



CODE OF CONDUCT

Message from The Chief Executive Officer

While legislation sets out the rules for us in terms of how we are to act within the public spectrum we operate, my view as your CEO is that professional integrity and moral tenacity is not only a must for working here in council, but the cornerstone of an open and transparent organisation.

Mackay Regional Council's Mission and our Core Values are at the core of this Code of Conduct (the Code).

The Code provides standards of behaviour expected of all employees within Mackay Regional Council so that we can build a positive workplace culture. It is not intended to be, and must not be, used to intimidate or threaten employees.

The Code sets very high standards. Positive behaviours will be strongly promoted and supported. However, serious breaches of the Code, including bullying and harassment, will not be tolerated.

The implementation of the Code in our workplace is the responsibility of all Mackay Regional Council employees. Managers and supervisors have the added responsibility of ensuring that the Code is understood by all employees.

As public servants, we are constantly in the eye of the public and how we behave, both at work and in our private lives, is under scrutiny which makes it critical that we set ourselves very high standards.

Without that professional integrity and moral tenacity, we not only let each other down, but also our friends and our community.

You can't judge intent, only action; and to that end I would expect every employee and every person who seeks to be a part of the Mackay Regional Council team to have read, understood and at all times put into practice this important Code of Conduct.

Scott Owen
Chief Executive Officer

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Introduction

The Public Sector Ethics Act 1994 was introduced by the Queensland Government for two main reasons:

- to encourage high standards of official conduct; and
- to encourage agencies to take effective disciplinary action where staff behave unethically.

The Act requires that all councils develop codes of conduct for their staff.

Ethics are the moral principles which guide our relationships between people and our consequent actions. Being employed by a council involves establishing several types of appropriate relationships.

It is necessary to assess how to behave towards:

- colleagues;
- supervisors;
- councillors; and
- the public.

In order to avoid potential conflict, it is desirable that there be mutual agreement about appropriate behaviour in each of these relationships.

A code of conduct can help to express what is likely to be acceptable behaviour in different circumstances, and this can remove some of the uncertainty about these relationships.

The Code of Conduct provides standards on how to behave ethically at work and build a positive workplace culture.

It is unlikely that a code of conduct can anticipate all the situations that will arise. It is therefore important that council staff have a set of principles to fall back on, which they fully understand, and which will help them to decide on appropriate behaviour when the code does not provide a solution.



The principles

The Public Sector Ethics Act 1994 declares four principles to be the basis of good public sector practice:

- Integrity and Impartiality
- Promoting the Public Good
- Commitment to the System of Government
- Accountability and Transparency

The Code of Conduct also embodies Mackay Regional Council's Values of:

- Safety and Wellbeing
- Service Excellence
- Respect
- Working Together
- Integrity

Who does the Code apply to?

The Code of Conduct prescribes appropriate behaviour for all persons working on behalf of the council including permanent, temporary, full time, part time and casual employees as well as all volunteers, contractors, consultants and students.

The Code continues to apply to people when they are attending conferences, training, business trips, or work related social events as well as while they are on leave or suspended from the workplace.

Responsibilities under the Code

We are all responsible for implementing the Code in our workplace.

All **employees** are responsible for ensuring that their behaviour reflects the standard of conduct in the Code and builds a positive workplace culture.

Managers have a special responsibility to support employees in achieving the goals of the Code and to lead by example. In this Code, a leader is any employee with supervisory responsibilities, such as a manager, supervisor, leading hand, team leader or coordinator.

Council's Mission Statement:
Working as one team to achieve for our clients and community.

Our vision:

- Pride in our community
- A strong regional identity
- An active and healthy community that is resilient
- Building an informed, involved and connected community
- Manage and deliver infrastructure that enhances our region
- The natural environment is highly valued
- An innovative organisation
- A diverse and buoyant economy
- Support local businesses
- Our region is a major contributor to the development of Northern Australia



Breaches of the Code

Managers and supervisors must seek to avoid escalation of inappropriate behaviour that may result in a breach of the Code and deal with workplace conflict through timely and direct face-to-face communication that immediately addresses the behaviour in a constructive way.

Managers and supervisors must make fair, transparent and consistent decisions in response to instances of breaches of the Code. In determining the action to be taken, the nature and seriousness of the breach will be considered. Some possible consequences of a breach include:

- Referral to the Employee Assistance Program
- Performance management process
- Disciplinary procedure
- Referral to Crime and Corruption Commission
- Referral to the police
(in cases of suspected criminal activity)

If you are concerned about a possible breach of the Code, you should speak to your supervisor, manager or People & Culture.



Corrupt Conduct

Some situations may constitute corrupt conduct as defined in the Crime and Corruption Act 2001 Section 15. It can generally be described as conduct by a public official that involves:

- a)**
 - Carrying out the duties or exercising the powers of the public official in a manner that is dishonest or lacks impartiality, or
 - A breach of the trust placed in the person by reason of their official position, or
 - Misuse of officially obtained information; and
- b)** That could amount to a criminal offence or a disciplinary breach that provides reasonable ground for terminating the person's employment.

... Corrupt Conduct

Examples of corrupt conduct, as provided by the Crime and Corruption Commission (CCC), include:

- unlawfully assaulting a person
- stealing or misusing council property or cash
- gaining a personal benefit by not revealing a conflict of interest
- accepting a bribe or other benefit

If an employee suspects that another employee or a councillor is involved in corrupt conduct, this can be reported to the Chief Executive Officer (CEO) or the Crime and Corruption Commission. If the CEO suspects corrupt conduct, this must be reported to the CCC as a requirement of the Crime and Corruption Act (s. 38).

Public Interest Disclosure Act 2010

The *Public Interest Disclosure Act 2010* safeguards public officials who disclose official misconduct, maladministration, waste of public funds or danger to public health or safety or the environment.

The taking of reprisals against those who have, or are perceived to have made a disclosure under the Act, are subject to strong sanctions and disciplinary action. Council recognises its obligations under the Act to protect people who make a disclosure from such reprisals and will take appropriate action to do so.



The Code

PRINCIPLE 1: Integrity and impartiality

Values

In recognition that public office involves a public trust, council employees must seek to promote public confidence in the integrity of council and:

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

This means employees should, for example:

- Avoid acting in a way that may cause public concern about the integrity of the council
- Provide expert and comprehensive advice to Elected Officials in accordance with operating guidelines
- Ensure that individual behaviour is not harassing or discriminatory
- Disclose all conflicts of interest
- Avoid favouritism in employment matters
- Act honestly and disclose fraud, corruption and maladministration of which they are aware



Standards of Conduct

1.1 Clarity of advice

Employees are required to serve faithfully the duly elected council of the day, regardless of their personal political preferences or beliefs.

Employees must provide supervisors and, where appropriate, the council, advice which is frank, independent, accurate and comprehensive. This includes setting out the identifiable advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a particular course of action. Excessive use of jargon should be avoided.

Supervisors must ensure all relevant Policies, Operating Guidelines and Procedures are clearly stated, explained and understood by staff and that they act in light of the most recent information. The council accepts responsibility for keeping its employees informed about changes that are relevant to the performance of their duties.



1.2 Behaviour towards each other

Employees should treat other employees with respect, honesty, courtesy, fairness, sensitivity and dignity, regardless of their employment status within the council. This includes being tolerant of, and not dismissing the views held by others, which may be different from the employee's own view. As members of an increasingly multicultural and tolerant society, employees must make all reasonable efforts to gain an understanding and appreciation of cultural, gender, religious, and sexual differences.

Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work cooperatively with fellow staff and actively and willingly take part in team activities.

1.3 Behaviour of managers and supervisors

Managers and supervisors are expected to behave in an exemplary manner and to set a good standard for their staff to follow. Those who manage or supervise other staff have moral and legal responsibilities including the responsibility to:

- Set good examples for staff through their own behaviours, especially in relation to implementing this Code of Conduct and in observing council's policies, guidelines and procedures.
- Maintain open and honest, face to face communication with all staff.
- Treat staff fairly, equitably and consistently.
- Provide training and development opportunities equally to council employees.
- Ensure employees understand performance expectations and provide ongoing clear and constructive feedback to employees.
- Address diminished performance issues and enforce performance counselling/disciplinary procedures when required.
- Ensure staff are able to operate in a safe and healthy environment.
- Intervene at the earliest possible opportunity and take the correct course of action if they observe inappropriate behaviour taking place in the workplace.
- Encourage teamwork.

1.4 Discrimination and harassment

Council is committed to creating and maintaining a workplace free from discrimination and harassment. Employees must not discriminate against, harass (including sexually harass), bully, insult, intimidate or mistreat customers, employees or members of the public. Managers are expected to provide leadership in eliminating bullying and other aggressive or coercive behaviours.

1.5 Human rights

Council is committed to creating and maintaining a workplace that values and recognises people's human rights. Human rights recognise the inherent value of each person, regardless of background, where we live, what we look like, what we think or what we believe. They are based on principles of dignity, equality and mutual respect, which are shared across cultures, religions and philosophies. They are about being treated fairly, treating others fairly and having the ability to make genuine choices in our daily lives. Respect for human rights is the cornerstone of strong communities in which everyone can make a contribution and feel included.

1.6 Equal Employment Opportunity (EEO)

Council is strongly committed to ensuring that the principles of EEO and equity are integral to all management processes, working conditions and to all aspects of service delivery. Employees must ensure that they have a thorough understanding of EEO and anti-discrimination obligations and are familiar with council's Policies relating to EEO and anti-discrimination.

1.7 Conflicts of interest

Conflicts of Interest arise where employees feel there is a conflict between duty to the council and a personal interest or belief. An actual conflict of interest exists when a reasonable person would conclude that your private interest (such as a personal business or that of a family member or close associate) are likely to interfere with the performance of your council duties.

An apparent conflict of interest exists when it appears that your private interests could interfere with the performance of your council interest. Observing the conflict of interest requirements is particularly important for managers who make decisions on contracting, tendering, purchasing or other regulatory functions.

Where a conflict of interest arises over a particular matter, the employee should disclose in writing to their manager



any real or perceived conflicts of interest. If an employee considers that a potential conflict of interest cannot be satisfactorily resolved otherwise, a request can be made that another employee deal with the matter.

If any employee has an interest or a potential interest in a firm which is seeking to contract with the council for the provision of goods or services, a declaration to this effect must be made by the employee. In the event that such a declaration is not made, the contract may be declared void.



1.8 Secondary employment

Employees of council are able to work outside of the council if it does not conflict with or adversely affect the performance of their official council duties. It is the employee's responsibility to report any incompatibility between the anticipated secondary employment and the employee's duties in council.

Generally, employees are able to undertake private employment outside their normal working hours provided that it does not:

- conflict or be perceived to conflict with their official council responsibilities; and
- has no negative effect on their performance of their official council duties.

However, without the prior written approval of the Chief Executive Officer, an employee must not during the employment:

- engage, directly or indirectly, in an employment or undertaking similar to, or competitive with the business of council, or that is otherwise inconsistent or potentially inconsistent with council's interests
- engage in any additional business or activity for council outside your duties as an employee, this includes but is not limited to performing work as a contractor, consultant, agent or work through a third party or agency.

If the employee has any doubt as to whether undertaking outside employment is in breach of the above requirements, they are required to consult their manager. The manager is then responsible for deciding whether there is an incompatibility between the anticipated outside employment and the employee's duties in the council.

In considering requests to undertake other employment, a balance must be sought between the legitimate interests of the council to protect its integrity and the rights of council employees to lead their private lives free from unnecessary intrusion by the council. Council employees should inform their manager if the nature or circumstances of outside employment changes or their official council duties change, which could give rise to perceived or actual conflict between their outside employment and council employment.

1.9 Reporting improper conduct

Mackay Regional Council has a zero tolerance for corrupt conduct and fraudulent activities.

Fraud and corruption can take many forms. Fraud is defined as an intentionally dishonest activity causing actual or potential loss to any person or organisation. Some examples include theft of money or assets and forgery or unauthorised alteration of council records. Corruption is defined as the breach of trust in the performance of an official duty to achieve some personal gain or advantage, and includes the improper use of information, bribery and employee kickbacks.

Council has adopted the following essential elements of fraud and corruption control:

Ethical Culture - Increasing levels of ethical awareness by implementing initiatives to deter and minimise the opportunities for fraud.

Prevention - Reducing instances of fraud by strengthening the systems of control and risk management.

Detection - The education and encouragement of staff to report suspected fraudulent and corrupt activities and the implementation of initiatives to detect fraud as soon as possible after it occurs.

Response - Responding to reports of fraud and corruption according to authorised policy and procedures.

Council employees who know or have good reason to suspect any fraudulent, corrupt or unethical conduct must report it immediately. Council has a reporting mechanism in place to ensure that all disclosures are treated confidentially. Council is also committed to its obligation to ensure employees who make a disclosure are protected against reprisal and bullying.

For further information, refer to the Mackay Regional Council Fraud and Corruption Prevention Policy and Procedure, Public Interest Disclosure Policy No. 078 and Procedure Guideline 078.

1.10 Safety, health and the environment

Employees must take all reasonable steps to ensure their own safety, health and welfare in the workplace, as well as that of colleagues and customers.

Employees must:

- Comply with the requirements of council's Work Health and Safety Policy.
- Notify their supervisor of safety incidents immediately, This includes all injuries and near misses.
- Report all hazards that pose a risk to employees, visitors, or members of the public, or could cause environmental harm immediately.
- Not use, possess or be impaired by drugs or alcohol while at work as per council's Alcohol and other Drugs Policy.
- Not smoke in any council vehicle or enclosed space, and not smoke in any council facilities or worksite other than in designated smoking areas during approved work breaks.
- Support the use of the Employee Assistance Program for any employees in need.
- Support staff participation in Workplace Rehabilitation and Return-to-work programs.
- Follow all council safety policies, procedures and reasonable instructions.
- Stop and/or refuse unsafe work.



Employees are not to consume alcohol during work hours including breaks as per council's Alcohol and other Drugs Policy unless specifically authorised or supplied by council.

Employees have a general legal duty to take reasonable care to avoid causing harm to themselves, another person or to the environment. Employees are required to exercise the degree of care that could reasonably be expected from a competent and skilled person in their job.

Council has legal responsibilities to protect and manage the environment. In addition to these legal obligations, council is committed to lead the community by example by ensuring that all services and activities are conducted in an environmentally responsible manner.

Employees (including contract staff) must not carry out any activity that causes, or is likely to cause, environmental harm unless the employee takes all reasonable and practical measures to prevent or minimise the harm.

PRINCIPLE 2: Promoting the public good

Values

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 the Mackay region, council employees:

- 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 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.

This means employees should, for example:

- Manage all forms of public resources in accordance with the program goals
- Use or manage customer's money in accordance with council policy
- Ensure terms of any grants and funding agreements are complied with
- Allocate resources consistent with council policy
- Ensure that customers are treated with respect and know their rights

Standards of Conduct

2.1 Utilisation of council resources

Council resources include property, plant, equipment, information systems, computing resources, goods, products and valuables. All resources must be used economically, efficiently, treated with care and given adequate protection to avoid misuse or theft. In addition, employees must avoid waste and extravagance in the use of resources, ensuring that resources are used for legitimate activities of council only.

The following conditions apply to council resources:

- Council property is not to be borrowed for personal use by employees.
- Where materials are set aside for a particular job and are not completely used up, the remaining material should be returned to stock for future use.
- Photocopying for school, outside committees, etc. is not acceptable.



- Using council's internet facilities for non-work related purposes is not acceptable, except for incidental personal use. Internet use is monitored and any unauthorised use or misuse will be subject to disciplinary action.
- All council employees who have access to email, or similar facilities, should have read and understood Mackay Regional Council's Acceptable Use Policy for use of email before being provided with this functionality. The guidelines can be accessed via the Mackay Regional Council intranet.
- Council's email facilities should always be used in a professional and courteous manner and messages should not include any material which infringes on State or Commonwealth Anti-Discrimination Acts.
- Use of computer facilities by staff undertaking private study outside normal working hours will need to be authorised by the CEO.

2.2 Private use of council resources

The private use of resources is acceptable only in the following situations:

- Limited, occasional local telephone calls when essential.
- Employees may make use of council's internal notice boards for approved community information, trade union purposes or to publicise social events.
- Limited, occasional personal use of photocopier

Council resources, other than those listed above, must not be used for non-work related personal reasons even if being used outside of work hours.

2.3 Motor vehicles

Council vehicles form a significant part of council's property/resources and, as such, should be treated with due care and attention.

When using council vehicles, employees must be aware that they are subject to public scrutiny and therefore must ensure the vehicle is used in a safe and efficient manner at all times.

If employees have personal use of a council vehicle they must ensure it is maintained and serviced in accordance with council vehicle policy and guidelines. The vehicle must also be used in line with council's 'General Use of MRC Vehicles' Policy.



2.4 Public money

Council employees must maintain high standards of accountability if they collect and use public money. Council money must not be borrowed or used for private purposes.

2.5 Customer service

All council employees must strive to provide excellent customer service. They must treat members of the public with honesty, fairness, sensitivity and dignity.

If an employee's role in council involves contact with the public, it is important to know how to deal comfortably and calmly with difficult situations and difficult people. Customers have a right to complain or criticise council. While all reasonable efforts must be made to help customers lodge complaints, situations may arise that become abusive, threatening or intimidating.

Council does not expect employees to be treated in such an inappropriate manner, nor does it expect employees to resort to such actions themselves. Employees should remain calm, patient and dignified and should they judge the situation to be getting out of hand, they should immediately withdraw from the situation and seek the assistance and advice of a senior officer. Council will support employees taking appropriate action.

When working with vulnerable or dependent customers, employees should exercise a high level of care, diligence and professional competence.

2.6 Corporate image

Mackay Regional Council is striving for excellence in serving the community and seeks to have the professional image of council reflected at all times.

Integral to promoting this image is the personal presentation of council employees. Where employees are provided with a uniform, the uniform should be worn complete and in good order.

Employee's personal presentation in the workplace, or while on official duty, must be professional and meet workplace health and safety requirements in accordance with the Corporate Image Policy. Employees must wear personal protective clothing and equipment when required.

Employees issued with name badges must always wear them when performing official council duties.

Should employees find themselves in a public area and still in uniform when off duty, they must always be aware that they may be perceived as representing council and must act accordingly.

In particular, when an employee is consuming alcohol in a public place while off duty but still in uniform, they must ensure that their behaviour/conduct does not bring council's reputation into disrepute.



PRINCIPLE 3: Commitment to the system of government

Values

In recognition that the public sector has a duty to uphold the system of government and laws, council employees:

- a) accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- b) are committed to effecting 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.

This does not limit the responsibility of council or a council employee to act independently of government if the independence is required by legislation or government policy, or is a customary feature of the work of council or a council employee.

This means employees should, for example:

- Ensure individual actions are in accordance with legislation and council policy
- Exercise powers lawfully
- Use powers and resources for the purpose for which they were intended



Standards of Conduct

3.1 Contact between employees and councillors

The Local Government Act 2009 (s. 170) makes it clear that staff should be directed by the CEO, through their managers, not by individual councillors.

This is in order to avoid a situation where an employee is disrupted from their allocated work schedules and priorities as set by the CEO or their supervisor.

As a means of increasing communication, this code will allow councillors to seek advice directly from the CEO, directors, executive managers, program managers or officers delegated by the CEO. The delegated council officer, prior to giving that advice, should be informed of the purpose for which the advice is to be used.

If an employee, other than those listed above, receives a request for advice from a councillor, this must be reported, via their manager, then to the CEO.

Similarly, it is inappropriate for employees to approach councillors with queries relating to everyday staffing matters.



3.2 Public comment

As a general rule, councillors comment publicly on council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments. If you are asked to comment on any council matter by the media, it should be referred to the Corporate Communications & Marketing Program.

However, the rights of employees to free speech is acknowledged. Where an employee feels the need to speak out in public in a private capacity on a political or social matter, they should adhere to the following:

- It should be made very clear that the employee's personal views are being expressed and that these do not represent the views of council
- Think about what is being said or written and how it might be perceived
- Avoid any comment that may be perceived as being made on behalf of council rather than a personal view
- Ensure that any comments do not compromise the employee's ability to be unbiased in their work and their decisions
- Avoid comments that compromises the ability of other council employees to undertake their duties in an unbiased way

- Avoid any comments that amounts to criticism sufficiently strong or persistent to give rise to the public perception that the employee is not prepared to implement or administer the policies of council or the Government of the day as they relate to their duties
- Avoid any comments that amounts to criticism or perceived criticism of council decisions, operations or direction
- The comments should not lead to a breach of confidentiality
- Be mindful that they show respect for the opinions of others, do not injure a person's reputation or create a basis for defamation action

The above applies to all public arenas including but not limited to, social networking websites such as Facebook, Twitter, etc., letters or SMS to newspapers or public/ community meetings.

3.3 Know the law

Council employees are expected to have a working knowledge and access to any relevant laws, legislation, policies, procedures and applicable industrial instruments and act within these guidelines as they apply to their work.

Managers have a special responsibility to assist employees to understand relevant legislation, policies and applicable industrial instruments.

3.4 Promoting the public interest

Employees should make decisions and recommendations in an impartial manner, with the prime aim of promoting the public interest and achieving best value for money.

To maintain and enhance public confidence in the integrity of public administration, it is essential that council employees do not use their official powers or position improperly. It is improper to show favouritism to business associates, relatives, friends or companions in providing jobs, privileges, the rewarding of work or contracts or any other benefit or consideration that is not equally available to all others.

3.5 Respect for civic duties

In keeping with the spirit of respect for the law and the system of government, council will fully support staff in the undertaking of civic duties from time to time.

These duties include jury duty, Justice of the Peace/ Commissioner for Declarations roles and Defence Force Reserves.

If an employee wishes to stand for election in local, federal or state parliaments, they must observe the requirements as set out in the Local Government Electoral Act 2011.



PRINCIPLE 4: Accountability and transparency

Values

In recognition that public trust in council requires high standards of administration, council employees:

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

This means employees should, for example:

- Perform their duties to the best of their ability
- Carry out lawful and reasonable instructions
- Perform individual functions fairly and equitably

Standards of Conduct

4.1 Procedural fairness (natural justice)

Procedural fairness or “natural justice” is integral to fair and proper administrative decision making. It is concerned with ensuring a fair and correct decision is reached. Procedural fairness involves:

- Decision makers informing individuals of the case against them or their interests
- Giving them a right to be heard and present their case
- The decision makers not having a personal interest or bias in the matter
- Ensuring that a decision is based upon sound reasoning and relevant evidence.



4.2 Acting within corporate limitations

Employees must be aware of the extent of their delegated authority for making decisions and authorising budgetary expenditure and act within that scope and within relevant policies. They must be aware of their responsibilities in terms of their employment contract, position description and the policies and practices of council which are relevant to the performance of their duties.

4.3 Performance at work

Employees should perform their duties in a timely manner so as to minimise delays and consequent costs for council and its clients. As a general rule, routine tasks should be completed within the established timeframes.

Employees are expected to perform a reasonable day's work in line with the accountabilities of their position description, goals and objectives. In keeping with responsible work ethics, employees should take "ownership" over, and be accountable for, their actions and decisions. Employees should perform their duties to the best of their ability with care and competence and be open about reporting mistakes.

Additionally, employees should endeavour to maintain and improve their knowledge and skills. Council will assist by providing equitable access to training and development opportunities.

Employees should act professionally and avoid situations where their behaviour could reflect badly on council or impact on their workplace.

Employees must avoid negligent conduct by giving sufficient attention to their actions and decisions and by obtaining the direction and advice of supervisors if they are unsure how to proceed.

4.4 Lawful and reasonable instructions

Employees are expected to comply with all lawful and reasonable instructions related to their work.

Employees are obliged to carry out an instruction unless there is a danger to a person's health and safety or if it appears to be an unlawful or unreasonable instruction. Unreasonable instructions relate to issues of



competence, resources, efficiency, personal beliefs (e.g. religion) or conflict with professional ethics.

Where an instruction appears unsafe, unreasonable or unlawful, an employee should communicate this to the person giving the instruction. If an employee is still not convinced of the reasonableness or lawfulness of the direction, the employee may raise the issue at a higher level in the organisation or lodge a grievance through council's Grievance Procedure.

Managers and supervisors should, in all circumstances, be open to constructive questions about their directions. Employees must accept that it is likely that they will not agree personally with all decisions made by supervisors.



4.5 Confidentiality

Employees may have access to information of a private or personal nature relating to customers or other employees. They are privy to this information on the understanding it will only be used for a specific work purpose and will remain confidential. Confidential information is to be kept secure and not discussed with anyone who does not have a legitimate right to know.

When employees leave a work area of council to take up employment in another area or leave council altogether, they must continue to respect the confidentiality of official information that may have been available to them in the course of their duties.

Only certain officers specifically delegated by the Chief Executive Officer can provide access to information requested under the provisions of the *Right to Information Act 2009* and *Information Privacy Act 2009*.

Unauthorised release of any non-public council information is a breach of council policy and may be an offence at law. Employees must preserve the confidentiality of council's information, as a legal obligation under the *Local Government Act 2009* (s. 200).

Union Representatives and Delegates are in a position of trust and may have access to confidential information about council employees and are similarly bound by this confidentiality clause.

4.6 Acceptance of gifts and rewards

The *Local Government Act 2009* (s. 199(2)) requires that employees must not ask for or accept a fee or other benefit other than their official remuneration in return for performing their duties. However, a gift that has nominal value may be accepted. Acceptance of gifts must be in accordance with the Gifts and Benefits Policy 041 and Procedure.

4.7 Intellectual property

You must obtain approval before publishing or disclosing any articles or materials you produce as part of your official duties. Any original work, invention or product you contributed to in association with your work remains council property and will be recorded on the Intellectual Property Register.

4.8 Copyright

Employees must be aware of copyright restrictions placed on documents, publications, audiovisual materials and computer software in use throughout council.

Employees must seek permission from the Chief Executive Officer before entering into any arrangements regarding the publication or disclosure of any articles or materials produced as part of their work. Such publications, if developed during the course of official duties, will be copyright in the name of Mackay Regional Council.

4.9 Recording of private conversations

Although in Queensland recording a private conversation you are party to, with or without permission is not against Queensland legislation, it does not fall in line with council's corporate values.

Particularly the recording of conversations without permission or knowledge fails to create an open, honest and respectful environment which council aims to achieve. The surreptitious recording of private conversations breaches the mutual trust inherent to the employment relationship between the principal parties and as such private conversations may only be recorded with prior approval of the principal parties or the Manager.

The restriction on recording private conversations applies to audio, visual and the use of any other electronic devices including mobile phones.

The act of recording a private conversation without prior permission of the principal parties or the Manager will result in disciplinary action.

A guide to ethical decision making

It is not possible to have a rule for every situation. At times, you will need to make decisions or take actions that are not specifically covered in the Code of Conduct. The following guide is designed to help you reach an ethical decision based on the relevant facts and circumstances of a situation.

Step 1: **Assess the situation**

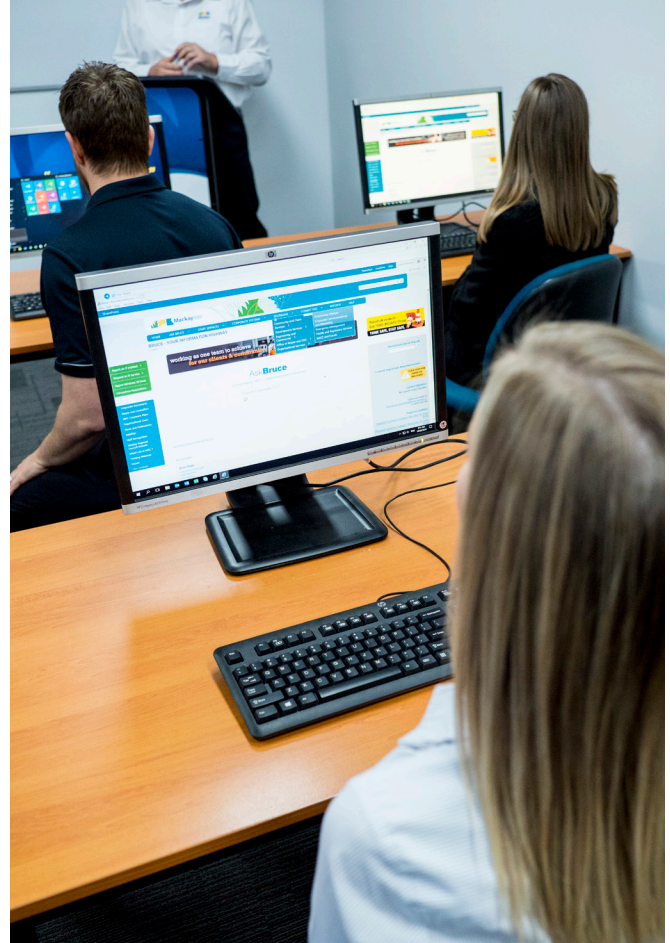
- What are the facts and circumstances?
- Does it break the law or go against council policy?
- Which of the four principles applies to the situation?
- Who is affected and what rights do they have?
- What are your obligations or responsibilities?

Step 2: **Look at the situation from council's viewpoint**

- Are there existing policies/guidelines/procedures that can give guidance?
- What are the relevant laws?
- 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?
- Would you be embarrassed if others knew you took this action?
- How would it look in the newspaper?



**Step 4:
Consider the options**

Ask your supervisor, manager or People & Culture for advice.

What options and consequences are consistent with council's values, the four principles and your obligations?

What are the costs and long term consequences?

What are the legal implications?

How would the public view each option?

**Step 5:
Choose your course of action**

Make sure your course of action is:

- Within your authority to make
- Legal and in line with this Code
- Fair and able to be justified to your manager and the public
- Documented, so a statement of reasons can be supplied if required
- Consistent with council's mission, vision and values
- Supported by council advisors, if required.



Definitions

In the Code of Conduct of the Mackay Regional Council the following definitions apply:

Conflicts of interests

Refers to a conflict between the private interests of a local government employee and public duty.

- A **perceived** conflict of interest exists when it appears that an employee's private interests may have the potential to interfere with the proper performance of their official duties.
- A **potential** conflict of interest exists when a reasonable person, in possession of the relevant facts, would conclude that the employee's private interests are likely to interfere with the proper performance of their official duties.
- An **actual** conflict exists when there is a direct conflict between your current duties and your existing private interests.

Corruption

Corruption is the misuse of one's power to gain personal advantage.

Council employee

Any person performing work for council (including contract staff) and including volunteers, work experience students, vacation employment students and/or any arrangement satisfying the requirements of an employee under the Industrial Relations Act 1999 (Qld).

Councillor

A person elected by the community to run the council - refer Local Government Act 2009.

Customer

In relation to this Code, 'customer' refers to any person with whom employees may come into contact during the performance of our duties. It includes, but is not confined to, members of the public, work colleagues throughout council and other local government employees.

EEO

Equal Employment Opportunity is based on the principle that all employees and potential employees of council have the right to equality of opportunity and fair treatment in employment. In practice, EEO is the establishment of working conditions, policies, practices, guidelines and conditions which enable every individual to compete equally for recruitment, selection, promotion, transfer and training based on merit.

Environmental harm

Is any adverse effect, or potential adverse effect (whether temporary or permanent and of whatever magnitude, duration or frequency) on an environmental value (Environmental Protection Act 1994).

Extravagance

Refers to using public resources in excess of what is required to achieve the objective.

Impartiality

Unbiased and not prejudiced towards or against any particular side or party.

Maladministration

Unlawful, arbitrary, unjust, oppressive or improperly discriminating acts, or actions taken for improper purposes by public officials.

Misuse (resources)

Refers to mistreating or not looking after a public resource or using public resources for purposes other than official purposes.

Public interest

Refers to considerations affecting the good order and functioning of the community and government affairs, for the well-being of citizens. In general, to act in the public interest means to act in accordance with the law and the policy objectives of the elected council.

Private conversation

Private conversation is one in circumstances where you may reasonably assume either of the principal parties don't want to be overheard by others, unless either of the principal parties having the conversation should reasonably expect that they may be overheard. Express or implied consent of one of the parties speaking or being spoken to (the principal parties) makes you party to the conversation.



Further information

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your supervisor, manager or People & Culture.

There are Mackay Regional Council Policies underlying this Code of Conduct. You are required to read and understand the policies that govern your employment with council.

The Chief Executive Officer may vary this Code of Conduct as required.

