



Kowanyama Aboriginal Shire Council

Officer Code of Conduct

Date effective: 30 April 2024

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, contractors, 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 in accordance with the Local Government Principles and Ethics Principles which underpin our institution.

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, contractors, 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 into 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, employees, contractors, delegates, and volunteers ("Officers") 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.

Kevin Bell

Chief Executive Officer

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1	Council Resolution: 1 May 2017#4	17 May 2017
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Contents

Overview.....	5
Code Objective	6
The First Principle.....	8
The Second Principle.....	14
The Third Principle.....	17
The Fourth Principle	21
Breaches of the Code.....	27
Officer concerns.....	27
Publication	27
Training	27
Authority	28
Further assistance	28
Relevant documents.....	Error! Bookmark not defined.
Definitions of terms	29
Annexure A: A Guide to Ethical Decision Making	30
Annexure B: Applying the Code	31

Overview

Code of Conduct statement

Kowanyama Aboriginal Shire Council conducts its business with integrity, honesty and fairness and strives to comply 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 Officers 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

Kowanyama – A community united.

Leaders in caring for Country and developing pathways for our future generations.

Our Values

- **Collaborative** – A Community with one voice
- **Equitable** – Fair for everyone, today and tomorrow
- **Accountable** – Trusted by our community and responsive to our community

Our Focus

- **Community, Culture, and Environment** – We foster pride in our heritage, history, and place
- **Building Partnerships** – We work together to deliver for our community
- **Local Jobs, Industry, and Training** – We create pathways and opportunities for our community
- **Advocacy** – We speak up for our community
- **Services and Infrastructure** – We enable our community

Ethics Principles

Under the *Public Sector Ethics Act 1994*¹, 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 four principles and values are:

Ethics Principle	Integrity and impartiality	Promoting the public good	Commitment to the system of government	Accountability and transparency
Standards	Conflict of interest	Customer service	Acting within the law	Using Council assets
	Influences on decision making	Fairness to suppliers	Fraud and Corruption	Diligence, care, and attention
	Accepting Gifts and Benefits	Public money	Acting in accordance with delegations and signing documents on behalf of Council	Attendance at and absence from duty
	Employment outside of Council	Intellectual property	Raising concerns	Self-development
	Advice given to elected officials	Concern for the environment	Privacy	Workplace Health and Safety
	External activities			Working with children
	Behaviour towards each other			
	Non-discriminatory workplace			
	Sexual and other forms of Workplace Harassment			

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 that a council's actions be consistent with the following local government principles²:

- transparent and effective processes, and decision-making in the public interest;
- sustainable development and management of assets and infrastructure, and delivery of effective services;
- democratic representation, social inclusion and meaningful community engagement;
- good governance of, and by, local government; and
- ethical and legal behaviour of Officers.

These legislated principles, together with Council's corporate values, form the basis of this Code of Conduct. They apply to all Councillors, employees, contractors, delegates, and volunteers and guide our thinking, actions, and decision-making. A failure to strictly meet these standards may result in disciplinary action.

¹ *Public Sector Ethics Act 1994* (Qld), section 4.

² *Local Government Act 2009* (Qld), section 4.

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 Councillors, employees, contractors, delegates, and volunteers (together "Officer") do their job in a public capacity. It puts a responsibility on each Officer 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.

The Code does not cover every situation; this Code of Conduct, much like the *Local Government Act 2009* (Qld), is principle-based, 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. (Refer Annexure A).

Who does the Code apply to?

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

When does the Code apply?

The Code of Conduct is concerned with our conduct as public officials, and behaviour as individuals at work and outside the workplace, where behaviour may be directly related to our appointment, and/or employment and Council activities and in other circumstances where our actions may impact upon the reputation and activities of the Kowanyama Aboriginal Shire Council. (Refer Annexure B).

The First Principle

Integrity and Impartiality

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 Officers, 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. Conflict 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 occurs when you, as a public official, can be influenced, or appear to be influenced, by your private interests when doing your job. A conflict of interest can arise from avoiding personal disadvantage as well as gaining personal advantage, whether financial or otherwise.

This includes advantages for relatives and friends. If you feel you have a conflict of interest, whether actual, perceived or potential, you may discuss it with your direct supervisor/manager with a view to avoiding it. If the conflict of interest cannot be avoided, you must report it to the Chief Executive Officer or relevant Executive Manager promptly.

Your Chief Executive Officer or relevant Executive Manager will then provide further direction on how to resolve the matter giving rise to the conflict of interest. Until the matter is resolved, you must make sure you are not part of any decision-making process related to the matter. Where required you may be required to supply details of interests to the CEO or Mayor to be included in a Register of Interests and ensure particulars contained in a Register of Interests remain correct.

1.2. Influence 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 several 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.

Annexure A has more information about how to undertake ethical decision making: see 'A guide to ethical decision-making'.

1.3. Accepting gifts and benefits

Occasionally you may be offered gifts or benefits from people with whom you do business. In line with section 199(2) 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, section 199(3) does not apply to remuneration paid by Council or a benefit that has only a nominal value. You may accept gifts or benefits of a nominal value 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 conflict of interest or be seen to be receiving a bribe. You must comply with Council's *Gifts Policy*.

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 to others that the giver may or would receive favourable treatment.

Where required all Officers must ensure that gifts are recorded in Council's Register of Interests, or otherwise in accordance with Council's Gifts Policy.

1.4. Employment outside of Council

Some Officers, particularly those who have casual or part-time employment with Council, may wish to pursue additional employment/ engagement outside the organisation. It is not Council's intention to stop people from holding secondary employment if 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; and
- 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.

Councillors must ensure that alternate employment is not prohibited under the *Local Government Act 2009* (Qld), or otherwise. A failure to abide by these requirements may result in inadvertent disqualification as a Councillor.

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.

Pursuant to section 198 of the *Local Government Act 2009*, where an Officer seeks to be employed by more than one local government at the same time, approval of each of the local governments is required prior to being appointed to the second position.

1.5. Public comments on Council business

As a rule, it is the role of Councillors to 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. It is usual that Councillors will consult with the CEO prior to public comment, to ensure comments are factual and verified.

You should not release non-public Council information or contribute to public comment on Council policy or administration unless:

- providing the information or making comment is part of, or consistent with, your duties or has been appropriately authorised;
- you do not misrepresent the facts about the matter;
- the matter is not confidential or restricted in its distribution.

Any public comment on Council business must be in accordance with this, and any other applicable policy or procedure of Council (inclusive of any *Media Policy*).

If you are asked to comment on any Council matter via the media or other public relations firms refer the matter to the CEO or Executive Manager Corporate and Financial Services.

Sometimes, it might be appropriate to share information based on your personal and professional experience (e.g., in external seminars or training programs). You must ensure that by sharing your experiences you do not breach the confidentiality of Council information.

You have the same rights as any member of the community to enter discussion of community and social issues in a private capacity. You must recognise, however, that you will generally be seen as speaking from a privileged position.

As a result, you must take all reasonable steps to ensure that:

- you do not use non-public Council information for private advantage, or disclose that information; and
- your comment is understood as representing your personal views as a private citizen.

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* (Qld).

This clause (clause 1.5) does not apply to a Public Interest Disclosure to a proper authority. Where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- a. Corrupt Conduct; or
- b. maladministration that adversely affects a person's interests; or
- c. a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes, or priorities of expenditure; or
- d. a substantial and specific danger to public health or safety; or
- e. a substantial and specific danger to the environment,

You have the right to make a Public Interest Disclosure to a proper authority subject to, and in accordance with, the *Public Interest Disclosure Act 2010* (Qld). You may wish to obtain independent legal advice prior to making a public interest disclosure to ensure disclosure is intended to a proper authority. Disclosure other than to a proper authority may result in adverse liability to the discloser, including disciplinary action and/or compensation.

1.6. Advice given to elected officials

Councillors may, from time to time, ask 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 '*Councillor Acceptable Requests Guidelines*' which has been adopted by resolution of Council.

1.7. External activities

Council supports, and aims to, ensure all Officers are free to engage in trade union, party-political, professional, interest group or charity activities of their choosing, in their own time and without utilising Council resources. However, you must make sure that participation in such activities does not cause a conflict of interest, and/or unduly restrict the performance of your official duties with Council.

You must not allow your involvement in any external organisation to intrude upon your duty as a Council Officer, to give sound advice to Council, which is objective, independent, apolitical, and impartial. 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 messaging, or circulating defamatory or disparaging remarks against individuals or groups. 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 Officer .

You must not use your role in Council, Council information or information gained in the course of your official duties as a Council Officer, 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. As a member of an external organisation, you need to be aware that participating in activities in the public arena, where you may be identified as a Council Officer, can give rise to a conflict of interest in some circumstances. Where such a situation arises, you must declare and manage the conflict in accordance with this Code of Conduct and other policies.

1.8. Behaviour towards each other

All Officers must treat other Officers and the public with respect, honesty, fairness, sensitivity, and dignity. Officers who supervise or manage others 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.

Council values diversity and expects all its Officers to accommodate and respect different opinions and perspectives, and to manage interpersonal disagreements by rational debate.

You must not behave towards any other person in a way that could be perceived as intimidating, overbearing, or bullying, or that may constitute unwelcome conduct of a sexual nature.

Whilst Council recognises the value of robust discussion in the development of policy and projects, Officers must ensure that debate is respectful, and that the roles and responsibilities of each department are valued. Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work cooperatively with fellow Officers 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 or referral to regulators, including but not limited to the Queensland Police Service.

1.9. Non-discriminatory workplace

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

1.10. Workplace harassment

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

As an Officer of Council, it is expected that you proactively contribute to building a workplace that is free from sexual harassment, victimisation, and bullying. You have a joint responsibility to respect the rights of fellow Officers, by not taking part in any action that may constitute harassment of any form, and in doing so supporting and promoting the achievement of equal employment opportunity.

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 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.

The Second Principle

Promoting the Public Good

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. Customer service

As a Council Officer 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 Officers serve community members directly or indirectly. If your position 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.

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

Customers have the right to criticise or complain to, or about Council. Council expects its Officers to show respect towards complaints. 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 supervisor/manager. Council will support any Officer who believes they are under threat from a member of the public.

Where you have been provided with Council uniforms, you are required to wear all components of the uniform without alterations (other than those designed to ensure correct fit) and ensure that uniforms are clean and tidy.

2.2. Fairness to suppliers

Council has established policies, procedures, and delegations of authority for various stages of procurement of goods and services which reflect the content of the *Local Government Regulation 2012*.

You must comply with the *Local Government Regulation 2012* and 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.

You also need to ensure that you do not incur any liability or enter any contract on behalf of Council or alter the terms or conditions of any contract which Council has already entered, unless you are authorised to do so.

2.3. 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 *Entertainment and Hospitality Policy* and *Expense Reimbursement Policy*.

2.4. Intellectual property

Council expects its Officers to ensure that their actions do not breach or infringe the *Copyright Act 1968*, by unlawfully using the intellectual property of any individual or organisation. You must respect the copyrights, trademarks and patents of suppliers and other organisations outside Council which includes that you do not reproduce or quote suppliers' material unless your license specifically allows it.

Similarly, you must not store or copy audio, video or image files, printed media, and software on Council assets without an appropriate license or approval. Where this is unclear you must seek written approval before arranging to publish, disclose or reproduce any articles or materials as part of your official duties. Any original work, invention, or product you have contributed to in association with your official duties as a Council Officer 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 direct supervisor/manager.

2.5. 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 workspaces where we can, and applying high standards for environmental protection across the region).

The Third Principle

Commitment to the System of Government

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 State, the Commonwealth and Local Government*
- b. Are committed to effecting official public sector priorities, policies, and decisions professionally and impartially; and*
- c. Accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament, and the community.*

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

Standards of Conduct

3.1. Acting within the law

As an Officer of Kowanyama Aboriginal Shire Council, you are expected to comply with:

- *Local Government Act 2009* (Qld)
- *Local Government Regulation 2012* (Qld)
- *Public Sector Ethics Act 1994* (Qld)
- Further and other legislation and instruments applicable to Local Government.

You are expected to be aware of, and comply with applicable legislation, awards, certified agreements, Council policies and local laws relevant to your area of work. You are entitled to have access to any legislation that may be relevant to your work. You are expected to obey legal, reasonable directions from direct supervisors/managers.

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 direct supervisor/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 any indictable offence, are subject to an indictable offence conviction, or are subject to a summary conviction, you should immediately report the circumstances to your direct supervisor.

3.2. Fraud and corruption

Fraud and corruption pose a serious risk to council. The potential damage extends well beyond any financial losses but threatens both council's integrity and that of the individual.

It is the responsibility of all Officers to prevent fraud. Officers have an obligation to prevent fraud and corruption and all Officers have a duty to report suspected fraud or corruption pursuant to Council's Fraud Policy and others. Officers are encouraged to contribute to the development of improved systems and procedures that will enhance council's resistance to fraud and corruption.

3.3. Acting in accordance with delegation and signing documents on behalf of Council

If you are requested to undertake an action on behalf of the Chief Executive Officer (CEO) or Council, prior to exercising any power on behalf of the CEO you must ensure there exists an appropriate delegation or authorisation in line with State legislation, that allows you to exercise the power.

The following persons are the only persons who may sign a document on behalf of Council:

- the Mayor;
- a delegate of Council; or
- an Officer who is authorised, in writing, in accordance with the authorisation made by the Mayor to the CEO to sign document.

Delegations are included in the Delegations Registers - Council to CEO (approved by Council resolution) and CEO to delegates (approved by CEO). Delegations Registers should be updated annually (as required).

3.4. Raising concerns

You have the right to comment on or raise concerns with your direct supervisor/manager about Council policies, practices, or priorities where they impact on your engagement. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views. Further, you must accept that Council has the right to determine its policy, practices, and priorities and that you must comply with all reasonable and lawful instructions, whether you personally agree with a given policy direction.

When raising complaints or grievances, Officers are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and such complaints may be managed as acts of misconduct in accordance with Council's recognised agreement or policy. Complaints will be managed in accordance with the *Complaints Management Policy* of Council.

If you believe that a request or a direction is either unlawful or unsafe to fulfil, you should say so to the person giving it. If you are 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., Manager Human Resources or Executive Manager Corporate and Financial Services. However, unless there is a significant concern for lawfulness or safety direction, you are usually obliged to implement it in the interim.

3.5. Privacy

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

Officers must ensure that the collection, storage, and use of personal information is done so in accordance with Council recognised agreement or policy and *Information Privacy Policy*

As a rule, you can maintain privacy by:

- not discussing work matters with anyone not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you comply 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 external seminars or training programs). However, in sharing your experiences, you must ensure that where personal information is involved, you do not 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', 'Instagram' etc.

In addition to the *Information Privacy Act 2009*, section 200 of the *Local Government Act 2009* makes it an offence for a person who is, or has been, a Council Officer to release information that the person knows, or should reasonably know, is information that:

- is confidential to Council; and
- Council wishes to keep confidential.

Similar provision apply to unlawful use of confidential information by Councillors.

Personal and other information may on occasion be sought from Council by an Officer or other members of the public in line with the *Right to Information Act 2009*. If such a request is made of you, you must ensure that you refer such requests to the Governance Team to be properly considered. Right to Information/ Information

Privacy requests are administered by the Governance Team under the *Right to Information/ Information Privacy Policy*. Application forms are available on Council's website. Fees may be applicable.

The Fourth Principle

Accountability and Transparency

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

- a. Are committed to exercising proper diligence, care, and attention*
- b. Are committed to using public resources in effective and accountable way*
- c. Are committed to managing information as openly as practicable within 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 the framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.*

Standards of Conduct

4.1. 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 Officers share the responsibility for looking after them.

If you oversee assets and have control of Council assets in your possession, 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. Your responsibility includes making 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 to do so otherwise has been granted by your manager, or written contract of employment provides otherwise.

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

Unless provided for separately in a written contract of employment, you can use Council telephones on a limited basis for calls that you cannot make conveniently outside working hours.

If you use Council vehicles or a Council issued mobile phone, smart phone, or tablet for non-council purposes, you must ensure that your use is in accordance with the relevant Council policy or written contract or employment.

Council allows limited use of electronic mail and 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 nonpaid time, that is, before or after work or during meal breaks.

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

Upon termination of your engagement with Council, you must return all Council property and work-related documents immediately.

All use of Council assets must be in accordance with relevant Council policy and procedure.

4.2. 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 workplace during work time without reason;
- giving priority to official duties over personal activities during work time;
- not wasting time chatting about personal matters and interrupting other staff;
- 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; and

- not exposing Council to a judgement for damages against it, because 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 Officers within your area of responsibility understand and comply with the Code;
- you do not come under a financial obligation to any Officer you supervise or manage;
- your work, and the work of those you supervise, contributes to the achievement of Council's goals;
- Officer performance is monitored, and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, and within Council policies and budgets Officers may be given training opportunities to assist them in developing their careers;
- Officers are provided with information that is vital for effective work performance;
- the opinions of Officers are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- Officers who collect, handle or disburse public money are properly supervised;
- Officer work times, overtime, allowances, and absences are correctly recorded on timesheets, attendance records and in Council's payroll system; and
- appropriate action is taken if breaches of this Code occur.

4.3. Attendance at and absence from duty

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

Council's operational efficiency depends on your punctuality and attendance at your workplace. If you are unavoidably detained, please advise your direct supervisor/manager as soon as possible.

Absence without approval and without reasonable excuse can create concerns for your safety and lead to unproductive time for others. All Officers have an obligation to ensure that they promptly notify Council as soon as reasonably possible upon becoming aware that they are going to be absent from work/ duty.

Failure to promptly notify Council may result in the non-payment of salary/wages/ allowances for the period of absence and/or may result in Council taking disciplinary action/ referral to regulator.

4.4. Self-development

All local government Officers have an obligation to be proactive in the continual improvement of all aspects of their work performance.

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 program, learning new work duties, participating in project work, or undertaking internal or external training.

4.5. Workplace Health & Safety

As Council Officers we all must strive to eliminate work related injury and illness. Council aims to ensure that the risk of death, injury or illness caused by the workplace, relevant workplace area, work activities, or plant/substances for use at work, is minimised too as low as reasonably practicable.

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 Officers and members of the public.

You have the right and responsibility to respectfully question how you do you 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.

While at work, you must:

- take reasonable care for your own health and safety;
- take reasonable care that your acts, or omissions, do not adversely affect the health and safety of others;
- comply, so far as you are reasonably able, with any reasonable instruction that is given; and
- cooperate with any reasonable policy or procedure of the person conducting the business or undertaking relating to health or safety at the workplace that has been notified to workers.

You also have a duty to:

- identify hazards and manage risks to health and safety;
- immediately report any identified incidents or hazards to your direct supervisor;
- support any workplace investigations;
- perform all work safely and follow safe work practices;
- take corrective action to 'make safe' the workplace, or work activities and implement improvements;
- participate in any education or training programs as directed; and
- 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 Officers. The use of drugs or alcohol can adversely affect productivity, attendance, and on-the-job safety.

Officers must not present themselves for duty whilst under the influence of alcohol or any illegal drug. If any Officer is using prescribed or over the counter pharmaceutical drug that may have the potential to affect their work performance i.e., antihistamine, then they must notify their supervisor/manager prior to commencing work, this is to also ensure to the Officer's wellbeing and safety.

Officers must not:

- Use, possess or be impaired by the effects of illegal drugs whilst on duty
- Come to work impaired by the effects of alcohol or drugs
- Consume alcohol while on duty or in the workplace other than strictly in accordance with Council policy
- Gamble or bet on Council premises (except authorised sweeping and tipping competitions)
- Undermine Council's service to customers by leaving your workstation/location to smoke. Smoking (means the use of cigarettes, Vape, e-cigarettes) is only permissible during meal breaks
- Smoke anywhere within Council's premises or worksites, including buildings, vehicles, depot yards and construction sites or within four meters of any Council premises or worksite.

Smoking is prohibited in all Council buildings, offices, and vehicles. Officers will be permitted to, subject to supervisor/manager approval, to leave their workplace/station for short breaks to go outside to smoke. Officers must ensure they maintain appropriate distance from Council buildings while smoking. Any breaches of Council's smoke-free workplace may result in disciplinary action.

Kowanyama Shire (DOGIT) is under an Alcohol Management Plan (since 2005) with restrictions in place for carriage limits on alcohol in the community. Updates to community carriage limits are outlined in Council's Community Safety Plan and on Council's website. Strict compliance is expected by Council. Council has a zero tolerance for drug use.

4.6. Working with Children

In accordance with the *Commission for Children and Young People and Child Guardian Act 2000*, 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 Officers 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 always maintained. Council also supports the rights and wellbeing of our Officers and encourages active participation in maintaining a secure environment for all participants.

For positions which provide direct service and activities for children and young people:

- a. Council will complete Working with Children Blue Card checks of relevant Officers as required.
- b. Council will ensure appropriate procedures are in place to manage any risks or harm to children and young people.

Officers that supervise/manage young Officers (under 18 years) or supervise students on work experience, including school students are not required to have a Working with Children Blue Card.

All Officers who hold a Working with Children Blue Card are responsible for notifying their manager if the card expires or is cancelled or if their criminal circumstances change.

Council Officers will:

- Follow organisational policy and guidelines for the safety of children, as outlined in our Code of Conduct, as well as relevant local, state, and national legislation pertaining to working with children and young people.
- Treat everyone with respect and honesty (this includes councillors, 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 Council.
- Ensure to report and act on any breaches of these standards of behaviour.

- Where a child discloses harm to an Officer, or where an Officer has a suspicion of harm, the Officer must report this to the CEO.

Council Officers will not:

- Become involved in inappropriate conversations of a sexual nature, make sexually suggestive comments, or expose children and young people to the sexual behaviours of others.
 - Initiate unnecessary physical contact 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 Officers who have contact with children and young people must abide by this Code of Conduct.
 - Suspected breaches of this Code will be treated individually, and all relevant circumstances will be considered. Depending on the severity of the breach, formal disciplinary proceedings might be taken.

Suspect Corrupt Conduct will be referred to the Crime and Corruption Commission for management and investigation.

Additional Information

Breaches of the Code

Council expects all Officers whilst engaged in official duties to ensure they demonstrate the basic standards of acceptable conduct as stated in this Code. All Officers have the responsibility to comply with this Code and all other policies which Council implements and/or varies from time to time.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships. Any act or lack of action by an Officer of Council that contravenes this Code may result in Council taking disciplinary action against that Officer, which may result in dismissal and/or referral to regulator. All suspected breaches will be dealt with on a case-by-case basis.

Suspected corrupt conduct must be referred to Council's Chief Executive Officer for investigation and management, and where applicable the Chief Executive Officer will notify the Crime and Corruption Commission. In cases where the Chief Executive Officer may be suspected of Corrupt Conduct, the Mayor has an obligation to notify the Crime and Corruption Commission.

All disciplinary action taken by Council against an Officer for found breaches of this Code will be in accordance with the Unsatisfactory Performance Policy, Employee agreement/contracts and in compliance with the Council's obligations pursuant to Chapter 8, Part 3 of the *Local Government Regulation 2012*.

Officer concerns

The *Public Interest Disclosure Act 2010* and the *Public Sector Ethics Act 1994* aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

In accordance with the *Public Interest Disclosure Act 2010*, you have the right to make a public interest disclosure to the proper authority if you believe on reasonable grounds that you possess information about another Council officer's conduct that relates to one of the following:

- Corrupt Conduct
- Maladministration that adversely affects a person's interest
- A substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes, or priorities of expenditure
- A substantial and specific danger to public health or safety
- A substantial and specific danger to the environment.

Publication

In accordance with the requirements of the *Public Sector Ethics Act 1994*, the Chief Executive Officer will keep a printed copy of the Code of Conduct available for inspection in the Executive Office and Council will publish the Code of Conduct on its internal intranet website for all Officers to access.

Training

Education and training about public sector ethics will be offered to Officers either during their induction and/or as frequently as the Chief Executive Officer determines.

Authority

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

- Executive Management Team
- Human Resources
- Councillors

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 direct supervisor or manager. In most cases, they will be able to answer your enquiries. If you have concerns about approaching any of these people, contact the next most senior person in your area.

Alternatively, you might wish to contact one of the following:

- Executive Management Team
- Manager Human Resources
- Crime and Misconduct Commission – in relation to suspected Corrupt Conduct.
- Office of Independent Assessor – in relation to suspected misconduct.

5. Definitions of terms

For the purposes of the Code of Conduct, terms are defined as:

Advice	includes access to, or copies of, files, records, documents, data and other forms of information, opinions, or recommendations.
Benefit	means 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 an Officer (or promises to do so) with a view to influencing the Officer 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).
Council	means Kowanyama Aboriginal Shire Council
Councillor	an elected Councillor
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.
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.
Officer	means Councillors, employees, contractors, delegates and volunteers of Council, collectively.
Public official	means an Officer of Council

Annexure A: A Guide to Ethical Decision Making

The below guide is designed to assist Officers to reach ethical decisions based on relevant facts and circumstances of a situation.

STEP 1 – ASSES 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 principle does it relate to and why?
- Who is affected? What rights to 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 law, 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 conflict of interest?
- Will your decision or action stand up to public scrutiny?

STEP 4 – CONSIDER THE OPTIONS

- Ask your supervisor/manager, or any person who is able to provide 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 of 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 vision, mission, goals, and values
- Backed by advice from Council specialists if this is appropriate.

Annexure B: Applying the Code

The questions and responses below are provided as a general guide to assist Officers with applying the principles of the Code.

Question 1 – Does the Code apply if I am on leave?

The Code continues to apply where your conduct during leave may negatively impact on the integrity of Council or your ability to resume duties at the completion of your leave.

Question 2 – Does the Code apply after work hours?

As a local government Officer you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of Council.

Question 3 – Can I use Council's purchasing price to order products from a supplier for my personal use?

No. The principle of integrity is breached if you accept this benefit, and in doing so you may have influenced the supplier in an improper way to obtain advantage.

Question 4 – If there is discarded or obsolete office equipment in my work area, can I take it home for personal use if my supervisor has mentioned it to me?

Taking the equipment, even if it appears to be of low value, is not permitted without written authorisation from an appropriate level of management. The principle of economy and efficiency is breached if Council assets are stolen, misused, or wasted.

Question 5 – A supplier has invited me to lunch to discuss the purchase agreement for new mowing equipment for my work area. Can I accept and should I allow the supplier to pay for the lunch?

Hospitality from suppliers to staff that procure, manage, maintain, or use equipment may be provided to influence future decisions, and can lead to allegations of corruption. With the approval of your manager, it may be possible for you to attend. You must be clear that your decision-making process is fair and transparent. You should not be improperly influenced by accepting a benefit which would create a conflict of interest.

Question 6 – I have seen plans for an upcoming project involving Council which is still being developed and has not been publicly announced. Can I mention the details to my sister who might have an interest in becoming a supplier to the project?

If the information is not public, it is not to be disclosed outside of Council. The principle of integrity may be compromised by releasing confidential information that you have become aware of through your employment with Council. This also includes information about costs of goods or services, or tender bids. In the situation described, it may also be a conflict of interest should you or your family member benefit from the information you provided.

Question 7 – I would like to write to my local Councillor in relation to the condition of the road surface in my street. Am I able to do so?

Yes, you have the right to do so as a private individual. However, it would not be appropriate or necessary to refer to your status as a Council Officer. In doing so, it may be an actual or perceived attempt to use your position with Council to influence a decision.