



Livingstone
SHIRE COUNCIL

LIVINGSTONE SHIRE COUNCIL EMPLOYEE CODE OF CONDUCT



1. Scope

This Code of Conduct applies to all Council employees, contractors, consultants, labour hire, agency casuals, contingent workers, work experience students, and volunteers. For the purpose of this Code these people are referred to as 'employees'.

The Code applies to the conduct of employees in the course of their employment with Council:

- in the workplace;
- during work activities; and
- at work related functions (on and off Council premises and outside normal business hours).

The Code may also apply to certain activities or behaviours undertaken by employees outside of the workplace where it may impact upon the image, reputation and activities of Council; for example, the use of social media or wearing Council identified clothing in public.

2. Purpose

This Code sets the standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgment while at work or undertaking activities that may reflect on our employment. It aims to deliver best practice by ensuring the standards are clear and guided by sound ethics. By consistently applying these standards, we enhance public trust and confidence. Nothing in this Code interferes with your rights as a private individual or as a ratepayer.

The Code does not seek to cover every situation. However, the values, ethics, standards and behaviours outlined are a reference point to help you make decisions in situations not specified. If you act in good faith and in keeping with the spirit of the Code, you can expect to be supported by your colleagues, your team leader and Council.

3. Policy Statement

Council conducts its business with integrity, honesty and fairness and complies with all relevant laws, regulations, codes and corporate standards.

All employees must follow the highest standards of behaviour when dealing with customers and each other. Each person should encourage an inclusive culture where ethical conduct is recognised, valued and followed at all levels, including appropriate action to prevent fraud and corruption.

Council actively supports, encourages and develops its employees to work safely, be customer focused, respect diversity of thought and background, use technology and Council assets effectively, adapt to changes and improve their own capabilities and contribute to Council's Community, Corporate and Operational Plans.

4. Legislation, Principles and Values

There are legislative principles and values that Council is required to comply with and that guide this Code.

The *Public Sector Ethics Act 1994* identifies four ethics principles, fundamental to good public administration, which guides our behaviour as public officials and forms the basis for a local government Code of Conduct. The four ethical principles are:

1. Integrity and impartiality
2. Promoting the public good;
3. Commitment to the system of government; and
4. Accountability and transparency






The *Local Government Act 2009* requires ethical and legal behaviour of Councillors and local government employees.

These legislated principles, together with Council's values and behaviours form the basis of this Code. Application of this Code is supported by Council policies, directives, procedures and specific protocols.

5. Ethical Principles, Values and Conduct

5.1. Council's recognised values and behaviours

The values and behaviours we share as employees of Council are:

 ACCOUNTABILITY	<ul style="list-style-type: none"> • We own our actions, successes and failures, and ensure we implement lessons learned. • We take personal responsibility for everyone's safety. • We manage and use Council's resources effectively and efficiently. • We make and communicate decisions and rationale in a timely and inclusive manner and act with transparency. • We are diligent in delivering on our commitments, and communicating issues early.
 TEAMWORK	<ul style="list-style-type: none"> • We are one Council, working seamlessly across the organisation to deliver the best outcomes for our community. • We involve others to design solutions and inform decisions. • We openly share knowledge and information. • We care about each other and ask for, and accept, support when needed. • We resolve issues and conflicting priorities in an open and constructive way.
 COMMUNITY	<ul style="list-style-type: none"> • We are one community and make decisions with our whole community in mind. • We engage with and listen to our community to understand their needs. • We support our community to develop resilience and sustainability. • We effectively and efficiently deliver high quality products and services. • We respond quickly and constructively.
 POTENTIAL	<ul style="list-style-type: none"> • We focus on being the best we can be and in-turn, inspire others. • We will be open to change and will pursue opportunities. • We will continually seek to improve how we do things and build upon each other's ideas. • We make time to seek and provide feedback to support each other. • We encourage and support innovation and initiative.
 POSITIVITY	<ul style="list-style-type: none"> • We inquire with curiosity, actively listen to others and are open to new perspectives. • We approach issues looking for solutions. • We remain calm and respectful when working through difficult situations. • We focus on being open and adaptable. • We invest in our physical and mental wellbeing.

5.2. First Principle – Integrity and impartiality

You must:

- be committed to the highest ethical standards;
- accept and value your duty to provide advice which is objective, independent, apolitical and impartial;
- show respect towards all persons, including employees clients and the general public;
- 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
- be committed to honest, fair and respectful engagement with the community.

Integrity and impartiality

Being honest, fair and respectful in every dealing, unprejudiced, unbiased and just.

Operationally, for you this requires the following standards of behaviour:

5.2.1. Conflicts of interest

When making decisions, you must declare any conflicts of interest that could affect, or be seen to affect, your objectivity in carrying out your duties.

A Conflict of Interest involves a conflict between your official duties and responsibilities in serving the public interest and your private interests. A Conflict of Interest can arise from avoiding personal losses as well as gaining personal advantage – whether financial or otherwise. This includes advantages to relatives and friends.

It is permissible to have a conflict of interest, it is just a matter of declaring it and managing the conflict in line with Council's Policy and Procedure. If you believe you have a Conflict of Interest, whether real, potential or perceived, you must tell your supervisor or manager immediately.

If you feel you have a Conflict of Interest between professional and corporate values, discuss it with your supervisor or manager.

Where a conflict of interest arises between private interests and the interests of the public, such conflict must be resolved in favour of the public interest.

Until the matter is resolved, you must not take part in any decision-making processes related to the matter. Refer also to Council's *Conflict of Interest Procedure*.

5.2.2. Influences on decision-making

You must not influence any person in an improper way with the aim to obtain personal advantage or favours.

All decisions need to be, and be seen to be, fair and transparent. This can be achieved in a number of ways, including clear record-keeping and showing how decisions were made.

You must not in any way misrepresent your qualifications, experience or expertise in any recruitment and selection process.

'A guide to ethical decision making' in Appendix A has more information to assist employees.

5.2.3. Accepting gifts and benefits

Council employees should never seek out or induce gift-giving from suppliers or other people doing business with council. Although gift-giving is quite common practice in private business, it is best avoided by public sector employees as, politely declining eliminates any suggestion of impropriety, conflict or undue influence.

Integrity and impartiality

Being honest, fair and respectful in every dealing, unprejudiced, unbiased and just.

Occasionally, it might be appropriate (e.g. to avoid offending the gift giver) to accept a small gift. In those circumstances, the following things should be considered:

- Employees should always consider why gifts or benefits are offered (whether as thanks or to influence a decision) and consider the impression that acceptance is likely to create. You must never seek or accept gifts or benefits where there is a possibility that in doing so, you could create a conflict of interest or be seen to be receiving a bribe.
- All gifts, regardless of value, are required to be recorded in the Gift Register held by the Governance team.
- Gifts to the value of \$100 or less are considered nominal and can be retained, but should generally be consumed for public or group benefit (e.g. donate to social club, or offer as raffle prize for community group) rather than for an individual.
- Whenever a gift is retained, 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 \$100, then each individual gift or benefit becomes reportable.
- Whether a gift is small or insignificant, it may still create a sense of obligation towards the provider. Employees must politely refuse gifts, prizes and benefits which would clearly bring you or Council's integrity into question.
- Cash must never be accepted in any circumstance.
- Gifts over \$100 are considered significant and therefore reportable and become the property of Council, however, the CEO may decide whether the employee may keep the gift.
- Prizes won by virtue of automatic entry as a conference delegate or other means are to be dealt with in the same manner as the gifts and benefits guidelines above.

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 Council, with written advice of the details of the gift, prize or benefit and circumstances of acceptance. If a significant prize or benefit is offered and not accepted, disclosure in writing, must be made to the CEO.

5.2.4. Employment outside Council

Before engaging in other employment, work or service provision (including voluntary services), employees are to seek the written approval of the CEO to ensure there is no conflict of interest. Refer also to Council's *Employment Outside of Council Procedure*.

Note: Typical activities such as coaching a sporting team or volunteering in a canteen would not require CEO approval. If unsure, speak with your Manager.

5.2.5. Public comments on Council business

Generally, 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. The CEO is the only employee authorised to make comment to the media. Other employees may make comment to the media but only if first approved by the CEO.

5.2.6. Social Media

A high standard of conduct and behaviour is expected of all employees when using online social media personal and public platforms. Council has delegated a number of officers who are responsible for all Council public social media platforms who are the only employees approved to post and respond to comments on behalf of Council.

As an employee you are not to identify yourself as representing Council on any public social media platforms, unless specifically approved to do so by the CEO when contributing to or addressing public social networking sites. Refer also to Council's *Social Media Policy*.

**5.2.7. Advice given to elected officials**

Communication between Councillors and employees must be in accordance with the *Councillor Acceptable Requests Guidelines Policy*. Council employees must give Councillors advice that is thorough, responsive, objective, independent, apolitical and impartial so that Councillors can make informed decisions and carry out their community responsibilities. If you believe there is conflict between a request from a Councillor and Council policies, directives, procedures or specific protocols, refer to the *Councillor Acceptable Requests Guidelines Policy* and discuss the matter with your manager.

5.2.8. External activities

You are not to take part in political affairs whilst on duty. Council's IT systems, including internet access and email, must not be used for political messages or circulating defamatory or disparaging remarks against individuals, groups or organisations, including Council.

If you comment publicly in connection with external activities, you must make a clear distinction between your opinion as a member of the external organisation, and your opinion as a Council employee.

You must not use your role in Council, Council information or information gained in the course of your official duties as a Council employee, to advance your position or standing within an external organisation, nor for the benefit or promotion of an external organisation. You must not provide Council information to members of other groups or related persons, except where this information is publicly available.

5.2.9. Human Rights

Council is committed to creating and maintaining a workplace that values and recognises people's human rights. The *Human Rights Act 2019 (Qld)* protects twenty-three fundamental 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. Refer also to Council's *Human Rights Policy*.

5.2.10. Non-discriminatory workplace

Council has a diverse workforce and encourages an inclusive and non-discriminatory work environment. Council is an equal opportunity employer and are proactive in ensuring that its practices do not discriminate based on an attribute, or based on a person's association with another person who maintains an attribute relating to:

a) race/ethnicity	b) sexual preference/lawful sexual activity
c) gender/gender identity	d) disability/impairment, including infectious disease, mental health condition
e) national origin	f) industrial/employment activity
g) marital status	h) physical features
i) age	j) family responsibilities
k) religious beliefs	l) political conviction
m) pregnancy	n) breast feeding

Council aims to create and maintain an inclusive workplace culture free from discrimination. As an employee of Council you have a shared responsibility to ensure that discrimination is not part of our workplace or our practices. If you witness discriminatory behaviour you have an obligation to report such actions to your supervisor or manager or People and Culture.

5.2.11. Behaviour towards each other

Council employees should treat each other with respect, honesty, courtesy, fairness, sensitivity and dignity.

Council values diversity and expects all its employees to accommodate and respect different opinions and perspectives, insight and knowledge and to manage interpersonal disagreements by rational debate. By valuing the differences that all employees bring to the workplace we can better meet the needs of each other as well as the community we serve.

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

As an employee you are required to use appropriate and courteous language in your communications to all and promote respect between individuals and avoid any discomfort. Effective teamwork is an essential part of a productive workplace culture. Each team member needs to work co-operatively with fellow employees and actively and willingly take part in team activities.

5.2.12. Behaviour of managers and supervisors

Managers and supervisors are expected to behave in an exemplary manner and set a good standard for employees to follow. Those who manage or supervise other staff have a responsibility to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them at work and when dealing with ratepayers and the public generally.

5.2.13. Behaviour towards children

Council employees who work with children and young people in particular in regulated areas of employment as defined under the *Working with Children (Risk Management and Screening) Act 2000* and for those who may be required to work directly with children or young people during the course of their employment with Council, must follow the standards of behaviour of respect, language, relationships and physical contact towards children and young people.

5.2.14. Bullying and workplace harassment, including sexual harassment

Council is committed to the prevention of any form of harassment including sexual, racial and religious, victimisation and bullying in the workplace, or at any place where work-related activities are performed, including at social functions. It is expected as an employee of Council you are proactive in building a healthy and safe workplace where you respect the rights of others.

This commitment applies to all employees in their dealings with each other both in and outside of the workplace, to applicants for employment at Council and to persons who have dealings with Council.

Some examples of behaviour which may constitute sexual, racial or religious harassment or workplace bullying include:

- acting towards, or speaking to a person in a manner which threatens or vilifies that person;
- deliberately excluding a particular individual from relevant work related activities or functions;
- making jokes, suggestive comments or offensive gestures related to a person's race, appearance, colour, ethnic origin, disability, gender, sexual characteristics, or personal appearance;
- distribution or display of sexually explicit, racist or sexist material (including through email) which may be offensive, including posters, pictures or videos, jokes or cartoons;
- persistent questions about a person's private life;
- personal comments about appearance, size, clothing;
- demands for sexual favours, either directly or by implication;
- unwanted and deliberate physical contact;
- indecent assault, rape and other criminal offences;
- abusive, insulting or offensive language or comments;
- withholding information vital for effective work performance;
- setting unreasonable timelines or constantly changing deadlines; or
- negative gossip and/or spreading misinformation or malicious rumours.



If you witness bullying or sexual harassment, you have an obligation to report it to your supervisor. If the behaviour involves your supervisor, you can report it to your manager or another person (e.g. Manager or People and Culture) if you do not feel comfortable reporting it to this person.

5.2.15. Recording conversations and activities

As an employee of Council you are discouraged from audio or video recording any conversations or activities without the consent of all of the parties being recorded. The covert recording of private conversations between colleagues can negatively impact the mutual trust inherent to the employment relationship between the principal parties.

5.3. Second Principle – Promoting the public good

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, employees should:

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

Promoting the public good

Contributing to the outcomes that benefit the people of the community.

Operationally, for you this requires the following standards of behaviour:

5.3.1. Customer service

As a Council employee it is expected that you will provide excellent customer service. You must treat members of the public equitably and with honesty, fairness, sensitivity and dignity.

All Council employees serve the community directly or indirectly. If your role in Council involves regular contact with the public, it is important to know how to deal comfortably and calmly in all situations.

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 this inappropriate manner and does not expect employees to resort to such actions themselves. Council encourages employees to withdraw from the situation and seek assistance or advice from their supervisor or manager.

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

5.3.2. Fairness to suppliers

Council's contracting activities are regulated pursuant to section 104 of the *Local Government Act 2009* or chapter 6 of the *Local Government Regulation 2012*. Council has established procedures and delegations of authority for various stages of procurement of goods and services which reflect sound contracting principles. You must ensure you comply with these principles and follow all Council procedures when seeking suppliers for goods or services.

If you have been approved to be involved in offering contracts or buying goods and services from outside Council, you must be sure you have taken reasonable, fair and consistent steps to allow all potential suppliers to bid for work.

In dealing with suppliers, you must ensure that you do not incur any liability or enter into any contract on behalf of Council, or alter the terms or conditions of any contract which Council has already entered, unless you are authorised to do so.

5.3.3. Public money

You must maintain high standards of accountability if you collect and use public money. If you have any reason to incur an expense on behalf of Council, you are to ensure the expense is for legitimate activities of Council, you have the appropriate sub-delegations or seek approval prior to incurring any expenses.

You are not to borrow or use Council money for private purposes.

Officers using Council monies for entertainment and/or hospitality expenditure on Council's behalf must do so strictly in accordance with Council's *Entertainment and Hospitality Policy*.

Promoting the public good

Contributing to the outcomes that benefit the people of the community.

5.3.4. Intellectual property

Any original work, invention or product you have produced or contributed to in association with your role remains the property of Council.

Similarly, you must not publish or disclose any matters relating to Council's intellectual property without appropriate authority. This does not stop you from sharing with other organisations information relating to your official duties. However, if you do, and if you are unaware of whether such action may breach this Code, you must first seek clarification from your supervisor or manager.

5.3.5. Concern for the environment

We all share the responsibility to protect our natural environment, creating healthy surroundings for our community, and for managing the impacts of air, water, land and noise pollution. This includes individual responsibility for our own actions (e.g. taking care in disposing of waste and using and storing chemicals, reducing energy consumption and waste in our work spaces where we can and applying high standards of environmental protection across the region).

In performing your duties at Council, you must ensure that you comply with your general environmental duty (GED) and where applicable, your duty to notify of environmental harm under the *Environmental Protection Act 1994*.

5.3.6. Council's image

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

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

Examples of unacceptable clothing and presentation include, but not limited to;

- clothing printed with offensive manner;
- clothing made of see-through fabric;
- clothing that is revealing;
- bare feet, thongs or stilettos;
- jewellery that could get caught in equipment; and
- clothing that is torn or tattered.

Should employees find themselves in a public area and still in uniform when off duty, they must be aware at all times that they may be perceived as representing council and must act accordingly. Refer also to Council's *Corporate Attire Procedure*.

5.4. Third Principle – Commitment to the system of government

In recognition that the public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and Local Government, employees should:

- accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and Local Government;
- are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

Commitment to the system of government

Respecting the systems of government and upholding the law.

Operationally, for you this requires the following standards of behaviour:

5.4.1. Acting within the law

Employees are expected to comply with applicable legislation, awards, certified agreements, Council policies, directives, procedures, specific protocols, local laws, delegations and work health and safety standards.

You have the right and responsibility to respectfully question how you do your work, particularly if you think there is an imminent risk to the safety of yourself or others, or there is a better way of doing something, or if you think that a direction may be in breach of the law.

If you are charged with committing any criminal offence or have lost a licence or qualification required to perform your role, you must immediately report the circumstances to your supervisor or manager.

5.4.2. Fraud and corruption

Fraud and corruption pose a serious risk to Council. The potential damage extends well beyond any financial losses but threatens both Council's integrity and that of the individual. It is the responsibility of all employees to prevent fraud.

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

Staff members are encouraged to contribute to the development of improved systems and procedures that will enhance Council's resistance to fraud and corruption. Refer also to Council's *Fraud and Corruption Prevention Policy and Procedure*.

5.4.3. Delegations

If you are requested to undertake an action on behalf of the CEO that requires you to exercise legislative or administrative powers, you must ensure that the appropriate delegations are in place for your position, pursuant to State or Federal legislation and Council's administrative delegations.

5.4.4. Raising concerns

All employees have the right to comment on or raise concerns about Council policies, directives, procedures or specific protocols where they impact on your employment. However, you must do this in a reasonable and constructive way and take responsibility for your comments and views. You must comply with all reasonable and lawful instructions given.

When raising concerns or grievances, employees are expected to act with honesty and in good faith. Complaints found to be vexatious or frivolous will not be progressed. Council's disciplinary process may be applied if an employee knowingly raises vexatious or frivolous complaints.

**Commitment to the
system of government**

Respecting the systems
of government and
upholding the law.

5.4.5. Privacy

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

As a general rule you can maintain privacy by:

- not discussing work matters with persons not entitled to know such information; and
- taking responsibility to safeguard confidential files and information; and
- ensuring collected information is only used in a manner consistent with the purpose for which it was originally collected; and
- ensuring that you are complying with Council policy in relation to maintaining privacy of personal information.

It may be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). However, in sharing your experiences, you must ensure that where personal information is involved, you do not breach Council's privacy obligations. You may breach this obligation even if comments are made or personal information other than your own is shared in your personal life, including social media. It is essential that you understand that such contents posted on social media platforms constitute a breach of this Code and/or other Council policies, directives, procedures or specific protocols.

In addition to the *Information Privacy Act 2009*, Chapter 6, Part 5, Division 3, Section 200 of the *Local Government Act 2009* makes it an offence for a person who is, or has been, a Council employee to release information that the person knows, or should reasonably know, is information that is confidential to Council.

Personal and other information may be sought from Council by an employee or members of the public pursuant to the *Right to Information Act 2009*. If such a request is made of you, you must ensure that you refer such requests to the Governance unit to be properly considered.

5.4.6. Public Interest Disclosure constraints

Information can be released under a Public Interest Disclosure to a proper authority, where you honestly believe on reasonable grounds that you possess information about another Council Officer's conduct that relates to:

- corrupt conduct;
- maladministration that adversely affects a persons interests in a substantial and specific way;
- a substantial misuse of public resources, other than an alleged misuse based on mere disagreement over policy that may properly be adopted about amounts, purposes or priorities of expenditure;
- a substantial and specific danger to public health or safety; or
- a substantial and specific danger to the environment.

5.5. Fourth Principle – Accountability and transparency

In recognition that public trust in public office requires a high standard of public administration, employees should:

- be committed to exercising proper diligence, care and attention;
- be committed to using public resources in an effective and accountable way;
- be committed to managing information as openly and as practicable within the legal framework;
- value and seek to achieve high standards of public administration;
- value and seek to innovate and continuously improve performance; and
- value and seek to operate within a framework of mutual obligation and shared responsibility between public services agencies, public sector entities and public officials.

Accountability and transparency

Taking responsible actions and decisions that can be explained and understood.

Operationally, for you this requires the following standards of behaviour:

5.5.1. Using Council assets

Council's assets include property, plant, equipment, information systems, computing resources, goods, products and/or valuables (including but not limited to store and office supplies, surplus material, waste material and off-cuts).

If you are in charge of assets you must take good care of them while they are in your possession or use, and ensure they are used economically and efficiently. It is an offence to misuse or allow anyone else to misuse Council assets. You must make sure assets are secured against theft and properly stored, maintained and repaired.

Council allows limited personal use of Council's computer systems including personal email and the internet in accordance with Council's Information Systems policies, directives, procedures and specific protocols.

Limited personal use means:

- use that is infrequent and brief, and is normally performed during non-work hours and does not breach the Code of Conduct or any law;
- does not interfere with normal business activity of Council;
- not utilised for pursuing any external private business, personal gain or profit; or
- does not create excessive storage demand, thus diminishing network performance.

You must ensure that you use any Council asset for official Council business use only, unless written approval has been granted by your manager.

If you use a Council vehicle, you must not use it for private or non-official purposes, unless in circumstances specifically allowed by Council. Refer also to Council's *Commuter Use of Vehicle Directive*.

Upon your employment terminating with Council, you must return all Council property and work-related documents immediately.

5.5.2. Diligence, care and attention

Council aims to conduct its business with integrity, honesty and fairness and to achieve the highest standards in service delivery. You contribute to this by carrying out your duties honestly, responsibly,

in a conscientious manner and to the best of your ability. This includes:

- behaving and acting in accordance with this Code;
- maintaining punctuality and not being absent from your work station/location during work time without reason;
- giving priority to official duties over personal activities during work time;
- ensuring you do not undertake personal work during work time;
- monitoring your behaviour and if you become aware that your actions are negatively impacting upon others, you must take necessary steps to modify such behaviour;
- diligently applying yourself to the business of Council, to ensure your work is carried out efficiently, economically and effectively;
- helping Council achieve its mission and goals by acting to improve systems and practices;
- conducting yourself in a way so others gain confidence and trust in the way Council does business;
- productively and positively contributing to the culture of Council;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or policy.
- the use of mobile phones and communication devices is to be limited during work hours and must not interfere with an employee's productivity or be distracting for others. General, non-urgent usage is not permitted.

Accountability and transparency

Taking responsible actions and decisions that can be explained and understood.

If you are responsible for managing or supervising others, you must also ensure that:

- you model the values and principles outlined in this Code and ensure that employees within your area of responsibility understand and comply with the Code;
- employees understand and are compliant with this Code;
- you do not come under a financial obligation to any employee you supervise or manage;
- you treat staff fairly, equitably and consistently;
- your work and the work of those you supervise contribute to the achievement of Council's goals;
- employee performance is monitored and individuals are given constructive and regular feedback on their performance in line with procedures;
- where practicable, employees are given training opportunities to assist them in developing their careers;
- employees are provided with information that is vital for effective work performance;
- the opinions of employees are respected and considered;
- workloads are fairly distributed;
- resourcing for a work team is neither excessive nor inadequate for the job;
- employees who collect, handle or disburse public money are properly supervised;
- employee work times, overtime, allowances and absences are correctly recorded on time sheets and pay summary reports; and
- appropriate action is taken if breaches of this Code occur.

5.5.3. Attendance at and absence from duty

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

Absence without approval and without reasonable excuse can create concerns for your safety and lead

to unproductive time for others. Failure to promptly notify Council may result in the non-payment of salary/wages for the period of absence and/or may result in Council taking disciplinary action. You must make every reasonable effort to contact your direct supervisor. Refer also the Council's *Employee Leave Procedure*.

**Accountability
and transparency**

Taking responsible
actions and decisions
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and understood.

5.5.4. Self-development

Employees have a continuing responsibility to maintain and enhance their skills and expertise and keep up to date the knowledge associated with your area of work. Council will assist you by providing access to relevant training and development opportunities.

5.5.5. Workplace health and safety

Council is committed to a safety first culture and providing a work environment that prioritises the health, safety and wellbeing of our employees first.

Employees must take reasonable steps to ensure their own safety, health and welfare in the workplace, along with a duty of care to other employees and members of the public. As an employee of Council, you are required to follow safe work practices as prescribed under WHS legislation and Council policy documents.

Employees have a duty to:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- report any incidents or hazards immediately and support investigations;
- take corrective action to 'make safe' the workplace, relevant workplace area or work activities and implement improvements; and
- participate in rehabilitation and return to work programs if required.
- follow any reasonable health and safety instructions from your supervisor or manager. Refer also to Council's *Workplace Health and Safety Policy*.

5.5.6. Drugs and alcohol

Employees must keep the workplace drug and alcohol free. The use of drugs or alcohol can adversely affect productivity, attendance and on-the-job safety. As such you must not:

- use, possess or be impaired by the effects of illegal drugs whilst on duty;
- come to work impaired by the effects of alcohol or drugs; or
- consume alcohol while on duty or in the workplace (unless specifically authorised). Refer also to Council's *Drug and Alcohol Policy*.

5.5.7. Smoking

Council is a smoke free workplace and has designated smoking areas at Council's major work sites. The designated smoking areas are identified with signage and have been determined based on legislative requirements and include (but are not limited to):

- no smoking anywhere within Council's buildings;
- no smoking in Council vehicles;
- no smoking within 5m of all building entrances; or
- no smoking where indicated by signage.

Refer also to Council's *Smoke-Free Workplace Directive*

5.5.8. Gambling

Gambling or betting is not permitted whilst on duty. Employees must not utilise Council time or resources to participate in betting or gambling, except for authorised sweeps and tipping competitions.

Accountability and transparency

Taking responsible actions and decisions that can be explained and understood.

6. Breaches of the Code

Council requires all employees to comply with the basic conduct standards in this Code. Council acknowledges that the majority of employees are committed to a high standard in relation to this Code and Council's values.

Conduct or behaviour in breach of the Code will be taken seriously by Council.

A breach of the Code of Conduct damages business effectiveness, public perception of Council and interpersonal work relationships.

Consequences for breaching the Code will vary depending on the extent of the breach and every breach will be assessed on a case-by-case basis. In the most serious circumstances, breaches could result in dismissal and where required, notification to the Crime and Corruption Commission and/or the Police for investigation. Less serious breaches may be dealt with by disciplinary processes and relevant warnings.

7. If you have a concern

All employees are required to report a suspected breach of the Code. If you have a concern or suspect a breach of the Code involving a Council employee, the *Public Interest Disclosure Act 2010* gives you the right and the protection to report serious wrongdoings.

Should you wish to make such a disclosure, please contact your manager, People and Culture or Governance or alternatively directly contact external State agencies (e.g. Police, Crime and Corruption Commission, Anti-Discrimination Commission, etc.).

8. Publication

In accordance with the requirements of section 20 of the *Public Sector Ethics Act 1994*, the Chief Executive Officer will keep a printed copy of the Code available for inspection in the Executive Office and Council will publish the Code on its website for all employees to access.

9. Training

Education and training about public sector ethics will be offered at induction and as frequently as the CEO determines.

10. Authority

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

- Internal stakeholders;
- Joint Consultative Committee;
- Chief Executive Officer.

This Code was approved by the Chief Executive Officer on in accordance with section 17 of the *Public Sector Ethics Act 1994*.

TERRY DODDS PSM
CHIEF EXECUTIVE OFFICER

APPENDIX A - A guide to ethical decision-making

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 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 viewpoint.

- 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?
- Will your decision or action stand up to public scrutiny?

Step 4: consider the options.

- Ask a supervisor/manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's policies, directives, procedures and specific protocols and procedures, the five local government principles, the four ethics principles fundamental to good public administration and your obligations?
- What are the costs and long-term consequences of each option?
- How would the public view each option?
- What will be the outcome for Council, your colleagues, others and you?

Step 5: choose your course of action.

Make sure your actions are:

- Within your power to take, legal and in line with policy and this Code;
- Fair and able to be justified to your manager and the public;
- Documented so a statement of reasons can be supplied;
- Consistent with Council's mission, goals and values; and
- Backed by advice from Council specialists, if this is appropriate.

References (legislation/related documents)

Primary

Public Sector Ethics Act 1994

Legislative references

Anti-Discrimination Act 1991

Working with Children (Risk Management and Screening) Act 2000

Copyright Act 1968

Council's Certified Agreements

Crime and Corruption Act 2001

Environmental Protection Act 1994

Human Rights Act 2019

Industrial Relations Act 2016

Information Privacy Act 2009

Local Government Act 2009

Local Government Regulation 2012

Public Interest Disclosure Act 2010

Relevant Awards

Right to Information Act 2009

Work Health and Safety Act 2011

Related documents

All Council policies, directives, procedures and specific protocols.

Definitions

To assist in interpretation, the following definitions shall apply:

CEO	Chief Executive Officer Means a person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> .
Contractor/ Consultant	A person or organisation who performs a specific act or acts including the provision of services and/or materials to another person or organisation under an agreement enforceable by law. Includes employees of a contractor or consultant, and subcontractors.
Council	Livingstone Shire Council.
Employee	Means local government employee— (a) the chief executive officer; or (b) a person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
Volunteer	Any person, who of their own free will, offers to undertake un-paid work for Council and is accepted as a Volunteer by the Chief Executive Officer and/or their authorised delegates.

Repeals/Amendments

This Code of Conduct repeals the Livingstone Shire Council Code of Conduct (v2.0).

Version	Date	Action
1	12/10/2017	Approved

1.1	27/08/2018	Administrative Amendments – reflect organisational restructure
2.0	02/12/2022	Approved – Code reviewed and amended
3.0	07/03/2025	Approved – Document reviewed – CEO name updated