



Code of Conduct for Staff

Administrative Directive

Local Government Act 2009

1. ADMINISTRATIVE DIRECTIVE STATEMENT

Townsville City Council conducts its business with integrity, honesty and fairness and in compliance with all relevant laws, regulations, codes and corporate standards.

Every person who performs work of any kind for or on behalf of the Townsville City Council must behave ethically following the Council values and seek to achieve the highest standards of behaviour when dealing with customers and other workers, and must encourage a culture that recognises and values ethical conduct and ensures appropriate action is taken to prevent fraud and corruption. Workers must comply with this Code of Conduct.

2. PRINCIPLES

This Code of Conduct is underpinned by ethics principles of the *Public Sector Ethics Act 1994*, the local government principles of the *Local Government Act 2009* and the council's Values.

The ***Ethics Principles*** of the *Public Sector Ethics Act 1994* are —

- integrity and impartiality
- promoting the public good
- commitment to the system of government
- accountability and transparency

The ***Local Government Principles*** are —

- 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 councillors and local government employees.

The Council's **Values** —

- Safety
- Excellence
- Respect
- Value
- Enjoyment

We understand that our actions shape and demonstrate our culture, and that this affects our service delivery to our customers. We will act in the following ways to demonstrate our corporate values.

Safety

- Everyone goes home safe today and every day.
- We keep each other safe.
- A well planned, well executed job is a safe job.
- I stand up for safety every day.
- Safety starts with me.

Excellence

- We exceed expectations and get it right every time.
- We deliver work we are proud of.

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- We put our best foot forward every time.
- We invest in success.
- We inspire others in our pursuit of excellence.

Respect

- We respect all people, their cultures, and our environment – always.
- We conduct ourselves with self-respect.
- We see the potential in others.
- We listen to each other, our community, and our environment.
- We behave like the world is watching.
- We give more than we take.

Value

- Today we create value for tomorrow.
- We build social, environmental, and economic value.
- We create value for the community benefit.
- We value each other.
- We supply value.

Enjoyment

- We work together to innovate, create and have fun.
- Think big. Have fun.
- We work efficiently and happily together.
- We energize and inspire others.
- We make a difference every day.
- Teamwork is how we get things done.

3. SCOPE

This Code applies to all people (other than councillors) who perform work of any kind for, or on behalf of the Townsville City Council (council).

4. RESPONSIBILITY

All workers are responsible for ensuring that they understand and adhere to the Code of Conduct.

5. DEFINITIONS

Benefits – means anything that implies personal gain to a person or thing is considered a benefit. This is inclusive of and not limited to gifts, gratuities, money (other than salary), allowance, fee subsidy, privilege, consideration, free service, accommodation, transport, and entertainment/meals.

Corrupt Conduct – is defined in Sections 14 and 15 of the *Crime and Corruption Act 2001*. In respect of the council, it essentially means conduct of a person, that does or could adversely affect the honest and impartial discharge of functions or exercise of powers of authority of the council, and that could be a disciplinary breach providing reasonable grounds for terminating the person’s services or a criminal offence.

Manager – includes persons appointed to positions with the title, Team Manager, General Manager, Principal, Director, and Chief.

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Reportable gifts – Any gift of property, travel, or any other benefit, (other than a moderate act of hospitality) having a value of over \$50 (GST Inclusive), that is not part of your official remuneration.

Workers – includes employees, contractors, volunteers, and all others who perform work on behalf of Council.

6. THE CODE: STANDARDS AND EXPECTATIONS

The ethics principles and the council's Corporate Values form the basis of this Code of Conduct. They apply to all workers and guide our thinking, actions and decision making.

When acting in good faith and in keeping with the spirit of the Code, workers can expect to be supported by colleagues, team leaders/supervisors and by the council.

Nothing in this Code interferes with your rights as a private citizen.

The council will provide training about this Code, including making available copies of Crime and Corruption Commission publications, to help you assess situations and make informed decisions on the appropriate action to take.

A 'Guide to Ethical Decision Making' is attached as Appendix A to help workers assess situations and make informed decisions on the appropriate action to take.

The Council's Standards

When working on behalf of the council you will:

- (a) put safety first and comply with the Work Health and Safety Management System ensuring you and others have the licences, tickets, training and authorisation specific to your role and duties;
- (b) act within the limits of the authority given to you under your Position Description, and any delegations or authorisations specific to your position;
- (c) Comply with the council's policies, administrative directives and procedures as varied from time to time;
- (d) make recommendations and decisions that are informed by the views of the community (e.g. from the biennial community attitude study) and internal stakeholders;
- (e) make responsible, accountable recommendations and decisions which are:
 - in keeping with the parameters set out in council policies, in written Administrative Directives or written instructions from your Director; and
 - based on the ethical principles and on a balanced consideration of the natural environment, the local economy, financial sustainability, inter-generational equity, and the social and cultural interests of the council;
- (f) always act honestly and fairly on the facts presented to you, and endeavour to consider the views of the affected parties before making a decision, but not to the point of delay when a prompt decision is reasonably required;
- (g) work with other workers and councillors (within the Acceptable Request Guidelines - Councillors), to achieve the council's outcomes as set out in the Corporate Plan, and you will contribute positively to the achievement of the individual outcomes, strategies and programs flowing from this Plan;
- (h) be accessible to members of the community, and respond to their needs in an appropriate manner, keeping your supervisors well informed;
- (i) remain open-minded, and consider flexible and innovative approaches to meeting the community's needs after discussing these approaches with your supervisors;
- (j) make recommendations to your supervisors on ways to improve/coordinate the provision of council services across localities with a view to equitably meeting the needs of the whole community;

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- (k) work to assist the development of the council as an organisation which displays leadership, seeks best value multi-purpose outcomes, values the development of its workers, celebrates its successes and continues to learn; and
- (l) make good use of the community's resources and assets, and work with other workers, councillors (within the Acceptable Request Guidelines- Councillors), and the community to achieve the council's vision as outlined in the Corporate Plan.
- (m) If you are responsible for managing or supervising others, you must also ensure that:
 - you put safety first and ensure that staff are properly qualified to complete their role and duties;
 - you model constructive behaviour and demonstrate accountability for individual and team performance and outcomes;
 - your work and the work of those you supervise contributes to the achievement of the council's goals, including an accountable, productive and engaged workforce operating in a constructive culture reflecting organisational values;
 - workers' performance is monitored and workers are given both constructive and regular feedback on their performance; good performance is recognised; non-constructive behaviour is challenged and poor performance is managed;
 - workers work confidently and safely whilst carrying out their duties and benefit from individual and team role clarity and opportunities for further development; and
 - appropriate and timely action is taken if breaches of this Code occur.

7. YOUR CONDUCT: INTEGRITY AND IMPARTIALITY

In recognition that public office involves public trust, you must:

- (a) be committed to the highest ethical standards;
- (b) provide advice which is objective, independent, apolitical and impartial;
- (c) show respect towards all persons, including workers, 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) be committed to honest, fair and respectful engagement with the community.

Having regard to the principles mentioned above you must:

- (a) not improperly use your official powers or position, or allow them to be improperly used;
- (b) be committed to honest, fair and respectful engagement with the community.
- (c) show respect towards all persons, including workers, clients and the general public; and
- (d) ensure that any conflict that may arise between your personal interests and official duties is resolved in favour of the public interest and
- (e) disclose fraud, corruption and maladministration of which you become aware utilising council's public interest disclosure online form or referring to council's Fraud Management Framework or public interest disclosure policy and procedures.

STANDARDS ON CONDUCT

Behaviour towards each other

You must treat members of the public, other workers and councillors with respect, honesty, fairness, sensitivity and dignity. If you supervise or manage other workers you have a special responsibility to exhibit and encourage this kind of behaviour, and to ensure that the workers you supervise understand the standard of performance and behaviour that is expected of them.

Resolution of conflicts or disagreements

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Where a conflict arises, whether with a customer, a member of the public or with a manager, or supervisor or another workers member, you must seek to resolve the conflict or disagreement in a way that is respectful of the other person and of their point of view so as to obtain a constructive resolution of the conflict or disagreement.

Non-discriminatory workplace

You must always act to minimise and eliminate discrimination within the workplace and our work practices.

You must accommodate and respect different opinions, perspectives and cultures, whilst managing disagreements by rational debate in a reasonable manner.

You must not behave towards others in a way that could reasonably be perceived as intimidating, harassing, overbearing or bullying.

In this regard you must follow the directions set out in the Administrative Directives on Equal Employment Opportunity, Prevention of Discrimination and Vilification, Prevention of Sexual Harassment and Prevention of Workplace Harassment (Bullying).

Conflicts of Interest

Before making decisions, you must disclose any declarable or prescribed conflicts of interest. If you believe you have a conflict of interest, whether declarable or prescribed, you must report it to your Director or the Chief Executive Officer, and that report must then be followed up in writing.

While the conflict exists, you must not be part of any decision-making processes related to the matter. If you feel you have a conflict of interest between professional and corporate values, you should discuss the matter with your supervisor.

Influences on decision making

You must not influence in an improper way, any person, or try to obtain any advantage or favour. All decisions must be, and must be seen to be, fair and transparent. This can be achieved in a number of ways, including keeping clear records and documentation to support how decisions were made. Appendix A - *Guide to Ethical Decision Making* has more information on this.

Accepting gifts and benefits

You could be offered gifts or benefits, including hospitality (meals, accommodation, tickets to a sporting event etc.) from people with whom you do business or in the course of your duties.

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

While nominal value is not defined, as a general rule gifts below \$50 in value would be considered as of a nominal value.

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

The test to apply is whether you could be (not whether you are) influenced by your private interests in carrying out your official duties, or whether people are likely to believe that you could be influenced. For example, ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment.

If you have any doubt as to whether it is appropriate to accept a gift or benefit you should decline it or inform your supervisor or manager and seek their guidance.

You must never accept a gift of money.

A Declaration of Gift/Event form is available on council's intranet.

Employment outside of the council -

If paid work is performed outside of the council, you must be sure this work:

- is kept separate from council work;

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- does not lead to a conflict of interest;
- does not affect council time or resources; and
- does not interfere with your work in council.

It is a condition of your employment that you must seek and obtain the Chief Executive Officer's approval before performing paid work outside of the council where there is or may be a perceived conflict of interest with the activities and responsibilities, or the requirements of the position, or the work may affect your ability to perform your duties.

Public comments on council business

You must not release confidential council information or contribute to public comment on council policy or administration unless providing the information or making comment:

- The Chief Executive Officer has delegated to you authority to release information or comment; and
- providing the information or making comment is part of, or consistent with, your duties; and
- the information you release or comment you make does not misrepresent the facts concerning the matter.

If asked to comment on any council matter by the media or public relations firms, you must refer the matter to the Public Affairs Team.

Sometimes it might be appropriate to share information based on personal and professional experience (for example in seminars or training programs). You must ensure that sharing such experience does not breach the confidentiality of council information.

External Activities -

When engaging in external social activities, if there is a possibility that others could think that you are representing the council, you must make it clear that you are not acting on behalf of the council.

8. YOUR CONDUCT: PROMOTING THE PUBLIC GOOD

You must:

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

STANDARDS ON CONDUCT

Customer Service

You must strive to provide excellent customer service. Members of the public must be treated with honesty, fairness, sensitivity and dignity. Customers have a right to complain or criticise the council. You must make all reasonable efforts to help customers lodge complaints, but if you feel that a situation is threatening or intimidating, you are entitled to withdraw and report on the situation to your supervising officer.

Privacy/Confidentiality

The council has information about commercial in-confidence matters, individuals and businesses that are private and sensitive and could be detrimental to the interests of those entities if released.

You must keep such information confidential and comply with the council's Confidentiality Policy at all times.

9. YOUR CONDUCT: COMMITMENT TO THE SYSTEM OF GOVERNMENT

You must:

- uphold the laws of the State and Commonwealth and the council's by-laws; and
- carry out council decisions and policies faithfully and impartially.

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STANDARDS ON CONDUCT

Acting within the law –

You are expected to be reasonably aware of, and act within the law, policies, procedures and delegations 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 lawful, reasonable directions from Supervisors, Team Managers, General Managers, Directors and the Chief Executive Officer.

You have the right, and are encouraged, to question how work is done, particularly if you believe there is a better way of doing something.

Challenging a direction –

You must not follow directions that are in breach of the law or unsafe to fulfil. If you are given such a direction, challenge it, and if you are not satisfied with the response, you should raise the concern at a higher level of management who may then also seek the advice of another appropriate contact, (such as a Work Health and Safety Business Partner). However, unless there is a significant concern for the lawfulness or safety of a direction, you are obliged to implement it in the interim.

Intellectual property –

Original work, inventions, or products that you have designed through the course of your employment with the council are always the intellectual property of the council.

You must not publish or disclose any matters relating to council's intellectual property unless authorised. You must also respect the intellectual property rights of individuals and organisations outside of the council.

Advice given to elected officials -

Communication between councillors and workers must be in accordance with the Council's Acceptable Requests Guidelines - Councillors. A councillor must not direct or attempt to direct workers about the way they perform their duties. When authorised to do so, you must give councillors advice that is thorough, responsive and unbiased so that councillors can make decisions and carry out their community responsibilities.

If you have any concerns or questions in regard to a request from an elected official, the matter should be discussed with your supervisor immediately.

10. YOUR CONDUCT: ACCOUNTABILITY AND TRANSPARENCY

You must:

- (a) exercise proper diligence, care and attention in performing your duties
- (b) use public resources in an effective and accountable way
- (c) manage information as openly as practicable within the legal framework
- (d) seek to achieve high standards of public administration
- (e) seek to innovate and continuously improve performance
- (f) operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

STANDARDS ON CONDUCT

Diligence, care and attention –

You are required to carry 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 the council achieve its mission and goals by acting to improve systems and practices;

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- conduct yourself in a way that is accountable, productive and actively contributes to a constructive culture that reflects organisational values;
- conducting yourself in a way so as not to bring disrepute to the council and so that others gain confidence and trust in the way the council does business.

Attendance and absence from duty –

You are expected to follow council protocols e.g. agreements and policies on attendance at work. This includes accurately and truthfully recording work and leave periods and not being absent without authority. When you are unable to attend for work you must contact your supervisor as soon as practicable to inform them of this.

Self-Development -

You have a continuing responsibility to maintain and enhance your skills and expertise, and keep up to date with knowledge associated with your area of work. The council will assist 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.

Workplace Health and Safety –

Under the *Work Health and Safety Act 2011* and the council's policies and procedures in respect of work health and safety you have occupational health and safety obligations to:

- adhere to the workplace health and safety systems that are in place;
- follow reasonable workplace health and safety instructions;
- wear personal protective clothing and equipment where it is provided, and use it as instructed;
- not place yourself or others at risk of injury in the course of performing work of any kind for council;
- ensure that you are in a fit condition to perform your duties safely
- ensure that you do not attend work or conduct council business with drugs and or alcohol in your system in excess of the tolerance levels set out in the Drug and Alcohol Policy.
- report incidents and hazards when you become aware of them.

Using Council Assets

The council's assets include property, plant, equipment, small and valuable items, information systems, computing resources, goods, products and valuables. We all share the responsibility for looking after them. You must take good care of assets that are in your possession or use and treat them with the same care and respect with which you would treat your own property. It is an offence to misuse or knowingly allow anyone else to misuse an asset.

Your responsibilities include taking all reasonable steps to ensure that assets under your jurisdiction are secured against theft as well as being properly stored, maintained and repaired.

Respecting Council Property

You must not appropriate council property for your own use or for any use other than for the Council's benefit. This includes any property within the council's control such as scrap material and waste, including waste material at council dumps and landfills. Taking such property, or allowing it to be taken, without proper authorisation is stealing and is strictly prohibited under this Code.

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. You must refer to council's policies and procedures for dealing with public money.

11. BREACHES OF THIS CODE

A breach of the Code damages business, public and work relationships.

Suspected breaches will be investigated and dealt with in the manner outlined in council's Disciplinary Action Procedures clause. 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, up to and including

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termination of employment. When investigating suspected breaches the principles of natural justice will apply, including reasonable notice and the right to representation.

By law, all allegations of corrupt conduct, which include allegations of fraudulent or corrupt conduct, must be reported to the Crime and Corruption Commission by the Chief Executive Officer – refer to council’s Fraud Management Framework for guidance.

The Chief Legal Officer will ensure that reports of fraudulent or corrupt conduct are made to the Queensland Audit Office, the Crime and Corruption Commission and the Police as appropriate. You must maintain discretion and confidentiality in relation to such reports to ensure, amongst other things, that efforts to obtain the truth and the reputations of innocent parties are not jeopardised.

12. REPORTING

The Public Sector Ethics Act 1994 aims to create a work environment where public sector workers understand and maintain appropriate standards of conduct. The council supports these objectives with this Code of Conduct.

If you have a concern, or suspect a breach of the Code involving one or more workers, you should act on that concern, following guidance given in this Code, the Fraud Management Framework and the Public Interest Disclosure Policy and Procedures. You should note that the Public Interest Disclosure Act 2010 gives the right and the protection to report serious wrongdoings using:

- internal channels (e.g. Supervisor, Team Manager, General Manager, Director, Chief Executive Officer); and
- external channels (e.g. the Crime and Corruption Commission, Anti-Discrimination Commission, Police).

An online public disclosure form is available on council’s intranet and website.

13. LEGAL PARAMETERS

Local Government Act 2009

Local Government Regulation 2012

Public Sector Ethics Act 1994

Criminal Code Act 1899

Crime and Corruption Act 2001

Work Health & Safety Act 2011

Public Interest Disclosure Act 2010

Anti- Discrimination Act 1991

Industrial Relations Act Qld 2016

14. ASSOCIATED DOCUMENTS

Fraud Management Framework

Public Interest Disclosure Policy and Procedures

Confidentiality Policy

Equal Employment Opportunity Administrative Directive

Prevention of Discrimination and Vilification Administrative Directive

Prevention of Sexual Harassment Administrative Directive

Prevention of Workplace Harassment (Bullying) Administrative Directive

Acceptable Requests Guidelines- Councillors

Drug and Alcohol Policy

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Drug and Alcohol Administrative Directive and associated procedure
Information Security Usage Policy
Study Assistance Administrative Directive
Work Health and Safety Policy and associated procedures
Disciplinary Action Procedure

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APPENDIX A

GUIDE TO ETHICAL DECISION MAKING

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

Step 1: Assess the situation

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

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

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

Step 3: How would others see your actions

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

Step 4: Consider the options

Ask your supervisor, Manager, or any person who is able to give sound, relevant advice. What options and consequences are consistent with council's values, the five principles and your obligations? What are the costs and long term consequences?

Step 5: Choose your course of action

Make sure your actions are:

- within your power to take, legal and in line with policy and this code;
- fair and able to be justified to your Manager, council and the public;
- documented so a statement of reasons can be supplied; consistent with council's stated mission, goals and values; and
- backed by advice from council specialists, if this is appropriate.

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