



Code of Conduct

June 2018

Message from the CEO

Kowanyama Aboriginal Shire Council (“Council”) is committed to conducting its business with integrity and accountability. It acknowledges the community places its trust in its Councillors, Council staff, delegates and volunteers. We must maintain high standards of ethical behaviour to ensure we serve the community faithfully and honestly and that we best manage its resources on its behalf.

Our community is entitled to expect that the business of Council will be conducted with efficiency, impartiality and that your duty to the public will always have absolute priority over your private interests.

Councillors, staff, delegates and volunteers should always observe the highest standards of honesty and loyalty to Council and should avoid any conduct that would bring themselves or Council in to disrepute.


Our Code of Conduct reflects our determination to earn the utmost level of confidence from our community and is a guide to assist us in making the right decisions to ensure the highest standards of integrity underpin everything we do.

This document provides an outline of minimum behavioural standards required of all Councillors and employees of Kowanyama Aboriginal Shire Council, regardless of employment status. It is important that all Councillors and employees use the Code of Conduct to develop a clear understanding of the ethical principles, obligations and standards that support our work for Council and the community.

A handwritten signature in black ink, appearing to read 'Fabian Williams', with a stylized flourish extending to the right.

Fabian Williams
Chief Executive Officer

Code of Conduct Version and Revision Information

Approved by Council		
Last Review	Current Review	Next Review
17 May 2017	13 June 2018	13 June 2019
Resolution #	Resolution #	Resolution #
17 May 2017#4	20 June 2018#3	N/A
Approved by CEO:		
Fabian Williams		
Effective Date	20 June 2018	

Contents

Message from the CEO.....	1
Definitions Of Terms.....	5
Overview.....	6
Code Objective.....	6
Code of Conduct statement	6
Our Vision.....	6
Our Mission	6
Our Values.....	6
Public Sector Ethics	7
Local Government Principles.....	7
CODE OF CONDUCT PRINCIPLES AND VALUES.....	8
1. THE FIRST PRINCIPLE – Integrity and Impartiality.....	8
1.1 Commitment to the highest ethical standards	8
1.2 Manage conflicts of interest.....	10
1.3 Contribute to public discussion in an appropriate manner.....	14
1.4 Manage participation in external organisations	14
1.5 Demonstrate a high standard of workplace behaviour and personal conduct	15
2. THE SECOND PRINCIPLE – Promoting the Public Good.....	18
2.1 Commit to excellence in service delivery	18
2.2 Ensure appropriate community engagement	18
2.3 Work as an integrated service	19
3. THE THIRD PRINCIPLE – Commitment to the System of Government.....	20
3.1 Commit to our roles in public service	20
3.2 Maintain appropriate relationships with Ministerial staff	21
3.3 Ensure proper communication with members of Parliament	21
4. THE FOURTH PRINCIPLE – Accountability and Transparency.....	22
4.1 Ensure diligence in public administration	22
4.2 Ensure transparency in our business dealings.....	22
4.3 Ensure proper appropriate use of official resources, public property and facilities.....	23
4.4 Ensure appropriate use and disclosure of official information	25
4.5 Commit to innovation and continuous performance improvement.....	25
5. BREACHES OF THE CODE OF CONDUCT.....	26
6. IF YOU HAVE A CONCERN	26
7. RELATED INFORMATION	26

DEFINITIONS OF TERMS

Advice - includes access to, or copies of, files, records, documents, data and other forms of information, opinions or recommendations.

Benefit - anything that implies favour to a person or thing. This includes, but is not limited to:

- property, advantage or service;
- gifts, gratuities, money, remuneration, allowances, fees, subsidies, considerations, incentives, discounts or entry fees, memberships or loans provided under special conditions.

Bribe - includes a benefit (including property) given to, conferred upon or procured for a Councillor or employee (or promises to do so) with a view to influencing the councillor employee in the discharge of his or her duty, to neglect his or her duty, or using or taking advantage of his or her office to facilitate the commission of an offence.

Conflict of Interest - a 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 his or her official duties. 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).

Councillor - an elected Councillor is considered an employee for the purpose of this Code of Conduct.

Employee - includes all Kowanyama Aboriginal Shire Council employees, regardless of their employment status, role or position – permanent, temporary, casual or part time employees, volunteers, managers, supervisors, team leaders, or individuals. An employee is also a person, or an employee of a company, that is contracted to provide services to or on behalf of Council.

Fraud - any action undertaken which uses false representation to gain unfair advantage and is deceitful. This is inclusive of and not limited to oral and written statements which are false, and made with the intention or purpose of gaining money, Council consumables, information, benefits, or to evade a liability to a government department. Under the Queensland Criminal Code, fraud is a criminal offence and can lead to imprisonment.

Intellectual Property - means an invention, original work, result of scientific research or product development, which can be protected.

Public Official – means an employee of Council.

OVERVIEW

Code Objective

The objective of Kowanyama Aboriginal Shire Council's Code of Conduct ("Code") is to provide a set of values, ethics, standards and behaviours related to the way employees and Councillors do their job. It puts a responsibility on each employee and Councillor to use sound judgement in carrying out their work. It aims to deliver best practice by ensuring those standards are clear and guided by sound ethics. By consistently applying the Code, employees enhance public trust and confidence in each other.

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, team leaders/managers and Council.

A guide for ethical decision making is included to help you in situations not covered by the Code.

Code of Conduct statement

Kowanyama Aboriginal Shire Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

Everyone working for Kowanyama Aboriginal Shire Council must follow the highest standards of behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages and develops its employees to work safely, be customer focused, use technology and Council assets effectively, adapt to changes and improve their own capabilities and contribution to the shire's outcomes.

Our Vision

To build a healthy and safe community, with strong economic opportunities and wellbeing services, through innovation and collaboration.

Our Mission

To deliver best practice council services, and work with stakeholders to ensure our community members receive first rate services, with a focus on business development, culture, education and wellbeing.

Our Values

Accountability – our decision making is transparent, fair and in the best interest of the whole community

Respect – we listen to all views and communicate with our community members, stakeholders and employees with respect and professionalism

Diversity and Equality – we embrace diversity and treat all people with respect, and fairness, no matter their gender, age, sexual orientation, race or disability
Innovation – we embrace future technologies and tools and look for new solutions for the benefit of our community

Maintaining Culture – we embrace our culture and preserve and strengthen it for future generations

Communication – we understand the importance of clear, regular communication and we will communicate council decisions, projects and activities with our employees, community members and stakeholders

Partnership – we will work together with our fellow local councils, state and federal government and

community groups and services

Excellence – we will strive to provide the best in everything we do

Public Sector Ethics

Under the *Public Sector Ethics Act 1994*, Local Governments, as public sector entities, are required to develop a Code of Conduct based on the principles and values contained in the *Public Sector Ethics Act 1994*.

The *Public Sector Ethics Act 1994* identifies four fundamental ethical principles that guide our behaviour as public officials. The four principles are:

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

Local Government Principles

The local government principles are:

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

These principles and corporate values, form the basis of this Code of Conduct. They apply to all employees and councillors and guide our thinking, actions and decision-making.

To whom does the Code of Conduct apply?

All Kowanyama Aboriginal Shire Council Councillors, employees (regardless of their employment status, role or position – permanent, temporary, casual or part-time employees), contractors and volunteers, must be familiar with and follow the spirit and content of the Code of Conduct.

CODE OF CONDUCT PRINCIPLES AND VALUES

1. THE FIRST PRINCIPLE – Integrity and Impartiality

Ethics Obligation

Section 6 of the *Public Sector Ethics Act 1994* 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;*
- b. accept and value their duty to provide advice which is objective, independent, apolitical and impartial;*
- c. show respect towards all persons, including employees, clients and the general public;*
- d. acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and*
- e. are committed to honest, fair and respectful engagement with the community.”*

Standards of Conduct

1.1 Commitment to the highest ethical standards

1.1.1 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 includes:

- giving priority to official duties over personal activities during work time
- 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 ordinance.

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, such as making or requesting a loan, to any employee you supervise or manage
- your work and the work of those you supervise contributes 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 career development
- 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 sheets
 - appropriate action is taken if breaches of this Code occur.

1.1.2 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 unproductive time for others, and may result in deductions in pay for the period of absence and/or possible disciplinary action.

If an employee, including a casual employee, is absent for any reason, they must notify their supervisor or manager as soon as reasonably practicable, indicating the reason for the absence and extent of the anticipated absence.

During absences extending more than two days, employees must contact their supervisor regularly to keep KASC updated as to the circumstances of the employee's continuing absence. Where an employee finds that they cannot return to work as scheduled, they must notify their supervisor or manager as soon as possible.

1.1.3 Advice given to elected officials

As per the Local Government Act 2009, the Mayor may give a direction to the Chief Executive Officer or senior executive employees (Executive Managers). However no Councillor, including the Mayor, may give a direction to any other local government employee.

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

1.1.4 Concern for the environment

One of the strategic priorities of Kowanyama Aboriginal Shire Council is to protect and enhance the natural environment. This requires us all to 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 for environmental protection across the region).

1.2 Manage conflicts of interest

1.2.1 Conflicts of interest

When making decisions, you must declare any real or apparent conflicts of interest.

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, you must report it to your manager or CEO promptly.

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.

For more information please refer to council's Fraud and Corruption Control Plan

1.2.2 Councillor Conflict of Interest

A councillor has a conflict of interest if their decisions are, or may be seen to be, influenced by their personal interests.

A conflict of interest exists when a reasonable member of the public with the proper information would think that the conflict is unacceptable and might inappropriately influence a local government's decision or action or lead to a decision that is not in the public interest (*Local Government Act 2009*, section 175D).

Councillor must inform meeting of any personal interests

Exceptions

The legislation does provide some exceptions. A councillor does not have a conflict of interest if the:

- local government is considering an 'ordinary business matter' (such as setting rates and charges or adopting the council budget)
- councillor's interest is no greater than that of other persons in the local government area.
or merely because he or she:
- is a member of, or has a personal connection with, a community group, club, school, church or political party. However if the councillor is an office holder in any of these, they must declare a conflict of interest
- attends or addresses a community group, sporting club or organisation in their capacity as a councillor.

Failure to appropriately deal with a conflict of interest

When a majority of councillors have a personal interest

It is possible that a majority of councillors inform the meeting they have a person interest in a particular matter.

When this situation arises, councillors must delegate the decision-making process unless an Act requires that the decision must be made by resolution of the local government

In instances where the matter must be decided by resolution, approval must be sought from the Minister for Local Government before councillors affected by the conflict of interest can take part in any associated discussions and decision-making processes.

Attempts to influence others

If you have a conflict of interest in a matter you must not influence, or attempt to influence any other councillor, local government employee or local government contractor that is authorised to decide or deal with the matter.

The maximum penalty for such an offence is 200 penalty units or two years imprisonment. This offence is also an integrity offence. A person who is convicted of an integrity offence cannot be a councillor for four years after the offence.

Other councillors with a conflict of interest

If you believe or suspect on reasonable grounds that another councillor has a real or perceived conflict of interest in a matter being considered at a meeting of the local government, you also have an obligation to report your concerns to the chairperson if that councillor has failed to declare their interest.

It is an offence for a councillor to take any retaliatory action against another councillor for complying with their obligation to report another councillor's conflict of interest at a meeting.

The maximum penalty for such an offence is 167 penalty units or two years imprisonment. This offence is also an integrity offence. A person who is convicted of an integrity offence cannot be a councillor for four years after the offence.

1.2.3 Councillor Material Personal Interest

Material personal interest

A councillor has a material personal interest in a matter if a decision or action taken by the local government or any of its committees on that matter may result in a direct or indirect benefit or loss to any of the following:

- the councillor
- a close relative (spouse, parent, child or sibling) of the councillor
- a person who is in a partnership with the councillor
- an employer of the councillor
- a body or organisation of which the councillor is a member
- another person prescribed under regulation.

Councillors must inform meetings of a material personal interest

If you have a material personal interest you must tell the meeting about your interest and leave the meeting while the matter is discussed and a decision is made.

When informing of your material personal interest in a matter you must clearly identify:

- the name of the person or entity who stands to gain a benefit, or suffer a loss, depending on the outcome of the consideration of the matter
- how the person or entity stands to gain the benefit or suffer the loss
- if the person or other entity who stands to gain the benefit or suffer the loss is not you—the nature of your relationship to the person or entity.

Exceptions

The legislation does provide some exceptions. A councillor does not have a material personal interest if the:

- local government is considering an 'ordinary business matter' (such as setting rates and charges or adopting the council budget)
- councillor's interest is no greater than that of other persons in the local government area.

Failure to inform of a material personal interest or leave a meeting

If you fail to inform a meeting of a material personal interest or leave the meeting while the matter is discussed you may be guilty of an offence which carries a maximum penalty of 200 penalty units or two years imprisonment. If convicted of this offence, a councillor is automatically disqualified from being a councillor for four years.

When a majority of councillors have a personal interest

It is possible that a majority of councillors inform the meeting they have a person interest in a particular matter.

When this situation arises, councillors must delegate the decision-making process unless an Act requires that the decision must be made by resolution of the local government

In instances where the matter must be decided by resolution, approval must be sought from the Minister for Local Government before councillors affected by the material personal interest can take part in any associated discussions and decision-making processes.

Attempts to influence others

If you have a material personal interest in a matter you must not influence, or attempt to influence any other councillor, local government employee or local government contractor that is authorised to decide or deal with the matter.

The maximum penalty for such an offence is 200 penalty units or two years imprisonment. If convicted of this offence, a councillor is automatically disqualified from being a councillor for four years.

Other councillors with a conflict of interest

If you believe another councillor has a material personal interest in a matter being considered at a meeting of the local government, you also have an obligation to report your concerns to the chairperson if that councillor has failed to declare their interest.

It is also an integrity offence for a councillor take any retaliatory action against another councillor for complying with their obligation to report another councillor's material personal interest at a meeting. The maximum penalty for such an offence is 167 penalty units or 2 years imprisonment. A conviction under this offence will also result in automatic disqualification from being a councillor for four years.

1.2.4 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.

1.2.5 Accepting gifts and benefits

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

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.

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

Staff are required to declare any gifts received relating to the performance of their duties or to their employment with Council. Gifts received are recorded in the Council's Gifts Register and declared at any General Council meeting.

1.2.6 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, as long as the following requirements are met.

Approval is automatically granted for you to undertake private employment outside of your normal working hours under the following conditions:

- 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.

You must ensure that your work outside Council continues to meet these requirements.

If there is likely to be a conflict of interest you must obtain written approval from the CEO. Approval will be documented by the CEO and a copy will be placed on your personal file.

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.

1.3 Contribute to public discussion in an appropriate manner

1.3.1 Public comments on Council business

Employees will not release non-public Council information or contribute to public comment on Council policy or administration issues unless:

- providing the information or making comment is part of, or consistent with, the employee's duties or has been appropriately authorised; and
- the employee does not misrepresent the facts concerning the matter.

Council business can be topical, sensitive and controversial, therefore there is a process to be followed when making public comments. Requests from the media about Council business should be directed to the CEO or the Executive Manager Governance and Operations (including requests to Councillors)

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).

Employees have the same rights as any member of their community to enter into a discussion of community and social issues in a private capacity. They must recognise, however, that they will generally be seen as speaking from a privileged position. As a result, they must take all reasonable steps to ensure that:

- they do not use non-public Council information for private advantage; and
- their comment is understood as representing their personal views as a private citizen.

1.4 Manage participation in external organisations

1.4.1 External activities

If you 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 IT 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.

1.4.2 Fairness to suppliers

Council has established a **Procurement Policy** which includes details on the process to follow, including financial delegations, when purchasing of goods and services. You must comply with this policy.

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.

1.5 Demonstrate a high standard of workplace behaviour and personal conduct

1.5.1 Behaviour towards each other

We must all 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.

If you have a concern about the performance of an employee you should raise this confidentially with your own manager. Your manager will then assess how the matter should be dealt with. Disparaging comments about employees and teams in the public space are not acceptable.

Employees must not publically inappropriately criticise each other, and any incident of this may be dealt with in accordance with council disciplinary policies. Impacted employees may have cause to take legal action if slanderous comments have damaged their reputation. Executive Managers must ensure that their team members are respectful of other employees.

Whilst council recognises the value of robust discussion in the development of policy and projects, employees must ensure that debate is be respectful, and that the roles and responsibilities of each department are valued. 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.

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).

Incidents of threatening behaviour or violence will not be tolerated. All incidences will be subject to disciplinary action, which may involve termination of employment, and may also be referred to the Queensland Police Service.

1.5.2 Non-discriminatory workplace

Council is committed to creating and maintaining a workplace free from unlawful discrimination. By law, all employees must ensure that discrimination is not part of our workplace or our practices. Employees must not discriminate in matters of recruitment, selection, career progression or treatment in regard to gender, marital status, pregnancy, parental status, sexual orientation, race, impairment, age, religion, trade union activity or political opinion.

1.5.3 Sexual and other harassment

Council is committed to preventing harassment of employees and the public. All employees need to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment.

1.5.4 Workplace health and safety

As Council employees we are all committed to zero harm in the way we conduct our business and Council activities.

Council will endeavour to ensure that persons are free from:-

- death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work; and
- the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant or substances for use at work.

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 employees and members of the public.

As a worker you 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.

You 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.

1.5.5 Drugs and Alcohol

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. The following conditions apply:

- Employees must not present themselves for duty whilst under the influence of alcohol or any illegal drug.
- If any employee is using a prescribed or over the counter pharmaceutical drug that may affect performance (e.g. antihistamine) then they must notify their supervisor prior to commencing work.

Keep in mind that the Kowanyama DOGIT is also under an Alcohol Management Plan which makes the possession of alcohol in the community illegal.

Failure to comply with the above may result in instant dismissal.

1.5.6 Smoking

Smoking in Council buildings, offices or vehicles is not permitted.

Employees unable to stop smoking will be permitted, with their supervisor's approval, to leave their workplace for short breaks and go outside well clear of entrances for a cigarette provided this does not cause any disruption to the normal work process.

If these breaks occur other than during morning tea, afternoon tea or lunch, they are to be in the employee's own time.

There will be cases, such as with bus drivers, where the supervisor determines that smoke breaks are unacceptable.

Employees who breach the Smoke-Free Workplace requirements are to be counselled in the first instance and normal disciplinary action taken if the need arises.

1.5.7 Working with children

In accordance with the *Working with Children (Risk Management and Screening) Regulation 2011*, Kowanyama Aboriginal Shire Council is required to have a Code of Conduct for working with children and young people. This Code outlines appropriate standards of behaviour for adults towards children. It serves to protect children and reduce any opportunities for abuse or harm to occur. The Code also assists Councillors, employees and volunteers by providing guidance on how to best support children, and avoid or better manage difficult situations.

Council aims to be a child-safe organisation and create an environment where everyone feels safe, respected and valued. Council promotes and protects the rights, interests and wellbeing of children and young people in the Shire, particularly those most vulnerable.

Council supports the rights of children and young people and will act without hesitation to ensure a safe and caring environment is maintained at all times. Council also supports the rights and well-being of our workers and encourages active participation in maintaining a secure environment for all participants.

Kowanyama Aboriginal Shire Council Councillors and employees will:

- follow organisational policy and guidelines for the safety of children, as outlined in our Code of Conduct and these working with children guidelines, as well as all relevant local, state and national laws pertaining to working with children and young people
- treat everyone with respect and honesty (this includes employees, volunteers, students, children, young people and parents)
- be respectful of children's rights, background, culture, religion, politics and beliefs
- set clear boundaries about appropriate behaviour to children in the organisation and community
- always have another adult present or in sight when working with, or in proximity to, children
- conduct themselves in a manner consistent with their position as a positive role model to children, and as a representative of Kowanyama Aboriginal Shire Council. report and act on any breaches of these standards of behaviour
- where a child discloses harm to an employee, or where an employee has a suspicion of harm, the employee must report this to the CEO.

Kowanyama Aboriginal Shire Council employees will not:

- become involved in inappropriate conversations of a sexual nature, make sexually suggestive comments or expose children and young people to the sexual behaviour of others
- initiate unnecessary physical conduct with children or do things of a personal nature that children can do for themselves
- personally correspond (including email and/or mobile phone) with a child or young person in respect of personal feelings for a child or young person
- spend inappropriate time with a child or young person or show special favours.

All employees who have contact with children and youth must abide by this Code of Conduct.

Suspected breaches of this Code will be treated individually and all relevant circumstances will be taken into account. Depending on the severity of the breach, formal disciplinary proceedings might be taken. Suspected official misconduct will be referred to the Crime and Corruption Commission for investigation.

2. THE SECOND PRINCIPLE – Promoting the Public Good

Section 7 of the *Public Sector Ethics Act 1994* 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 –

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

Standards of Conduct

2.1 Commit to excellence in service delivery

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 the Kowanyama community 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 team leader/supervisor.

Council will support any employee who believes they are under threat from a member of the public.

2.2 Ensure appropriate community engagement

Community participation is crucial to the development of quality government planning and decision making processes.

We have a responsibility, where appropriate and in accordance with our official duties, to:

- a. listen to and respond to issues and concerns raised by individuals or communities;
- b. consult with the public to assist in the development of public policy; and
- c. assist in raising community awareness about public issues and policies.

2.3 Work as an integrated service

2.3.1 Guidelines for Working with other Government* Agencies

Kowanyama Aboriginal Shire Council aims to conduct its business in 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 industry stakeholders are crucial to achieving its vision and strategic goals. Below is a set of guidelines Council officers can refer to when undertaking their duties in dealing with Federal Government, State Government and other government agencies.

1. Councillors and employees work must first and foremost represent the interests and contribute to the achievement of Kowanyama Aboriginal Shire Council's strategic goals. As a Council official, you must carry out your duties with the best interests of Kowanyama Aboriginal Shire Council in mind.
2. You must obtain approval from your manager and/or CEO 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 full 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 principles do not cover every situation and Council officers are advised to seek guidance from their supervisors when dealing with a particular issue or operational matter of which they are uncertain.

*Government agencies include other local, state, federal governments, government- owned corporations, statutory authorities and other public bodies.

**Examples include (but are not limited to) core services that relate to Council's statutory obligations, capital projects and services that have high community usage and/or are of significant public interest.

3. THE THIRD PRINCIPLE – Commitment to the System of Government

Section 8 of the *Public Sector Ethics Act 1994* states:

“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 -

- a. accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;*
- b. are committed to effecting official public sector priorities, policies and decisions*
- c. behave professionally and impartially; and*
- d. 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 a public service agency, public sector entity or public sector official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy, or is a customary feature of the work of the agency, entity or official.

Standards of Conduct

3.1 Commit to our roles in public service

3.1.1 Acting within the law

As an employee of Council, you are expected to comply with the:

- *Local Government Act (2009)*
- *Local Government Regulation (2012)*

You are expected to be aware of and act within the law, policies, procedures and delegations within your area of work. You are entitled to have access to any legislation that may be relevant to your area of work.

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, 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 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, you shall immediately report the circumstances to the line manager.

3.1.2 Raising concerns

You have the right to comment on or raise concerns about Council policies or practices where they impact on your employment. However, you must do this in a reasonable, constructive way and take responsibility for your comments and views. Formal complaints should be provided as per councils **Complaints Management Policy**.

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, and could result in disciplinary action against you.

3.1.3 Challenging direction

When an employee believes that a request or direction is either unlawful or unsafe to fulfil, he or she should say so to the person giving it. If an employee is not satisfied with the response, the concern may be raised at a higher level in the chain of management or through an appropriate contact employee, e.g. Human Resources Manager. However, unless there is a concern for the lawfulness or safety of a direction, an employee is usually obliged to implement it in the interim.

3.2 Maintain appropriate relationships with Ministerial staff

If providing advice to Ministers is part of your role, you must ensure your interactions are positive and productive.

Ministerial staff are not empowered to direct Council employees in their own right. If this occurs, advise the CEO.

3.3 Ensure proper communication with members of Parliament

We have the right to communicate directly with a Member of Parliament on any issue affecting us as a private citizen. In communicating with Members as private citizens, we will maintain the confidentiality of information that is not publicly available, if we have access due to our role with Council

4. THE FOURTH PRINCIPLE – Accountability and Transparency

Section 9 of the *Public Sector Ethics Act 1994* states:

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

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

Standards of Conduct

4.1 Ensure diligence in public administration

We have an obligation to seek to achieve high standards of public administration and perform our duties to the best of our abilities.

We will:

- a. apply due care in our work, and provide accurate and impartial advice to all clients whether members of the public, public service agencies, or any level of government;
- b. treat all people equitably and consistently, and demonstrate the principles of procedural fairness and natural justice when making decisions;
- c. exercise our lawful powers and authority with care and for the purpose for which these were granted; and
- d. comply with all reasonable and lawful instructions, whether or not we personally agree with a given policy direction.

4.2 Ensure transparency in our business dealings

In order to ensure all Council dealings with private industry or the community are conducted with the highest level of integrity we will ensure:

- a. our business meetings with persons who were formerly Councillors, Ministers, Parliamentary Secretaries or senior government representatives are not on matters those persons had official dealings with in their recent previous employment
- b. any engagement we have with lobbyists is properly recorded, and
- c. we manage gifts, benefits or hospitality in accordance with this Code and in accordance with Council’s **Gifts and Benefits Policy** and **Entertaining and Hospitality Policy**

4.3 Ensure proper appropriate use of official resources, public property and facilities

4.3.1 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). 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 are not to access or disclose any information about customers unless you are carrying out official Council business.

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

If you use Council vehicles, you must follow Council policy. Council vehicles cannot be used for personal use except with the written approval of the CEO. However in some situations joint work and personal use is granted such as Rangers performing patrols on weekends with their families.

4.3.2 Mobile Telephones

Council mobile telephones should be used in accordance with **Council's Mobile Telephone Policy** which includes:

- practices for fair and responsible use
- responsibilities of mobile phone users
- use of smart telephones

Keep in mind that Council owns any communication sent via email or that is stored on Council equipment, including mobile phones and smart phones. The CEO and other authorised staff have the right to access any material in your email or on your phone at any time. This includes photographs that you may take on your Council provided phone. Please do not consider your electronic communication, storage or access to be private if it is created or stored at work or using Council provided equipment.

4.3.3 Computer Usage

Everyone who uses computer and communications facilities has the responsibility to use them in an ethical, professional and legal manner. This means that users agree to abide by the following conditions:

- The integrity of the systems must be respected. This means that users of systems must not divulge passwords, PINS, private keys or similar elements to anyone else, and they will not exploit sessions left open or otherwise misappropriate or steal the "identity" of another user
- Privacy of other users must not be intruded upon at any time
- Users must recognise that certain data are confidential and must limit their access to such data to uses in direct performance of their duties
- The rules and regulations governing the use of facilities and equipment must be respected. Employees responsible for computing devices connected to the network

will ensure that those devices are maintained in a secure state in accord with the related policy

- No one shall obtain unauthorized access to other user's accounts and files
- The intended use of all accounts must be respected
- Commercial use is prohibited
- Users shall become familiar with and abide by the guidelines for appropriate usage for the systems and networks that they access.

You can have limited personal use of electronic mail and internet browsing, in accordance with the Computer 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 and during lunch breaks.

Keep in mind that Council owns any communication sent via email or that is stored on Council equipment. The CEO and other authorised staff have the right to access any material in your email or on your computer at any time. Please do not consider your electronic communication, storage or access to be private if it is created or stored at work.

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

Employees should be aware of the potential for legal liability to arise from the unofficial or private use of resources, property or facilities.

Access to Council's computing and communications equipment and facilities may be revoked for reasons including, but not limited to:

- attacking the security of the system
- modifying or divulging private information such as file or mail contents of other users without their consent
- modifying or destroying Council data, or the network in a manner contrary to the established guidelines
- removing, copying data to an external device including disc, USB storage device, smart phone or forwarding data via email or website (such as yousendit.com) or messenger services (such as Yahoo, MSN, Google Talk)

Revocation of access may be done at any time by Council system administrators in order to safeguard Council resources.

If abuse of computer systems occurs, those responsible for such abuse will be held accountable and may be subject to disciplinary action.

Similarly, if it is suspected that an employee leaving Kowanyama Aboriginal Shire Council has taken, copied or destroyed data belonging to Council, Council may engage a computer forensic expert to investigate an employee's conduct. If it is determined that data was stolen, the matter will be referred to the police for appropriate action.

When you leave Council, you must return all Council property and work-related documents.

4.3.4 Public money

You must maintain high standards of accountability when managing public money.

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

4.4 Ensure appropriate use and disclosure of official information

4.4.1 Intellectual property and handling information

You must obtain approval before arranging to publish or disclose any articles or material 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 or its customers, or compromise Council's intellectual property rights.

You must also respect the intellectual property of individuals and organisations outside Council. For example, you must not copy, quote or reproduce their work unless they have given you permission to do so.

You must respect the copyrights, trademarks and patents of your suppliers. You must not reproduce or quote supplier's material without the supplier's agreements.

4.4.2 Privacy

Council has information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful if released. Employees should only access information and records they require in the course of their Council duties.

Employees must keep this information confidential at all times. 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
- referring all media enquiries to the CEO.

4.5 Commit to innovation and continuous performance improvement

4.5.1 Self-development

You should aim to maintain and improve your work performance and that of your work unit in the delivery of customer service. You 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. This may include accessing the study assistance scheme, learning new work duties, participating in project work or undertaking internal or external training.

5. BREACHES OF THE CODE OF CONDUCT

A breach of the Code of Conduct damages business, public and work relationships. Any act or lack of action that contravenes the Code may be a breach of Council ordinances and local laws. Suspected breaches will be treated individually and all relevant circumstances will be taken into account. Depending on the severity of the breach, formal disciplinary proceedings may be taken.

Employees must maintain discretion and confidentiality about reports to ensure, amongst other things, that efforts to obtain the truth and the reputations of innocent parties are not jeopardised. Allegations or comments made by employees through the media on matters of alleged breaches of the Code by other employees are generally damaging to the Council and are not condoned.

Suspected official misconduct will be referred to the CEO for investigation, and the Crime and Corruption Commission may be notified.

You may be suspended from duty, with pay:

- if there is suspected official misconduct or misconduct
- while an investigation is progressed
- while charges are determined by the relevant court.

Any subsequent disciplinary action will be in accordance with the *Local Government Regulation 2012*.

6. IF YOU HAVE A CONCERN

The *Public Interest Disclosure Act 2010* (also known as the *Whistle-blowers Act*) and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If you have a concern, or suspect a breach of the Code involving one or more Kowanyama Aboriginal Shire Council employees, the *Public Interest Disclosure Act 2010* gives you the right and the protection to report serious wrongdoings using:

- internal channels (e.g. your manager, Human Resources Manager, or Chief Executive Officer)
- external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission).

Please refer to Council's Complaint Policy and Public Disclosures Policy for more information.

7. RELATED INFORMATION

- *Local Government Act 2009*
- *Local Government Regulation 2012*
- *Public Sector Ethics Act 1994*
- *Crime and Corruption Act 2001*
- *Public Interest Disclosure Act 2010* (also known as the *Whistle-blowers Act*)
- Kowanyama Aboriginal Shire Council Policies