

## HRP040 CODE OF CONDUCT

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### 1 OVERVIEW

#### 1.1 Code of Conduct statement

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

Everyone working for Brisbane City 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 workers 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.

## 1.2 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.

The [values](#) we share as employees of Brisbane City Council are:

- passion for Brisbane
- responsive customer service
- respect for people
- courage to make a difference
- working together
- getting things done
- value for money.

The four ethical principles, together with Brisbane City Council's corporate values, form the basis of this Code of Conduct. They apply to all Brisbane City Council workers and guide our thinking, actions and decision-making.

This Code of Conduct is 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 ethics. By consistently applying these standards, we enhance public trust and confidence in Council through the actions of each of us. Nothing in this Code interferes with your rights as a private citizen or a ratepayer.

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.

The **FAIR test** ([section 4.7](#)) is included to help you to make good decisions in situations not covered by the Code.

## 2 APPLICABILITY

All Brisbane City 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.

Brisbane City Council workers are:

- employees of Council whether permanent, or temporary (whether working full-time, part-time or on a flexible working arrangement) or casual. This includes executives, managers, supervisors, team leaders, employees on common law contracts, ward office employees, Lord Mayor's Office employees, apprentices and trainees, team members, individuals and employees of other organisations or agencies who are working in Council on a secondment arrangement.
- contractors or subcontractors
- an employee of a contractor or subcontractor
- an employee of a labour hire company who is assigned to work in a business or undertaking
- an outworker
- employees of other organisations or agencies who are working in Council on a secondment arrangement
- a student gaining work experience or undertaking an unpaid placement
- a volunteer
- a person of a class prescribed in the *Work Health and Safety Act 2011* (Qld).

### 3 DEFINITIONS

**Acceptable use** – see definition of ‘limited personal use’.

**Asset** – Council’s assets include property (physical and intellectual property), plant, equipment, information, ICT assets, ID and access cards, goods, products and valuables (this includes surplus material, waste material, and off-cuts).

**Conflict of interest** – a conflict between a Brisbane City Council worker’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) or perceived (apparent). Interests can be financial, non-financial, personal, private, family, friend or business.

- **A real conflict of interest** is a conflict between the worker’s duties and their private interests.

Example:

- Ron is on a recruitment and selection panel and his sister is applying for a position to be decided by that panel.

- **A perceived conflict of interest** is if it seems a worker’s private interests could improperly influence them at work, as judged by a reasonable person.

Examples:

- 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 worker could gain a personal financial benefit including having shares, receiving gifts, benefits or bribes or receiving hospitality or travel.

Example:

- Kim’s partner owns a company which is tendering for work with Council.

- **A non-financial interest** is when the worker 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.

Examples:

- You work in the strategic procurement area and 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 applications area and your children’s school will be affected by a new development and the development proposal has been submitted to Council for approval.

**Corrupt conduct** – as defined in the *Crime and Corruption Act 2001* (Qld) means the conduct of a person, regardless of whether the person holds or held an appointment, that –

- (a) *adversely affects, or could adversely affect, directly or indirectly, the performance of functions or the exercise of powers of –*
  - (i) *a unit of public administration; or*
  - (ii) *a person holding an appointment; **and***
- (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 –*
  - (i) *is not honest or is not impartial; or*
  - (ii) *involves a breach of the trust placed in a person holding an appointment, either knowingly or recklessly; or*
  - (iii) *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***
- (c) *would, if proved, be –*

- (i) *a criminal offence; or*
- (ii) *a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.*

Corrupt conduct also means conduct of a person, regardless of whether the person holds or held an appointment, that—

- (a) *impairs, or could impair, public confidence in public administration; **and***
- (b) *involves, or could involve, any of the following—*
  - (i) *collusive tendering;*
  - (ii) *fraud relating to an application for a licence, permit or other authority under an Act with a purpose or object of any of the following (however described)—*
    - (A) *protecting health or safety of persons;*
    - (B) *protecting the environment;*
    - (C) *protecting or managing the use of the State's natural, cultural, mining or energy resources;*
  - (iii) *dishonestly obtaining, or helping someone to dishonestly obtain, a benefit from the payment or application of public funds or the disposition of State assets;*
  - (iv) *evading a State tax, levy or duty or otherwise fraudulently causing a loss of State revenue;*
  - (v) *fraudulently obtaining or retaining an appointment; **and***
- (c) *would, if proved, be—*
  - (i) *a criminal offence; or*
  - (ii) *a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or were the holder of an appointment.*

**Discrimination** – 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.

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).

**Government agencies** – include other local, state and federal governments, government-owned corporations, statutory authorities and other public bodies.

**ICT asset** – any information-related technology, supplied, managed or controlled by Council including, but not limited to, networks, computing systems, software, computers, telephones and telecommunication devices, mobile computing devices, removable media, digital or analogue recorders (including, but not limited to, DVD and video), cameras, printers, fax machines, photocopiers, scanners, media players and similar.

**Indictable offence** – as defined by the *Criminal Code Act 1899* (Qld) and similar legislation, means a crime or misdemeanour that cannot be prosecuted except upon indictment (a written charge by a person authorised to prosecute criminal offences). An indictable offence may be heard by a court (and jury) or may be dealt with summarily by a judge.

**Limited personal use** – personal use that is infrequent and brief and is performed during the worker'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 infrequent personal messages by email providing the content of the message does not breach the Code of Conduct.

Acceptable personal use does not:

- interfere with the operations of the Brisbane City 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
- permit workers to use their Council email address to subscribe to or register for any service not related to Council business or not endorsed by Council or
- detract from the performance of your work, e.g., online gaming, gambling, or auctions sites such as eBay.
- breach this Code of Conduct, Acceptable Access and Use of ICT procedure (iD30), *City of Brisbane Act 2010* (Qld), *Crime and Corruption Act 2001* (Qld) or related state and federal legislation and regulations.

**Personal information** – information or an opinion, whether true or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion. Personal information includes employee records, collected, stored, used and disclosed by Council, its employees, Councillors, contractors and consultants, unless otherwise exempted by legislation.

**Personal use** – personal or life interests, not associated with the performance of your official duties.

**Public official** – an employee of Council.

**Public sector entity** – Council.

**Sexual harassment** – 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.

**Social media** – 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, and online social groups.

**Summary offence** – a minor criminal offence or misdemeanour, which is dealt with summarily by a magistrate.

**Workplace bullying** –

- a) while the worker is at work an individual or group of individuals repeatedly behaves unreasonably towards—
  - i. the worker; or
  - ii. a group of workers of which the worker is a member; and
- b) that behaviour creates a risk to the health and safety of the worker.

**Young people** – people under the age of 18 years.

## 4 PROCEDURE REQUIREMENTS

### 4.1 The first principle – Integrity and impartiality

#### 4.1.1 Ethics value

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

- are committed to the highest ethical standards; and
- accept and value their duty to provide advice which is objective, independent, apolitical and impartial; and
- show respect towards all persons, including workers, clients and the general public; and
- 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.

## 4.1.2 Standards of conduct

### 4.1.2.1 Behaviour towards each other

We must all treat each other with trust, respect, honesty, fairness, sensitivity and dignity. Workers who supervise or manage others 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 bullying or sexual harassment.

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

### 4.1.2.2 Non-discriminatory workplace

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

### 4.1.2.3 Workplace bullying and sexual harassment

Council is committed to preventing bullying and harassment of workers and the public. Creating a work environment free of bullying and harassment is everyone's responsibility. As a worker you must take steps to prevent workplace bullying and sexual harassment, and address improper or inappropriate behaviours before they become severe, persistent or pervasive.

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

### 4.1.2.4 Conflict of interests

You must declare any conflicts of interest, if and when they arise during your engagement with Council, including when making decisions. If you believe you have a conflict of interest (see section 3, Definitions), whether real or perceived, you are required to inform your team leader/supervisor promptly. If you are unsure, you must discuss the matter with your team leader/supervisor.

Until it is resolved, make sure you are not part of any decision-making processes related to the matter.

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

### 4.1.2.5 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 procedures and processes
- keeping clear, accurate and complete records and
- recording how and why decisions were made.

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

[The FAIR test \(section 4.7\)](#) has more information on this.

#### **4.1.2.6 Accepting gifts and benefits**

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

Occasionally you could be offered gifts or benefits from people with whom you do business. You can accept gifts or benefits in certain circumstances; however, you must not accept any gifts or benefits if there is a possibility that in doing so, you could create a real or perceived conflict of interest. You cannot accept cash or any item that is readily convertible to cash.

Ask yourself if accepting the gift or benefit could suggest that the giver may or would receive favourable treatment. Your supervisor can advise you about the receipt of gifts, gratuities, and benefits or see [Receipt of gifts, gratuities and benefits procedure \(AP208\)](#).

#### **4.1.2.7 Employment outside Council (including 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; and
- 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; and
- is not likely to bring Council's reputation into disrepute
- does not use Council assets (physical, intellectual property and information) and ICT assets; 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.

You must obtain prior written approval from the relevant [delegate](#) if:

- there is a likelihood that the above requirements may not be met; or
- you wish to undertake private employment or operate a personal business during a period of leave (both paid and unpaid).

The delegate is responsible for ensuring any such approval is registered in the payroll system and a copy is placed on your personal history file.

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.

#### **4.1.2.8 Public comments on Council business**

As a general rule, councillors comment publicly on Council business. Council business can be topical, sensitive and controversial and there is a process to be followed when making public comments.

If you are asked to comment on any Council matter by the media or public relations firms, refer the agency to Public Affairs, City Communication, City Administration and Governance.

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).

#### **4.1.2.9 External activities**

You are not to take part in political affairs while on duty. Council's corporate ICT network, 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.

In accordance with section 197(2) of the *City of Brisbane Act 2010* (Qld), 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 in 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.

If you comment publicly in connection with trade union, party-political, professional, interest group or charity 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 or worker.

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

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 racist remarks about your manager or a colleague on the internet (for example, Facebook), you may be in breach of this Code of Conduct.

#### **4.1.2.10 Fairness to suppliers**

You must comply with the procedures and delegations of authority for various stages of procurement 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.

You also need to ensure that you don't 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.

#### **4.1.3 Working with children and young people**

The *Working with Children (Risk Management and Screening) Act 2000* (Qld) requires business in regulated employment to have a risk management strategy for working with children and young people. This strategy 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 strategy also assists workers and volunteers by providing guidance on how to best support children and avoid or better manage difficult situations.

For further information on Council's Working with children check requirements, refer to the [Working with children check \(blue card\) procedure \(HRP011b\)](#).

#### **Working with children and young people statement of commitment:**

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 in Brisbane, 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 wellbeing 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 and volunteers are done as required; and
  - procedures are in place to manage any risks of harm to children and young people by Council workers.
- Workplace supervisors of young workers or students (under the age of 18) on work experience may not be required to have a working with children (blue) card. You are responsible for notifying your team leader or manager if your working with children (blue) card lapses or is cancelled.
- If you are a bus operator, you are required to carry your valid Driver Authorisation (DA) card and notify any changes to your DA (e.g., cancellation, suspension) to your supervisor.

Brisbane City Council workers 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 workers, 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 (*Passenger Services employees are required to comply with the Queensland Department of Transport and Main Roads Code of Conduct for School Students Travelling on Buses – Information for Bus Drivers and Council's Bus Operator Handbook*)
- conduct themselves in a manner consistent with their position as a positive role model to children, and as a representative of 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 Ethical Standards at the earliest opportunity.

Brisbane City Council workers **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.

All workers who have contact with children and young people must abide by the Code of Conduct.

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

Suspected breaches of the Code will be treated individually and all relevant circumstances will be taken into account. Suspected breaches will be treated in line with the [Managing poor performance and misconduct procedure \(HRP130\)](#). Depending on the severity of the breach, formal disciplinary proceedings may be taken. Matters will be referred to Ethical Standards and the Crime and Corruption Commission as necessary.

## 4.2 The second principle - Promoting the public good

### 4.2.1 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, public officials and Council workers:

- accept and value their duty to be responsive to both the requirements of government and to the public interest; and

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

## 4.2.2 Standards of conduct

### 4.2.2.1 Using Council assets

All workers share the responsibility for looking after Council assets.

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 Council property 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 ensure that you use Council assets only for official Council business, 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 or you have prior written approval from your manager. See [Procedure for council vehicle use \(AP036\)](#).

You must abide by Council's security procedures and rules for:

- accessing Council's assets and
- obtaining and displaying security photo ID cards.

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

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

You must return all Council assets and all work-related documents when your employment ends with Council.

### 4.2.2.2 Using Council's ICT assets

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

- You can use Council's ICT 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 in accordance with the [Acceptable Access and Use of ICT procedure \(ICT30\)](#), 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 to section 3, Definitions for more information.
- You can use Council's telephones and telecommunication devices/applications for messaging and making local calls that you cannot make conveniently outside working hours on a reasonable basis.
- You must not use Council's ICT 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
  - access or circulate inappropriate material.

- You can connect a personal ICT device (e.g., mobile phones) to a Council ICT asset to charge the device only, if you adhere to the requirements outlined in the [Acceptable access and use of ICT procedure](#) (ICT30).
- If you telecommute or work from a remote location, you must use a Council-authorised telecommuting or remote working solution or service.
- You must not transfer, download or store Council's electronic files to or in, a non-Council location, e.g., on a home computer, personal email account, personal USB device, personal ICT device.
- You must adhere to Council's security requirements and not attempt to bypass or modify any protection, restriction or security measure put in place by Council or authorised third parties.

#### **4.2.2.3 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, taxi vouchers and public transport ticketing cards.

#### **4.2.2.4 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.

#### **4.2.2.5 Customer service**

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

Our customers have strong voices, so they have a right to complain or criticise Council. We value customer feedback. It is important to make all reasonable efforts to help customers lodge complaints.

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. 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.

#### **4.2.2.6 Concern for the environment**

One of the key themes for the [Brisbane Vision 2031](#) is growing a clean, green city. 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).

#### 4.2.2.7 Community engagement

Council's [Brisbane Vision 2031](#) strongly articulates Council's intent to engage the community on major issues affecting the future of the city and activities that have significant impacts on neighbourhoods.

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 the planning process. 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 has a [Community Engagement policy \(CED002\)](#) 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.

#### 4.2.2.8 Working with other government agencies

Brisbane City 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 [Brisbane Vision 2031](#). Below is a set of guidelines Council workers can refer to when undertaking their duties in dealing with federal government, state government and other government agencies.

- (1) You must first and foremost represent the interests and contribute to the achievement of Brisbane City Council's strategic goals. As a Council worker, you must carry out your duties with the best interests of Brisbane City Council in mind.
- (2) You must obtain approval from your manager and inform the relevant Chair 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 (examples of significant operational matters include (but are not limited to) core services that relate to Council's statutory obligations, capital projects above \$500,000 and services that have high community usage and/or are of significant public interest), 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 you are advised to seek guidance from your supervisor when dealing with a particular issue or operational matter of which you may be uncertain.

### 4.3 The third principle - Commitment to the system of government

#### 4.3.1 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, public officials and Council workers:

- accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government; and
- 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.

## 4.3.2 Standards of conduct

### 4.3.2.1 Acting within the law

As a worker of Council, you are expected to comply with:

- the Code of Conduct
- the *City of Brisbane Act 2010* (Qld) and *City of Brisbane Regulation 2012* (Qld)
- Council ordinances and local laws
- Council's corporate rules, which include policies, procedures and guidelines, as they may change from time to time
- all relevant State and Commonwealth legislation
- specific legislation relating to your employment, e.g., road rules.

In accordance with section 15 of the *City of Brisbane Act 2010* (Qld), 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.*

If you think that a direction may be in breach of the law, 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.

You are responsible for advising your divisional or executive manager if you are charged, or about to be charged, of the outcome 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.

If you uncover evidence or have reasonable suspicion there is corrupt conduct, you must notify your divisional or executive manager or Ethical Standards at the earliest opportunity.

### 4.3.2.2 Raising concerns

You have the right to comment on or raise concerns about Council policies or practices where they impact on your work. 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.

If you think there is a better way of doing something, you have the right and responsibility to respectfully question how you do your work. When you have raised 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.

When raising complaints or grievances (see [Grievance procedure \(HRP146\)](#)), 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 poor performance and misconduct procedure \(HRP130\)](#) and procedures dealing with vexatious and frivolous complaints.

#### **4.3.2.3 Handling information**

In accordance with section 197(4) of the *City of Brisbane Act 2010* (Qld), 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.

You must respect the copyright, trademarks and patents of your suppliers. You must not reproduce or quote suppliers' material unless your license specifically allows it. See sections 4.2.2.4 and 4.4.2.3 of this Code.

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

#### **4.3.2.4 Advice given to elected officials**

Council must give elected officials (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, discuss this with your team leader/manager or refer to the [Acceptable requests guidelines \(AP038\)](#).

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

### **4.4 The fourth principle - Accountability and transparency**

#### **4.4.1 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; and
- are committed to using public resources in an effective and accountable way; and
- are committed to managing information as openly as practicable within the legal framework; and
- value and seek to achieve high standards of public administration; and
- 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.

#### **4.4.2 Standards of conduct**

##### **4.4.2.1 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
- truthfully recording work and leave periods
- 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

- 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 workers within your area of responsibility understand and comply with the Code
- you do not come under a financial obligation to any worker 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
- workers who collect, handle or disburse public money are properly supervised
- employee work times, overtime, allowances and absences are correctly recorded on time/flex sheets 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.
- appropriate action is taken if breaches of this Code occur.

#### **4.4.2.2 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.

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.

#### **4.4.2.3 Confidentiality**

Council possesses information about individuals, businesses and commercial issues which is private and sensitive, and which could be harmful if released. Workers must only access information and records they require in the course of their Council duties. Workers must keep this information confidential at all times.

You can maintain confidentiality by:

- taking care about discussing work matters with anyone not entitled to know such information
- taking responsibility to protect confidential files and information
- not sharing your access to Council system accounts with others, this includes keeping your Council ICT system password confidential
- handling and using Council and customer information, in accordance with its information security label, and
- referring all media enquiries to your team leader or manager or City Communication.

In accordance with section 197(2) of the *City of Brisbane Act 2010* (Qld), you must not use information acquired as a Council worker to gain (directly or indirectly) an advantage for yourself or someone else, or cause detriment to Council. This obligation continues after you leave Council's employment or your contract for services ends.

#### **4.4.2.4 Privacy**

You are expected to take all reasonable and appropriate steps to protect the privacy of individuals having regard to the requirements of the *Information Privacy Act 2009* (Qld), including the Information Privacy Principles in this Act. Accordingly, you must:

- respect and protect individuals' personal information
- use personal information only for the purpose for which it was collected



- not disclose personal information to other sections of Council unless the individual has expressly or impliedly agreed to that use of the information
- not disclose personal information to external organisations except where there is a legislative requirement to do so or where it is contracted as part of a service being performed on Council's behalf.

#### **4.4.2.5 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.

#### **4.4.2.6 Workplace health and safety**

We are all committed to Zero Harm in the way we conduct our business and Council activities. 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 workers 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
- attend work fit and able to engage in Council activities safely
- demonstrate behaviour in the workplace which ensures work is performed in a safe and effective manner
- perform all work safely and follow safe work practices
- use personal protective equipment, if required
- report any incidents or hazards immediately and support investigations
- take corrective action to make the workplace or work activities safe and implement improvements.

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

Accordingly, Council has a framework for the management and control of the risks associated with the effects of drugs and alcohol in the workplace. This ensures all Council workers are fit and able to engage in Council activities safely in accordance with Zero Harm principles. You must be aware of and adhere to Council's requirements relating to drugs and alcohol (refer to [Managing drugs and alcohol in the workplace procedure \(HRP151\)](#) and [Drug and alcohol management procedure \(Bracalba and Mt Coot-tha Quarries\) \(HRP150\)](#)).

You must not:

- use, possess or be under the influence of drugs or possess drug related utensils or paraphernalia while on duty or in the workplace
- exceed the breath alcohol concentration and cut-off limits for drugs as outlined in [Managing drugs and alcohol in the workplace procedure \(HRP151\)](#) or the [Drug and alcohol management procedure \(Bracalba and Mt Coot-tha Quarries\) \(HRP150\)](#) while on duty or in the workplace
- consume alcohol while on duty or in the workplace
- gamble or bet on Council premises (except for authorised sweeps and tipping competitions)
- smoke or vape (using electronic cigarettes) in Council buildings, offices or vehicles.

For further information refer to [Drugs and alcohol testing](#), the [Managing drugs and alcohol in the workplace procedure \(HRP151\)](#), the [Drug and alcohol management procedure \(Bracalba and Mt Coot-tha Quarries\) \(HRP150\)](#) and [Managing employees who smoke](#).

### **4.5 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 ordinances and local laws. Suspected breaches will be treated individually, and all relevant circumstances will be taken into account.



Suspected breaches by employees will be managed in line with the [Managing poor performance and misconduct procedure \(HRP130\)](#). Depending on the severity of the breach, formal disciplinary action may be taken in accordance with the *City of Brisbane Act 2010* (Qld) and Council ordinances and local laws.

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

- Corrupt conduct or suspected corrupt conduct (refer to section 3, Definitions)
- 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 in line with Council's [suspension protocol](#):

- 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, in accordance with the *City of Brisbane Act 2010* (Qld).

Any subsequent disciplinary action will be in accordance with the [Managing poor performance and misconduct procedure \(HRP130\)](#).

#### 4.6 If you have a concern

The *Public Interest Disclosure Act 2010* (Qld) and the *Public Sector Ethics Act 1994* (Qld) 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 Brisbane City Council workers, the *Public Interest Disclosure Act 2010* (Qld) gives you the right and the protection to report issues using:

- internal channels (e.g., team leader, divisional or executive manager, Chief Executive Officer, Ethical Standards or contact officer)
- external channels (e.g., Crime and Corruption Commission, Queensland Human Rights Commission, Queensland Ombudsman).

See [Public interest disclosure procedure \(AP179\)](#) for more information.

#### 4.7 The FAIR test

Good decision making is FAIR decision making and should be at the heart of all we do in Council. As part of your decision-making process, ask yourself:

- 1) Am I being **F**air?  
Are my actions lawful and will they withstand scrutiny, reflect community expectations and align with Council's values?
- 2) Am I being **A**ccountable?  
Am I taking responsibility for my behaviour and using sound judgement?
- 3) Am I acting with **I**ntegrity?  
Are my actions in line with the Code of Conduct and promote confidence without bias?
- 4) Have I taken the time to **R**eflect?  
What, if anything, should I do differently throughout my decision-making process?

#### 4.8 Considering human rights

The *Human Rights Act 2019* (Qld) requires Council to act compatibly with human rights and to give consideration to human rights before making a decision. The human rights are outlined in the *Human Rights Act 2019* (Qld) under sections 15 to 37.

In order for a decision, policy or action to be compatible with human rights, it:

- cannot limit a human right; or
- can limit a human right only to the extent that it is considered reasonable and demonstrably justified in the circumstances.

All Council workers should ensure they are familiar with the relevant human rights when performing their role. Additionally, when taking an action or making a decision, ensure the following steps are demonstrated.

### **Step 1: Identify relevant rights**

Consider whether any of the human rights protected under the *Human Rights Act 2019* (Qld) are relevant to the circumstances (rights may be broader than they seem).

### **Step 2: Consider the impact**

Will your action or decision limit or restrict any of the rights identified?  
If yes, then consider Step 3.

### **Step 3: Is the limitation reasonable and justified**

Consider:

- Is there a law or regulation that allows you to limit a person's rights?
- What is the purpose of the limitation?
- Will your action or decision effectively achieve this purpose?
- Is this the least restrictive way to achieve your purpose?
- Do the benefits outweigh the harm caused by the limitation?

If the action or decision limits a human right, but it is considered compatible in the circumstances, you will be required to document your decision-making process.

If the action or decision appears incompatible, make modifications, and then reassess compatibility. The application of Council's FAIR test may also assist in when considering taking an action or making a decision.

## **5 AUTHORITY**

- EMT 14 July 2021
- JCC 2 September 2021

## **6 PROCEDURE OWNER**

Chief People Officer

## **7 FILE REFERENCE**

Council File 6/3/2

## **8 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, executive or divisional 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 or one of the following:

- Ethical Standards
- HelpPhone 3407 1111>2

## **9 RELATED INFORMATION – ETHICAL ISSUES AND CONTACTS**

### **Acting lawfully and complying with lawful instructions**

- [Employee Relations](#)
- City Legal for *City of Brisbane Act 2010* (Qld) and *City of Brisbane Regulations 2012* (Qld)

- [Local laws](#)

#### **Application of diversity and inclusion principles**

- [Diversity and inclusion](#)
- [Recruitment and selection procedure \(HRP001\)](#)
- *Anti-Discrimination Act 1991 (Qld)*
- *City of Brisbane Act 2010 (Qld)*
- *Human Rights Act 2019 (Qld)*
- *Disability Discrimination Act 1992 (Cth)*
- *Racial Discrimination Act 1975 (Cth)*

#### **Breaches of this Code**

- [Managing Poor Performance and Misconduct procedure \(HRP130\)](#)
- [City Legal](#) for *City of Brisbane Act 2010 (Qld)* and *City of Brisbane Regulations 2012 (Qld)*
- [Local laws](#)

#### **Concern for the environment**

- [Environmental policy \(EM001\)](#)

#### **Conflicts of interest**

- [Conflict of interest form and corporate rules supporting conflict of interest framework](#)

#### **Disclosures under the *Public Interest Disclosure Act 2010 (Qld)***

- [City Legal](#)
- [Ethical Standards](#)

#### **Equity of access to Council expenditure**

- [Legal, finance and procurement](#)

#### **Gifts, gratuities and benefits**

- [Receipt of Gifts, Gratuities and Benefits procedure \(AP208\)](#)

#### **Information and options for resolving workplace conflicts and harassment issues**

- [Contact officers](#)

#### **Information privacy principles**

- [AP174 – Privacy Policy](#)
- *Information Privacy Act 2009 (Qld)*
- *Privacy Act 1988 (Cth)*

#### **Information security**

- [Information Security procedure \(ICT07\)](#)
- [Information Security Roles and Responsibilities \(ICT37\)](#)
- [Information Security Labelling and Protection guideline \(ICT29\)](#)

#### **Intellectual property**

- [Intellectual Property policy \(AP085\)](#)
- [Intellectual Property guidelines \(AP086\)](#)

#### **Leaving the organisation**

- [Security procedure \(AP192\)](#)

#### **Non-discriminatory workplace**

- [Workplace bullying, sexual harassment and discrimination prevention procedure \(HRP149\)](#)
- [Grievance procedure \(HRP146\)](#)
- [Resolving grievances](#)
- *City Legal for Anti-Discrimination Act 1991 (Qld)*

**Public comments on Council business**

- [Media Relations procedure \(CC008\)](#)

**Self-development obligations**

- [Performance leadership](#)

**Use of vehicles for non-official purposes**

- [Procedure for the Use of Council Vehicles \(AP036\)](#)

**Using Council's ICT Assets, limited personal use**

- [Acceptable Access and Use of ICT procedure \(ICT30\)](#)
- [Acceptable usage of the internet procedure \(ICT21\)](#)
- [Information asset and recordkeeping policy \(ICT23\)](#)
- [Social Media procedure \(CC002\)](#)
- [Personal social media usage guidelines](#)
- [Good recordkeeping](#)

**Workplace bullying and sexual harassment**

- [Workplace bullying, sexual harassment and discrimination prevention procedure \(HRP149\)](#)
- [Grievance procedure \(HRP146\)](#)
- *Industrial Relations Act 2016* (Qld)
- *Fair Work Act 2009* (Cth)

**Workplace health and safety**

- [Wellness, Safety and Health](#)
- *Work Health and Safety Act 2011* (Qld)
- [Managing employees who smoke](#)
- [Drug and alcohol management procedure \(Bracalba and Mt Coot-tha quarries\) \(HRP150\)](#)
- [Managing drugs and alcohol in the workplace \(HRP151\)](#)

**10 REVIEW DATE**

June 2026

Last reviewed June 2023