

Employee Code of Conduct

Responsible Manager	Head of People and Wellbeing
Head of power	<i>Local Government Act 2009 (Qld)</i> <i>Local Government Regulation 2012 (Qld)</i> <i>Public Service Act 2008 (Qld)</i> <i>Industrial Relations Act 1999 (Qld)</i> <i>Anti-Discrimination Act 1991 (Qld)</i> <i>Sex Discrimination Act 1984 (Qld)</i> <i>Racial Discrimination Act 1975 (Cth)</i> <i>Disability Discrimination Act 1992 (Cth)</i> <i>Human Rights and Equal Opportunity Act 1986 (Cth)</i> <i>Public Sector Ethics Act 1994 (Qld)</i> <i>Crime and Corruption Act 2001 (Qld)</i>
Authorised by	Council
Authorised on	30 June 2021
Implemented from	July 2021
Last reviewed	June 2018
Review history	2013, 2014, 2016, 2018, 2021
To be reviewed on	June 2023
Corporate Plan	People, Sustainability and Prosperity

1. Purpose

The purpose of this Code of Conduct (Code) is to provide a set of standards and behaviours related to the way we do our work. It puts a responsibility on each of us to use sound judgement.

It aims to deliver best practice by ensuring those standards are clear and guided by sound ethic. By consistently applying these standards, we enhance public trust and confidence in Council through the actions of each of us. Nothing in the Code interferes with your rights as a private citizen or a community member.

The Code does not cover every situation. However, the values, ethics, standards and behaviours it outlines are a reference point to help make decisions in situations not covered by the Code. 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/supervisor and by Council.

2. Application

All Torres Strait Island Regional Council workers, regardless of their employment status, role or position must be familiar with and follow the spirit and content of the Code of Conduct.

Torres Strait Island Regional Council workers are:

- Employees of Council who are permanent, temporary or casual employees. This includes executives, managers, supervisors, team leaders, apprentices and trainees, team members and individuals, regardless of whether they work full-time or part-time or on a flexible employment arrangement.
- Contractors, consultants, and labour hire workers who perform work for Council under a contract for services (commercial contract), even though they are not employees of Council.
- Employees of other organisations or agencies who are working in Council on a secondment arrangement.
- Students doing unpaid work experience or unpaid placements.
- Volunteers.

3. Legislation/Policies

This policy is established with reference to obligations specified in the *Local Government Act 2009* (Qld), *Industrial Relations Act 1999* (Qld), *Anti-Discrimination Act 1991* (Qld), *Sex Discrimination Act 1984* (Qld), *Racial Discrimination Act 1975* (Cth), *Disability Discrimination Act 1992* (Cth), *Human Rights and Equal Opportunity Act 1986* (Cth), *Public Sector Ethics Act 1994* (Qld), *Crime and Corruption Act 2001* (Qld).

4. Provisions

It is the policy of Torres Strait Island Regional Council to operate in a manner that provides and preserves a harmonious place for all our workers within the bounds of the applicable industrial relations instruments including agreements and awards, and where all levels of management are focused on ensuring that all work is carried out with minimal disruption and with maintained industrial harmony.

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

Everyone working for Torres Strait Island Regional Council must follow the highest standards of ethical behaviour when dealing with customers and each other. Our leaders must encourage a culture where ethical conduct is recognised, valued and followed at all levels.

Council actively supports, encourages, develops and expects its employees to:

- **Deliver value** by operating safely, ethically and responsibly. We drive productivity and efficiency to ensure we are a financially sustainable organisation.
- **Act as 'One Council'** by working together to provide seamless service to our residents and business customers. We respect Council's decision-making processes and corporate priorities at a local level for the greater good of the organisation.
- **Continuously improve** how we deliver services by listening to and understanding the needs of our customers. We operate in a self-service environment and use quality data from agreed 'sources of truth' to inform decisions and achieve best value.
- **Be capable and effective** by being adaptable and cost-effective in delivering our products and services. Our leaders are accountable to communicate business priorities and performance expectations to their teams and offer regular feedback and recognition.

Public sector ethics and corporate values

The *Public Sector Ethics Act 1994* (Qld) identifies four fundamental ethical principles that guide our behaviour as public officials. The four ethical principles are:

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

Our Values

The values we share as employees of Torres Strait Island Regional Council are:

Value & Value Statement	Desired Behaviours
 <p>RESPECT We have respect for each other and the communities we serve</p>	<ul style="list-style-type: none"> We respect and recognise Allan Kastom. We are open and collaborative, valuing clear community engagement. We recognise and respect diversity, individual needs, experience and strengths.
 <p>COURAGE We are courageous leaders, who think innovatively</p>	<ul style="list-style-type: none"> We encourage, value and reward creative thinking. We respect and explore different ideas and perspectives. We embrace change and actively promote Council's vision.
 <p>ACCOUNTABILITY We are accountable and responsive to our communities</p>	<ul style="list-style-type: none"> We take pride in our work and pursue a standard of service excellence. We consistently strive for transparency and good governance to the benefit of public interest. We are reliable, honest and ethical in all we do.
 <p>RESILIENCE We are builders of a sustainable and resilient region</p>	<ul style="list-style-type: none"> We actively seek opportunities to continuously improve and bring growth to our region. We think globally, act regionally. We empower our people and communities; embracing local opportunity and participation.
 <p>ONE We are one team who achieves who achieves together</p>	<ul style="list-style-type: none"> We show care for people and look out for each other. We speak up and support others to be safe and healthy. We respectfully address behaviours that conflict with Council's values.

The four ethical principles, together with the Torres Strait Island Regional Council's values, form the basis of this Code of Conduct. They apply to all Torres Strait Island Regional Council workers and guide our thinking, actions and decision making.

5. Obligations as an Employee of Council

5.1. The First Principles - Integrity and Impartiality

a) Ethics value

In recognition that public office involves a public trust, public sector entities and public officials seek to promote public confidence in the integrity of the public sector and:

- are committed to the highest ethical standards;
- accept and value their 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
- are committed to honest, fair and respectful engagement with the community.

b) Standards of conduct

(i) Behaviour towards each other

We must all treat each other with trust, respect, honesty, fairness, sensitivity and dignity. Employees who supervise or manage other employees have a special responsibility to model this kind of behaviour, and to ensure that the people they supervise understand the standard of performance and behaviour that is expected of them.

You are expected to accommodate and respect different opinions and perspectives and manage disagreements by rational debate. You must not behave towards any other person in a way that could be perceived as intimidating, overbearing or as workplace harassment.

Effective teamwork is an essential part of a productive workplace culture. Each team member is expected to work co-operatively with fellow employees and willingly participate and engage in team activities (e.g. meetings).

(ii) Non-discriminatory workplace

Council is committed to creating and maintaining a workplace free from unlawful discrimination. By law, all employees must ensure that discrimination is not part of our workplace or our practices.

(iii) Workplace and sexual harassment

Council is committed to preventing harassment of employees and the public.

Creating a work environment free of harassment is everyone's responsibility. As an employee you must take steps to prevent workplace harassment and sexual harassment and address improper or inappropriate behaviours before they become severe, persistent or pervasive.

All employees are expected to contribute to building a workplace that tolerates differences and which is free from intimidation, bullying and harassment.

(iv) Conflict of interests

When making decisions, you must declare any conflicts of interest. Refer Definitions, Section 4 for more information.

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.

If you believe you have a conflict of interest, refer to Council's Conflict of Interest Policy and Procedure.

If you feel you have a conflict of interest between professional and corporate values, discuss it with your team leader/supervisor.

(v) Influences on decision-making

You must not influence any person in an improper way to try to obtain any advantages or favours.

You must not deliberately mislead decision-makers by providing them with false, biased, incomplete, or inaccurate information.

All decisions you make must be, and be seen to be, fair and transparent. This can be achieved by:

- following Council's policies, procedures and processes;
- keeping clear, accurate and complete records; and
- recording how and why decisions were made.

The guide to ethical decision-making (see Section 5.7) has more information on this.

(vi) Accepting gifts and benefits

You must not ask for a personal payment or other benefit for doing something as a Council employee.

Occasionally you could be offered gifts or benefits from people with whom you do business, in all circumstances, you should follow Council's Gifts and Benefit Procedure.

(vii) Employment outside Council, includes operating a personal business

It is not Council's intention to stop you from holding secondary employment or operating a personal business outside your normal working hours, providing your private employment or business:

- does not create a real or perceived conflict of interests;
- has no effect on the performance of your official duties, including effects from a safety/fatigue management perspective and possible exacerbation of an illness or injury;
- is not likely to bring Council's reputation into disrepute; and
- continues to meet these requirements.

Approval is automatically granted for you to undertake private employment or operate a personal business outside of your normal working hours, providing the above requirements are met.

Although you don't need written approval, if you undertake voluntary work or a hobby you must ensure that these activities also meet the above requirements. If you are unsure, you must discuss the matter with your team leader/supervisor.

(viii) Public comments on Council business

Under Council's communication guidelines, only the Mayor or their delegate can comment publicly on Council business.

If you are asked to comment on any Council matter, typically by the media or public relations firms, refer the agency to the Corporate Affairs Department.

Sometimes, it might be appropriate to share information based on your personal and professional experience (e.g. in seminars or training programs). Make sure that if you share your experiences, you do not breach the confidentiality of Council information or privacy of other persons (this can potentially include comments made and information shared in your personal life by whatever method of communication you use, including social media).

(ix) External activities

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

You are free to engage in trade union, party-political, professional, interest group or charity activities. You must make sure that your participation in such activities does not cause a

conflict of interest, and that it does not restrict or impact on the performance of your duties with Council.

If you comment publicly in connection with such activities, you must make it clear that the comment is your opinion as a member of those organisations. You must not give your unauthorised opinion as a Council employee.

You must not place negative or disparaging posts or make political comments on Council's official social media channels, e.g. Facebook, Twitter, from your personal accounts.

You must not use your role in Council, Council information or information gained in the course of your duties, 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.

As an employee, you are the face of Council in the community. If you identify yourself or can be identified as a Council employee, your out-of-work behaviour and personal opinions are likely to come under public scrutiny. When using social media outside of work hours, assume that material you post online can be made public at any time and may be permanent. Be aware that your posts and photos may be shared by others in ways beyond your control and may reach unintended audiences. Even when you post material anonymously or use private social media channels, you must continue to uphold this Code of Conduct.

Example: If you are identified as a Council employee and you post derogatory or defamatory remarks about your manager or a colleague on the internet (for example Facebook), you may be in breach of this Code of Conduct.

(x) Fairness to suppliers

Council has a Procurement & Ethical Sourcing Policy, associated procedures and delegations of authority for various stages of procurement of goods and services. You must comply with these procedures when seeking suppliers for goods or services.

If you, through the course of your employment, are 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.

You also need to 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 approved contract, unless you are authorised to do so.

c) Working with children and young people

In accordance with the *Commission for Children and Young People and Child Guardian Act 2000*, Torres Strait Island Regional Council is required to have a Code of Conduct for working with children and young people. This Code outlines appropriate standards of behaviour for adults towards children. It serves to protect children and reduce any opportunities for abuse or harm to occur. The Code also assists employees and volunteers by providing guidance on how to best support children and avoid or better manage difficult situations.

Working with Children and Young People Code of Conduct Statement:

Council aims to be a child-safe organisation and create an environment where everyone feels safe, respected and valued. Council promotes and protects the rights, interests and wellbeing of children and young people within our local government area, particularly those most vulnerable.

Council supports the rights of children and young people and will act without hesitation to ensure a safe and caring environment is maintained at all times. Council also supports the rights and well-being of our workers and encourages active participation in maintaining a secure environment for all participants, including young people who are participants in Council's workforce, such as school-based trainees, apprentices, and students on work experience.

For positions which provide services or activities for children and young people:

- Council will ensure:
 - *Working with Children Blue Card* checks of employees are done as required; and
 - procedures are in place to manage any risks of harm to children and young people by Council employees.
- Workplace supervisors of young employees or students on work experience are not required to have a *Working with Children Blue Card*.
- You are responsible for notifying your manager if your *Working with Children Blue Card* lapses or is cancelled.

Torres Strait Island Regional Council employees will:

- follow organisational policy and guidelines for the safety of children, as outlined in this Code of Conduct and working with children guidelines, as well as all relevant local, state and national laws pertaining to working with children and young people;
- treat everyone with respect and honesty (this includes employees, volunteers, students, children, young people and parents);
- be respectful of children's rights, background, culture, religion, politics and beliefs;
- set clear boundaries about appropriate behaviour to children in the organisation and community;
- always have another adult present or in sight when working with, or in proximity to, children*;
- conduct themselves in a manner consistent with their position as a positive role model to children, and as a representative of Torres Strait Island Regional Council;
- report and act on any breaches of these standards of behaviour;
- where a child discloses harm to an employee, or where an employee has a suspicion of harm, the employee must report this to Child Safety Qld.

Torres Strait Island Regional Council employees will not:

- become involved in inappropriate conversations of a sexual nature, make sexually suggestive comments or expose children and young people to the sexual behaviour of others;
- initiate unnecessary physical conduct with children or do things of a personal nature that children can do for themselves;
- personally correspond (including email and/or mobile phone) with a child or young person in respect of personal feelings for a child or young person;
- spend inappropriate time with a child or young person or show special favours.

Where an incident involves a young person, who is a participant in Council's workforce, a senior workplace manager will make immediate contact with the young person's parent or guardian.

Suspected breaches of this Code will be treated individually, and all relevant circumstances will be taken into account. Suspected breaches will be treated in line with the Managing Underperformance Procedure. Depending on the severity of the breach, formal disciplinary proceedings might be taken. Matters may be referred to the Crime and Corruption Commission as necessary.

5.2. The Second Principles - Promoting the public good

a) Ethics value

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, public sector entities and public officials:

- 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.

b) Standards of conduct

(i) Using Council assets

Council's assets include property (physical and intellectual property), plant, equipment, IT & Communication assets, goods, products and valuables (this includes surplus material, waste material, and off-cuts). All employees share the responsibility for looking after them.

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 unlawfully destroy or damage property of Council or 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.

You must abide by Council's security procedures and rules for accessing Council's assets.

You must not allow anyone else unauthorised access to Council assets.

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

You are not to access or disclose any information about customers unless you are carrying out official Council business.

If you use a Council vehicle, you must not use it for private or non-official purposes, unless those circumstances are specifically allowed by Council or you have prior written approval from your manager.

When you leave Council, you must return any Council assets you have on loan and all work-related documents.

(ii) Using Council's IT & Communication assets

Any file stored on, or information accessed using Council's IT & Communication assets, is discoverable by Council. All devices (including personal IT & Communication devices) or systems connected to Council's corporate IT & Communication network may be subject to scrutiny.

- You can use Council's IT & Communication assets for:
 - accessing data, information, websites, etc. for official purposes and as necessary where it supports or informs the work you do;
 - limited personal use, providing you comply with Council's rules and guidelines about acceptable use of ICT and social media. Limited personal use means use that is infrequent and brief, and is performed during your non-paid time, that is, before and after work and during lunch breaks. Refer Definitions, Section 4 for more information.
- You can use Council's telephones for messaging and making local calls that you cannot make conveniently outside working hours on a reasonable basis.
- You must not use Council's IT & Communication assets to:
 - store large quantities of personal data or photos or non-work documents;
 - download, stream or store music, movies, video clips, pictures, or other material not associated with your work;
 - make unauthorised copies of software, music, videos, games, etc;
 - introduce, download or use unauthorised software;
 - connect any personal ICT device to Council's corporate ICT network, e.g. iPods, cameras, USB thumb drives, without prior approval from Information Technology Services (ITS). When plugging in a personal ICT device to charge, employees are responsible for ensuring that Council's ICT assets are in no way placed at risk.
 - access or circulate inappropriate material.
- If you telecommute or work from a remote location, you must use an authorised secure means to access Council's ICT network.
- You must not download or store Council's electronic files in an unauthorised location, e.g. on a home computer, personal USB memory stick, personal ICT device.
- You must adhere to Council's security requirements and not attempt to bypass or modify any restriction or security measure put in place by Council or third parties.

(iii) Public money

You must maintain high standards of accountability if you collect and use public money.

You are not to borrow or use Council money for private purposes. This also applies to items such as corporate credit cards and cab-charge cards.

(iv) Intellectual property

You must obtain written approval before arranging to publish or disclose any articles or materials you produced as part of your official duties. Any original work, invention or product you contributed to in association with your work remains Council property.

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, you must make sure you do not breach the confidentiality of Council information, its employees or its clients, or compromise Council's intellectual property rights.

You must also respect the intellectual property rights of individuals and organisations outside Council. For example, you must not copy, quote or reproduce their work unless they have given you permission to do so. Where you make reference to the work of others, you must cite or acknowledge the source.

You must not infringe Copyright Law, including the intellectual property, of any individual or organisation. For example, you must not store or copy audio, video or image files, printed media and software without appropriate license or approval on Council assets.

(v) Customer service

All Council employees are energised and proud to serve our communities. We are a trusted Council and take responsibility to deliver on promises, while treating members of the public with honesty, fairness, sensitivity and dignity.

At Council, we are one team working together to provide seamless service, it is important to know there is support available if you are unsure of how to deal with difficult situations and difficult people.

We value customer feedback. It is important to make all reasonable efforts to help customers lodge complaints. If you think a situation is threatening or intimidating, you are entitled to withdraw. If in doubt, ask for help from a more experienced colleague, or a team leader/supervisor.

Council will support any employee who believes they are under threat from a member of the public.

(vi) 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 workspaces where we can, and applying high standards for environmental protection across the region).

(vii) Community engagement

Council's Corporate Plan 2020-2025 strongly articulates Council's intent to engage the community on major issues affecting the future of the region and activities that have significant impacts on the environment.

It is essential that Council has a consistent approach to community engagement and that it uses effective engagement practices. Any engagement undertaken by Council needs to be conducted in a meaningful way so that the community is clear about what it is able to influence and knows that its interests have been considered in planning processes. Wherever possible, you are expected to provide community members with feedback on how their input has influenced Council's decisions. This will help to increase their trust in Council generally and maintain their involvement in future Council engagement activities.

Council is committed to developing a Community Engagement framework and guidelines for consistent and effective engagement practices. You are expected to comply with these when engaging with the community to augment Council's decision-making processes and to ensure that decisions are made in the public interest.

(viii) Working with other government agencies*

Torres Strait Island Regional Council aims to conduct its business with the best interests of the organisation and the community it serves. Building effective formal partnerships and leveraging informal networks with other government agencies*, community and industry stakeholders are crucial to achieving our Corporate Plan 2020-2025. Below is a set of guidelines Council officers can refer to when undertaking their duties in dealing with Federal Government, State Government and other government agencies.

- 1) Council Officers' work must first and foremost represent the interests and contribute to the achievement of Torres Strait Island Regional Council's strategic goals. As a Council official, you must carry out your duties with the best interests of Torres Strait Island Regional Council in mind.
- 2) You must obtain approval from your manager and/or relevant Executive before dealing with other government agencies* on significant matters. These matters include:
 - entering into formal agreements;
 - advising on Council's strategic position that has not been formally adopted by full Council;
 - dealing with significant operational matters;** and/or
 - sharing or disclosing Council information that is commercial-in-confidence and/or not publicly available.

These principles do not cover every situation and Council officers are advised to seek guidance from their supervisors when dealing with a particular issue or operational matter of which they may be uncertain.

*Government agencies include other Local, State, Federal Governments, government-owned corporations, statutory authorities and other public bodies.

**Examples of significant operational matters include (but are not limited to) core services that relate to Council's statutory obligations, capital projects above \$200,000 and services that have high community usage and/or are of significant public interest.

5.3. The Third Principle - Commitment to the system of government

a) Ethics value

In recognition that public sector has a duty to uphold the system of government and the laws of the State, Commonwealth and local government, public sector entities and public officials:

- 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.

This does not limit the responsibility of a public sector entity or public official to act independently of government if the independence of the agency, entity or official is required by legislation or government policy or is a customary feature of the work of the entity or official.

b) Standards of conduct

(i) Acting within the law

As an employee of Council, you are expected to comply with:

- this Code of Conduct;
- Council's corporate rules, which include policies, procedures and guidelines;
- all relevant State and Commonwealth legislation; and
- specific legislation relating to your employment.

All employees of Council have the following responsibilities:

- (a) implementing the policies and priorities of the council in a way that promotes:
 - (i) the effective, efficient and economical management of public resources; and
 - (ii) excellence in service delivery; and
 - (iii) continual improvement;
- (b) carrying out their duties in a way that ensures the council:
 - (i) discharges its responsibilities under this Act; and
 - (ii) complies with all laws that apply to the council; and
 - (iii) achieves its corporate plan;
- (c) providing sound and impartial advice to the council;
- (d) carrying out their duties impartially and with integrity;
- (e) ensuring their personal conduct does not reflect adversely on the reputation of the council;
- (f) improving all aspects of their 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.

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. When you have recorded your suggestion or concern you are required to work as directed by your supervisor, except where there is an imminent risk to safety. If the matter cannot be resolved within the workgroup, it should be immediately referred to your manager.

If you are charged, or about to be charged, in respect of:

- a summary offence relating to your employment with Council; or
- an indictable offence, whether or not that offence relates to your employment with Council,

you must immediately report the circumstances to your divisional or executive manager.

You are responsible for advising your divisional or executive manager of the outcome of any such proceedings.

If you uncover evidence or have reasonable suspicion there is corrupt conduct, you must notify your Divisional Manager or the Manager, Risk and Ethics at the earliest opportunity.

(ii) Raising concerns

You have the right to comment on or raise concerns about Council policies or practices where they impact on your employment. However, you must do this in a reasonable, constructive way and take responsibility for your comments and views. You are required to comply with any lawful management direction, except where there is an imminent risk to safety.

When raising complaints or grievances, employees are expected to act with honesty and in good faith. Complaints that are considered vexatious or frivolous will not be progressed, and the employee will be managed in accordance with the Managing Underperformance Procedure and procedures dealing with vexatious and frivolous complaints.

(iii) Handling information

You must respect the copyrights, trademarks and patents of your suppliers. You must not reproduce or quote suppliers' material unless your license specifically allows it. See sections 5.2 (b) (ii) and 5.4 (b) (iii) of this Code.

You must not release information that you know, or should reasonably know, is information that:

- (a) is confidential to Council; and
- (b) Council wishes to keep confidential.

This obligation survives after you leave Council's employment or your contract for services ends.

(iv) Advice given to elected officials

Council must give Councillors advice that is thorough, responsive and unbiased so that Councillors can make decisions and carry out their community responsibilities. If you are unsure on how to respond to a Councillor, refer to Council's Acceptable Requests & Communication Protocol Policy, or discuss this with your team leader/manager.

If you believe there is conflict between a request from an elected official and Council policies, discuss this with your team leader/supervisor.

5.4. The Fourth Principles - Accountability and transparency

a) Ethics value

In recognition that public trust in public office requires high standards of public administration, public sector entities and public officials:

- are committed to exercising proper diligence, care and attention;
- are committed to using public resources in an effective and accountable way;
- are committed to managing information as openly as practicable within the legal framework; and
- 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 sector entities and public officials.

b) Standards of conduct

(i) 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 aim by carrying out your duties honestly, responsibly, in a conscientious manner, and to the best of your ability. This includes:

- giving priority to official duties over personal activities during work time;
- helping 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;
- not allowing your conduct to distract or prevent others from working;
- not exposing Council to a judgment for damages against it, as a result of your negligence or breach of any law or ordinance;
- ensuring that you carry out your work diligently, accurately, and to the required performance standards and timeframes;
- proactively seeking assistance if you are experiencing difficulties with your work; and
- ensuring your personal conduct does not reflect adversely on Council's reputation.

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;
- you do not come under a financial obligation to any employee you supervise or manage;
- your work and the work of those you supervise contributes 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;
- 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 timesheets and pay summary reports, and time is accurately costed;
- you do not exercise your delegations until you have considered all the necessary information and you are satisfied that all legislative or procedural requirements are met; and
- appropriate action is taken if breaches of this Code occur.

(ii) Attendance at and absence from duty

You are expected to follow Council employment and working arrangements, agreements and rulings on attendance at work and leave. This includes notifying your team leader/supervisor

of any unscheduled absences prior to the beginning of your shift (where practicable), 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 unproductive time for others and may result in deductions in salary/pay for the period of absence and/or possible disciplinary action.

(iii) Privacy and confidentiality

Council has information about individuals, businesses and commercial issues which is private and sensitive and which could be harmful if released. Employees must only access information and records they require in the course of their Council duties. Employees must keep this information confidential at all times, and comply with Council's Privacy Policy.

You can maintain privacy by:

- taking care about discussing work matters with anyone not entitled to know such information;
- taking responsibility to safeguard confidential files and information;
- not disclosing system passwords to others;
- enforcing rules about storage of information over time; and
- referring all media enquiries to Corporate Affairs.

You must not use information acquired as a Council employee to gain (directly or indirectly) an advantage for yourself or someone else, or cause detriment to Council. This obligation survives after you leave Council's employment or your contract for services ends.

(iv) Continuing development

You are expected to maintain and improve your work performance and that of your work unit in the delivery of customer service. You have a continuing responsibility to maintain and enhance your skills and expertise and keep up to date the knowledge associated with your area of work. Council will assist you by providing equitable access to training and development opportunities.

(v) Workplace health and safety

You must take reasonable steps to ensure your own safety, health and welfare in the workplace. You also have a duty of care to both fellow employees and members of the public. This duty of care extends to both psychological and physical health and wellbeing.

We must all:

- identify hazards and manage risks to health and safety;
- perform all work safely and follow safe work practices;
- use personal protective equipment if required;
- report any incidents or hazards immediately and support investigations; and
- take corrective action to 'make safe' and implement improvements.

We must keep the workplace drug and alcohol free if we are to maintain the trust and confidence of customers and the health and safety of all employees. The use of drugs or alcohol adversely affects productivity, attendance and on-the-job safety.

You must not:

- use, possess or be impaired by the effects of illegal drugs while on duty;

- consume alcohol while on duty or in the workplace;
- come to work impaired by the effects of alcohol or drugs (refer Definitions, Section 4);
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions);
- smoke in Council buildings, offices or vehicles.

5.5. Breaches of The Code of Conduct

A breach of the Code of Conduct damages business, public and work relationships. Any act or lack of action that contravenes the Code may be a breach of Council policies. Suspected breaches will be treated individually, and all relevant circumstances will be taken into account. Suspected breaches will be treated in line with the procedures for managing poor performance and misconduct. Depending on the severity of the breach, formal disciplinary action might be taken in accordance with the Disciplinary Procedure.

Council has identified a number of matters that are reportable matters. The following matters must be reported to the Manager, Risk and Ethics for assessment, and the Crime and Corruption Commission as necessary:

- Corrupt conduct or suspected corrupt conduct (refer Definitions, Section 4).
- Allegations that an employee has carried out official duties in a way that lacks honesty and impartiality; or breaches the community's trust; or involves an improper use of official information.
- Any action that is deemed to be a criminal offence, or an act which, if established, would reasonably warrant dismissal from Council's employment. Examples are stealing Council property or a customer's property; accepting a bribe; fraud; assault of a co-worker or customer; disclosing confidential information.

You may be suspended from duty:

- if there is suspected misconduct, including corrupt conduct;
- while an investigation is progressed;
- while charges are determined by the relevant court.

Suspension from duty will be on full pay.

Any subsequent disciplinary action will be in accordance with the Managing Underperformance Procedure.

5.6. If you have a concern

The Public Interest Disclosure Act 2010 and the Public Sector Ethics Act 1994 aim to create a work environment where public sector employees understand and maintain appropriate standards of conduct.

If you have a concern, or suspect a breach of the Code involving one or more Torres Strait Island Regional Council employees, the *Public Interest Disclosure Act 2010* gives you the right and the protection to report issues using:

- internal channels (e.g. Team Leader, Divisional or Executive Manager, Chief Executive Officer, Manager, Risk and Ethics)
- external channels (e.g. Crime and Corruption Commission, Anti-Discrimination Commission, Queensland Ombudsman).

5.7. 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 interests?

Step 4: Consider the options.

- Ask your supervisor, team leader, manager, or any person who is able to give sound, relevant advice.
- What options and consequences are consistent with Council's values, the four Principles and your obligations?
- What are the costs and long-term consequences?
- How would the public view each option?

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;
- backed by advice from Council specialists, if this is appropriate.

6. Further Assistance

If you read the Code and are still unsure of how it applies to you, it is important that you discuss this with your manager, team leader, divisional or executive manager. In most cases, they will be able to answer your enquiries.

If you have concerns about approaching any of these people, contact the next most senior person in your area. You might wish to contact your union representative.

7. Definition

WORD/ABBREVIATION	DEFINITION
Acceptable use	See definition of Limited personal use
Bullying	see definition of Workplace harassment
Conflict of interest	<p>A conflict of interest involves a conflict between a Torres Strait Island Regional Council employee's work responsibilities and their personal or private interests. A conflict of interest can arise from either gaining a personal advantage or avoiding a personal loss. Conflicts of interest can be real (actual), potential (may arise in the future), or perceived (apparent). Interests can be financial, non-financial, personal, private, family or business.</p> <ul style="list-style-type: none"> • A real conflict of interest is a conflict between the employee's duties and their private interests. <ul style="list-style-type: none"> ○ <i>Example:</i> Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel. • A potential conflict of interest is when it is foreseeable, that a conflict may arise in the future between the employee's duties and their private interest and steps should be taken now to mitigate that future risk. <ul style="list-style-type: none"> ○ <i>Example:</i> John works in Engineering and his brother opens a construction company in the area. There are no tenders out now for construction, but it is possible you will be involved with one in the future which your brother might want to tender for. • A perceived conflict of interest is if it seems an employee's private interests could improperly influence them at work, as judged by a reasonable person. <p><i>Examples:</i></p> <ul style="list-style-type: none"> ○ Frida works for Council as a community grants funding program manager. On the weekend she plays tennis with the director of a community organisation applying for funding through the program Frida is managing. ○ Jerry, who is responsible for assessing building applications, receives an application for major extensions to a house owned by an old school friend. • A financial interest is when the employee could gain a personal financial benefit including having shares, receiving gifts, benefits or receiving hospitality or travel. <ul style="list-style-type: none"> ○ <i>Example:</i> Kim's partner owns a company which is tendering for work with Council. (a) A non-financial interest is when the employee could gain a non-financial benefit such as personal recognition, offer of employment, avoidance of a penalty, or influence a Council outcome for a friend or family member. <p><i>Examples:</i></p> <ul style="list-style-type: none"> ○ A friend asks you to keep an eye on his tender application. ○ You work in the funding application area and you are also president of a local group applying for funding from Council. ○ You work in the development application's area and your children's school will be affected by a new development and the development proposal has been submitted to Council for approval.

WORD/ABBREVIATION	DEFINITION
Discrimination	<p>As defined in various state and federal legislation, discrimination occurs if a person treats, or proposes to treat, someone unfavourably due to a personal characteristic which is protected by law, for example their sex, relationship status, age, race.</p> <p>In some circumstances, discrimination can be considered lawful, such as where the inherent requirements of the position require certain attributes (e.g. required attributes of an arborist position may be climbing trees, carrying tools, and working at heights).</p>
Corrupt conduct	<p>As defined in the <i>Crime and Corruption Act 2001</i>, means the conduct of a person, regardless of whether the person holds or held an appointment, that:</p> <p>(a) adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of:</p> <p style="margin-left: 20px;">(i) a unit of public administration; or</p> <p style="margin-left: 20px;">(ii) a person holding an appointment; and</p> <p>(b) results, or could result, directly or indirectly, in the performance of functions or the exercise of powers mentioned in paragraph (a) in a way that:</p> <p style="margin-left: 20px;">(iii) is not honest or is not impartial; or</p> <p style="margin-left: 20px;">(iv) involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or</p> <p style="margin-left: 20px;">(v) involves a misuse of information or material acquired in or in connection with the performance of functions or the exercise of powers of a person holding an appointment; and</p> <p>(c) is engaged in for the purpose of providing a benefit to the person or another person or causing a detriment to another person; and</p> <p>(d) would, if proved, be:</p> <p style="margin-left: 20px;">(vi) a criminal offence; or</p> <p style="margin-left: 20px;">(vii) a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.</p>
IT asset	<p>May include, but not limited to, networks, computing systems, software, computers, telecommunication devices, mobile computing devices, removable media, digital or analogue recorders including DVD and video, cameras, printers, fax machines, photocopiers, scanners, media players etc. and managed or controlled by Council.</p>
Impaired by the effects of alcohol or drugs	<p>Means:</p> <p>(a) For all employees:</p> <ul style="list-style-type: none"> ○ a positive drug test result in excess of the cut-off levels specified in Australian Standard AS 4308-2008; or ○ physical or mental condition and/or behaviour which limits the employee's ability to undertake work in a safe and effective manner. <p>(b) In addition to (a), for employees operating/driving heavy vehicles and buses:</p> <ul style="list-style-type: none"> ○ a blood alcohol content greater than 0.00% (consistent with Queensland Transport Regulations). <p>(c) In addition to (a), for employees driving light vehicles or operating mechanical tools or equipment:</p> <ul style="list-style-type: none"> ○ a blood alcohol content greater than 0.05% (consistent with Queensland Transport Regulations).
Indictable offence	<p>As defined by the <i>Criminal Code</i> and similar legislation. It ordinarily means a criminal offence that is punishable by imprisonment for over one year. An indictable offence may be heard by a court (and jury) or may be dealt with summarily by a judge.</p>
Limited personal use	<p>Means:</p> <ul style="list-style-type: none"> • personal use that is infrequent and brief and is performed during the employee's non-paid time, that is before and after work and during lunch breaks. Examples of permitted personal use include online banking, bill paying, sending or receiving

WORD/ABBREVIATION	DEFINITION
	<p>infrequent personal messages by email providing the content of the message does not breach this Code of Conduct.</p> <ul style="list-style-type: none"> • acceptable personal use does not: <ul style="list-style-type: none"> ○ interfere with the operations of the Torres Strait Island Regional Council or ○ present a possible risk to Council's reputation or ○ compromise Council's legal obligations in any way, e.g. breach of copyright, unauthorised storage of sensitive personal information or ○ involve downloading, streaming or storing music, movies, video clips, pictures or any other material not associated with your work or ○ result in a real or perceived conflict of interest between any private employment, or the operation of a personal business, and an employee's official duties or ○ involve deliberate viewing, downloading, or contributing to inappropriate material, e.g. pornography, extreme violence, racism, terrorism or any illegal activity or ○ detract from the performance of your work, e.g. online gaming, gambling, or auctions such as eBay. • acceptable personal use does not breach this Code of Conduct, <i>Public Sector Ethics Act 1994</i> (Qld), <i>Public Service Act 1996</i> (Qld), <i>Crime and Corruption Act 2001</i> (Qld) or related State and Federal legislation and regulations.
Personal use	Means your personal or life interests, not associated with the performance of your official duties.
Public official	Means an employee of Council.
Public sector entity	Means Council.
Social media	Social media is using ICT technology to share information, communicate and engage with others. Social media sites may include social networking (e.g. Facebook), micro-blogging (e.g. Twitter), photo and video sharing, blogs, wikis, forums, discussion boards, online social groups.
Sexual harassment	Is any unwelcome sexual advance, unwelcome request for sexual favours or other unwelcome conduct of a sexual nature which makes a person feel offended, humiliated or intimidated, and where that reaction is reasonable in the circumstances.
Summary offence	Is a minor criminal offence or misdemeanour, which is dealt with summarily by a magistrate.
Workplace harassment (bullying)	<p>Is repeated behaviour by a person, including the person's employer or co-worker or group of co-workers of the person, that:</p> <ul style="list-style-type: none"> • is unwelcome, unsolicited or uninvited; • offends, intimidates, humiliates or threatens (regardless of intent); • would offend, intimidate, humiliate or threaten a reasonable person if it happened to them.
Young People	People who are under the age of 18 years.

Manager Responsible for Review:

Head of People and Wellbeing



David Baldwin

Adoption: 30 June 2021

Due for Revision: 30 June 2022

Acting Chief Executive Officer