



**Policy Subject/Title:** CODE OF CONDUCT

**Policy Number:** HR/001

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**Responsible Officer:** Chief Executive Officer

**Legislative or Regulatory Reference:** This Code of Conduct is to be read in conjunction with the *Public Sector Ethics Act* 1994, *Local Government Act 2009* (particularly Chapter 6 Part 5 - Local Government Employees) and *Local Government Regulations 2012*.

Nothing in this Code overrides or affects the Acts or any other law.

**Related Policies / Procedures:** Councillor / Staff Interaction Protocol Policy

**Authorised by:** Somerset Regional Council

**Authorised on:** 9 April 2008

**Review / Amendment dates:** 27 October 2010  
11 July 2013  
14 May 2014  
24 April 2018 (Doc Id 1029707)

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## 1. DEFINITIONS

**“benefit”** includes gift, gratuity, remuneration, allowance fee, subsidy, free service, entertainment and goods.

**“conflict of interest”** means a private or personal interest which could prejudicially influence an officer in the performance of their public or professional duties.

**“officer”** means all Somerset Regional Council employees. The term “officer” is used throughout the document to denote both temporary and permanent employees of both State and Federal Awards.

## 2. OVERVIEW AND GUIDING PRINCIPLES

This Code of Conduct outlines general standards of work performance and ethical conduct expected of all Council officers and is designed to assist such officers to understand their responsibilities and obligations. This Code will provide guidance where an officer is faced with an ethical dilemma or conflict of interest and is based on the following principles:

- Council officers must perform their duties with professionalism and integrity and effectively, efficiently and politely service the public and other customers.
- Fairness and equity should be observed by officers in all official dealings, including dealings with the public and any other customer.
- Real or apparent conflicts of interest should be avoided, however, officers should not be subject to unnecessary restrictions on their private activities as a result of their employment with Council.

It is impossible for a Code of Conduct to cover every situation or anticipate every eventuality. In the event of any doubt about any aspect of an officer’s conduct, the Chief Executive Officer should be consulted.

Officers must:

- familiarise themselves with this Code; and
- ensure that its provisions are observed.

Local Governments and Local Government Employees are subject to a number of legislative Acts and Regulations. For example, the sections listed below from the Public Sector Ethics Act, Local Government Act 2009 and Local Government Regulations 2012 relate to employee responsibilities, behaviour and disciplinary action. The below listed sections must be adhered to by all Council employees at all times.

### *Public Sector Ethics Act 1994*

- Section 4 Ethics Principles

### *Local Government Act 2009*

- Section 13 Responsibilities of local government employees.
- Section 197 Disciplinary action against local government employees.
- Section 199 Improper conduct by local government employees.
- Section 200 Improper use of information by local government employees.

#### Local Government Regulation 2012

- Section 279 When disciplinary action may be taken.
- Section 280 Types of disciplinary action.
- Section 281 Deductions from salary or wages.
- Section 282 Suspension of employees.
- Section 283 Employee to be given notice of grounds for disciplinary action.

Legislation can be viewed at Council's offices or at [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au).

### **3. ATTENDANCE TO DUTIES**

#### **3.1 Service to the Council and to the Customer**

In the performance of their duties, Council officers must:-

- While on duty, give the whole of their time and attention to the business of the Council.
- Respect the confidentiality of each customer.
- Treat members of the public equitably and with courtesy and dignity.
- Not act contrary to the law.
- Devote themselves to the efficient and effective achievement of Council's declared objectives.
- Not act unreasonably, unjustly, oppressively or in a discriminatory manner.
- Not allow private business matters to adversely affect their work performance or that of other Council employees.
- Adhere to the highest standards of professional competence, integrity and honesty.
- Provide conscientious service to the elected Council.
- Be guided by the principles of fairness and equity, especially in circumstances where officers exercise a particular responsibility for the delivery of services to members of the public.
- Observe relevant occupational health and safety requirements and bring to the attention of a supervisor any situation, which is, or is likely to be, a health and safety hazard.
- Observe Council's requirements relating to attendance and not be absent without leave from duty.

#### **3.2 Conduct Toward Fellow Employees**

Council officers must:

- Treat fellow employees with respect and dignity.
- Not mistreat other employees, or distract them from carrying out their duties. Examples of unacceptable conduct include all forms of intimidation and harassment, the denigration of the abilities, work performed and or moral character of fellow employees.
- Ensure the confidentiality of matters of a personal nature relating to fellow employees.
- Not allow personal relationships, both internal and external to the work environment, to adversely affect their work performance or that of other employees.

#### **3.3 Standard of Dress**

Council officers must:-

- Where applicable, wear the supplied uniform as directed by the Chief Executive Officer. No alterations to the uniform shall be made by any Council officer.
- Ensure a Council logo is visible at all times on clothing supplied by Council and worn while undertaking Council duties.

### **3.4 Use of Alcohol and Drugs**

Officers must not:

- Consume, ingest or inject alcohol or restricted, dangerous or illicit drugs while undertaking Council duties and/or operating/driving any Council vehicle/plant.
- Allow alcohol or restricted, dangerous or illicit drugs to affect their work performance or official conduct.
- Consume alcohol on any Council property unless prior approval of the Chief Executive Officer has been given.
- Ingest any medication, which may affect the officer's ability to perform in a rational and/or safe manner while performing Council duties without notification to the Manager of the relevant department.
- Operate/drive any Council vehicle/plant while above legal limits of alcohol or restricted, dangerous or illicit drugs.
- Operate/drive any Council vehicle/plant if performance is in any way affected or if experiencing the effects of alcohol or restricted, dangerous or illicit drugs.
- Consume, ingest or inject alcohol or restricted, dangerous or illicit drugs while operating/driving any Council vehicle/plant.

### **3.5 Use of Council Resources**

- Council resources should be used for the intended purpose. Due care and maintenance, as directed by suppliers, is to be applied to all Council resources.
- An officer must not convert to personal use, any property of the Council, without the prior approval of the Chief Executive Officer and/or subsequent to completion of the appropriate private hire documentation.
- To remove any doubt, Council resources includes Council telecommunications equipment and services, except for minor and incidental calls relating to family, transport arrangements, health, housing and like purposes.
- Council resources include goods and services obtained from Council suppliers on the pretext of Council use as well as all Council cash, fixed assets, stores items and consumables.
- Council is obliged under the Local Government Act to report acts of theft to the Police and will take disciplinary action in appropriate circumstances.

### **3.6 Lawful Directions**

Officers must obey lawful direction given:

- by their supervisor; or
- in the absence of their supervisor, any person having the proper authority to give the direction.

Where there are reasonable grounds for an officer to believe that a direction is improper or illegal, the officer should:

- Communicate the grounds for concern to their supervisor or the person responsible for the direction; and
- Following this communication, should the officer still be of the opinion that the

direction is improper or illegal, the officer should contact the Chief Executive Officer or relevant Director prior to carrying out any direction. The person issuing the direction must be notified of the officer's intention.

### **3.7 Incurring Costs**

Any material or service requested by, or offered to, an officer must be sought or received only within the relevant authorisations to the officer concerned.

Council officers must make themselves aware of Council's purchasing policy and purchasing procedures and must comply.

### **3.8 Payroll and other Council records**

*Council employees are paid on the basis of claims made on timesheets and other records. Council pays employees based on these claims of hours worked, kilometres travelled and other matters in good faith following authorisation by the relevant supervisors.*

*Council Officers must not make deliberate and false claims on timesheets or other records where there is an expectation of payment to themselves or other employees. Such claims will be viewed as fraud.*

## **4. HANDLING CONFLICTS OF INTEREST**

### **4.1 General Procedures**

In the course of their duties, officers must not give preference to any person, organisation or interest, whether pecuniary, commercial, political, religious or other, as a result of any private association with that person, organisation or interest.

Immediately on becoming aware that a conflict between private interests and official duty has, or is likely to arise, officers must disclose such details in writing to the Chief Executive Officer.

Such disclosures should automatically be made by officers engaged in regulatory, inspectorial or other discretionary functions when dealing with relatives, close friends or business acquaintances.

On receipt of a disclosure, the Chief Executive Officer will determine the extent of any conflict of interest and direct the action required to resolve the conflict. Failure to comply with the Chief Executive Officer's direction may make the officer liable to disciplinary action and/or dismissal.

At any time, an officer who is uncertain whether a conflict of interest exists should seek direction from the Chief Executive Officer.

### **4.2 Other Employment**

Employees should not engage in any other employment or contract which may have direct or indirect conflict of interest with Council activities, eg, a building surveyor performing similar or building work within the Region. Employees should also not engage in work which may detrimentally affect their performance, eg, working night shift in another job and reporting to their Council position with little or no sleep.

If there is likely to be any perception of a conflict of interest, employees should seek written

approval from the Chief Executive Officer before accepting any employment or reward not associated with official duties.

### 4.3 Acceptance of Gifts / Benefits

Officers must:

- Not solicit or receive benefit (other than those provided under conditions of employment) in respect of services performed, whether during working hours or not.
- Avoid situations in which the acceptance of a benefit, or potential benefit, could give the appearance of a conflict of interest with official duties.
- Gifts or benefits may be accepted when the item is considered to be a memento and the total value of it is less than \$100. Examples include ties, cuff links, pens, stationery, a bottle of wine AND when the gift or benefit meets the prove-it-test below.
- Gifts should not be accepted regardless of the value if there is a possibility it may affect your decision making (or be seen to affect your decision making) within Council.

To ensure compliance, Officers should utilise the 'Prove-It' test listed below, this test asks consideration of WHY the gift is being given.

|                  |   |
|------------------|---|
| <b>Purpose:</b>  | Why is the gift being given? Is it a token (a "thank you") or is it seeking a favour?                                     |
| <b>Rules:</b>    | Is the gift in line with the guidelines in this Code of Conduct.  |
| <b>Openness:</b> | Was the gift given openly in front of others or hidden as a potential inducement?   |
| <b>Value:</b>    | Is the gift or benefit expensive or inexpensive? Is the value less than \$100?  |
| <b>Ethics:</b>   | Would it be ethical to accept the gift? Does it fit within public sector ethics? Refer to Appendix 1 if you are not sure. |
| <b>Identity:</b> | Who has made the offer? Is it someone who could be seen to influence your decision making process.                        |
| <b>Timing:</b>   | When is the gift given? Is it given when you are about to make a decision that affects the giver?                         |

EXAMPLE: An Officer who is considering tenders for a new item of plant for Council may be given a bottle of wine by one of the tenderers. Even though the value of the wine may be less than \$100, the gift may influence the Officer's decision making process or be seen to have influenced their decision making.

### 4.4 What constitutes a Gift / Benefit

Gifts and benefits can include any offer to you of:

- Money or a loan of money
- Property
- Free services or services at a reduced rate
- Hospitality including meals, entertainment and accommodation
- Travel or other benefits

#### **4.5 Reporting Offer of a Gift / Benefits**

An officer must immediately report to the Chief Executive Officer any circumstances where an offer or a benefit is made, regardless of whether it is accepted or rejected.

Gifts or benefits over the value of \$100 are recorded on a gift register which is kept by the Chief Executive Officer.

#### **4.6 Influence to Secure Advantage**

Officers must not seek the improper influence of any person to obtain promotion, transfer or other advantage.

#### **4.7 Political Activity by Officers**

Officers have the same right as any other citizen to freedom of political association, however, any political activity should clearly be conducted in a private capacity.

For officers engaged in any political activity, care must be exercised that a conflict of interest does not arise with official duties.

### **5. OFFICIAL INFORMATION AND PUBLIC COMMENT**

#### **5.1 Use of Official Information**

Official information must not be used by officers to gain any kind of advantage for themselves, another person or organisation.

#### **5.2 Release of Official Information**

Officers must only disclose official information or documents in the course of their employment when required to do so by law, in the course of duty, when called to give evidence in court, or when proper authority has been given. In such cases, comments made by officers should be confined to factual information and should not express any personal opinion on Council policy or practice.

Certain information is able to be released under the provisions of the Right to Information Act and Information Privacy Act. All applications for information under this Act must be in writing and are to be directed to the Director Corporate Services.

#### **5.3 Public Comment**

As members of the wider community, officers have the right to make public comment and enter into debate on political and social issues. However, there are circumstances where public comment or debate by officers is not acceptable. These may include circumstances where:

- A public comment made in a private capacity, including social media posts on personal devices / accounts gives rise to a public perception that it is in some way an official Council comment.
- An officer is directly involved in the implementation or administration of Council policy and the public comment would compromise the officer's ability to do so.
- A public comment amounts to a verbal attack on any person.



## 6. DATE OF RESOLUTION

This amended policy was approved by the Chief Executive Office and adopted by the Somerset Regional Council at the Ordinary Meeting of 24 April 2018.

## 7. REVIEW

This Policy is reviewed internally for applicability continuing effect and consistency with related documents and other legislative provisions when any of the following occurs:

- The related documents are amended
- The related documents are replaced by new documents
- Amendments which affect the allowable scope and effect of a Policy of this nature are made to the head of power.

Any amendment made through this process is to be approved by the Chief Executive Officer.



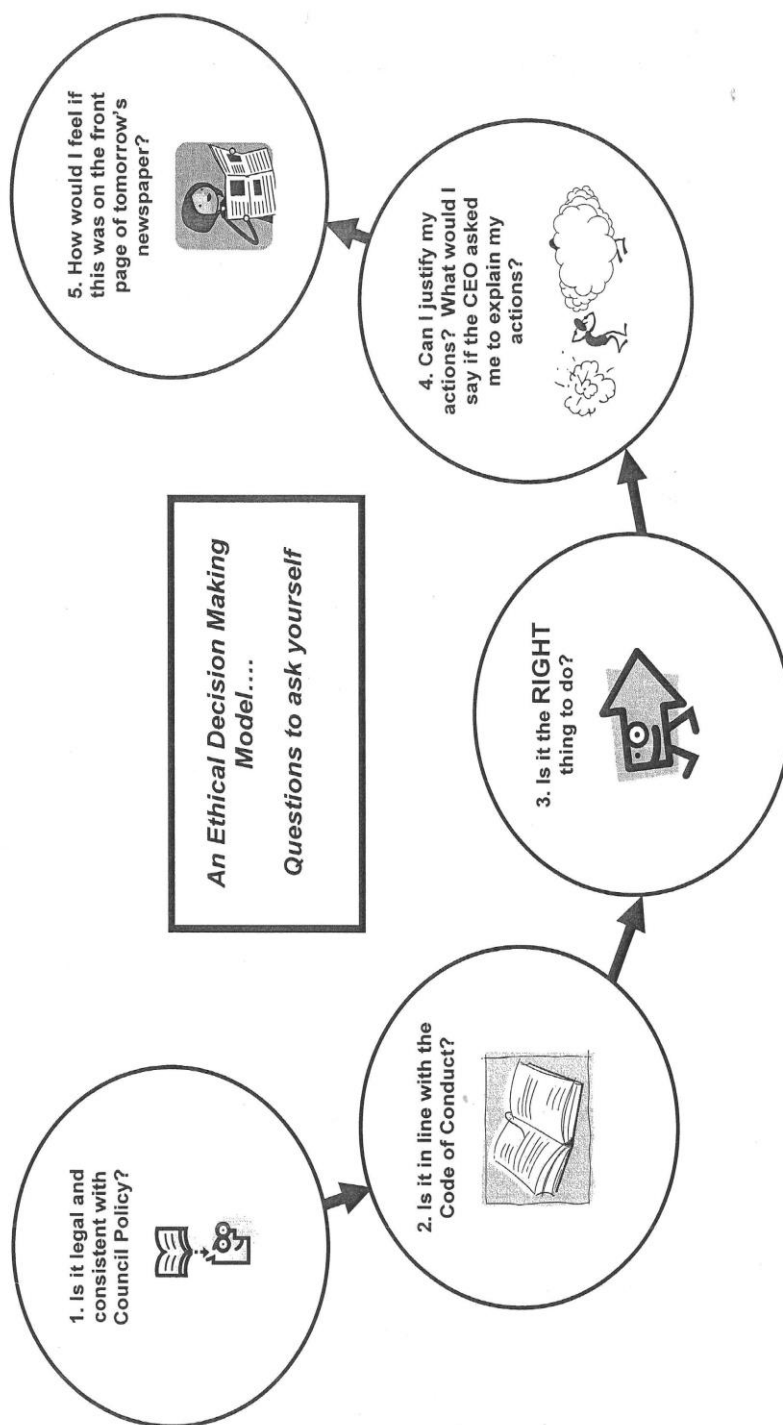
Signed:

Date: 24 April 2018

This Code of Conduct is to be read in conjunction with the *Public Sector Ethics Act 1994*, *Local Government Act 2009* (particularly Chapter 6 Part 5 - Local Government Employees) and *Local Government Regulations 2012*.

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## APPENDIX ONE – Ethical Decision Making Model



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**WORKPLACE PARTICIPANT ACKNOWLEDGEMENT**

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**Policy Number:** HR/001

*I acknowledge:*

- *receiving the Somerset Regional Council Policy;*
- *that I understand the content of the policy;*
- *that I should comply with the policy; and*
- *that there may be disciplinary consequences if I fail to comply, which may result in the termination of my employment.*

*Your name:* .....

*Signed:* .....

*Date:* .....