



## **COUNCIL POLICY**

<b>POLICY TITLE:</b>	<b>CODE OF CONDUCT FOR EMPLOYEES</b>
<b>POLICY NUMBER:</b>	<b>052</b>
<b>INFOXPRT REF:</b>	<b>76312</b>
<b>DATE OF ADOPTION:</b>	<b>21 October 2014</b>
<b>TIME PERIOD OF REVIEW:</b>	<b>2 Year</b>
<b>DATE OF NEXT REVIEW:</b>	<b>25 October 2020</b>

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### **OBJECTIVES:**

*The objects of this Code are to assist Staff to:  
Comply with their statutory duty to act with integrity in the position held by the employee and in a way that shows a proper concern for the public interest;  
Provide a basic guide for identifying and resolving situations that could result in a:*

*conflicts of interest;*

*impropriety;*

*improper use of the employee's position; or*

*improper use of Council resources.*

*Outline the disciplinary measures for a breach of the Code of Conduct;*

*Enhance Council's reputation and instill public confidence in Council's*

*Administration and the system of Local Government.*

### **TO WHOM THIS CODE APPLIES:**

This Code of Conduct applies to all employees of the Richmond Shire Council, including contractors and volunteer employees .

### **RELEVANT LEGISLATION:**

*Local Government Act 2009*

*Public Sector Ethics Act*

*1994 Crime & Corruption Act*

*2001*

*Public Interest Disclosure Act 2010 (PIO Act)*

*The four ethical principles for public sector officials are:*

Integrity and impartiality

Promoting the public good

Commitment to the system of government

Accountability and transparency

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## **PREAMBLE**

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Our community expects our staff to provide:

fair, accurate and unbiased advice;

to act promptly and effectively; and

to manage Council's assets efficiently, economically and with honesty.

It is important that all council staff maintain their professional integrity and are ethical in their dealings with each other, clients and members of the public. What does this mean?

Ethics are not only what is legal but what is right. It's about being fair dinkum and doing the right thing by everyone – the council, your boss, your fellow workers, the public, the ratepayers, yourself and your family.

This Code of Conduct is here to guide you in what is expect of you as a Council employee. Remember that when you work for Council – you are in the public spot light – especially working in a small town like Richmond. We are easily recognised by our machinery, uniform and because we are often working out in the community . It is therefore vitally important that when you are representing Council you do your work properly and to the best of your ability at all times .

To achieve the best result we all need to work together, both Councillors and Staff and to get the best out of the resources that we have available to us. Our resources are our people, our machinery , our materials, our knowledge and our time. The resources are there for the benefit of the community and not for us as individuals.

Council values honesty, loyalty and asks you as an employee to reduce waste and give a fair days work for a fair days pay. In return Council will listen to your concerns, suggestions and ideas to constantly strive for improved work practices.

Council asks you to work as one to achieve our vision to achieve a high quality of lifestyle for our residents and visitors.

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## CODE OF ETHICS

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*The Public Sector Ethics Act sets out four ethical principles for all council employees to consider when at work. Remember you are a public official representing the Shire of Richmond and what you do, say and how you act while at work can affect Council's reputation. Each of the ethical principles and what they mean are described below:*

### **Promoting the public good**

Accept and value duty to be responsive to both the requirements of government and to the public interest

Accept and value the duty to be responsive to engage the community in developing and effecting official public sector priorities

Accept and value duty to manage public resources effectively, efficiently and economically

Value and seek to achieve excellence in service delivery

Value and seek to achieve enhanced integration of services to better service clients

### **Integrity and Impartiality**

Commit to the highest ethical standards

Provide advice that is objective, independent, apolitical and impartial Show respect to all persons

(employees, clients and 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

Commit to honest, fair and respectful engagement with the community

### **Accountability and Transparency**

Commit to exercising proper diligence, care and attention

Commit to using public resources in an effective and accountable way

Commit to manage information as openly 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

Value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

### **Commitment to the System of Government**

Accept and value duty to uphold the system of government and the laws of the State, Commonwealth and local government

Commitment to effecting official public sector priorities, policies and decisions professionally and impartially

Accept and value duty to operate within the framework of Ministerial responsibility to government, the Parliament and community.

These are the values of Council and how we should act as Council employees :

Don't break the law  
Obey lawful  
instructions  
Respect Council  
decisions Enforce all  
laws

Respect for the dignity , rights and views of  
others Do not discriminate or harass others  
Be courteous to others

Look out for the health and safety of each other.  
Be Honest

Put the interests of the public first  
Avoid and disclose any conflicts of  
interest

Protect confidential information  
Do not talk to the media (unless authorized)  
Do your work properly and to the best of your  
ability Strive for excellence

Keep good records  
Do not turn up for work affected by alcohol or  
drugs Do not waste or misuse council resources  
Do not surf the internet or enter online chat  
rooms Use plant and equipment responsibly  
Give an honest day's work for an honest day's pay.

## **MODEL FOR ETHICAL DECISION MAKING**

Ask yourself these six questions :

1. Is the action legal and consistent with government policy?
2. Is it in line with my agency's goals and code of conduct?
3. Is it the 'right' thing to do?
4. What will the outcome be for:
  - my agency
  - my colleagues
  - others
  - me?
5. Can I justify my decision or action?
6. How would I feel if my actions ended up on the front page of the news?

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## CODE OF CONDUCT

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*The Code of Conduct specifies the expectations that Council has of its employees, expanding on the code of ethics and provides examples to guide staff in their decision making. The Code of Conduct refers to other Council policies and relevant legislation where applicable. The Code of Conduct also provides for breaches of the code and disciplinary action.*

### **Promoting the public good**

Accept and value duty to be responsive to both the requirements of government and to the public interest

Accept and value the duty to be responsive to engage the community in developing and effecting official public sector priorities

Accept and value duty to manage public resources effectively, efficiently and economically

Value and seek to achieve excellence in service delivery

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### **Commitment to the System of Government**

Accept and value duty to uphold the system of government and the laws of the State, Commonwealth and local government

Commitment to effecting official public sector priorities, policies and decisions professionally and impartially

Accept and value duty to operate within the framework of Ministerial responsibility to government, the Parliament and community.

All staff should:

make themselves aware (as far as possible) of the basic provisions of the *Local Government Act 2009* and Council Local Laws, Policies, delegations and protocols.

observe the correct lines of communication and responsibility.

be apolitical and impartial when preparing reports and giving advice to Council and in making decisions and be prepared to accept the responsibility that goes with making those decisions.

avoid public criticism of Elected Members and other Staff.

not undertake to do anything or make promises to ratepayers, electors, staff and anyone else which cannot be kept.

carry out all lawful directions given by any authorised person.

give effect to the lawful decisions, policies, delegations and practises of the Council, whether or not the member of staff agrees with or approves of them.

### **Integrity and Impartiality**

Commit to the highest ethical standards

Provide advice that is objective, independent, apolitical and impartial

Show respect to all persons

(employees, clients and 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

Commit to honest, fair and respectful engagement with the community

All staff should:

be impartial in reaching decisions and be prepared to accept the responsibility that goes with decision making.

consider and treat with respect the views and opinions of the public, Elected Members and other Staff.

observe the workplace health and safety requirements of the Council.

avoid discriminatory practices and treat all fairly including applying Council's equal employment opportunity policy.

not partake in the harassment of co-workers or members of the public.

recognise that honesty is the best policy

avoid gossip and council bashing

observe the correct lines of communication and responsibility

act in the public interest at all times

comply with *Chapter 2 Part 1 Section 13 (2) of the Local Government Act 2009*

All employees have the following responsibilities-

(a) implementing the policies and priorities of the local government in a way that promotes-

(i) the effective, efficient and economical management of public resources;

(ii) excellence in service delivery; and

(iii) continual improvement ;

(b) carrying out their duties in a way that ensures the local government-

(i) discharges its responsibilities under this Act; and

(ii) complies with all laws that apply to local governments ; and

(iii) achieves its corporate and community plans;

(c) providing sound and impartial advice to the local government ;

(d) carrying out their duties impartially and with integrity;

- (e) ensuring the employee's personal conduct does not reflect adversely on the reputation of the local government ;
- (f) improving all aspects of the employee's work performance ;
- (g) observing all laws relating to their employment ;
- (h) observing the ethics principles under the *Public Sector Ethics Act 1994*, section 4;
- (i) complying with a code of conduct under the *Public Sector Ethics Act 1994*.

### **Conflicts of Interest**

*A Conflict of interest may be defined as a situation in which an employee has a private or personal interest that may influence their official duties.*

For example, you are a relative to the ratepayer, they are a close friend of yours or you may strongly dislike the person.

In these types of situation you should stop, confer with your supervisor and it may be that you cannot make any decision or have any part in situation .

### **Official Compliance with Conflict of Interest**

A register of interest must be completed by

- (a) councillors;
- (b) chief executive officers;
- (c) senior contract employees;
- (d) a person who is related to a councillor, chief executive officer or senior contract employee

All staff must declare a conflict of interest to their supervisor and if considered appropriate to the Chief Executive Officer. If the conflict of interest would mean money in your pocket or that of a close relative you might have a material personal interest.

Material personal interests (financial or non-financial) that could conflict with employees duties must be disclosed to the Chief Executive Officer in writing.

If you are in a Council meeting and you think you have a conflict of interest you should notify the Mayor (Chair of the Meeting) prior to debate on the issue.

Example 1, your brother who lives in the same house as you, submits a quote to Council for the supply of materials. In this case you have a material personal interest because you share the same household. You must notify the Chief Executive Officer in writing and must not make a decision about the quotes.

Example 2, your brother lives in the next town and submits a quote to Council for the supply of materials. In this case you have a conflict of interest and should notify your supervisor and/or Chief Executive Officer. You must not make a decision about the quotes .



Example 3, a distant cousin with from Brisbane submits a quote to Council for the supply of services. In this case you still have a conflict of interest and should still notify your supervisor . However after considering the information the Chief Executive Officer may allow you to continue to make a decision about the quotes .

Example 4, a person you went to school with and haven't seen for many years , and who you strongly dislike has submitted a quote for the supply of services. In this case you still have a conflict of interest and should notify your supervisor . However after considering all the information the Chief Executive Officer may allow you to continue to make a decision about the quotes .

### **Bribes, Gifts and Benefits**

All Staff should:

not seek or accept a bribe, or other improper inducement;

not use their official position to gain advantage or to improperly influence fellow Staff in the performance of either their public or professional duties for the purpose of private gain or personal benefit;

not accept gifts or services , other than minor incidental items in the course of their duties;

Gifts that are not a minor, incidental item are to be surrendered to the Chief Executive Officer. These gifts shall then be placed in a pool, which will be distributed at an annual staff event, such as the Christmas Party;

not by virtue of their official positions accept or acquire a personal profit or advantage of a personal material value (except of a token nature) other than permitted by this code or any statute now, or in the future.

### **Use of Information**

All staff should:

not advance a private interest by the use of confidential information gained in the course of public or professional duty;

conduct their duties in a manner that allows Staff and the public to remain informed about Local Government activity and practices;

treat in a confidential manner all material of a sensitive or confidential nature (written or verbal) which they may become privy to in the conduct of their duties; and

treat in a confidential manner all information, reports and discussions held in closed meetings.

### **Accountability and Transparency**

Commit to exercising proper diligence, care and attention  
Commit to using public resources in an effective and accountable way  
Commit to manage information as openly 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  
Value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials .

All staff should:

Work to the best of their ability and seek further advice or training if they feel they are not competent to perform their duties;

Handle with care all incoming and outgoing mail that Council receives and register according to Council's Document Management Policy;

Not turn up for work under the influence of illegal substances or alcohol and may be summarily dismissed if proven;

Always strive to improve Council's practices and procedures by providing ideas and suggestions to management and/or council;

avoid waste , or extravagance in the use of public resources;

not use public resources for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and/or proper payment is made where appropriate;

not use or convert to their own use any property of the Council;

be honest in the use of all Council resources in accordance with any Council Policy, Award or other recognised work practice.

Comply with Council policies such as internet and communications policy

### **Legitimate Expectations of a Councillor or Member of Staff**

Staff who faithfully and honestly observes the requirements of this Code of Conduct is entitled to expect the support of Council against unfair or mischievous allegations of dishonesty or partial performance of their public or professional duties.

### **Reporting of Corrupt Conduct**

A Member of Council or Staff who knows or has good reason to suspect any fraud, corrupt, criminal or unethical conduct must report it immediately to the Chief Executive Officer. The Chief Executive Officer has a statutory duty to report suspected official misconduct to the Crime & Misconduct Commission .

### **Breaches of this Code**

Sanctions may be invoked by Council if this Code or any relevant law is breached. Breaches of the Code by Staff will be required to be dealt with in accordance with relevant Local Government or civil legislation.

Sanctions may result in disciplinary action including forfeit of Council's performance bonus.

### **Improper Conduct**

Richmond Shire Council employees are deemed to be guilty of improper conduct if they breach or fail to comply with the ethics obligations described in this Code of Conduct and, if found guilty of improper conduct, may be subject to disciplinary action.

### **Disciplinary Action**

The sanction to be applied for improper conduct will depend on the severity of the breach or non-compliance. The most serious breaches or instances of non-compliance, defined as "gross misconduct", may result in summary dismissal. Less serious breaches or instances of non-compliance, defined as "unacceptable conduct", are subject to a range of sanctions including demotion, deduction from salary or wages and written reprimand although continued or multiple instances of "unacceptable conduct" may be construed as "gross misconduct". Where an employee is on probation a single instance of "unacceptable conduct" may be construed as "gross misconduct".

NB. Disciplinary action implemented by Richmond Shire Council is independent of any criminal charge or civil liability that may arise from an instance of improper conduct by an employee.

### **Gross Misconduct**

The instances of improper conduct described below are considered by Richmond Shire Council to constitute "gross misconduct" and may result in summary dismissal:-

theft of Shire property;  
theft committed whilst on duty or dressed in clothing bearing the Richmond Shire Council emblem;  
serious misappropriation of Council labour, plant or equipment;  
serious incidents involving the improper use of information gained as an employee;  
serious incidents involving the release of confidential Council information;  
accepting bribes;  
wilful damage to private property or Council property, plant equipment or records;  
assault committed whilst on duty or at a Council function;  
assault of fellow employees, supervisors, senior management or Councillors regardless of the time or place;  
abusive language aimed at the general public, supervisors, senior management or Councillors whilst on duty;  
under the influence of alcohol or drugs whilst on duty where the health and safety of other employees or the general public is endangered;  
wilfully endangering the health and safety of other employees or the general public;  
committing any criminal offence whilst on duty.  
Failing to notify Council of loss of license and operating Council vehicles or machinery whilst under suspension. (Amended 7 September 2010)

## Unacceptable Conduct

The instances of improper conduct described below are considered by Richmond Shire Council to constitute "unacceptable conduct" and may result in disciplinary action:-

sexual harassment;  
discrimination or unfair or unfavourable conduct against other employees or the general public within the meaning of anti-discrimination legislation (ie. on the basis of gender, race, religion, age, disability, etc.)  
unannounced absence from work or absent without approved leave;  
drinking alcoholic beverages whilst on duty except when attending official functions where alcohol is served;  
drunk whilst on duty or when reporting for duty;  
taking or being under the influence of prohibited drugs or substances whilst on duty;  
disregarding legal directions issued by supervisors or senior staff;  
endangering the health and safety of other employees or the general public through unsafe work practices;  
damage to private property or Council property, plant, equipment or records due to careless work practices;  
unauthorised use of Council property, plant or equipment;  
entry into certain areas including the store without authorisation by the officer-in-charge or Chief Executive Officer;  
improper use of information gained as an employee;  
release of confidential Council information;  
any activity that will bring Council or the office of an employee into disrepute;  
breaches or non-compliance with this Code of Conduct not specifically mentioned above.

Amended by Council at its monthly Management Meeting held on 7 September 2010.

Amended 22 November 2011

Reviewed by Council 18 November 2014


Reviewed by Council 25 October 2016

Reviewed by Council 16 October 2018



Peter Bennett

Chief Executive Officer



John Wharton

Mayor

16 October 2018