

**BARCOO SHIRE COUNCIL**  
**EMPLOYEE CODE OF CONDUCT**



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| Policy Number: CODE OF CONDUCT                                | Version: 1a  |
| Classification: Statutory                                     | Section: Executive   |
| Date Adopted by Council: 17.05.2017                           | Resolution Number: 2017.05.18  |
| Responsible Officer: Manager HR Communications and Governance | <p>Review: Note: This Policy is reviewed when any of the following occur:</p> <ol style="list-style-type: none"> <li>1. The related information is amended or replaced.</li> <li>2. Other circumstances as determined from time to time by the Chief Executive Officer.</li> </ol> <p>Notwithstanding the above, this Policy is to be reviewed at intervals of no more than two years.</p> |

### 1. CODE OF CONDUCT - OBJECTIVES

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 while at work.

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

A 'Guide for ethical decision-making' is included at Appendix B to help you in situations not covered by the Code.

### 2. SCOPE

#### 2.1 To whom does the Code apply?

All Council employees (regardless of their employment status, role or position – eg. Permanent, temporary, casual or part-time employees, managers, supervisors, team leaders, team members or individuals), contractors and volunteers are bound by the Code of Conduct.

#### 2.2 When does the Code apply?

The Code is concerned with an employee's conduct as a Public Official 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 Council's reputation.

### 3. LEGISLATIVE PRINCIPLES & CORE VALUES

The *Local Government Act 2009* sets out the way in which a local government is constituted and the nature and extent of its responsibilities and powers. The Act requires Council's actions are consistent with the following local government principles:

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

These legislated principles, together with Council's core values<sup>1</sup>, form the basis of this Code of Conduct. They apply to all employees and guide our thinking, actions and decision-making. The core values that we share as employees of Council are:

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| Quality Service: | We value efficient and effective service. Treating citizens with respect, courtesy and fairness.                |
| Excellence:      | We value the pursuit of excellence by our management and staff.   |
| Innovation:      | We value creativity and innovation as a way of improving our service.   |
| Teamwork:        | We value our elected members, management and staff working together in a spirit of teamwork, trust and loyalty. |
| Accountability:  | We value the importance of accountability to our community and the individuals using our services.              |
| Transparency:    | We value openness in our dealings and consultation with our community.  |

The *Public Sector Ethics Act 1994* identifies four ethics principles fundamental to good public administration that guide our behaviour as Public Officials and form the basis for a Code of Conduct. The four principles are:

- (a) integrity and impartiality;
- (b) promoting the public good;
- (c) commitment to the system of government; and
- (d) accountability and transparency.

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<sup>1</sup> Identified in Corporate Plan 2016-2021

## **4. ETHICAL PRINCIPLES, VALUES AND CONDUCT**

### **4.1 The First Principle – Integrity and impartiality**

*Public Sector Ethics Act 1994* section 6 states:

*“In recognition that public office involves a public trust, public service agencies, public sector entities and Public Officials seek to promote public confidence in the integrity of the public sector and—*

- (a) are committed to the highest ethical standards; and*
- (b) accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and*
- (c) show respect towards all persons, including employees clients and the general public; and*
- (d) acknowledge the primacy of the public interest and undertake that any Conflict of Interest issue will be resolved or appropriately managed in favour of the public interest; and*
- (e) are committed to honest, fair and respectful engagement with the community.”*

**Operationally, for you this requires the following standards of behaviour:**

#### **(a) Conflicts of Interest**

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

A Conflict of Interest 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, potential or perceived, you must tell your supervisor or manager promptly. Until the matter is resolved, you must 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 supervisor or manager.

Where a conflict of interest arises between private interests and the interests of the public, such conflict must be resolved in favour of the public interest.

#### **(b) Influences on decision-making**

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

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

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

#### **(c) Accepting Gifts and Benefits**

Occasionally you may be offered gifts or benefits from people with whom you do business.

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

The acceptance of Gifts or Benefits of a nominal value may be permitted in limited circumstances, however as a rule you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real, potential or perceived Conflict of Interest or be seen to be receiving a bribe.

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced.

For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

**(d) Employment outside Council**

It is not Council's intention to stop people from holding secondary employment over and above your official duties as a Council employee. Approval for secondary employment is automatically granted for you to undertake private employment outside of your normal working hours as long as the following requirements are met:

- 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. This includes effects from a safety/fatigue management perspective.
- That your private employment does not involve use of Council resources (physical, technological or intellectual); and
- You must ensure that your work outside Council continues to meet the requirements at (a); (b) and (c); and
- Pursuant to section 198 of the *Local Government Act 2009*, where you seek to be employed by more than 1 local government at the same time, approval of each of the local governments is required prior to you being appointed to the second position.
- 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 supervisor or manager.

**(e) Public Comments on Council Business**

As a general rule, Councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Council matter via the media or other public relations firms, you should first refer to Council's policy and/or talk to your supervisor/manager.

You must also ensure that to the extent you collect, handle or give access to personal information, you comply with the Privacy Principles outlined under the *Information Privacy Act 2009*.

**(f) Advice given to Elected Officials**

Councillors may, from time to time, ask local government employees for advice for the purpose of assisting the Councillor carry out their responsibilities under the *Local Government Act 2009*. Where requests for advice are made, these must be consistent with the 'acceptable requests guidelines' which has been adopted by resolution of Council. Council employees have a responsibility to provide such relevant advice as requested by a Councillor, and in doing so must ensure that such advice is thorough, responsive, objective, independent, apolitical and impartial.

Where an employee believes that a request for advice by a Councillor is not in accordance with Council's adopted 'acceptable requests guidelines, you must discuss this with your supervisor or manager.

**(g) External Activities**

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

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

#### **(h) Behaviour Towards Each Other**

Council employees must treat each other with trust, respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them at work and when dealing with ratepayers and the public generally.

Council values diversity, and expects all its employees, contractors or volunteers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate. By valuing the difference that all employees bring to the workplace we can better meet the needs of each other as well as the community we serve.

You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or bullying.

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).

#### **(i) Non-discriminatory workplace**

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

- race/ethnicity;
- gender;
- national origin;
- marital status;
- sexual preference/lawful sexual activity;
- age;
- disability/impairment, including infectious disease;
- industrial/employment activity;
- physical features;
- pregnancy;
- family responsibilities;
- religious beliefs;
- political conviction;
- breast feeding; or
- gender identity.

As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices in dealing with ratepayers and the public generally. If you witness discriminatory behaviour you have a positive obligation to report such actions to your supervisor or manager, or if such action involves your supervisor or manager, another senior officer.

#### **(j) Sexual and other forms of Workplace Harassment**

Council is also committed to the prevention of any form of sexual harassment, victimisation or other forms of bullying in the workplace, or at any place where work-related activities are performed, including at social functions. This commitment applies to all employees in their relationships with each other, to applicants for employment at Council and to persons who have dealings with Council.

Some examples of behaviour which may constitute either sexual harassment or workplace bullying includes:-

- Acting towards, or speaking to a person in a manner which threatens or vilifies that person;
- Deliberately excluding a particular individual from relevant work related activities or functions;
- Making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or a personal appearance;

- Distribution or display of sexually explicit material (including through email) which may be offensive, including posters, pictures or MPEGs, racist or sexist jokes or cartoons;
- Persistent questions about a person's private life;
- Personal comments about appearance, size, clothing;
- Demands for sexual favours, either directly or by implication;
- Unwanted and deliberate physical contact;
- Indecent assault, rape and other criminal offences.

For further information relating to clauses (h), (i), (j) refer to Council's policies on discrimination, sexual harassment and workplace bullying.

**(k) Bad Language**

Bad or offensive language within the workplace will not be tolerated. This includes:-

- Using bad or offensive language in your designated work area, including swearing, discriminatory language or anything deemed to be socially unacceptable
- Directing bad or offensive language at a fellow a employee, including swearing, discriminatory language, anything deemed to be socially unacceptable

**(l) Presentation and Personal Hygiene**

Barcoo Shire Council has a general expectation that its team members will dress to a standard that is neat and presentable and which maintains a professional image. Grooming, personal hygiene and clothing standard are seen as important factors in upholding the Barcoo Shire image.

**The Second Principle – Promoting the Public Good**

*Public Sector Ethics Act 1994* section 7 states:

*“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, public service agencies, public sector entities and Public officials –*

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

Operationally, for you this requires the following standards of behaviour:

**(a) Customer service**

As a Council employee it is expected that you will strive to provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

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

Council recognises from time to time difficult situations may occur where customers become abusive and threatening. Council does not expect employees to be treated in such an inappropriate manner and does not expect employees to resort to such actions themselves. Council encourages employees to withdraw from the situation and seek the assistance and advice of a senior officer.

You are expected to treat complaints from customers, ratepayers and the community or fellow employees seriously and respond to constructive feedback as an opportunity for improvement.

**(b) Fairness to suppliers**

Council's contracting activities are regulated pursuant to section 104 of the *Local Government Act 2009*. Further, Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect sound contracting principles. You must ensure you comply with sound contracting and follow all Council 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.

**(c) Public money**

You must maintain high standards of accountability if you collect and use public money.

You are not to borrow or use Council money for private purposes. This also applies to items such as taxi vouchers or other vouchers.

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

**(d) Intellectual property**

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

Council employees must not use the intellectual property of any individual or organisation without approval.

**(e) Concern for the environment**

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).

In performing your duties at Council, you must ensure that you comply with your general environmental duty and where applicable, your duty to notify of environmental harm:

**4.2 The Third Principle – Commitment to the system of government**

*Public Sector Ethics Act 1994* section 8 states:

- (1) *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, public service agencies, public sector entities and Public officials -*
  - (i) *accept and value their duty to uphold the system of government and the laws of the state, the Commonwealth and local government; and*
  - (ii) *are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and*
  - (iii) *accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.*

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

**Operationally, for you this requires the following standards of behaviour:**

**(a) Acting within the law**

As an employee of Council, you are expected to comply with applicable legislation, awards, certified agreements, Council policies and local laws.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law. When you have recorded your suggestion or concern you are required to work as directed by your supervisor or manager, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged with having committed a criminal offence you must immediately report the circumstances to your supervisor or manager.

**(b) Acting in accordance with delegations and signing documents on behalf of Council**

If you are requested to undertake an action on behalf of the CEO or Council, prior to exercising any power on behalf of the CEO you must ensure there exists an appropriate delegation pursuant to State or Federal legislation that allows you to exercise the power.

**(c) Raising concerns**

All employees have the right to comment on or raise concerns about Council policies, practices or priorities where they impact on your employment. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed. Council's disciplinary process may be applied if an employee knowingly raises vexatious or frivolous complaints.

**(d) Privacy**

Council maintains information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful to a person's interest if released. Employees should only access personal information and records they require to perform their official Council duties.

As a general rule you can maintain privacy by:

- not discussing work matters with persons not entitled to know such information; and
- taking responsibility to safeguard confidential files and information; and
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you are complying with Council policy in relation to maintaining privacy of personal information.

It may be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). However in sharing your experiences, you must ensure that where personal information is involved, you don't breach Council's privacy obligations. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including via social media outlets such as FaceBook, MySpace, LinkedIn or Twitter.

### **4.3 The Fourth Principle – Accountability and transparency**

Public Sector Ethics Act 1994 section 9 states:



In recognition that public trust in public office requires high standard of public administration, public service agencies, public sector entities and public officials -

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

Operationally, for you this requires the following standards of behaviour:

**(a) Using Council assets**

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (this includes surplus material, waste material and off-cuts). All employees 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 or use, and ensure they are used economically and efficiently. It is an offence to 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.

You must not store personal files on Council's IT assets. Any files stored on, or information accessed using Council assets, are discoverable by Council.

You can use telephones on a limited basis for local calls that you cannot make conveniently outside working hours.

If you use Council vehicles or a Council issued mobile telephone for non-official purposes, you must ensure that your use is in accordance with Council policy.

Council allows limited personal use of electronic mail and World Wide Web browsing, subject to and in accordance with Council Policy. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work or during meal breaks.

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

**(b) 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 includes:

- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- monitor your behaviour and if you become aware that your actions are negatively impacting upon other workers, you must take necessary steps to modify such behaviour;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- not allowing your conduct to distract or prevent others from working;

- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contribute to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time/flex sheets and pay summary reports;
- appropriate action is taken if breaches of this Code occur.

**(c) Attendance at and absence from duty**

You 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.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All employees have an obligation to ensure that they promptly notify their supervisor as soon as practicable upon becoming aware that they are going to be absent from work. Failure to promptly notify your supervisor may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action.

**(d) Self-development**

All employees are expected to achieve and maintain a reasonable standard of work performance.

Employees have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work. Council will assist you by providing equitable access to training and development opportunities.

**(e) Workplace health and safety**

All employees must demonstrate a commitment to maintaining a safe work environment at all times conducting business and Council activities.

Employees must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public.

Employees have the following obligations at the workplace:-

- to comply with the instructions given for workplace health and safety at the workplace by Council;
- to use personal protective equipment provided by Council for your use if you have been properly instructed in its use;
- not to wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace;
- not to wilfully place at risk the workplace health and safety of any person at the workplace;
- not to wilfully injure yourself.

Employees also have a duty to:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements;
- participate in rehabilitation and return to work programs if required.

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

For more information refer to Council's policy on drugs and alcohol.

## **5. BREACHES OF THE CODE**

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

A breach of the Code damages business effectiveness, public perception of Council and interpersonal work relationships.

Whilst Council acknowledges that the majority of its staff are committed to high standards of conduct, Council is committed to building an ethical workplace to enhance public confidence.

Failure to comply with the Code or unethical or corrupt behaviour may result in formal disciplinary action being taken, which may include dismissal.

## **6. IF YOU HAVE A CONCERN**

All employees are required to report a suspected breach of the Code. If you have a concern or suspect a breach of the Code involving a Council employee, the *Public Interest Disclosure Act 2010* gives you the right and the protection to report serious wrongdoings.

Should you wish to make such a disclosure, please contact:

- Internal channels (eg. your supervisor, manager or Chief Executive Officer)
- Other external channels (eg. Crime and Corruption Commission, Anti-Discrimination Commission etc).

## **7. PUBLICATION**

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

## **8. TRAINING**

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

## **9. AUTHORITY**

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

- Internal stakeholders;
- Chief Executive Officer.

## **10. FURTHER ASSISTANCE**

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager or supervisor. In most cases, they will be able to answer your questions. If you have concerns about approaching any of these people, contact the next most senior person in your area, or the Chief Executive Officer.

## **APPENDIX A - Definitions**

**Benefit** – means something that is similar to a Gift in that it is of value to the recipient, but it is less tangible in nature (e.g. a new job or promotion, preferential treatment, or access to confidential information).

**CEO** – means the Chief Executive Officer

**Code** – means the Employee Code of Conduct

**Conflict of Interest** – means a conflict between a Council employee’s work responsibilities and their personal or private interests. A Conflict of Interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual) or perceived (apparent).

- A real Conflict of Interest is a conflict between the employee’s duties and their private interests. For example Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.
- A perceived Conflict of Interest arises where a person is likely to believe an employee’s private interests could improperly influence them at work. Such a perception is judged having regard to what a fair and reasonable member of the public could be expected to believe. For example Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the funding program Frida is managing. A reasonable person is likely to believe that Frida could be improperly influenced by the relationship she has developed with the director at tennis.

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

**Intellectual property** – means an invention, original work, the results of scientific research or a project development, which can be protected.

**Public interest** – means acting lawfully and in a way that best serves the community as a whole.

**Public official** – means an employee of Council.

## **APPENDIX B - A 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 viewpoint.**

- 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 your actions?**

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

### **Step 4: consider the options.**

- Ask your supervisor or manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- 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 and the public;
- documented so a statement of reasons can be supplied;
- consistent with Council's mission, goals and values; and
- backed by advice from Council specialists, if this is appropriate.