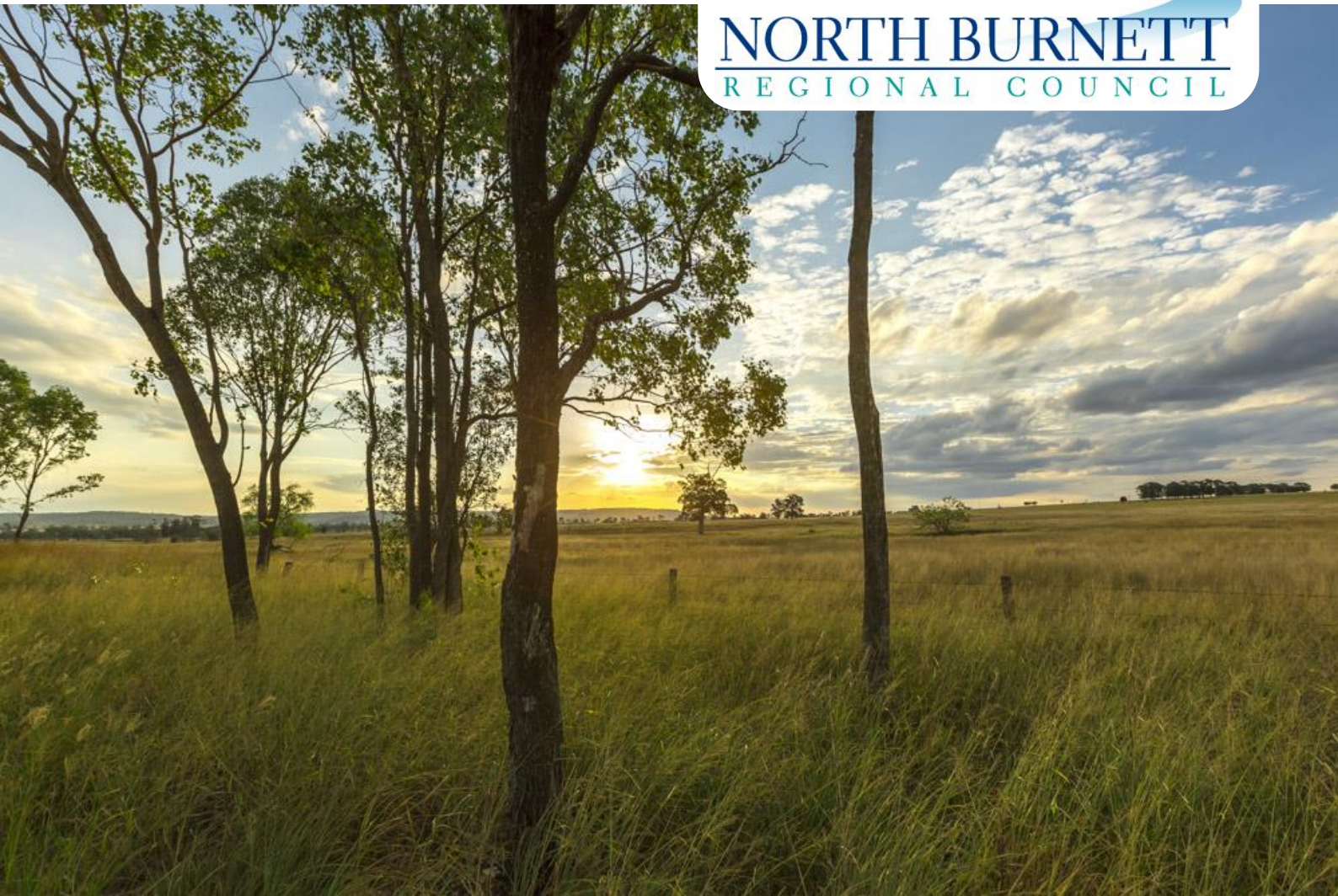




NORTH BURNETT
REGIONAL COUNCIL



NBRC Code of Conduct

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INTRODUCTION

A Code of Conduct is a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement and aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence in each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

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

SCOPE

All employees, contractors, volunteers, and student placements are covered by the Code, as such you must be familiar with and follow both the spirit and content of this Code which continues to apply to people while they are on leave or suspended from the workplace.

Everyone covered by the Code is responsible for its implementation and ensuring their behaviour reflects the standards of conduct expressed within which builds a high performing and positive workplace culture. Managers and Supervisors have specific responsibility to support other people covered by this Code through 'leading by example'.

THE PRINCIPLES, VALUES & STANDARDS OF CONDUCT

The Code contains both the Council's corporate values, the ethical principles, and their associated set of values as prescribed by the *Public Sector Ethics Act 1994 (Qld)* and contains standards of conduct for each ethical principle.

The NBRC Corporate Values are:

- **Getting things done well**, on time and in budget;
- **Passion** for our region and in our work;
- **Respectful Behaviour** toward all people;
- **Team work** where everyone's strengths are utilised;
- **Creativity, innovation and ideas**;
- **Courage** to always do what is right;
- **Challenging the status quo**;
- **Learning** from mistakes without placing blame; and
- Open and honest **communication**.

The four (4) ethical principles that guide our behaviour under the *Public Sector Ethics Act 1994 (Qld)* are:

- **Integrity and impartiality**,
- **Promoting the public good**,
- **Commitment to the system of government**, and
- **Accountability and transparency**.

The ethical principles and corporate values expressed above, form the basis of this Code. The standards of conduct that have been identified in the following are not an exhaustive list of the standards of conduct expected by Council, rather they are examples only which may also apply across multiple ethical values depending on the circumstances.

ETHICAL PRINCIPLE 1: INTERGRITY AND IMPARTIALITY

Ethics Value

In recognition that public office involves a public trust, Council and its staff must seek to promote public confidence in the integrity of the Council, meaning that every person covered by the Code is expected to:

- *be 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; and*
- *be committed to honest, fair and respectful engagement with the community.*

Standards of Conduct

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

1.1 Behaviour towards each other

We must all treat each other with trust, respect, honesty, courtesy, fairness, sensitivity and dignity. Employees who supervise or manage other employees/ volunteers/ contractors or student placements have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them.

You need to accommodate and respect different opinions and perspectives and manage disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying, and you must not engage in nepotism/ favouritism or exclusionary practices.

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

1.2 Non-discriminatory workplace

Council is committed to creating and maintaining a workplace free from unlawful discrimination. By law, everyone covered by the Code must ensure that discrimination is not part of our workplace or our practices.

1.3 Harassment, Bullying and Sexual Harassment

Council is committed to preventing harassment, sexual harassment and/or bullying of other people including the public. All staff need to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment.

1.4 Conflict of interests

A conflict of interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A conflict of interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends. If you believe you have a conflict of interest, whether real or perceived, tell your manager/ supervisor promptly.

When making decisions, you must declare any conflicts of interests. Until the matter is resolved, make sure you are not part of any decision-making processes related to the matter. If you feel you have a conflict of interest between professional and corporate values, discuss it with your manager/ supervisor.

1.5 Influences on decision making

You must not influence any person in an improper way to try to obtain any advantages or favours. All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

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

1.6 Accepting gifts and benefits

Occasionally you could be offered gifts or benefits from people with whom you do business. You can accept gifts or benefits in certain circumstances in accordance with Council's Gift Policy, however you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real or perceived conflict of interest.

All staff that receive gifts during the course of their engagement with Council are to comply with General Policy 268 Benefits and Gifts.

1.7 Employment outside Council

Some employees, particularly those who have casual or part-time employment with Council, may wish to pursue additional employment outside the organisation. It is not Council's intention to stop people from holding secondary employment, and approval is automatically granted for you to undertake such employment outside of your normal working hours so long as the following requirements are being met at all times:

- that no conflict of interest exists or develops, between private employment and your official duties;
- that your private employment has no effect on the performance of your official duties, including the effects from a safety/ fatigue management perspective.

If your secondary employment means that you are not able to meet the above conditions then you must obtain written approval from the CEO and or their relevant delegate.

Although you do not need written approval, if you undertake voluntary work or a hobby you also need to ensure that these activities meet the above requirements. If you are unsure, you should discuss this with your manager/ supervisor.

1.8 Public comments on Council business

As a general rule, it is the Mayor who comments 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 or public relations firms, you must refer it to your immediate supervisor.

Sometimes, it might be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). Make sure that if you share your experiences, you do not breach the confidentiality of Council information or privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use).

1.9 External activities

You are free to engage in trade union, party-political, professional, interest group or charity activities. You must make sure that your participation in such activities does not cause a conflict of interest, and that it does not restrict the performance of your duties with Council.

You are not to take part in political affairs while on duty. Council's ICT systems, including internet access and email, must not be used for political messages or circulating defamatory or disparaging remarks against individuals or groups.

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

You must not use your role in Council, Council information or information gained in the course of your duties, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

1.10 Fairness to suppliers

Council has established procedures and delegations of authority for various stages of procurement of goods and services. You must comply with these procedures when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work. You also need to ensure that you do not incur any liability or enter into any contract on behalf of Council or alter the terms or conditions of any approved contract, unless you are authorised to do so.

ETHICAL PRINCIPLE 2: PROMOTING THE PUBLIC GOOD

Ethics Value

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland and this means that every person covered by the Code is expected to:

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

Standards of Conduct

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

2.1 Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and valuables, (this includes surplus material, waste material, and off-cuts), and we all share the responsibility for looking after them.

If you are in charge of assets you must take good care of them while they are in your possession and:

- you must not misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired;
- you must ensure that you use Council assets only for official Council business, unless written approval has been granted by your manager; and
- when you leave Council, you must return all Council property and work-related documents.

2.2 Public money

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

2.3 Intellectual property

You must obtain written approval before arranging to publish or disclose any articles or materials you produced as part of your official duties. Any original work, invention or product you contributed to in association with your work remains Council property.

Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, you must make sure you do not breach the confidentiality of Council information, its employees or its clients, or compromise Council's intellectual property rights.

2.4 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.

All Council employees serve ratepayers directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people.

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

2.5 Working with other government agencies

The Council conducts its business with the best interests of the organisation and the community it serves. Building effective formal partnerships and leveraging informal networks with other government agencies, community and industrial stakeholders are crucial to achieving our vision. When dealing with Federal Government, State Government and other government agencies you:

- must first and foremost represent the interests and contribute to the achievement of Council's strategic goals and carry out your duties with the best interests of Council in mind;
- must obtain approval from your manager and/ or the Chief Executive Officer before dealing with other government agencies on significant matters. These matters include:
 - a) entering into formal agreements
 - b) advising on Council's strategic position that has not been formally adopted by Council
 - c) dealing with significant operational matters, and/ or
 - d) sharing or disclosing Council information that is commercial-in-confidence and/ or not publicly available.

These obligations do not cover every situation and you are advised to seek guidance from your supervisor when dealing with a particular issue or operational matter or which may be uncertain.

ETHICAL PRINCIPAL 3: COMMITMENT TO THE SYSTEM OF GOVERNMENT

Ethics Value

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and Local Government, every person covered by the Code is expected to:

- accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and Local Government;
- be committed to effecting 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. This does not limit the responsibility of Council or their staff to act independently of government if the independence of the Council or staff member is required by legislation or government policy/ directive or is a customary feature of the work of the Council or staff member.

Standards of Conduct

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

3.1 Acting within the law

All staff are expected to:

- have a working knowledge of the law and act within the law as it applies to their work; and
- comply with all lawful and reasonable instructions issued.

If an employee is charged with having committed any indictable offence or is convicted by any court of an offence, whether punishable on summary conviction or otherwise, they shall immediately report the circumstances to their manager/ supervisor.

3.2 Advice given to elected officials

Council must give elected officials (Councillors) advice that is thorough, responsive and unbiased so that Councillors can make informed decisions and carry out their community responsibilities. If you are unsure on how to respond to a Councillor, discuss this with your manager/ supervisor.

If you believe there is conflict between a request from an elected official and Council policies, discuss this with your manager/ supervisor.

ETHICAL PRINCIPLE 4: ACCOUNTABILITY AND TRANSPARENCY

Ethics Value

In recognition that public trust in Council requires high standards of public administration, every person covered by the Code is expected to:

- be committed to exercising proper diligence, care and attention;
- be committed to using public resources in an effective and accountable way;
- be committed to managing information as openly as practicable within the legal framework;
- value and seek to achieve high standards of public administration;
- 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 sector entities and public officials.

Standards of Conduct

Having regard to the obligations outlined above all persons covered by this Code are expected to display the following standards of conduct:

4.1 Diligence, care and attention

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

- give priority to official duties over personal activities during work time;
- help Council achieve its mission and goals by acting to improve systems and practices;
- conduct themselves in a way so others gain confidence and trust in the way Council does business;
- not allow your conduct to distract or prevent others from working; and
- not expose Council to a judgment for damages against it, as a result of your negligence or breach of any law or ordinance.

4.2 Attendance at and absence from duty

Employees are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes not being absent without approval and accurately and truthfully recording work and leave periods.

Accurate recordings on timesheets is the responsibility of individual staff members. Timesheet fraud will be treated very seriously and purposeful inaccuracies on timesheets may result in disciplinary action.

Absence without approval and without reasonable excuse can create concerns for your safety and unproductive time for others and may result in deductions in salary/ pay for the period of absence and/ or possible disciplinary action.

4.3 Privacy

Council has information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful if released. Staff should only access information and records they require in the course of their Council duties and must keep this information confidential at all times and comply with Council's *General Policy 118 Information Privacy*.

You can maintain privacy by:

- taking care about discussing work matters with anyone not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- not disclosing system passwords to others;
- enforcing rules about storage of information over time; and
- referring all media enquiries to your supervisor or manager, or the Corporate Communications branch.

4.4 Workplace health and safety

We are all committed to Zero Harm in the way we conduct our business and Council activities. You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow staff and members of the public. We all must:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use personal protective equipment if required;
- report any incidents or hazards immediately and support investigations; and
- take corrective action to 'make safe' and implement improvements.

We must keep the workplace drug and alcohol free if we are to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, attendance and on-the-job safety. We must not:

- use, possess or be impaired by the effects of illegal drugs while on duty;
- consume alcohol while on duty or in the workplace;
- come to work impaired by the effects of alcohol or drugs; and
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions).

IN GENERAL

As well as upholding the principles and values and complying with standards of conduct set out in this Code, all persons covered by this Code need to at all times:

- comply with all Council Policies, Administrative Directions, and procedures as applicable;
- recognise that the employment relationship is one of trust and confidence and not engage in any conduct or behaviour that would adversely affect or destroy such trust and confidence; and
- not engage in any form of misconduct being wilful or deliberate behaviour or conduct that is inconsistent with the continuation of the employment contract, and includes but is not limited to:
 - a) Conduct that causes serious and imminent risk to:
 - i. the health or safety of a person; or
 - ii. the reputation, viability or profitability of Council
 - b) Theft;
 - c) Fraud;
 - d) Assault
 - e) Discrimination, Harassment and/ or Bullying;
 - f) Being under the influence of alcohol or drugs at work; and
 - g) Refusal to carry out a lawful and reasonable instruction that is consistent with the employee's contract of employment.

BREACHES OF THE CODE OF CONDUCT

a) Reporting

If you become aware of an actual or potential breach of this Code of Conduct by a fellow staff member, you must report it to either your manager/ supervisor or the CEO. In the interests of fairness, it is advisable that you report your concern in the first instance to your supervisor, or if your concern relates to your supervisor, to the next highest level of management, before escalating it to the CEO.

You can report your concerns verbally or in writing. Upon receiving a verbal report your supervisor or member of management as appropriate, will document the details of the alleged breach(s). If after receiving your report, initial discussions and investigation does not resolve your concern, your supervisor/ management member will advise the CEO as soon as practicable. Suspected breaches will be treated individually and all relevant circumstances will be taken into account.

Some situations may constitute corrupt conduct as defined in the *Crime and Corruption Act 2001*. Under the *Crime and Corruption Act 2001*, corrupt conduct is conduct by anyone that adversely affects a public agency or public official so that the performance of their functions or the exercise of their powers:

- is not honest or impartial, or
- knowingly or recklessly breaches public trust, or
- involves the misuse of agency-related information or material.

Corrupt conduct is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person. In addition, the conduct must be serious enough that, if proved, would constitute a criminal offence or a disciplinary breach providing grounds for dismissal.

If any staff member feels that the Council, a Councillor or any other staff member is involved in corrupt conduct they must report this immediately to the Chief Executive Officer or the People & Performance team, which will facilitate the handling of the matter in accordance with the *Public Interest Disclosure Act 2010 (Qld)*.

b) Consequences

Managers and supervisors must seek to avoid escalation of conduct or behaviour that may result in a breach of the Code and/ or any relevant law 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. Such actions may include but are not limited to counselling, written warning(s), termination of employment, referral to the police or crime and misconduct commission for criminal charges and/ or civil action.

GUIDE TO ETHICAL DECISION MAKING

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

Step 1: Assess the situation

- What is your aim?
- What are the facts and circumstances?
- Does it break the law or go against council policy?
- Is it in line with the Code's principles?
- What principles does it relate to? Why?
- Who is affected? What rights do they have?
- What are your obligations or responsibilities?

Step 2: Look at the situation from Council's and the community's viewpoints

- As a public official, what should you do?
- What are the relevant laws, rules and guidelines?
- Who else should you consult?

Step 3: How would others see you actions

- Would a reasonable person think you used your powers or position improperly?
- Would the public see your action or decision as honest and impartial?
- Do you face a conflict of interest?
- Will your decision or action stand up to public scrutiny?

Step 4: Consider the options

- Ask your supervisor, manager, People & Performance or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with council's values, the four ethical principles and your obligations?
- What are the costs and long-term consequences?
- What will be the outcome for Council, your colleagues, others and you?

Step 5: Choose your course of action

Make sure your actions are:

- Within your power to take, legal and in line with policy and this code.
- Fair and able to be justified to your manager, Council and the public.
- Documented so a statement of reasons can be supplied; consistent with Council's stated mission, goals and values; and
- Backed by advice from Council specialists, if this is appropriate.

CONCLUSION

If after reading this Code you are still unsure of how it applies to you, it is important that you discuss this with your supervisor, manager, or People & Performance.