



# IPSWICH CITY COUNCIL

## CODE OF CONDUCT FOR EMPLOYEES

### 1 INTRODUCTION

#### 1.1 Purpose

The purpose of adopting a Code of Conduct for Council's employees is twofold.

Firstly, Council is required to adopt a Code of Conduct to meet the requirements of the *Public Sector Ethics Act 1994*. This Code seeks to fulfil Council's obligations under that Act.

Secondly, and more importantly, this Code of Conduct seeks to set a standard of ethical behaviour which Council believes is appropriate for Council's employees. In that regard, this Code of Conduct reflects the desire of Council to highlight the need for employees to act with honesty, integrity, diligence and to exercise a high degree of care in their actions.

Application of this Code is supported by:-

- Council Policies, Procedures and specific protocols
- Strategies such as training and education to assist in the application of this Code
- Audit Committee review

It is a responsibility of the Audit Committee to review the Code of Conduct and recommend changes where appropriate.

#### 1.2 Minimum Standards

This Code of Conduct seeks to set standards which the public has a right to expect as the minimum standards which should apply to all employees of Council. Accordingly, Council recognises that not only must the actions of employees be above reproach, they must also be seen to be above reproach. Such a situation leads to public confidence in the system of local government.

#### 1.3 Relationship of Code of Conduct to the *Local Government Act 1993*

The *Local Government Act 1993* sets out a number of statutory requirements which are binding on employees. This Code of Conduct applies additional requirements on employees. For the sake of completeness, particular provisions of the *Local Government Act 1993* may be referred to throughout this Code.

#### **1.4 Who does this Code apply to?**

Under the *Public Sector Ethics Act 1994*, all employees of Council are bound by this Code of Conduct. That requirement is compulsory. This code is not applicable to contractors and consultants unless specified in their written agreements with Council.

In adopting the Code as policy, Council has recognised the importance of the Code in ensuring the successful operation of Council.

## **2 ETHICS OBLIGATIONS**

*The Public Sector Ethics Act 1994* sets out a number of fundamental principles and ethical obligations which are required to be applied to all employees of Local Government. These fundamental principles together with the ethical obligations of employees have been summarised below.

#### **2.1 Respect for the Law and System of Government**

An employee should:-

- (a) uphold the laws of the Council, the State and the Commonwealth; and
- (b) carry out official Council decisions and policies faithfully and impartially.

The above requirement does not detract from an employee's duty to act independently of the Council if the employee's independence is required by legislation or Council policy, or is a customary feature of the employee's work.

#### **2.2 Respect for Persons**

An employee should treat members of the public, Customers, Councillors and fellow employees:-

- (a) honestly, fairly and equitably
- (b) with proper regard for their rights and obligations
- (c) avoid favouritism
- (d) ensure behaviour is not harassing or discriminatory

A Council employee should act responsibly in performing official duties.

#### **2.3 Integrity**

In recognition that public office involves a public trust, employees should seek:-

- (a) to maintain and enhance public confidence in the integrity of public administration; and
- (b) to advance the common good of the community that the employee serves.

Having regard to the obligations mentioned above, an employee:-

- (a) should not improperly use official powers or position, or allow them to be improperly used;
- (b) should ensure that any conflict that may arise between the employee's personal interests and official duties is resolved in favour of the public interest; and
- (c) should disclose fraud, corruption and maladministration which becomes apparent.

## **2.4 Human Resources**

The skills and time of employees are a significant part of Council's resources, and practices which promote their efficient and effective use should be encouraged.

Supervisors/Managers are responsible for ensuring that the skills, abilities and time of Council Employees are recognised and utilised effectively.

Council employees are encouraged to share knowledge and to support the development and acquisition of new and relevant skills by their colleagues.

Where a program or work area experiences a 'low peak' in workload, Council employees in conjunction with Supervisors/Managers are encouraged to support other areas of Council where assistance with workload may be required.

## **2.5 Diligence**

In performing official duties, an employee should: -

- (a) exercise proper diligence, care and attention and ensure duty of care obligations are met.
- (b) seek to achieve high standards of public administration.

## **2.6 Economy and Efficiency**

In performing official duties, an employee should ensure that public resources are not wasted, abused, or used improperly or extravagantly.

# **3 CONFLICT OF INTEREST**

## **3.1 What is a conflict of interest?**

A conflict of interest may be defined as a situation in which an employee has a private or personal interest sufficient to influence objectivity when exercising official duties. However, employees are not to be subject to unreasonable restrictions on their private activities purely as a result of their employment with Council, for example, coping with a family crisis.

### **3.2 Duty where conflict of interest arises**

Employees must be impartial when performing all aspects of their duties. Employees have a responsibility to ensure that in the performance of their duties, they avoid any conflict or resolve any incompatibility that might arise with their own interests. Where any conflict arises between private interests and the interests of the public, such conflict must be resolved in favour of the public interest.

To ensure there is no conflict of interest, or perceived conflict of interest, it is generally required that employees not exercise their official duties where such a conflict of interest may exist.

Any employee of Council who has a conflict of interest in an issue to be, or being dealt with by the employee in the course of the employee's duties, must immediately inform the Chief Executive Officer (via their supervisor), in writing, of the interest, and must not deal with, or further deal with, the issue except under the Chief Executive Officer's written directions. In the case of the Chief Executive Officer the declaration is to be to the Mayor.

## **4 MATERIAL PERSONAL INTERESTS**

### **4.1 General**

The *Local Government Act 1993* imposes obligations on certain employees to provide certain financial and other information which is held in a Register of Interests. Sections 6 and 1142 of the *Local Government Act 1993* provides a definition of Material Personal Interest and specifies an employee's obligation to disclose interest in particular issues, usually consisting of a monetary nature.

### **4.2 Employees**

Section 1139 of the *Local Government Act 1993* requires both the Chief Executive Officer and certain other employees to have their interests recorded in a register. The *Local Government Act 1993* requirement automatically applies to all second level employees (i.e. employees who report directly to the Chief Executive Officer) of Council.

In recognition of the importance Council places upon openness and accountability, Council has decided under section 1139(2)(b) to require certain other employees to also have their interests recorded. Certain positions have been identified through past experience throughout Local Government as being more at risk of a conflict of interest situation than other positions. These identified positions together with the position of Internal Audit Manager have been required to comply with the relevant provisions of the *Local Government Act 1993*. It is envisaged by Council that such provisions would not apply to employees generally.

## **5 PERSONAL CONDUCT**

### **5.1 Customer Service**

An employee will support Ipswich City Council's Customer Service Policy and comply with the provisions and principles contained in the policy and the commitment to customer service.

### **5.2 Image of the Council**

An employee must not knowingly engage in any conduct or take any action, in the capacity as an employee, which may damage the image of Council or unjustifiably detract from the image of Council.

Employees must ensure that the rights and dignity of customers are safeguarded and upheld. However, Council recognises from time to time difficult situations may occur where customers become abusive and threatening. Council does not expect employees to be treated in such an inappropriate manner and does not expect employees to resort to such actions themselves. Council encourages employees to withdraw from the situation and seek the assistance and advice of a senior officer.

An employee's personal presentation in the workplace while on official duty should endeavour to be tidy and inoffensive to customers. Clothing worn should have regard to the type of work being performed, workplace health and safety factors, cultural diversity and consistency across Council with respect to a professional image and working conditions.

### **5.3 Impartiality**

Employees must be impartial in the performance of all aspects of their duties, including response to members of the community, customers and Councillors.

### **5.4 Competence and Continuing Development**

Employees should continually strive to improve their level of competence, maintain their knowledge and support the development of the skills and competence of their fellow employees.

Employees should make use of Council's commitment to employee training and development, in order to maintain a level of skill and knowledge necessary to perform their work at a proficient level.

## **5.5 Use of Information**

Employees must:-

- (a) treat Council information as strictly confidential and not use it for any purpose other than to carry out official Council duties;
- (b) respect the privacy of customers and any personal information which Council collects about them. This information is to be only used and disclosed by Council so that Council can provide services or otherwise to enable Council employees to carry out their functions as professional service providers;
- (c) carry out interviews and conversations with customers about personal, confidential or contentious issues in a manner which ensures their privacy is protected;
- (d) not access information/records held on computer or paper files which would not normally be available to them in accordance with their normal duties;
- (e) adhere to Council procedures regarding Council officers either addressing or responding to requests for information from the community, public, media, professional and educational organisations;
- (f) direct all media enquiries to the Media Officer or the Media Manager;
- (g) not advance a private interest by the use of confidential information gained in the course of their public or professional duties;
- (h) attempt to be generally aware about all of Council's activities so that they can better perform their job in light of those activities and practices;
- (i) treat confidential reports and confidential discussions of Council and its Committees with the strictest confidence; and
- (j) paragraphs (g) and (i) also apply to previous employees of Council.

When in doubt, employees should liaise with Council's Legal Branch, via supervisor, for advice on what information can and cannot be released from Council.

## 5.6 Computers, Internet and Email

Many employees within the organisation are provided with computer access to facilitate efficient business operations and to meet community needs. The Ipswich City Council Information Management System operates within a networked environment with standard software applications provided on all computer terminals.

The integrity of the system is dependent on appropriate technical support and users taking responsibility.

There are several policies and procedures which cover employees' responsibilities regarding access to computers within Ipswich City Council. Before employees are granted access they will be required to sign off against these policies and procedures to indicate their understanding.

Key elements which employees must adhere to include:

- (a) internet services are to be used to assist in the efficient provision of services to the community/business;
- (b) services are to be used in an efficient, ethical and lawful manner;
- (c) services are to be used for Council business and limited personal use only, where limited personal use is:
  - conducted at minimal additional expense, preferably during non-work hours and does not breach the Code of Conduct or any government laws, legislation or regulations;
  - does not interfere with normal business activity of Council, occur more than a few times per day and/or for periods longer than a few minutes;
  - not utilised for pursuing any external private business, personal gain or profit;
  - does not create excessive storage demand, thus diminishing network performance;
- (d) users are not to deliberately access, download or forward any material that is expressly prohibited in the relevant policies and procedures;
- (e) internet services are not to be used in a way that could improperly defame, harass, abuse, offend, embarrass, racially vilify or be derogatory of other individuals or organisations, Council, its members or employees;
- (f) users are not to attempt unauthorised access to systems;
- (g) all forms of foreign software are not to be installed on the corporate network without:
  - being tested on a stand-alone machine (ie. a machine not connected to the corporate network);
  - the written permission of the Department Head (or delegate);
  - approval of the Information Systems Manager or delegate.

- (h) all software etc is to be virus checked before loading onto any computing device – contact Help Desk for assistance;
- (i) if a virus is detected, log off and notify Information Systems Branch staff immediately;
- (j) users are to ensure password protection of their computer when away from their desk for any period of time;
- (k) users are not to divulge their password to others; and
- (l) users are to report problems to Help Desk as per the recommended procedure.

### **5.6.1 Disciplinary Actions for Breaches**

Inappropriate and/or unlawful use or violations of the 'Acceptable Usage of Internet Services Policy' will lead to disciplinary action and/or action by the relevant regulatory authorities. All Council officers are required to report suspected violations to their Manager.

Serious breaches will be dealt with in accordance with the *Local Government Act 1993*.

In the case of Contractors, such breaches can represent a breach of contract.

## **5.7 Undue Influence**

Employees must not unduly obstruct the actions of others in the implementation of Council's policies and decisions. In addition, employees must not take advantage of their position to improperly influence the performance of the duties or functions of other employees.

## **5.8 Fairness**

Without limiting Council's Equal Employment Opportunity policy, employees must handle all matters concerning other employees on the basis of merit so that fairness, equity and impartiality govern decisions relating to appointments, promotions and discipline.

Procedural fairness or 'natural justice' is integral to fair and effective administrative decision making. Also, all employees should be made aware of grievance resolution procedures.

## 5.9 Bribery - Personal Gifts and Benefits

- Employees must **not seek or accept**, other than as defined under the gifts and benefits guidelines, gifts or benefits from the use of information or of Council's time and resources. Further, employees must **not seek**, directly or indirectly, from any person or body, any immediate or future gift, reward, prize or benefit for themselves or for any other person or body, relating to their position as an employee or their performance of any duty or work which relates to the Council.

### ***Definition:– What are Gifts and Benefits:***

*A gift or benefit is understood as anything of value you are offered – any item or service that is over and above the normal salary or employment entitlements of employees.*

*Gifts and benefits may be tangible or intangible. Tangible gifts include consumer goods, entertainment, hospitality (winning, dining and accommodation), travel, promotional materials, samples, vouchers, personal items or discounts on goods and services and, of course money.*

*Intangible gifts and benefits are those that have no lasting value for accounting purposes, such as a personal service, preferential treatment, privileged access or the promise of a special favour or advantage.*

### **Gifts or Benefits Value Guidelines:**

- **\$100 or less** are considered nominal and can be kept by the employee (*a record of such should be kept by the employee because if the **combined value** of a number of gifts and benefits received by an employee from the same donor in any financial year exceeds \$250, then each individual gift or benefit becomes reportable*);
- **over \$100** is considered significant and therefore **reportable**, however, the Chief Executive Officer may decide whether or not the employee may keep it. If the employee is the Chief Executive Officer, the approval is to be by the Mayor.

**Prizes** won by virtue of automatic entry as a conference delegate, are to be dealt with in the same manner as per the gifts and benefits guidelines shown above.

Employees should also consider:

- why gifts or benefits were offered (whether as thanks or to influence a decision).
- the impression that your acceptance is likely to create.

**No matter how small a gift or benefit may be, it may still create a sense of obligation towards the giver.**

Employees must politely refuse gifts, prizes and benefits which would clearly bring the employees or the Council's integrity or impartiality into question

**If you are offered money, you must refuse it, whatever the circumstances.**

Apart from the exceptions provided for above, if a gift, prize or benefit is **accepted** in order to avoid embarrassment and it is subsequently concluded that the value is such that it is not considered to be nominal, such gift, prize or benefit is to be provided to the Internal Audit Manager, with written advice of the details of the gift, prize or benefit and circumstances of acceptance. If any gift, prize or benefit, other than gifts of a nominal kind is offered and **not accepted**, prompt disclosure in writing, must be made to the Internal Audit Manager.

Details of these gifts, prizes or benefits and their subsequent allocation for organisational use, or non-acceptance of gifts, prizes or benefits, are to be recorded by the Internal Audit Manager in the Register of Gifts and Benefits held within Council's Corporate Memory. The Register will be subject to external audit. The Internal Audit Manager is to forward a copy of the advice to the relevant second level employee, or Chief Executive Officer in the case of a second level employee, or Mayor in the case of the Chief Executive Officer. In the case of the Internal Audit Manager the action officer is the Chief Executive Officer.

#### **5.10 Reporting Dishonesty and Lack of Integrity**

Employees must report to the Internal Audit Manager acts of dishonesty, or acts which lack integrity on the part of others where that dishonesty, or lack of integrity results in the loss of any property or assets or standing of Council or suspected fraud or corruption unless there is reasonable justification for it to be reported to a Department Head.

Where the offending employee is the Internal Audit Manager, such report should be to the Chief Executive Officer. Where the offending employee is the Chief Executive Officer, such report should be to the Mayor. An exception to this rule may apply where a statute requires an alternative course of action and in those circumstances, the alternative course of action should be followed.

The Code does not diminish an employee's existing rights, under law, to report independently to an appropriate public authority such as the Crime and Misconduct Commission (CMC) Ombudsman, Health Rights Commission etc. Further advice can be obtained via Council's procedure on Whistleblowers (51/10) or by contacting the CMC.

#### **5.11 Personal Conduct & Relationships**

Working in a large and dynamic organisation, often in close proximity with one another, employees must be continually aware of how their behaviour may impact upon others.

Employees should monitor their conduct and, if they become aware that their actions are negatively impacting upon colleagues, they must take necessary steps to modify their behaviour.

## **6 FRAUD**

### **6.1 What is Fraud?**

Fraud includes unethical and illegal acts which are characterised by the intent to deceive. Fraud includes, but is not limited to, the following activities and standards of conduct:-

- (a) gaining a benefit by dishonesty such as drawing an allowance or payment (e.g. travelling and living expenses) where no such entitlement exists;
- (b) accepting gifts, money or entertainment in response to, or in the expectation of, a favourable tender outcome or other decision;
- (c) knowingly accepting collusive tendering by outside bodies;
- (d) making false statements about their own qualifications, professional experience or competence for the purpose of obtaining a promotion or the like; and
- (e) misusing or deliberately misallocating Council resources.

### **6.2 Use of Council Funds, Equipment and Resources**

Employees must be completely honest in the use of Council's funds, equipment and resources and may not misuse them or permit their misuse (or allow the appearance of misuse) either by themselves or by any other person or body. Further, employees must use Council's resources effectively and economically in the course of their activities. With the exception of reasonable private usage as determined by Council from time to time, employees must not use Council resources, including the services of other employees, for private purposes unless properly authorised to do so. Reference should be made to relevant Council policies and procedures including the following:

- Private Use of Council Motor Vehicles;
- Officer Attendance at Inspections, Deputations, Conferences, Meetings, Training and Other Functions;
- Electronic Mail System;
- Mobile Telephone Accounts;
- Acceptable Usage of Internet Services;
- In-house Electronic Mail Use;
- Employee Reimbursements;
- Reimbursement of Entertainment /Other Incurred Business Expenditure;
- Ipswich City Council Telecommunications;
- Minimum Levels of Desktop Security;
- Cash Handling; and
- any other approved policy or procedure developed or amended in the future.

### **6.3 Prevention of Fraud**

It is the responsibility of all employees to prevent fraud. Such prevention can be enhanced by ensuring that fraud prevention controls are established and maintained and that all employees are aware of their obligations in relation to Council property. All employees should be vigilant in detecting fraud and be aware of their obligations in that regard.

## 6.4 Reporting Fraud

Employees have an obligation to detect and prevent fraud and corruption and all employees have a duty to report suspected fraud or corruption.

Employees must report to Council's Internal Audit Manager any evidence of fraud. Employees must also bring any evidence of fraud to the attention of their supervisor unless that is not appropriate i.e. fraud by the supervisor. Where required, employees must help in any investigation of fraudulent practices which occur in the operations of Council. Where any evidence of fraud relates to the Internal Audit Manager, the employee must report any such evidence to the Chief Executive Officer. Where any evidence of fraud relates to the Chief Executive Officer, the employee must report any such evidence to the Mayor.

## **7 PARTICULAR OBLIGATIONS OF EMPLOYEES**

7.1 In addition to the general requirements set out in this Code, the following obligations are also expected from Council employees:-

- (a) in relation to their position/function within Council be aware of the basic provisions of the various Acts, Regulations, Local Laws, Policies, Delegations and Procedures. Especially in relation to Safety, Health and the Environment, Council should be committed to lead the community by example;
- (b) except in relation to cases of suspected fraud by their supervisor or manager observe the appropriate lines of communication and responsibility. Further reference should be made to Council's procedure on Whistleblowers (51/10);
- (c) be impartial/even-handed when preparing reports and giving advice to Council;
- (d) not make any public comments, including comments to the media, on behalf of Council in an official capacity on Council matters unless authorised to do so and then only do so, if required, by observing and respecting the policies and procedures of Council and not making any public criticism of Councillors or other staff. Employees not authorised to make such public comments should direct all enquires to the Media Branch. Employees have the same rights as any member of the community to discuss political, community and social issues in a private capacity;
- (e) while on duty, diligently apply and give their attention to the business of Council, to ensure that their work is carried out efficiently, economically and effectively;
- (f) while on duty carry out all lawful directions given by a Council employee having the authority to give such directions. Any concerns regarding unreasonable instructions or instructions which result in conflicts with professional ethics codes should be raised with the supervisor or manager;
- (g) be aware that every employee in Council has an obligation to detect and prevent fraud and corruption and that all employees have a duty to report suspected fraud or corruption (Refer also 6.4);
- (h) not make promises to the public, Councillors or other employees which they know cannot be kept;

- (i) give effect to the lawful decisions, policies, delegations and procedures of Council, whether or not the employee agrees with them or approves of them;
- (j) not use mind altering substances such as drugs or alcohol which detrimentally affect work performance or safety, or results in a standard of behaviour which is offensive to others;
- (k) not utilise any Council time or resources to participate in gambling;
- (l) adhere to Council's smoke free environment policy; and
- (m) employees must have regard for the type of work they are performing, and must wear correct personal protective equipment where WH&S rules dictate.
- (n) encouraged to wear Council ID at all times whilst at work.

## **7.2 Notification of Criminal Charges and Convictions**

Employees should notify the Chief Executive Officer or delegated nominee of any charges for indictable offences and findings of guilt for all offences.

The outcome of the notification would be dependant on the individual circumstances of the case and on the nature of the charge or conviction and its relevance to the inherent requirements of the employee's position'.

## **8 OUTSIDE EMPLOYMENT**

- 8.1** Employees are not to engage in any other paid employment or contract which may have direct or indirect conflict of interest with Council activities or which may detrimentally affect the performance of the employee. Before engaging in other employment, employees are to seek the written approval of the Chief Executive Officer (or delegate) to ensure there is no conflict of interest.

## **9 BREACHES OF THIS CODE OF CONDUCT**

- 9.1** All employees should be aware of their obligations under this Code of Conduct. If this Code is breached, then sanctions may be imposed depending on the nature of the breach. Such sanctions include the taking of disciplinary action against employees under Part 5 of the *Local Government Act 1993* and any relevant award/Certified Agreements.

Breaches of this Code of Conduct may be reported to an employee's relevant Branch Manager, second level employee or the Chief Executive Officer. Alternatively, employees may utilise the provisions of the Whistleblowers' Protection Act (refer to Council's Whistleblowers Procedure).

Where a relevant law is breached (e.g. fraud) then criminal charges may apply.

## **9.2 Investigation Procedure**

The Chief Executive Officer or their delegated nominee will investigate alleged breaches of the Code of Conduct by Council Employees and others engaged by Council.

**Date of Council Resolution:** 27 May 2008

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