonwealth Anti-Discrimination Acts.

- Use of computer facilities by staff undertaking private study outside normal working hours will need to be authorised by the CEO. However, it will not be permissible for employees to use disks or software which originate elsewhere, and which therefore carry a danger of virus contamination.

4.3 Private use of Council Resources

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

- Limited, occasional local telephone calls when essential.
- Employees may make use of Council's internal notice boards for approved community information, trade union purposes or to publicise social events.
- Limited, occasional personal use of photocopier
- Using Council's internet facilities for non-work related purposes is not acceptable. Internet use is monitored and any unauthorised use or misuse will be subject to disciplinary action in accordance with Council's Electronic Information & Communications System Policy (FICT 0/2.2.1).

Council resources, other than those listed above, must not be used for personal reasons even if being used outside of work hours.

4.4 Motor Vehicles

Council vehicles form a significant part of Council's property/resources and, as such, should be treated with due care and attention.

When using Council vehicles, employees must be aware that they are subject to public scrutiny and therefore they must ensure the vehicle is 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 guidelines.

4.5 Confidentiality

Employees may have access to information of a private or personal nature relating to customers or other employees. They are privy to this information on the understanding it

will only be used for a specific work purpose and will remain confidential. Confidential information is to be kept secure and not discussed with anyone who does not have a legitimate right to know.

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.

Only certain officers specifically delegated by the Chief Executive Officer can provide access to information requested under the provisions of the *Right to Information Act 2009*.

Unauthorised release of any 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 *Local Government Act 2009*.

Union Representatives and Delegates are in a position of trust and may have access to confidential information about Council employees and are similarly bound by this confidentiality clause.

4.6 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.

4.7 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.

A guide to ethical decision making

It is not possible to have a rule for every situation. At times, you will need to make decisions or take actions that are not specifically covered in the Code of Conduct. The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: Assess the situation

- What are the facts and circumstances?
- Does it break the law or go against Council policy?
- Which of the five principles applies to the situation?
- Who is affected and what rights do they have?
- What are your obligations or responsibilities?

Step 2: Look at the situation from Council's viewpoint

- Are there existing policies/guidelines/procedures that can give guidance?
- What are the relevant laws?
- 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?
- Would you be embarrassed if others knew you took this action?
- How would it look in the newspaper?

Step 4: Consider the options

- Ask your Supervisor, Manager or Human Resources for advice.
- What options and consequences are consistent with Council's values, the five principles and your obligations?
- What are the costs and long term consequences?
- What are the legal implications?
- How would the public view each option?

Step 5: Choose your course of action

Make sure your course of action is:

- Within your authority to make
- Legal and in line with this Code
- Fair and able to be justified to your 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 Council advisors, if required

Definitions

In the Code of Conduct of the Western Downs Regional Council the following definitions apply:

Conflicts of Interests	<p>Refers to a conflict between the private interests of a local government employee and public duty.</p> <p>A perceived conflict of interest exists when it appears that an employee's private interests may have the potential to interfere with the proper performance of their official duties.</p> <p>A real conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their official duties.</p>
Corruption	<p>Corruption is the misuse of one's power to gain personal advantage.</p>
Council Employee	<p>Any person performing work for Council (including contract staff) and including volunteers, work experience students, vacation employment students and/or any arrangement satisfying the requirements of an employee under the Industrial Relations Act 1999 (Qld).</p>
Councillor	<p>A person elected by the community to run the Council - refer Local Government Act 2009.</p>
Customer	<p>In relation to this Code, 'customer' refers to any person with whom employees may come into contact during the performance of our duties. It includes, but is not confined to, members of the public, work colleagues throughout Council and other local government employees.</p>
EEO	<p>Equal Employment Opportunity is based on the principle that all employees and potential employees of Council have the right to equality of opportunity and fair treatment in employment. In practice, EEO is the establishment of working conditions, policies, practices, guidelines and conditions which enable every individual to compete equally for recruitment, selection, promotion, transfer and training based on merit.</p>
Environmental Harm	<p>Is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value (Environmental Protection Act 1994).</p>
Extravagance	<p>Refers to using public resources in excess of what is required to achieve the objective.</p>
Faithfully	<p>Refers to the common law duty of service owed by an employee to an employer. This includes, for example, the responsibility to respect the legitimate interests of the employer and to carry out lawful directions.</p>
Impartiality	<p>Refers to the political convention of the "Westminster" tradition of democratic government and public administration of a politically non-partisan public sector. This means, for example, that a public official will implement the policies of the government regardless of which political party is the government.</p>
Maladministration	<p>Unlawful, arbitrary, unjust, oppressive or improperly discriminating acts, or actions taken for improper purposes by public officials.</p>

Misuse (resources)	Refers to mistreating or not looking after a public resource or using public resources for purposes other than official purposes.
Obligation	Refers to the general, moral and legal duty to take reasonable care to avoid causing harm to oneself, another person, property or the environment.
Public Interest	Refers to the central idea of the concept of responsible public service, deriving from the “Westminster” tradition. In general, to act in the public interest means to act in accordance with the law and the policy objectives of the elected Council.

Further information

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your Supervisor, Manager or Human Resources.

There are a number of Western Downs Regional Council Policies underlying this Code of Conduct. You are required to read and understand the policies that govern your employment with Council.

The Chief Executive Officer may vary this Code of Conduct as required.

Customer Service **1300 728 500**

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Corporate Office
PO Box 551, DALBY, QLD 4405

info@wdrc.qld.gov.au



Memo

Attention All Staff
Responsible Officer P. A. Berting, CHIEF EXECUTIVE OFFICER
Date June 2011
File Reference 17/4/13
Subject Employee Code of Conduct

For action For information For comment Meeting referral Note and file Urgent

Dear Team

I am pleased to present the recently developed and approved 'Code of Conduct' for Western Downs Regional Council employees.

Attached to this memorandum is an acknowledgement sheet which needs to be signed and returned to Human Resources as soon as possible.

Employees are reminded that the Code is current as at the day of publication however legislative and policy changes may require the Code to be updated from time to time. Staff will be advised of any major amendments to the Code in staff newsletters, payroll notifications and/or announcements on Council's intranet COLIN.

A current version of the Code will always be available on COLIN. Staff without regular access to COLIN may request a copy of the most recent version at any time from their Supervisor or by contacting the Human Resources team.

Yours Sincerely,

A handwritten signature in black ink, appearing to read "P. Berting".

Phil Berting

CHIEF EXECUTIVE OFFICER

WESTERN DOWNS REGIONAL COUNCIL EMPLOYEE CODE OF CONDUCT

Acknowledge Receipt Form

You have been given a copy of Western Downs Regional Council employee 'Code of Conduct'.

Please sign the acknowledgement of receipt, remove this page from the Code of Conduct and leave with the Human Resources Officer.

If there is anything in the Code that you do not understand please contact either your Supervisor or Human Resources to seek clarification.

Introduction

Breaches of the Code

The Code

Principle 1: Integrity and Impartiality

Principle 2: Promoting the Public Good

Principle 3: Commitment to the System of Government

Principle 4: Accountability and Transparency

A Guide to Ethical Decision making

Definitions

Further Information

I, _____ acknowledge that I have been given a copy of the Western Downs Regional Council Employee Code of Conduct.

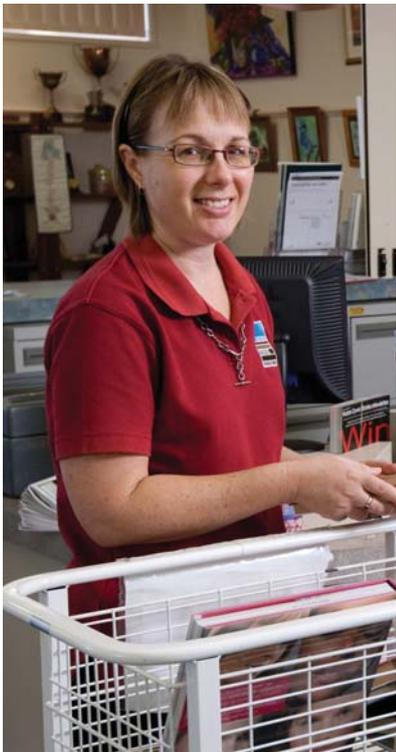
Dated: _____

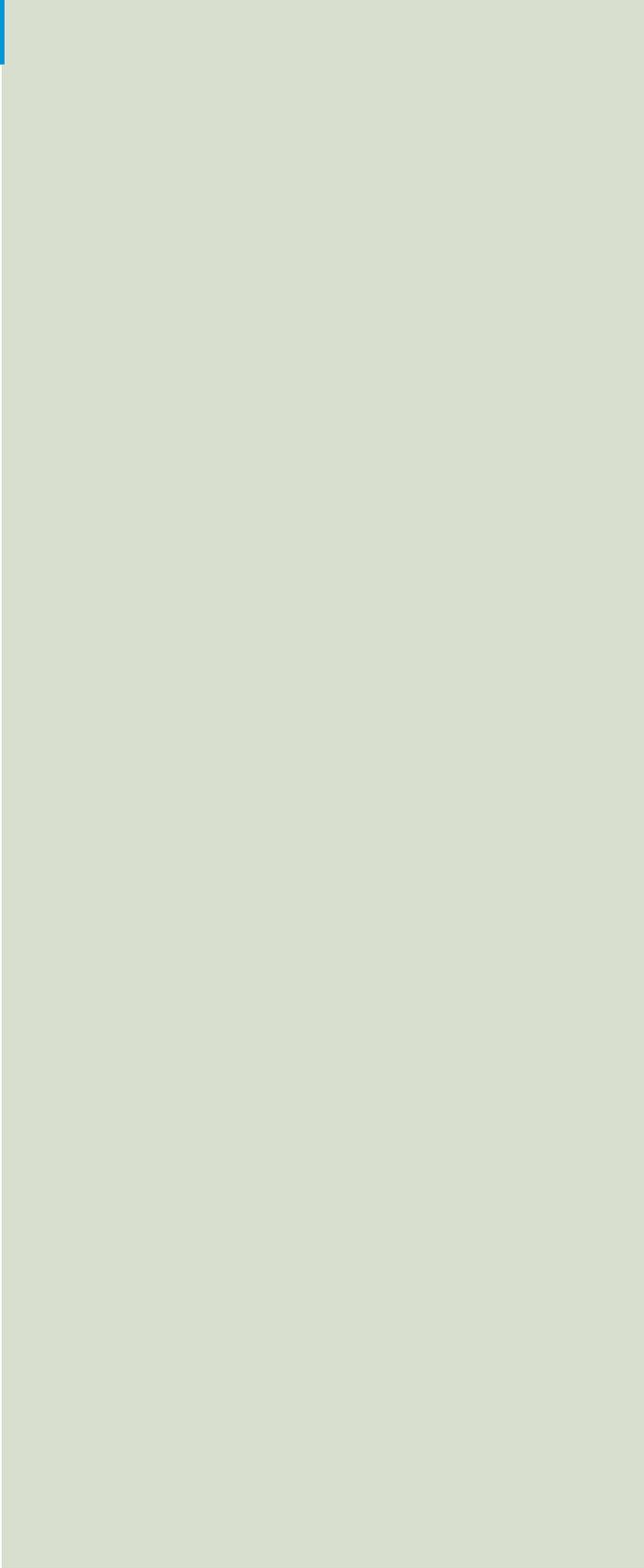
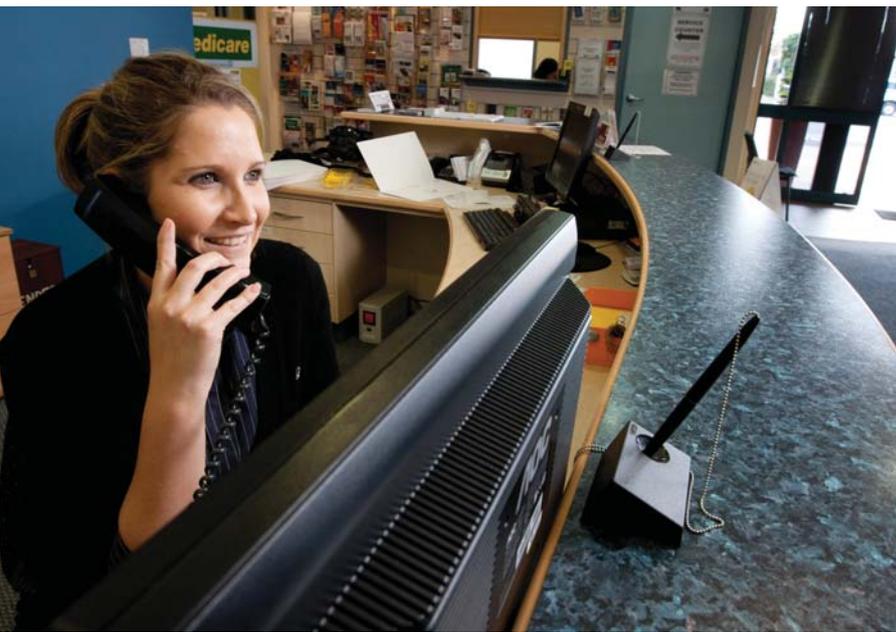
Print Name: _____

Signed: _____

Privacy Statement *Any personal information you have supplied to or is collected by the Council will only be stored and processed by the Council for lawful purposes directly related to the functions and activities of the Council. Any personal information supplied will only be disclosed to a third party for the purpose of performing a lawful function or activity and for no other purpose.*







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