



LOGAN | CITY COUNCIL

Code of Conduct for Staff

This Code has been developed to promote ethics and integrity within Logan City Council and to provide us with a framework for our ethical behaviour, duties and decisions. The Code applies to all employees and will heighten staff awareness of ethical issues and positively shape the culture and reputation of Council.

Schedule 1 – Definitions of Terms

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

“**benefit**” includes:

- property, advantage or service;
- anything that is for a person’s good;
- the causing of detriment; or
- direct or indirect benefit, relief or abstention from direct or indirect benefit, or promise of direct or indirect benefit; and covers any gifts, gratuities, remuneration, allowances, fees, subsidies, considerations, incentives, discounts, or entry fees, memberships or loans provided under special conditions.

“**conflict of interest**” An *actual* conflict of interest exists when a reasonable bystander, in possession of the relevant facts, would conclude that the person’s private interests are likely to interfere with the proper performance of their official duties. An *apparent* conflict of interest exists when it appears that a person’s private interests have the potential to interfere with the proper performance of their official duties.

“**employee**” includes a person who contracts to provide services to Council and a person prescribed under the *Local Government Act 1993*.

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

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

“**officer**” is an employee or staff member of Council, whether employed on a permanent, temporary, part time or job share basis.

“**whistleblower**” is a person who makes a public interest disclosure in accordance with the *Whistleblowers Protection Act 1994*.

LOGAN CITY COUNCIL CODE OF CONDUCT FOR STAFF
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Message from Her Worship the Mayor and the Chief Executive Officer

As employees of the Council, we face increasing expectations from the community for greater accountability for our use of public resources and the outcomes that we achieve. To operate effectively, the Council needs to maintain the confidence of our community. At the same time, modern workplace standards demand greater customer focus, better risk management, and increased emphasis on individual responsibility. This requires high levels of accountability and fairness, as well as care and skill in deploying public resources.

In this environment, reliance on rules and procedures is not enough and deciding on the 'right thing to do' sometimes requires difficult and delicate judgements. The Code of Conduct for Staff (the Code) for the Logan City Council has been designed as a guide to help each of us resolve ethical issues in the public sector and business environments.

The Code is based upon the principle that behaving ethically is central to achieving the Council's purpose and supporting its values which involve commitments to customers and business partners, people and quality. It is imperative that we all ensure that the highest standards of integrity underpin everything that we do. Indeed Council's reputation depends upon the conduct of all employees in carrying out their duties.

The Code has strong links to customer service, professionalism, and good management practice. Its purpose is to provide common guiding principles and standards of conduct for all employees, which enhances the Council's public image and business reputation. As well as helping each of us in our employment, the Code is a public statement of how we conduct our business and how we treat our customers, business partners and colleagues.

The Code covers a range of issues which we all may face in our work, and addresses the most appropriate procedures to follow. When applying the Code to particular circumstances, we are expected to follow its spirit and intent as much as its explicit provisions.

The Code is part of the Council's official policy. Without exception, all employees are required to adhere to the standards of conduct which the Code outlines. We must all ensure that the highest standards of integrity underpin everything that we do.

We are committed to the content of the Code and the principles on which it is based. We will strive to abide by them, and require others to demonstrate a similar commitment. We are confident that by supporting each other in addressing these principles, we will all ensure that our residents are well serviced by this Council and its employees.

Chris Rose
Chief Executive Officer

Cr Pam Parker
Her Worship the Mayor

SECTION ONE

Introduction

Working in local government involves a position of trust. Within the Logan City Council, we are all responsible for administering substantial public resources. Moreover, the decisions we make can have significant effects on the lives of the residents of Logan City and the image/perceptions of our organisation and the local government industry in our communities.

The Council's reputation depends upon the conduct of all of us in carrying out our duties in a professional and responsible manner.

How we use our official positions, our powers and the resources available to us are the central concerns of the Code. The purpose of the Code is to provide us with a framework for our ethical behaviour, actions and decisions - to help us all know what standard is expected. The Code applies to every person employed by the Council. Staff should make consultants and contractors of the Council aware of the Code and its contents and whenever possible, encourage them to observe the standards set out in the Code.

1.1 Why Do We Need a Code of Conduct?

The Council is made up of individuals from a variety of backgrounds. Each of us has our own set of experiences and expectations, which can often influence our own views of what is right and proper.

Sometimes we are called upon to make decisions or implement policy in circumstances in which our personal values and beliefs, or our individual interests, may be in conflict with Council policy.

We are also required to recommend courses of action in matters involving conflicting interests, or competing views about what "the public interest" requires. In many cases, deciding what is the right thing to do can involve quite difficult and delicate judgments.

To ensure that consistent standards and approaches are adopted in our actions, and that other views are considered, Council's Code is designed to provide common guiding principles and standards of behaviour. The Code also sets out a minimum standard of conduct for employees in a range of situations which we may face.

Ethics are the principles that help determine the choices and decisions we make - especially in cases where no specific rule exists, or where there may be conflicting interests or opinions.

Staff will give a commitment to improving the profile and visible productivity of Logan City Council particularly through an awareness by staff that the general perception of local government, Logan City Council can be improved and that they have an important role to play in improving this in our local communities.

1.2 It's OUR Code of Conduct

The Code for the Logan City Council has been developed by a cross-section of Councillors and staff of the Council, and represents the result of an extensive consultation process. Consultation on the contents of the Code was also undertaken with industrial organisations representing staff interests.

The completed Code is a document which properly reflects our needs and aspirations as staff of Logan City Council.

1.3 To Whom does the Code apply?

The Code applies to all permanent, temporary, casual, part-time and job share employees of Logan City Council regardless of level of seniority. Any other persons who may be engaged to undertake activities or control resources on behalf of the Council also need to be aware of the requirements of the Code.

1.4 When does the Code apply?

The Code is concerned with our conduct as public officials and behaviour as individuals at work and outside the workplace 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 the Council.

1.5 Relationship to the *Public Sector Ethics Act 1994*

The *Public Sector Ethics Act 1994* was introduced on 1 December 1994. Under the Act, each public sector agency is required to develop and implement a Code of Conduct. The Code must be consistent with the five ethics principles declared by the Act as the basis of good public administration. These are:

- *Respect for the Law and the System of Government;*
- *Respect for Persons;*
- *Integrity;*
- *Diligence;* and
- *Economy and Efficiency.*

From these core principles, ethics obligations have been derived upon which Codes of Conduct are to be based.

1.6 Public Sector Ethics Principles and Obligations

The Council's application of the public sector ethics principles and obligations are detailed within the Code. There may be situations, however, which are not explicitly addressed by the Code. For this reason the principles and obligations are reproduced here in a format consistent with the way they appear in the Act - to allow us to refer to them for further guidance when necessary:

Ethics Principle 1: *Respect for the Law and System of Government*

Obligation: A public official should uphold the laws of Local, State and Commonwealth Governments, and carry out official public sector decisions and policies faithfully and impartially.

This (obligation) does not detract from a public official's duty to act independently of government if the official's independence is required by legislation or government policy, or is a customary feature of the official's work.

Ethics Principle 2: *Respect for Persons*

Obligation: A public official should treat members of the public and other public officials honestly and fairly, and with proper regard for their rights and obligations. A public official shall act responsibly in performing official duties.

Ethics Principle 3: *Integrity*

Obligation: In recognition that public office involves a public trust, a public official should seek

- (a) to maintain and enhance public confidence in the integrity of public administration; and
- (b) to advance the common good of the community the official serves.

Having regard to (that obligation), a public official

- (a) should not improperly use his or her official powers or position, or allow them to be improperly used; and
- (b) should ensure that any conflict that may arise between the official's personal interests and official duties is resolved in favour of the public interest; and
- (c) should disclose fraud, corruption, and maladministration of which the official becomes aware.

Ethics Principle 4: *Diligence*

Obligation: In performing his or her official duties, the official should exercise proper diligence, care and attention, and should seek to achieve high standards of public administration.

Ethics Principle 5: *Economy and Efficiency*

Obligation: In performing his or her official duties, a public official should ensure that public resources are not wasted, abused, or used improperly or extravagantly.

The Council endorses these public sector ethics principles and obligations, and has provided the following summary statements based upon them to guide our behaviour as staff of the Logan City Council:

Respect for the Law and System of Government

We are employed at public expense to implement the policies and programs of the Council for the benefit of the community. In acting 'in the public interest', staff of the Logan City Council are expected to act in accordance with the law, and the policy objectives of the Council, under the direction of the Mayor and the Chief Executive Officer.

Respect for Persons

The Council is committed to provide and promote a responsible workplace through a greater awareness of our obligations to other people. In carrying out our duties, we are expected to treat all people honestly and fairly, having respect for their rights, dignity and well being.

Integrity

As public officials we have been placed in a position of trust:

- to administer Council policy regardless of our personal political views;
- to use official powers and resources appropriately;
- to maintain confidentiality of official information; and
- to ensure that official influence, resources or information are not used for personal or other improper advantage. When our conduct involves any real or apparent conflict between any private interest and public duty, confidence in the entire system of local government may be put at risk.

Diligence

As public officials we have an obligation to perform our duties to the best of our ability - exercising due diligence, care and attention, and at all times seeking to achieve high standards of public administration.

Economy and Efficiency

'Public resources' are provided through public funds for use in the legitimate activities of public sector agencies, and can include official information and human skills and knowledge as well as material and financial resources. As public officials we are expected to manage these resources responsibly, to safeguard public assets, and to ensure the efficient delivery of programs and services.

SECTION TWO

Council's Strategic Direction:

To continue developing Logan as "A City for Families, Lifestyle and Business".

Our Council's Corporate Values

The staff of Logan City Council see the community as the focus of all actions. These actions are supported by the following corporate values:

We **serve** our community and colleagues to the **best of our ability**.

We treat our customers and colleagues with **respect** and **fairness**.

We behave **responsibly** and with **integrity**.

We are **trusted** to exercise initiative and value new ideas.

We recognise **effort** and **achievement**.

We encourage **fun**, **teamwork** and **loyalty**.

2.1 Complying with the Code

Under the *Public Sector Ethics Act 1994* the Chief Executive Officer is responsible for ensuring that the Code is made available to everyone employed by the Council, together with appropriate education and training in public sector ethics.

The Code has been developed to create an appropriate framework for ethical conduct, and to give us as individuals the understanding and tools to do what is expected of us as employees of the Council. As such, we are responsible for our own actions and for ensuring that the requirements of the Code are complied with.

2.2 Resolving Ethical Dilemmas

It is not possible to have a rule for every situation or to detail in the Code every possible ethical dilemma that may arise in the workplace.

Where it is not immediately clear what should be done in any given situation, the following process can be used.

Steps to take in resolving an ethical dilemma:

1. Identify and assess the situation. What are the facts, alternatives, and consequences? Who are the stakeholders? If appropriate, discuss the situation with your Supervisor, Manager or Deputy Chief Executive Officer.
2. Refer to the Code and any relevant Council guidelines and policy documents for direction.
3. If the situation is still unresolved refer to the ethics principles and obligations contained in the *Public Sector Ethics Act 1994*, applying them in turn to the situation. Keep in mind any general indication already suggested by the first two steps. (It should be noted that while no particular ethics obligation is prioritised by the Act, its weight will depend upon the facts and circumstances of the situation.)

4. *Try asking these questions:*

What does the letter and spirit of the law require me to do?

Is there any breach of the Code, official misconduct, fraud or corruption involved?

Is the decision consistent with government policy directions and administrative procedures?

Will my actions be fair and honest toward others?

Is there any perceived, real or potential conflict of interest in this situation?

What obligation might I be put under, or expectations raised?

Does this situation compromise me in terms of my obligations to my employer or the community?

Does this situation compromise public confidence in my actions or the activities of the Council?

Who will be adversely affected?

5. Comprehensively re-assess the situation according to possible solutions suggested by the above steps.
6. Document the decision, giving supporting reasons and justifications. If the decision can't be documented, does that indicate anything relevant to the nature of the decision?

If, however, you are unable to resolve a situation, the matter should be referred to your Supervisor, Manager, Deputy Chief Executive Officer or the Chief Executive Officer for advice or decision. If this course of action is not appropriate for any reason, the Human Resource Services Manager or another Manager, Deputy Chief Executive Officer or appropriate person should be contacted for advice or resolution.

SECTION THREE

Using the Code of Conduct for Staff

The standards of conduct that apply in the Council are set out in the Code, together with guidance on where to obtain further information or other supporting material. Topics have been aligned with the five ethics principles, to enable each of us to better understand our ethical obligations as public officials. Each topic explains the Council's position, contains examples and provides guidance.

Where a particular situation may not be explicitly addressed by the Code, it is our responsibility to determine the correct course of action, using the process set out in Section 2.2.

3.1 Offences and Disciplinary Action

The Council acknowledges that the overwhelming majority of its staff are committed to excellent standards in relation to all issues covered by the Code. The Council has a commitment to building an ethical workplace environment and, in order to maintain and enhance public confidence in the integrity of Council and its staff, seeks to ensure that anyone who behaves unethically is subject to appropriate and consistent sanctions.

While reasonable efforts to behave ethically will be supported, failure to comply with the Code or unethical behaviour may result in:

- formal or informal counselling; or
- application of procedures for the Management of Diminished Performance or;
- application of the disciplinary procedure.

Additionally, serious breaches of the Code that could amount to a criminal offence will be referred to the Police and Crime & Misconduct Commission (CMC). Allegations of official misconduct will also be referred to the CMC for investigation, in accordance with provisions of the *Crime & Misconduct Act 2001*.

3.2 How does the Code relate to other Codes of Professional Ethics?

While developing the Code, every endeavour has been made to consider the requirements of Ethics Codes of established professional bodies. There may be occasions, however, when these requirements will conflict with the perceived legal and ethical duty of those of us who are employed by the Council in a professional capacity. Such conflicts are usually based upon different views of government policy and professional standards regarding 'the public interest'.

In the event of such conflict, the Code encourages our employed professionals to raise their concerns within both the Council and their own profession to enable informed discussion.

3.3 Public Sector Ethics Principle: Respect for the Law and System of Government

3.3.1 Our Responsibility to Council and Community

We are accountable to the community through the Chief Executive Officer, and therefore are required to be responsive to the Council of the day by implementing decisions and policies conscientiously and impartially, accepting that the elected Council has the right to determine policy and priorities.

In fulfilling our responsibilities to the Council and the public, there can sometimes be a conflict between the expectations of the Chief Executive Officer, the law, our Supervisor or profession; or there may be occasions when government policy or Council practice may be perceived by us to have negative consequences for the public good.

Consider these examples:

- 1. An officer employed to administer a funding program which affects the level of community services provided by a local government, may face a conflict between the application of Council policy and a sincere professional belief of what is in the best interests of that local community, or*
- 2. An officer deliberately delays or does not action a Council resolution due to:*
 - (a) moral grounds ;*
 - (b) they believe Council is wrong; or*
 - (c) they believe that they are more qualified than the Council and therefore better understand what is required to meet the public good.*

Guidance:

- If you experience conflicting political, legal, organisational and professional responsibilities, you are expected to assess the situation and consider ways in which the matter may be resolved, and which are not in breach of the Code.
- If you are unable to resolve the matter, you should seek advice from your Supervisor or Manager to balance and resolve these issues, and to contribute to healthy internal debate about competing obligations.
- If you feel that Council policies, resolutions or practices are not in 'the public interest', you should raise the issue within the Council through the appropriate management structure and internal reporting processes to maintain open and informed communication on crucial issues.
- Where a conflict arises involving professional or personal standards and the requirements of the Council's Code, the employer's right to determine what is to be done should be recognised. As an employee, you have the right to raise a grievance in relation to the issue.

By being aware of our workplace role and employer expectations, we can all contribute more effectively to the Council's efficiency in implementing Council policies and administering the law.

3.3.2 Challenging Official Instructions

It is expected that as employees of the Council we will follow lawful instructions. However, the Council recognises absolutely our individual right to challenge any instruction we genuinely consider to be unlawful, unreasonable, excessive or a breach of workplace, health and safety requirements.

The Council also affirms its right as the employer to resolve perceived conflicts of obligation with staff through its established internal processes.

We are each entitled initially to refuse to comply with an instruction that appears to be unlawful. We also have the right and an obligation to test what appears to be an unreasonable or excessive instruction against the standards of the community. This test may be made in relation to natural justice or human rights matters, especially where the safety and well being of ourselves and/or others is involved.

Consider this example:

An officer is instructed to discuss a highly contentious issue with a resident with whom they have experienced difficulties in the past, refuses to do so in the belief that their personal safety would be at risk.

Guidance:

- If you think that you have been given an inappropriate official instruction, you should first seek further information and clarification from the person issuing the instruction, communicating your concern, if appropriate.
- If the response still gives you concern, you should apply a test of reasonableness to help you determine the right course of action.

Ask yourself these questions:

Is the instruction lawful?

Is the instruction consistent with documented laws and Council's standard procedures?

Is the instruction in keeping with the goals and objectives of the organisation?

Would following the instruction give rise to substantial adverse unintended consequences?

If the instruction is carried out, could it have an impact on the reputation of the Council?

- If you still believe the instruction may be inappropriate or illegal, you should discuss the matter with the Senior Manager to whom the person issuing the instruction

reports. In the interim, however, you are expected to carry out the instruction unless it is indisputably unlawful, unreasonable or dangerous.

If you are a Senior Manager approached by someone questioning an official instruction, you must provide guidance and direction in a supportive and unprejudiced environment. If necessary, you should mediate between the officer and the person issuing the instruction to resolve the matter.

- If the instruction is deemed to be lawful and reasonable, but you still object strongly as a matter of personal conscience and cannot accept a proposed resolution of the situation, you are expected to comply with the instruction or you may resort to the Council's internal grievance mechanism.
- If criminal conduct is suspected, notify an appropriate authority. This may be the Chief Executive Officer, the Police, or the Crime & Misconduct Commission, depending on the circumstances. To ensure that appropriate reporting mechanisms are adhered to in this situation, the *Whistleblowers Protection Act 1994* and the Council's policy and procedures for handling public interest disclosures should be referred to.

Understanding our individual right to challenge an official instruction increases our sense of accountability and responsibility, and helps to maintain the integrity of the Council by ensuring that official instructions are legal and appropriate.

3.4 Public Sector Ethics Principle: Respect for Persons

3.4.1 Dealing with Colleagues, Clients and Business Partners

In our workplace conduct we are expected to treat all colleagues, clients and business partners of the Council and the general public in a reasonable and courteous manner: being responsive to their needs and requests, and ensuring that they receive their entitlements.

Our personal feelings, or a lack of tolerance of views held by others which might differ from our own, should not be allowed to influence our judgement, decision making or workplace behaviour.

The belittling of another person through overt or implicit language and actions can have a severe impact on that person's self-esteem and well being, and may have significant unintended consequences.

Consider these examples of *improper* conduct:

1. *Officers in a work unit constantly use gender-based remarks and language, which have a severe impact on a colleague's self-esteem and create workplace stress for him or her.*
2. *A Manager continually denigrates an employee's abilities in the presence of other staff, lowering the morale of the work unit.*

3. *An officer makes fun of a resident's cultural values and practices, potentially provoking legal action against the Council.*

Guidance:

- If any behaviour might be considered inappropriate or cause unreasonable distress and embarrassment to others, it should be avoided.
- You are expected to comply with the principles of equity and social justice, to avoid unfairly discriminating or harassing colleagues or the public on any grounds, including those identified by the *Anti-Discrimination Act 1991*.

By respecting the rights, dignity and well-being of others, we can all contribute to our improved work performance, staff morale and job satisfaction with the Council.

3.4.2 Responsibility of the Chief Executive Officer, Deputy Chief Executive Officers, Managers and Supervisors

In exercising their authority, our Supervisors, Managers, Deputy Chief Executive Officers and the Chief Executive Officer have added responsibilities in their attitudes towards their staff and colleagues, and are expected to ensure that there is no misuse of their Managerial power.

Consider these examples of improper conduct:

1. *The leader of a large project team marginalises staff members he/she does not like.*
2. *The Manager of a work unit makes decisions about staff based upon personal friendship rather than organisational needs, while ignoring the needs of other staff members.*
3. *A Manager consistently refuses to release staff for cultural, religious or family priorities without considering their personal requirements and well being.*

Guidance:

As a Manager or Supervisor you are required to:

- Treat staff fairly and equitably without favouritism, harassment, victimisation or neglect of any individual;
- Deal with staff and other colleagues in a consistent manner;
- Apply guidelines flexibly within the spirit of their intent, according to individual circumstances and without personal bias;
- Adhere to management principles and practices which foster the rights, dignity and well-being of employees;
- Avoid setting unrealistic performance standards or overworking your staff;
- Become aware of the competencies of staff and provide development opportunities;

- Model ethical behaviour in your leadership style.

Council guidelines and policies on Employment Equity, Harassment, Sexual Harassment, Conduct and Discipline are available from the Human Resource Services Branch.

In exercising their authority responsibly, our management plays an important role in the growth and development of staff and the reduction of workplace stress.

3.4.3 Workplace, Health & Safety

The Council has a duty of care and legislative obligation to provide us all with a safe and comfortable working environment. As employees we also have a duty and obligation to take all reasonable steps in ensuring our own safety, health and well being in the workplace, as well as that of colleagues, customers and the general public.

Guidance:

- Specific details of your workplace, health and safety obligations and responsibilities are set out in the provisions of the *Workplace Health and Safety Act 1995*. The Council's Workplace Health and Safety Policies are also available in the Council's *Policy Register*. We should be familiar with and support the Workplace, Health and Safety Policy statement issued by the Mayor and Chief Executive Officer which is displayed on your notice board.

By observing our own duty of care to ourselves and others, we can each contribute to the enjoyment of a safe and comfortable workplace.

3.4.4 Procedural Fairness

There may be occasions when we make an administrative decision or take discretionary action which is likely to have an adverse effect upon the rights, liberties, interests or legitimate expectations of another person. In such instances they are entitled to seek 'natural justice' and should be given an effective opportunity to request a review of our decision or action.

Where applicable, the person should be fully informed of their rights and of the particulars of the case. This should be done in due time and in a manner appropriate to the case.

To ensure fair treatment any general administrative guidelines are to be applied in a consistent manner while at the same time taking account of the particular circumstances of each case.

Consider these examples:

1. *An officer is accused of making a biased decision by a dissatisfied customer group which claims that the officer's personal views influenced the decision-making process.*
2. *An officer neglects the special needs of a resident seeking information from the Council who, through disability, is unable to access information as easily as others.*

Guidance:

- To ensure that your decision has not been affected or may be perceived to be affected by a customer's behaviour, you may wish to involve another officer in the assessment.
- Where a customer is disadvantaged in accessing information, for example, through geographical location, language difficulties or disability, you may be required to give extra assistance to that customer, without progressing the customer's advantage over that of another.
- If you are responsible for making decisions, these should be made within a reasonable time frame.
- Reasons for any decision should be given clearly and openly upon request to any individuals affected by that decision.

When we support objective and impartial decision-making, we reduce the likelihood of prolonged grievances, and promote confidence in the fair and consistent procedures of the Council.

3.5 Public Sector Ethics Principle: Integrity

3.5.1 Conflicts of Interest

As staff of the Council we have an obligation to maintain the Council's integrity and good public image. This should be kept in mind when personal interests differ from the interests of the Council. If a conflict arises, it should be resolved in favour of the public interest.

A potential or apparent conflict of interest exists when our private interests could impact adversely upon the proper performance of our official duties. When a reasonable person in possession of the relevant facts would conclude that our private interests are likely to interfere with this performance, an actual conflict of interest exists.

Consider these examples of improper conduct:

1. *An officer engages his sister-in-law as a consultant to complete some work with the Council, but does not disclose the relationship.*
2. *An officer agrees to purchase several pieces of equipment from a particular company, if the company supplies one for their personal use at no extra cost.*

3. *An officer employed by the Council to help administer funding a community project determines that these funds could be better used to help different and more pressing needs in the community, and consequently subverts the official funding process.*
4. *An officer recommends engaging a person, association, organisation, trading partnership or company etc with whom the officer has a private or business relationship eg. silent partner, owns a material shareholding in the company, officer holder, member or is related to the person.*
5. *An officer prepares a report to Council recommending a course of action knowing that it will benefit them privately or an associate directly or indirectly.*

Guidance:

The following steps may provide assistance when determining how to handle a potential conflict of interest:

- Determine the Council's position on the matter.
- Determine your own position on the matter and identify any inconsistency with that of the Council.
- Consider how others such as your peers, senior management, or the public would view the inconsistency.
- Consider alternative courses of action and their possible implications.
- Determine how the conflict could be best resolved in the public interest.
- Disclose the conflict in writing via your Manager to Council's CMC Liaison Officer. A determination will then be made as to the materiality of the conflict and the best way to resolve the conflict in the public interest. If a reply is not provided within 4 weeks the conflict of interest activity is to be discontinued.

To serve the public interest, the main issues are to disclose the conflict of interest to management and for management to seek advice from Council's CMC Liaison Officer regarding the level of materiality of the conflict. Council's CMC Liaison Officer must seek assistance from the Crime & Misconduct Commission (CMC), or other entities as required, to assess the level of materiality.

Further advice on the Council's policies and procedures for purchasing goods or engaging consultants may be found in the *Local Government Act 1993* and Council's *Policy, Management Directives and Delegation of Authority Registers*.

By ensuring that potential conflicts of interest are identified early and resolved in the public interest, we are able to promote objective and transparent decision-making processes, and enhance the good reputation of both the Council and ourselves.

3.5.2 Gifts and Benefits

It is vital that the integrity of the Council is never compromised. To this end, it is essential that the Council's functioning is not influenced in any way by unethical behaviour, and that no person or organisation is seen to be improperly influencing the decision-making processes of the Council or compromising its position.

It is unacceptable for any employee of the Council to ask for or to encourage the offer of any gift or benefit in connection with the performance of their official duties. Asking for and/or accepting unauthorised money, goods or services in exchange for favourable treatment, is likely to constitute criminal conduct.

Council has an adopted Policy entitled "Gifts, Entertainment and Gratuities" which provides further guidance on the topic.

Consider these examples of *improper* conduct:

1. An officer offers to give favourable consideration to a consultant's tender submitted with the Council, in return for the consultant's assistance with a personal project.
2. An officer accepts a 'fee' by a local business to keep its interests to the forefront when modifying the planning scheme.
3. An officer accepts a private company's offer of season tickets to the football before nominating the company as a preferred supplier of goods to the Council.

Guidance:

- If you think that you have been offered a bribe, refuse it and make a written report to the Chief Executive Officer immediately.
- If any gift or benefit is given with some form of obligation to the donor, then it should not be accepted.
- If you are offered or receive any gifts you should advise your Manager or Deputy Chief Executive Officer who will determine the appropriate course of action.

You should consider the following questions when deciding whether to accept unsolicited gifts or benefits offered by an external party:

How much influence do you or could you have on decisions affecting the external party?

Do you have direct dealings with the external party? What is the nature of that relationship?

What are, or what might be perceived to be, the reasons for offering the gift or benefit?

What are, or what might be perceived to be, the reasons for accepting the gift or benefit?

Does the external party expect something in return for their gift or benefit?

- On occasions where a gift is to be refused, you should, if possible, do so in a way that is not rude or offensive.
- If you have been offered or have received a gift or benefit (which includes travel, hospitality or sponsorship) you should notify your Supervisor, Manager or Deputy Chief Executive Officer for guidance as soon as possible.
- Benefits accrued through the use of Council resources rightly belong to the Council as the party funding the resource.
- Acceptance of certain benefits may be regarded as a 'recognised practice' within your own work area. This does not mean that it is automatically acceptable by the Council.

Further guidance on gifts and benefits can be found in the Council's *Gifts, Entertainment and Gratuities* Policy located in the Council's *Policy Register*. The requirements of the *Criminal Code Act 1899* and the *Crime & Misconduct Act 2001* in relation to "kickbacks" and official misconduct should also be considered.

By refusing to seek actual or perceived benefits and by following the correct procedures when offered unsolicited gifts and benefits, we maintain our personal reputation and the integrity of the Council.

3.5.3 Second Jobs and Outside Interests

The Council seeks to avoid unnecessary intrusion into our private activities. However, when we take up a second job or a major hobby our ability to function efficiently in the workplace may be adversely affected. This concern is even greater where our private interests lie in areas related to our official work for the Council.

Consider these examples of *improper* conduct:

1. *A Human Resource officer is also a partner in a small human resource consultancy firm that regularly tenders for the design of staff training courses for the Council.*
2. *An officer takes on a second job after hours but, as a consequence of the demands of this job, consistently performs below standard at work in the Council during the day.*

Guidance:

- If you intend to undertake external employment (including self-employment) which could give rise to a potential conflict of interest, or where the outside employment

will involve some relationship with the Council, you are required to inform and receive acknowledgment from the Chief Executive Officer of the Council.

- If your outside interests adversely impact upon your work performance, your Manager should instigate appropriate procedures and, if necessary, refer to the Policy for Managing Diminished Performance, to rectify the situation.

By understanding and meeting our obligations to the Council as our official employer, we assist the Council in achieving a balance between its legitimate need to protect its integrity, and our rights to lead our private lives without unnecessary intrusion by the Council.

3.5.4 Confidentiality

In the course of our employment within the Council, we may have access to confidential information. This information may be of a sensitive nature and may have the potential to seriously impact upon the activities of the Council, individuals or private sector organisations if it were to become widely known. Appropriate levels of confidentiality must be maintained by us at all times.

Information about the Council's activities may be considered to be confidential prior to its public release.

Any information relating to individual customers is considered to be confidential, and should not be discussed outside the workplace or with people not directly involved in the matter concerned.

Consider these examples of *improper* conduct:

1. *An officer discloses to an external lobby group details of a confidential study commissioned by the Council for a land use planning proposal.*
2. *An officer discloses confidential or privileged information to a tenderer to further his personal interests. (Such disclosure involves a conflict of interest and possibly a criminal offence.)*
3. *An officer discloses details of a confidential submission handled by the Council, in the belief that it is in the public interest to do so. (Such disclosure jeopardises confidence in the Council's ability to participate responsibly in future submission processes on matters impacting upon its program areas.)*

Guidance:

- Generally the determination of disclosure is a matter that should be assessed at a Managerial level. If you believe that information, which is generally not made publicly available, should be made publicly available (for example, where the safety of self and/or others is involved) you should refer the matter to your Supervisor or Manager for advice.

- If you wish to make a public interest disclosure, you are obliged to do so under the provisions of the *Whistleblowers Protection Act 1994*, and you should contact the Chief Executive Officer to ensure that appropriate procedures are observed.
- Further queries involving specific provisions of the *Freedom of Information Act 1992* should be referred to the City Governance Manager.

Further guidance on confidentiality can be found in the *Management of Confidential and Sensitive Information Policy*. It provides guidance about how confidential information should be managed, including its storage, use and access to it.

By ensuring that information held or generated by the Council is not used or disclosed inappropriately, we provide an assurance to our clients, business partners and stakeholders that confidential information is treated responsibly and, where applicable, that their right to privacy will be respected.

3.5.5 Public Comment

In the course of our employment with the Council we may be asked to make public comments upon a variety of issues. Prior to doing so, we must ensure that we are duly authorised by the Chief Executive Officer, Deputy Chief Executive Officer of Organisational Services or Marketing and Communications Manager.

The Council accepts that those of us who take pride in our work may from time to time wish to make our personal opinions public. However it is not acceptable or appropriate to make public comment on issues affecting the Council, which purport to express a Council position, unless we are authorised to do so.

Consider these examples of *improper* conduct:

1. *During an election campaign an officer engages in party political activity and publicly criticises the activities of the Council as a known Council employee. This action compromises the officer's willingness to objectively implement Council resolutions.*
2. *An officer enters into a discussion on Council policy at a local community group meeting, but fails to make clear to the audience that such comment is being made in the officer's capacity as a private citizen, rather than on behalf of the Council.*

Guidance:

- Although you maintain the same rights as any other member of the community to enter into discussions of social and community issues in a private capacity, it is your responsibility to ensure that any comment you make will be perceived by others as your personal view as a private citizen.
- In making any such comment, the use of privileged information gained through your employment with the Council is unacceptable.

In deciding on whether a particular comment is acceptable the following circumstances need to be considered:

the administrative or political sensitivity of the subject matter;
the context of the comment;
the extent and timing of any media coverage; and
whether you will be perceived to be speaking from a position of knowledge.

- If you make public comment in an official capacity which has been appropriately authorised, you must not misrepresent the facts concerning Council policy or administration.

Further guidance on public comment can be found in the *Media Policy* located in Council's *Policy register*.

By avoiding making unconsidered and/or unauthorised public comment, you will avoid compromising the integrity of the Council and incurring personal liability for incorrect or inappropriate statements on controversial issues.

3.5.6 Responsibilities of Former Employees

Should we leave the Council we are generally free to use the skills, knowledge or experience gained during our employment with the Council.

However, we can not freely use the Council's confidential information or documents in subsequent positions of employment. If the information or documentation is publicly available, we have the same right to discuss and use it publicly as any other member of the public, subject to copyright restrictions.

Consider these examples:

1. *A former Council staff member now working for a marketing firm uses a confidential list of the Council's customer names and addresses to target potential customers for a specific service.
(This action IS NOT acceptable. Because this type of information is unauthorised the officer becomes liable to prosecution.)*
2. *A former Council staff member now working as a private planning consultant uses knowledge of the Council's development assessment procedures to prepare applications for approval.
(This action IS acceptable because the Council's assessment procedures are explicit and publicly available.)*

Guidance:

- Prior to your departure from the Council you should seek advice from your Supervisor or Manager regarding authority to use information or documents.

- On departure, you are required to return documents and items which relate to the activities of the Council and which are not otherwise publicly available.
- If information gained as a consequence of your employment with the Council is not publicly available, you are required to seek the Council's permission to make public, publish or use such information.

Issues the Council will consider in making a determination on whether former employees may use Council information or documents include:

purpose of use;
sensitivity;
likely benefits or impacts on the Council, its clients, community, business sector, or individuals;
whether the material is intended to be sold for profit;
proposals for licensing or royalty arrangements; and
accordance with general Council objectives.

- If official information may be lawfully disclosed to any member of the public under the *Freedom of Information Act 1992* you do not need specific permission to use this information. You should seek guidance on matters relating to Freedom of Information from the Senior Governance Officer or City Governance Manager.

For further guidance, the Council's *User Guide to Council Operations* may be referred to.

Our awareness of our rights and responsibilities as former employees of the Council assists us in our protection from legal proceedings or questions regarding our professional and personal integrity.

3.5.7 References, Testimonials and Reports

The Council entrusts its officers with the responsibility for fair, consistent and objective appraisal of staff through the provision of performance and referee reports and the authority to select staff on the basis of merit. It expects that we will fulfil this responsibility with impartiality and due regard for the principle of equity.

We should be prepared to provide feedback to the individual concerned about the nature of comments we make within these reports, and ensure that any shortfalls identified during the process are addressed as part of the individual's training plan.

When we prepare references, testimonials, referee reports, selection reports and performance reports we are to ensure that information given is supported by objectivity. In addition, all official references provided on Council letterhead must be signed by the Chief Executive Officer or on behalf of the Chief Executive Officer by a Stream Deputy Chief Executive Officer.

Consider this example of *improper* conduct:

A Manager, who is approached by a staff member to act as a referee for their job application, is unsure whether the applicant can do the job effectively. In agreeing to act as a referee, the Manager fails to inform the applicant that he/she has reservations about supporting them on certain selection criteria.

(By failing to do so, the Manager denies the staff member the opportunity to access full referee support or to receive timely and appropriate feedback. In addition, the Manager is likely to be under pressure not to tell the selection panel the full story and thereby compromise the selection process.)

Guidance:

- If you are to prepare a report on another staff member you should ensure that you have a clear statement of the criteria against which to make an appraisal.
- If you are on a selection panel you should undertake or have undertaken appropriate training in making staff selections.
- In accessing or preparing information about another person you should treat that information as confidential.
- In preparing information about another person you should be prepared to provide feedback to that person about the nature of your comments.
- In making decisions about another person you should not consider uncorroborated opinions.
- If you are requested to act as a referee for another person you should not accept unless you have the knowledge of the person necessary to make an accurate and fair assessment of that person.

The Council has clear procedures in place for dealing with these matters. For further assistance the Human Resource Services Branch should be consulted.

By observing the correct procedures in preparing testimonials and reports we can ensure that the Council's reporting processes are fair, consistent and transparent.

3.5.8 Reporting Unethical Conduct

The Council seeks to ensure that a workplace environment exists which allows all of its employees to report perceived instances of unethical conduct; where reprisals against disclosers of unethical conduct or other persons are not tolerated; and where appropriate action is taken on reported matters.

As staff of the Council, we are all obliged under the *Public Sector Ethics Act 1994* to disclose any fraud, corruption and maladministration of which we may become aware.

All disclosures are to be kept confidential and, although frank and open communication is encouraged throughout the Council, we are entitled to remain anonymous if we wish.

Where we are aware of unethical conduct and fail to make a disclosure, appropriate disciplinary processes may be set in place by the Council.

Disciplinary action will be taken against anyone who makes a deliberately false disclosure, maliciously misuses the reporting process or makes a reprisal.

If we are a respondent, we can be assured that confidentiality will be respected, and that we are entitled to answer any allegation before any adverse finding may be made.

Consider these examples of *improper* conduct:

1. *An officer deliberately ignores the activities of a friend and colleague who has a small business and regularly uses Council resources to print and send fliers, to make telephone calls for their business, and to interview clients.*
2. *An officer is engaged in illegal or unethical activities and seeks to place pressure on another Council employee to support, cover up or copy the unethical behaviour, in an attempt to ensure that the other employee is not in a position to report the unethical conduct.*
3. *To 'get even' with a colleague for some perceived grievance, an officer lodges a false and malicious allegation about unethical conduct by that person.*

Guidance:

- If you become aware of conduct in the workplace that breaches the Code, you are obliged to discuss the matter with your Supervisor, Manager or other appropriate senior officer.
- If for any reason you are unable to approach your Supervisor or Manager, you should bring the matter to the attention of another Manager or appropriate person who has the knowledge of the mechanisms available to deal with the various levels of reported undesirable behaviour.
- If you feel that your report of unethical behaviour may be considered to be a public interest disclosure under the provisions of the *Whistleblowers Protection Act 1994*, you should contact the Chief Executive Officer to ensure that appropriate procedures are observed. A public interest disclosure can be made either orally or in writing, and again you may identify yourself or remain anonymous.

The *Whistleblowers Protection Act 1994* is designed to promote the public interest by protecting public officials and certain private citizens who make disclosures about:

official misconduct (as defined in the *Crime & Misconduct Act 2001*);
maladministration;

negligent or improper management affecting public funds;
danger to public health or safety, or to the environment;
danger to the health and safety of a person with a disability; or
reprisals against a whistleblower.

Further information on the disclosure of unethical conduct and the *Whistleblowers Protection Act 1994* may be obtained from the City Governance Manager. The Council's policy for managing public interest disclosures should be referred to.

Our confidence in raising legitimate ethical concerns within the Council without fear of retribution, demonstrates to all stakeholders that the Council is serious about promoting ethical behaviour, and produces a workplace environment in which unethical behaviour can be appropriately dealt with.

3.6 Public Sector Ethics Principle: Diligence

3.6.1 Workplace Conduct

The way in which we perform our official duties has an impact upon the Council's ability to appropriately serve the needs of government and the public. We are therefore expected to act responsibly in the workplace, to be accountable for our actions and decisions, and to provide honest, impartial and comprehensive advice and information.

Consider these examples of improper conduct:

1. *An officer fails to report concerns about issues arising from the performance of their duties, and in doing so compromises the soundness of the unit's decision-making processes.*
2. *An officer takes leave without seeking permission, with the result that the work area does not function effectively in their unaccounted absence.*
3. *An officer deliberately does not implement a lawful resolution of Council.*

Guidance:

In performing your duties you should:

- faithfully serve the Council of the day, regardless of your personal preferences;
- fulfil all responsibilities of your own job, including duties as appropriately directed by your Supervisor or Manager;
- ensure that existing rules and guidelines are followed responsibly, within the spirit of their intent;
- ensure that you implement a Council resolution in a timely manner. If you feel that a Council resolution is not in 'the public interest', you should raise the issue within the

Council through the appropriate management structure and internal reporting processes to maintain open and informed communication on crucial issues.

- ensure that decision-making processes are as soundly based, well informed and participative as possible, within resource and time constraints;
- become accountable for your absences from the workplace; and
- refrain from conduct which may adversely affect your work performance, or that of others.

Further Council guidance regarding workplace conduct, discipline and the grievance process is available from the Human Resource Services Branch.

By performing our duties faithfully and to the best of our ability we make an effective contribution towards achieving the Council's programs and objectives.

3.7 Public Sector Ethics Principle: Economy and Efficiency

3.7.1 Care of Public Resources

As staff of the Council we are expected to use all Council resources economically for their legitimate purposes, treating them with appropriate care and securing them against misuse or theft. Use of these assets to the best benefit of the Council also includes using proper disposal procedures.

Managers and Supervisors have a particular responsibility in using public resources, which includes minimising the waste, abuse or misuse of staff time.

Consider these examples of improper conduct:

1. *Staff gather during working hours to have an informal discussion on matters unrelated to the workplace.*
2. *Using petty cash to provide gifts for the group.*
3. *In authorising the purchase of a workplace camera, an officer orders the most expensive model without assessing the real needs of the workplace.*

Guidance:

- If you have a reason to incur an expense in the workplace, you should ensure that the expense is for the legitimate activities of the Council, seek prior approval, and follow the correct documentation procedures.
- If you have the power to approve expenditure or activity, you are not entitled to manipulate existing rules and guidelines for personal benefit, or to go beyond the limits of your delegated authority.

3.8 (A) – Communications Between Councillors and Officers

Under the provisions of Section 1135 of the Local Government Act 1993, the Mayor may request reasonable help or advice from any employee, and a Councillor other than the Mayor may request help or advice only from the Chief Executive Officer (CEO) unless the CEO has established an administrative system with clear guidelines on which employees may be approached. The following protocol has been prepared for the assistance of Councillors pursuant to that provision of the Act.

Council may adopt alternative guidelines to apply to particular Councillor(s) or in particular circumstances. Should such alternative guidelines be adopted, then these will apply and override the existing guidelines, to the extent of any inconsistencies. If such alternative guidelines are adopted, then for the life of those guidelines they will be included in the existing guidelines. That is, this protocol can be suspended and/or overridden for a particular Councillor(s) and/or in particular circumstances.

1. Councillors shall not give direction to officers, or request them to perform work. If an attempt is made by a Councillor to do so, officers must report the matter to their Supervisor or Manager.
2. A Councillor should not be placed in a lesser position than a member of the public when seeking general information from officers. Council officers will provide every reasonable assistance to Councillors in the exercise of their role and the performance of their duties.
3. Councillors must not take advantage of their official position to improperly influence officers.
4. All requests made by Councillors, that are within the requirements of the Local Government Act, this code and approved administrative systems should be undertaken by officers with due diligence.
5. In regard to a request for help or advice of a specific nature, or in relation to any matter which may involve the organisation in an active response (with or without cost), any request should be directed in writing through either the CEO, a Deputy Chief Executive Officer, or a Manager. The written request is to be placed on a Council record and filed appropriately.
6. A Councillor seeking assistance as in (4) above from the CEO, Deputy Chief Executive Officer, or Manager should advise that officer if the Councillor has made a similar request of any other officer.
7. Any response to the Councillor must have due regard for the provisions of the *Local Government Act 1993*, Council's Local Laws, Council Policy instruments, and Council resolutions and should be documented. It is essential that requests for assistance which involve the expenditure of funds or the use of resources not specifically provided for in the Budget, are referred to the relevant Manager, Deputy Chief Executive Officer, or to the CEO or his delegate, for approval under approved Delegations of Authority or for referral to the relevant Committee and Council.
8. The Mayor is the only Council spokesperson on this issue.
9. Communications between Councillors and officers shall, at all times, be carried out in a professional manner, with due regard to the Councillor's role under *Local Government Act 1993*.
10. Councillors shall not direct, nor attempt to direct, officers in the way they carry out their duties.
11. Councillors shall not direct nor attempt to direct the officers in the content of recommendations in reports to Committees or Council, nor in the content of correspondence.
12. If a Councillor is concerned about any refusal to provide help or advice, they should firstly raise the matter with the CEO, or Mayor if it was the CEO who refused to provide the advice. If the Councillor is still dissatisfied they may request the information by way of a question on notice to Council.
13. Officers at all levels may communicate directly with Councillors on any issue affecting them as a citizen.

3.8 (B) – Sample Questions and Answers

Question 1: How do I know what laws and policies I am expected to follow or administer?

Answer: Ask your Supervisor or Manager or contact the Human Resource Services Branch. It is too late to ask if things have already gone wrong. Human Resource Services Branch run induction courses involving the Code (ask to attend).

Question 2: What am I supposed to do if I am told by my Supervisor to do work which is unsafe because of the conditions, or I feel I may breach Council's Code, and she/he is standing right beside me waiting for me to do it.

Answer: Tell the Supervisor that you are concerned and why you are concerned. If the response does not satisfy your concerns, tell them so and suggest a solution. If the response still does not satisfy your concerns and you think the matter is serious enough, tell them that you would like to speak first with your Manager, or Human Resources, your union representative or some other relevant person. If the matter is serious enough or unlawful you should refuse to work in the conditions or perform the work, and personally take steps to see one of the aforementioned people.

Question 3: I am a Supervisor and a couple of my staff know that I was counselled for giving them a direction which was wrong. I have no problem with them knowing, but one of them frequently mentions it in a scoffing manner at team meetings, when he disagrees with something that I ask him to do. I am coming close to hitting him. What should I do?

Answer: Clearly, management has taken appropriate measures to correct your action, and the matter is finalised. The actions of your staff member appear to be unproductive, undermining your performance and contrary to the Code. Advise your Manager and/or Human Resource Services Manager as soon as possible and ask that something can be done about it. You should remain at arms-length to any investigation and remedial action.

Question 4: I need to select one of the staff I supervise to undertake some extra training, which will probably lead to more work and overtime for that person. I can't put it in words, but I would feel better selecting Fred. He's a mate and I know he will do the right thing by the overtime. Is there a problem with that?

Answer: Probably. If you can't put it in words, it sounds as though you can't logically justify it and are acting on friendship. You must act and be seen to act impartially and for the public not personal interest. Discuss the situation with your Supervisor and ensure that your action is fair for all.

Question 5: I have a troublemaker working in the group that I supervise. I have just heard that she has recently complained to my Manager that she wasn't provided with suitable development opportunities. How do I deal with her?

Answer: Your staff member has a right to seek personal development opportunities and to speak with your Manager if she has a concern. Therefore she is not necessarily a troublemaker. You should take discrete steps to ensure, through consulting with your Manager, a Human Resource Services officer and the Council officer concerned, that she is being provided with

appropriate development opportunities, for example, on the job and formal training, and that you are communicating in an appropriate manner with her. Your Manager should assist you in this regard, and help you remedy any problem areas.

Question 6: Whilst performing my duties I accidentally damage property that does not belong to Council. Should I admit that it was my fault?

Answer: Details of the incident should be promptly obtained and/or given to your immediate Supervisor who should advise the Insurance Officer as soon as possible. Under no circumstances should you admit liability. No matter what you think at the time you may not be entirely at fault.

Question 7: As a backhoe operator I have some unavoidable down-time on a work site waiting for a truck. Whilst waiting I am approached by a neighbouring property owner, a little old widow, and asked to remove a tree stump from her property with the backhoe. What should I do?

Answer: It could be great public relations and a windfall for that person, but if other ratepayers saw what you were doing with “their” time and resources they probably would think that it is an unacceptable rort and unethical. Some may even hold it over your head and expect you to do the same for them. Moreover there may be serious liability concerns, for example, if a fence or underground cabling were accidentally damaged or the owner injured. Do not do the work. Suggest she contacts Council for a quote and give her the phone number.

Question 8: I have dealt with and used the same supplier for some years. I even ordered some widgets through them for myself. I asked the person I know in the parts area if he could give me the Council rate. I will pay cash as soon as the widgets arrive. Is there a problem with that?

Answer: Yes. You would be asking the person to compromise his position and loyalty with his employer by giving you a discount to which you would not be entitled. This would breach the provisions of the Code in relation to *Client Integrity*. You would, in addition, be breaching the provisions of the Code and Council policy in relation to receipt of benefits.

Question 9: I have become aware of a business development involving Council, which has not been publicly announced yet. Can I mention it to someone else who might be interested, or become indirectly involved in the development so that I can profit in the future?

Answer: No. You are prohibited from privately acting on, or releasing without authority, non-public or confidential information which you have become aware of through your employment with Council.

Question 10: Can I sell a product or service that I developed in my own time?

Answer: It depends on the product or service. Council’s position is that it has an ownership right to any product or service reasonably related to the officer’s present or past role or Council business, even if you develop it on your own time. You must get a release letter approved by the CEO before you begin exercising ownership rights.

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Question 11: I work in an information technology area and frequently deal with a particular supplier who gives Council value for money. A unit that I had to test for a few weeks can now be returned to the supplier, but he has said I can keep it for a while longer if I want to use it at home, or I can buy it at a very reduced price. Is there a problem if I do one of these things?

Answer: Yes on both counts. However innocent it might be made to sound, the offer is an inducement and must be refused. You must advise your Manager of the offer.

Question 12: The Purchasing Officer who I manage has made me aware that her old school mate is Manager of a local supply company we frequently purchase from. I trust my Purchasing Officer and have no concerns. Do I have to put anything on paper?

Answer: Yes. Your Purchasing Officer is in a sensitive position of significant public trust. Though you trust her, Council is obliged to take action to ensure that she is, and is seen to be, trustworthy. Ask her to provide a declaration of her interest and mention her association. If something blows up later, you should both be adequately covered.

Question 13: My friend is a contractor and I can recommend him for value for money service to Council in the area that I work. Is there any problem if I use his services, given that I go through the appropriate purchasing procedures?

Answer: Yes and no, you must always act without conflicts of interest. Advise your Manager and take steps to distance yourself from the purchasing of your friend's services. If in doubt, protect yourself by discussing and documenting.

Question 14: A supplier is in town and has offered to take me to lunch to discuss some new equipment that might be of benefit to Council. Can I accept?

Answer: Initially you should consult your Deputy Chief Executive Officer or Manager for approval, as there is probably no reason why the supplier needs to provide you with lunch to enlighten you on a new product. You may let the supplier pay for the meal arranged for the purpose of discussing business provided it may not influence, or be seen by others as potentially influencing your decision making. You must not encourage suppliers or clients to provide you with hospitality, or allow them to repeatedly provide you with hospitality.

Question 15: My brother runs a business that contracts to supply goods and services to Council. I helped him start the business, but I have very little interest in it now. I might just do some paperwork at night. My Council wage is pocket money compared to what we get out of the business. Do I need to ask permission to perform this work?

Answer: Yes. Council must be your primary obligation and you must work and be seen to work without any conflict of interest.

Question 16: During six months long service leave and recreation leave I am going to work for a developer/builder who I have befriended through Council. Do I need to ask permission to perform this work?

Answer: Yes. Council must be your primary obligation and you must work and be seen to work without any conflict of interest, irrespective of whether you are on leave.

Question 17: My spouse and I own a small hire business. The work that I do for that business is totally unrelated to my Council job. I'm sure that our business could provide Council with a superior service at a reduced cost. Can I contract to Council through my business?

Answer: No. Your primary obligation is to Council, and providing services as a contractor would be a conflict of interest. Your spouse, if in business by her/himself, could bid on Council jobs, provided that your Council employment is not used to influence the bidding process and you do not participate in the performance of the work, and the relationship is reported by you and her at the time of tendering.

Question 18: My Supervisor told me that I can take some obsolete equipment home for personal use. The equipment would probably be junked anyway. Would taking the equipment home break any rules?

Answer: Yes. Taking the equipment, even if it appears to be scrap, is not permitted without written authorisation from an appropriate level of management. Any questions should be addressed to the CEO, your Deputy Chief Executive Officer or Manager.

Question 19: I am a workshop Supervisor, and a Councillor I know has telephoned me direct and asked me to make some storage containers, which he will have picked up. My initial reaction was to say OK. Is there any problem with me doing that?

Answer: Yes, there is a problem. You should not comply with any direct request from a Councillor (other than in accordance with adopted Council policies, irrespective of whether you feel right or wrong about it). Secondly, you should refer the Councillor to the proper process for making the request. Most importantly, you must report the approach, for example to your Deputy Chief Executive Officer or Manager. It would be both unethical and unfair of the Councillor to place you in this position. You may politely say "No", or perhaps "I can't answer your question unless you put it through my Deputy Chief Executive Officer or Manager", or "That will be my pleasure, but I will need the request to come through my Deputy Chief Executive Officer or Manager before I can start work", or "You will need to ask my Deputy Chief Executive Officer or Manager to organise it".

Question 20: How do I know if I can tell someone else about information that I learnt through Council?

Answer: If the information is not public, it is not to be disclosed outside of Council. Particular discretion should be maintained in relation to sensitive information, for example, that which has some form of classification or confidentiality markings. That information may only be disclosed within Council if the receiver needs to know it to perform their duties. If you have any doubt at all, you must seek advice from the CEO, your Deputy Chief Executive Officer or Manager or Human Resource Services Branch.

Question 21: Are there certain things that I should not discuss, or certain information that I should not provide, to a member of the public, client or friend?

Answer: Yes. Except in certain cases you should not discuss or disclose, without prior written approval, sensitive, restricted, classified or confidential information, including information about costs of goods or services, tender bids, or proposed developments or services. If you have any

doubt at all, you must seek advice from the CEO, your Deputy Chief Executive Officer or Manager or Human Resource Services Branch. (See Information.)

Question 22: My Supervisor has been rorting the system for years. I am sure that what he is doing is stealing, but I know from experience years ago that if I try to blow the whistle it will backfire on me. I don't have a question, I am just going to keep my head down and keep working.

Answer: Times change and so do the attitudes and actions of management, staff, Councillors and Council, as well as laws and policies. Honest officers can make a very large contribution to this Council and the community by reporting rorts and fraud. Amongst other things you will have the full, unyielding and personal support and protection of the CEO, and the protection of the *Whistleblowers Protection Act 1994* and the provisions of the *Management of Public Interest Disclosures* policy. If in doubt, discuss with officers of the Human Resource Services Branch who have confidentiality obligations.

Question 23: If I heard a rumour that a person in another depot is pilfering consumables, do I have to do anything about it?

Answer: Anything that a person in Council does reflects on themselves, their associates, and Council. Rumours usually are not of much worth and you are not required to report them. If there appears to be some substance to the rumour, it may be reported confidentially to the CEO or Human Resource Services Branch. You may remain anonymous if you wish. Appropriate steps may then be taken to test the rumour, whilst protecting you and the person concerned.

If you have evidence that supports that someone is committing misconduct or an offence you are obliged to report it.

Question 24: I am finishing with Council next month, and a developer/builder I have met through my work at Council has offered me part time casual employment. I will be dealing with the same sort of work I used to deal with in Council, but from the other side. Do I need to be careful of anything?

Answer: Yes. It is not unusual for clients of a large organisation such as Council to employ ex-employees, and use the connection, expertise and information gained through Council, to their advantage. Be particularly careful of what information you disclose or act on in your new job, to ensure that you do not commit an offence at law. Good luck.

Question 25: Do I have to protect Council information after I leave Council?

Answer: Yes. You are obliged not to use or disclose non-public Council information even after you have left Council.

Question 26: I am a backhoe operator in Council and have not worked in the building area. A girlfriend's older brother asks me for advice on the Council requirements for building a carport in a particular location on his block. What advice should I give him?

Answer: Do not give any advice or an undertaking for which you have no authority. Even advice given in such an informal manner may be construed as Council advice and you will be the meat in the sandwich should something go wrong and/or the matter end up in a law court.

Question 27: A workmate is shifting house and he has asked for some help to shift a large wardrobe. We are thinking about using a trolley and truck from work one lunchtime as it will only take about ½ an hour. Is there any problem with that?

Answer: Yes. As well as the cost of using the truck, there is the question of liability if something went wrong on the trip. There is also the question of public perception.

Question 28: Without wanting to sound conceited, I am a good worker and give very good service to Council clients in my area. One of my regulars, a very nice guy, came in while I was out and innocently dropped off a bottle of liquor for me. I'll probably open it up and share it at a work function next month. No one has a problem with that, right?

Answer: Because you are an employee of Council, you are required to formally and officially notify your Manager of the gift and seek permission to retain it.

THINGS TO REMEMBER

- By being aware of our workplace role and employer expectations, we can all contribute more effectively to the Council's efficiency in implementing Council policies and administering the law.
- Understanding our individual right to challenge an official instruction increases our sense of accountability and responsibility, and helps to maintain the integrity of the Council by ensuring that official instructions are legal and appropriate.
- By respecting the rights, dignity and well-being of others, we can all contribute to our improved work performance, staff morale and job satisfaction with the Council.
- In exercising their authority responsibly, our management plays an important role in the growth and development of staff and the reduction of workplace stress.
- By observing our own duty of care to ourselves and others, we can each contribute to the enjoyment of a safe and comfortable workplace.
- When we support objective and impartial decision-making, we reduce the likelihood of prolonged grievances, and promote confidence in the fair and consistent procedures of the Council.
- By ensuring that potential conflicts of interest are identified early and resolved in the public interest we are able to promote objective and transparent decision-making processes, and enhance the good reputation of both the Council and ourselves.
- By refusing to seek actual or perceived benefits and by following the correct procedures when offered unsolicited gifts and benefits, we maintain our personal reputation and the integrity of the Council.
- By understanding and meeting our obligations to the Council as our official employer, we assist the Council in achieving a balance between its legitimate need to protect its integrity, and our rights to lead our private lives without unnecessary intrusion by the Council.
- By ensuring that information held or generated by the Council is not used or disclosed inappropriately, we provide an assurance to our clients, business partners and stakeholders that confidential information is treated responsibly and, where applicable, that their right to privacy will be respected.
- By avoiding making unconsidered and/or unauthorised public comment, we avoid compromising the integrity of the Council and incurring personal liability for incorrect or inappropriate statements on controversial issues.
- Our awareness of our rights and responsibilities as former employees of the Council assists us in our protection from legal proceedings or questions regarding our professional and personal integrity.
- By observing the correct procedures in preparing references, testimonials and reports we can ensure that the Council's reporting processes are fair, consistent and transparent.
- Our confidence in raising legitimate ethical concerns within the Council without fear of retribution, demonstrates to all stakeholders that the Council is serious about promoting ethical behaviour, and produces a workplace environment in which unethical behaviour can be appropriately dealt with.
- By performing our duties faithfully and to the best of our ability we make an effective contribution towards achieving the Council's programs and objectives.
- When we adhere to the Council's policy and procedures on the appropriate use of public funds and resources, we maintain the integrity and viability of the Council and reduce the public perception of publicly funded 'perks' for public officials.
- When we make appropriate and approved personal use of public resources, we foster a culture of co-operation within the Council, and maintain public confidence in the integrity of the Council and its employees.

