



BRISBANE CITY COUNCIL
CITY SERVICE ORDINANCE 1972
(Formerly Chapter 2 Part 3 - City Service)

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1. This ordinance may be cited as the City Service Ordinance 1972.
 - 1A. To facilitate the exercise, discharge and performance of the powers, functions and duties had by it, the Council may, subject to the provisions of any Act, including any regulation, rule, by-law, ordinance, award or industrial agreement made or approved thereunder -
 - (a) appoint to;
 - (b) transfer, promote, reduce or otherwise control within; and
 - (c) dismiss from,

the service of the Council such employees as it thinks fit.

- 1AA. In this Ordinance -

"Executive Service" means that part of the service of the Council which was established by the Council as the Executive Service of the Council with effect on and from 1 October 1993;

"Salary" is deemed to include wages.

Inserted by ordinance published in Gazette No. 75 of 10 December 1993, p.1618

2. Where the position to be filled requires special qualifications, and there is no person available in the service of the Council who is capable of filling the position, the Council may appoint a person possessing the necessary qualifications from outside the service of the Council. No such appointment shall, however, be made unless the permanent head certifies that in his or her opinion there is no person available in the service of the Council who is capable of filling the position to which it is proposed that the appointment be made.
- 3.(1) Every person on first appointment to the service of the Council in a professional or clerical capacity shall be appointed on probation for such period as the Council shall determine. The provisions of awards of the State Industrial Commission and of the Commonwealth Conciliation and Arbitration Commission shall be observed in respect of probationary service.
- (2) **{REPEALED}**

SECTIONS 4. - 7. {REPEALED}

- 8.(1) The provisions of this ordinance and of any award or industrial agreement in respect of appointments and employment of labour shall be observed by the Committee and the permanent head and other employees of the Council to whom powers of appointment or employment have been delegated or assigned.
- (2) In any case where the provisions have not been complied with it shall be the duty of the

permanent head to report the facts and the circumstances to the first meeting of the Council held after the breach comes under his or her notice.

9. Subject to the provisions of -
 - (a) Any award of the State Industrial Commission or of the Commonwealth Conciliation and Arbitration Commission, and
 - (b) the Apprenticeship Act 1964-1974,

the salary classification, salary-grades, salaries, wages, fees, commission and allowances of employees shall be determined by the Council.
10. **{REPEALED}**
11. **{REPEALED}**
12. **{REPEALED}**
13. **{REPEALED}**
14. Permanent heads and employees in charge of subunits of administration shall wherever practicable keep specially in view the training of employees for the filling of various positions in the unit of administration.
15.
 - (1) Every employee shall during the hours of duty devote himself exclusively to the proper discharge of his or her official duties and shall behave at all times with courtesy to the public, giving prompt attention to all reasonable requirements.
 - (2) An employee shall not perform or engage himself or herself to perform remunerative work outside the Council's service without the permission of the Council.
16. **{REPEALED}**
17. **{REPEALED}**
18. **{REPEALED}**
19. An employee shall not be absent from duty without authorised leave unless reasonable cause be shown. If from any cause an employee be prevented from attending to duty he or she shall immediately report the fact to the permanent head or the employee in charge of the subunit of administration in which he or she is employed.
20. In cases where an employee's absence is not sanctioned, unless such employee furnishes an explanation satisfactory to the permanent head, there shall be deducted from his or her salary his or her pay for the period of such absence, and in addition he or she may be

dealt with in accordance with Section 36.

21. **{REPEALED}**
22. An employee shall not -
 - (a) Publicly comment upon the administration of any unit of administration; or
 - (b) Use for any purpose other than for the discharge of official duties information gained by or conveyed to him or her through his or her connection with the service of the Council.
23. An employee shall not take part in political affairs whilst on duty otherwise than by the exercise of the franchise. If any employee is found guilty of a breach of this provision his or her employment shall be terminated by the Permanent Head of the unit of administration in which he or she is employed.
- 24.(1) Employees are prohibited from seeking the influence of any person in order to obtain promotion, transfer, or other advantage. If any employee is found guilty of a breach of this provision his or her employment shall be terminated by the Permanent Head of the unit of administration in which he or she is employed.
- (2) **{REPEALED}**
- 25.(1) The Council may from time to time by resolution approve guidelines with respect to the receipt of gifts, gratuities or benefits by its employees.
- (2) An employee must comply with any guidelines approved by the Council which shall have effect according to their tenor.
- (3) To the extent any guidelines approved by the Council are inconsistent with a provision of this Act or any other Act that provision prevails.
26. An employee, unless duly authorised in that behalf, shall not incur any liability or enter into any contract on behalf of the Council nor alter the terms or conditions of any approved contract.
27. **{REPEALED}**
28. All employees are strictly forbidden to come under pecuniary obligations to employees placed under their control.
- 29.(1) All employees shall be held responsible for the careful use and preservation of all Council property in their possession, custody, or care. Strict economy is to be observed in the use of all materials, motor vehicles, plant, equipment, and stores supplied for Council requirements. Any employee found wilfully damaging or destroying Council property or

who is negligent or careless in its protection shall be guilty of an offence.

- (2) No employee who has the custody, care or control of any property of the Council by virtue of his or her employment shall use that property for a purpose other than that for which it is in his or her custody, care or control.

30. **{REPEALED}**

31. Every employee who is called upon by the permanent head or other person duly authorised in that regard shall furnish such information as may be required, and shall answer all questions pertinent to any inquiry, inspection or investigation, and shall produce all official books, documents, or writings in his control which he is required to so produce: Provided that no employee shall be compelled to answer any question which would render him liable to a conviction under the criminal law.

32. If an employee is charged with having committed any indictable offence or is convicted by any court of an offence, whether punishable on summary conviction or otherwise, he shall immediately report the circumstances to the employee under whose immediate control or supervision he is placed who shall forward the report to the permanent head.

33. **{REPEALED}**

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34. **{REPEALED}**

- 35.(1) If an employee is charged with having committed any indictable offence he or she may be suspended from duty by the permanent head.

- (2) If an employee is convicted of an indictable offence he or she may be summarily dismissed by the Council from the Council's service, or the Council may reduce his or her salary or wages or transfer him or her to some other position of lower classification and salary or lower wages or any of them, or impose a fine not exceeding twenty dollars.

(3) **{REPEALED}**

- (4) The suspension of any employee suspended under this Ordinance may be removed at any time whether before or after conviction.

(5) **{REPEALED}**

(6) **{REPEALED}**

- 36.(1) If any employee -

(a) Is guilty of a breach of any of the provisions of this ordinance; or

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- (b) Disobeys, disregards, or makes wilful default in carrying out any lawful order given by any person having authority to give such order, or by word or conduct displays insubordination; or
 - (c) Is negligent, careless, or indolent in the discharge of his or her duties; or
 - (d) Is inefficient or incompetent in the discharge of his or her duties, his or her inefficiency or incompetency arising from causes within his or her own control; or
 - (e) Uses intoxicating beverages or drugs to excess; or
 - (f) Is guilty of any disgraceful or improper conduct or of any act or conduct showing his or her unfitness to continue in the service of the Council; or
 - (g) Otherwise than in the discharge of his or her duties, directly or indirectly discloses information acquired in the course of his or her duties or otherwise as an employee, except by the direction or with the permission of the permanent head or the employee in charge of the subunit of administration in which he or she is employed; or
 - (h) Involves the Council in a judgment for damages given against it, such damages having resulted from his or her negligence or breach of any law or ordinance;
 - (i) in any way misrepresents his or her qualifications, experience or expertise for any purpose connected with the selection process which results in his or her appointment to a particular position in the service of the Council;

he or she shall be guilty of an offence.

Inserted by ordinance published in Gazette No. 75 of 10 December 1993, p.1618

- (2) Charges against employees. Where there is reason to believe that an employee has committed an offence punishable under subsection (1) -
 - (a) the employee may be charged by the permanent head or employee in charge of the subunit of administration in which the employee is employed, and may, if it is considered that the charge is of such a serious nature that the charged employee should not continue in the performance of his or her duty, be suspended by the permanent head;
 - (b) suspension may be effected prior to, or at the time of, or subsequent to, the making of the charge, and may be removed at any time by the permanent head, pending determination of the charge;
 - (c) upon a charge being made against an employee he or she shall forthwith be

furnished with a copy of the charge, and shall, by notice in writing, be required to state in writing, within a time to be specified in such notice, whether he or she admits or denies the truth of the charge, and to give any explanation in writing which he or she desires to furnish as to such charge. If a reply is not made by such employee within the time specified, such employee shall be deemed to have admitted the truth of the charge;

- (d) if the permanent head, after consideration of any reports relating to the alleged offence and charge and the reply and explanation, if any, of the employee charged, and any further reports he or she may consider necessary, is of opinion that the alleged offence has not been committed, he or she shall, if the employee has been suspended, remove the suspension;
- (e) if the charge is admitted by the employee charged, or if the permanent head, after consideration of the reports relating to the alleged offence and charge and the reply and explanation, if any, of the employee charged, and after such, if any, further investigation as he or she deems necessary, is of opinion that the charge has been sustained, the Council, taking into consideration the previous record of the employee charged, may -
 - (i) caution or reprimand the employee; or
 - (ii) fine the employee a sum not exceeding twenty dollars; or
 - (iii) determine the matter by -
 - (A) reducing the employee to a lower-paid position;
 - (B) reducing the salary or wages of the employee;
 - (C) terminating the services of the employee with the Council; or
 - (D) requiring the employee to resign from the service of the Council within a specified time (in which case the employee may be dismissed by the Council unless he or she so resigns);

and the employee however dealt with under this paragraph, shall not, unless otherwise ordered by the Council, be entitled to receive any salary or wages for the period during which he or she did not perform, or from the date on which he or she ceased to perform the duties of his or her position.

- (3) Charge not proven. If the charge against an employee who has been suspended pursuant to this Section is not admitted and the permanent head, or the Council, or the Appeal Board, decides that the charge is not proved, the suspension shall be forthwith removed and the suspended employee shall be reinstated in his or her position without any loss of salary or wages in respect of the period of suspension.
- (4) For the purposes of paragraphs (d) and (e) of subsection (2) the term "permanent head" shall be read, where the matter relates to an employee in a subunit of administration of the Department of Transport, so as to include as an alternative to the permanent head thereof the officer for the time being in charge of that subunit of administration: Provided

that no officer other than the permanent head shall have power to terminate the services of any employee with the Council.

- (5) This Ordinance in its application to a member of the Executive Service shall be read as if the word "Executive" was substituted for the word "employee" wherever occurring and as if the words "General Manager" were substituted for the words "permanent head" or "permanent head or employee in charge of the sub-unit of administration in which the employee is employed", wherever they occur.

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37. As often as the Council considers it necessary in order to carry out the directions and provisions of this ordinance and to ensure the establishment and continuance of a proper standard of efficiency and economy in the service of the Council, the Council shall cause any unit of administration to be inspected and shall, as far as is practicable, cause an investigation to be made as to the character of the work performed by the employees therein and the manner in which such employees have performed their duties and the efficiency and economy and general working of such unit of administration both separately and in relation to other units of administration.

When an inspection or investigation is considered necessary by the Council the Council may appoint an employee or employees of the Council for that purpose.

38. It shall be the duty of the inspector or inspectors to report upon the following matters:-
- (a) The efficiency, economy, and general working of the unit of administration.
 - (b) Overlapping as between unit of administration and unit of administration, subunit of administration and subunit of administration, employee and employee, concrete recommendations as to meeting same, with graph in illustration.
 - (c) Under-staffing and over-staffing; recommendations as to necessary adjustments.
 - (d) Ratio of juniors to seniors which might be maintained and size of section which it should be possible for a responsible employee to control.
 - (e) Particulars of work performed by each employee.
 - (f) Aptitude of an employee for the work and general suitability for the position.
 - (g) Whether any employee is in receipt of a greater salary or remuneration than is reasonably sufficient for the work performed by him; recommendations for adjustment.
 - (h) Arrangements which are made for giving employees a general training for the filling of the various positions in the unit of administration.

- (i) Standardisation of methods and the adoption of uniform methods of procedure in cases where these things are desirable and necessary.
 - (j) Directions (if any) in which expenditure could be reduced without sacrifice of efficiency.
 - (k) Extent to which the senior employees control and supervise the work of their subordinates.
 - (l) Whether the organisation of the unit of administration or subunit of administration is such that the best use is made of materials, plant, and equipment, stores, etc.
 - (m) And generally on other matters in respect of which it appears to the Council or the inspector or inspectors necessary or expedient to furnish a report.
39. All reports of inspecting officers shall be in writing and contain a summary of recommendations.
40. Any employee who obstructs, resists, or delays any inspector in connection with any inspection or in the discharge or attempted discharge of any power or duty conferred or imposed upon the inspector under section 38 is guilty of an offence.
41. **{REPEALED}**
42. **{REPEALED}**