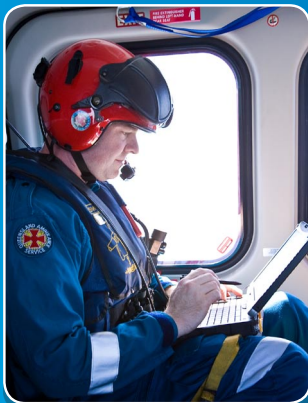


Department of Community Safety

Code of Conduct Policy November 2009



Message from the Director-General

Our Department of Community Safety provides public safety emergency response and management, and secure and appropriate corrective services to the State of Queensland. The Community rightly expects that we will deliver our responsibilities with the highest standards of integrity, professionalism and accountability.

In working together to achieve this goal, you may deal with difficult and complex matters. Your decisions, actions and personal conduct can have a significant impact on the community.

The Code of Conduct is based on the following five ethics principles set out in the *Public Sector Ethics Act 1994*:

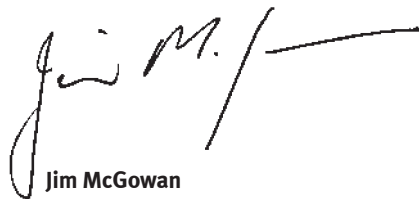
- Respect for the law and system of government
- Respect for persons
- Integrity
- Diligence
- Economy and efficiency.

The Code of Conduct is designed to provide guidance about what is expected of you in your daily work and your dealings with others. Serious breaches of the Code of Conduct are not acceptable.

However, my expectation is that all of us have an obligation to establish an ethical framework for our own decision making, actions and personal conduct. Intuitively, people need to know what is right and wrong. If in doubt, the code of conduct should enable you to clarify the appropriateness of your proposed decisions, actions and personal conduct.

The Code of Conduct should assist you in applying your ethical framework in any circumstance.

I commend the Code of Conduct to you, to assist in the performance of your duties in a way that encourages public trust and confidence in the important work in the Department performs, and in public administration.



Jim McGowan
Director-General
Department of Community Safety

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Community Service
Leadership
Learning
Integrity
Teamwork
Diversity

Printed copies of this Code are regarded as uncontrolled. It is the responsibility of the person printing the document to refer to the departmental intranet site to ensure they have the current version of this Code.

Version 1.0 July 2009

The Code of Conduct

This Code of Conduct (the Code) amended from time to time, forms part of an employee's contract of employment and a volunteer's engagement with the Department of Community Safety (the Department). Employees and volunteers are responsible for their actions and/or failure to take the appropriate action where warranted.

This Code of Conduct applies to all employees, volunteers, contractors, and anyone who performs work or controls resources on behalf of the Department of Community Safety.

Responsibilities

All direct reports to the Director-General are responsible for fulfilling the responsibilities of this Code, and where necessary, implementing policies and procedures within their areas of responsibility.

The Executive Director, Human Resources Branch shall ensure that this Code is monitored and formally reviewed within four years. Changes and additions to this Code shall be approved by the Director-General. The Executive Director, Human Resources Branch shall consult with relevant officers and any other appropriate parties on any proposed changes to this Code.

Employees and Volunteers

All employees and volunteers must:

- carry out their duties in a manner which is safe, alert, honest, diligent, and competent
- treat others with courtesy and respect
- ensure that they are familiar with the Department's policies, procedures, specifications and Codes of Practice, wherever relevant

- ensure compliance with relevant legislation, policy, and industrial instruments such as awards and certified agreements
- comply with lawful and safe directions concerning the performance of their duties including role descriptions and agreed performance objectives
- understand the requirements of their position, and seek clarification if required
- avoid behaviour which constitutes workplace harassment, violence, sexual harassment, unlawful discrimination or vilification.

Managers and Supervisors

In addition to their responsibilities as employees, managers and supervisors must:

- inform employees and volunteers of the Code of Conduct
- assist employees and volunteers to understand the Code of Conduct, taking into consideration literacy and language issues
- lead by example, observing the Code of Conduct
- manage any breaches of the Code of Conduct
- ensure employees can access any relevant legislation, policy, and industrial instruments, and ensure employees are advised of any relevant subsequent changes
- communicate position requirements and expectations to employees and volunteers.

Summary of the Code of Conduct

Respect for the law and the system of Government

Employees and volunteers are required to have a working knowledge of, and abide by the laws and policies that apply to their work, including the Code of Conduct. Managers have a particular responsibility to help employees and volunteers to understand their legislative obligations and policies of the Department, including the applicability of these to their roles.

You are required to carry out any lawful and reasonable directions you are given and implement policies and practices that apply to your work. You have the right to question a direction or a policy if you believe it is unreasonable, inconsistent with ethical guidelines, or unlawful.

Respect for people

The Department of Community Safety is committed to creating workplaces that are free from harassment and discrimination, where people are respected, and diversity is embraced. To achieve this goal you are expected to:

- treat people with respect, courtesy, honesty and fairness
- respect different values, beliefs, cultures and religions
- value the contribution of the people you work with
- work cooperatively
- not intimidate, harass or discriminate against other people.

You are expected to contribute towards a safe and healthy work environment, where harassment, and violent or aggressive behaviour is not tolerated.

Managers have a special responsibility to model and promote these behaviours, and to help employees and volunteers understand them.

Integrity

Working for the Department of Community Safety means that you are in a position of trust. You must ensure that you:

- make fair and transparent decisions
- never use your position improperly to gain an advantage in your private life
- report any fraud, corruption, official misconduct or maladministration that you become aware of at work
- make it clear that public comments about work matters are your personal views
- only release Department of Community Safety information when authorised.

Accessing inappropriate material using Departmental resources, such as electronically accessing or forwarding pornographic material, will result in disciplinary action, which may include dismissal.

Diligence

You are expected to undertake your duties and discharge your responsibilities in a diligent manner. You must ensure that:

- you work safely and to the best of your ability
- you maintain and improve your knowledge and skills, with the support of your manager
- you avoid conduct that could bring the Department into disrepute
- any use of alcohol or drugs does not affect your work
- you are open about reporting mistakes, and deal justly with colleagues if mistakes are made.

Economy and Efficiency

Use your time and work assets efficiently. Always ensure that if you are responsible for any spending of the Department's funds, it is for legitimate activities only and in strict accordance with Departmental policy.

This summary of the Code of Conduct is intended to be used as a quick reference guide only. To ensure that you fully understand the Code, you should read the full Code of Conduct.

Introduction

The Department of Community Safety

Our Department supports healthy, safe and secure communities through public safety, emergency management and secure and appropriate corrections services.

Our Values

The values of the Department must be considered as a fundamental tenet of the services that we provide, and the way in which we work. These values underpin everything that we do, and support the ethical principles provided by this Code.

Safety – We are strongly committed to the provision of a workplace that is free from harm.

Accountability – We are accountable for our decisions and our performance.

Community Service – All of our people are united through a strong commitment to the communities we serve and the community's safety.

Leadership – We value and foster leadership based on our common vision and high standards of ethical behaviour.

Learning – As a learning organisation we value sharing of information and constructive feedback in order to continually improve our services.

Integrity – We support open and honest communication and act with integrity.

Teamwork – We encourage a work environment based on teamwork, mutual support, common purpose, trust, and respect for the history and cultures of all the respective Departmental services, volunteer services and others who contribute to our business achievements.

Diversity – We recognise and value the inclusion of people from a wide variety of backgrounds in everything we do and foster an environment where people feel safe from harassment and discrimination.

Public Sector Ethics Act 1994

The Code of Conduct is a requirement of the *Public Sector Ethics Act 1994*. The Act sets out five ethics principles, which are:

- Respect for the law and system of government
- Respect for people
- Integrity
- Diligence
- Economy and efficiency.

Under the Act, each ethics principle has related ethics obligations.

1 Principle 1 – Respect for the law and system of government

Each employee and volunteer of the Department of Community Safety must uphold the laws of the State and Commonwealth, and carry out official public sector decisions and policies faithfully and impartially.

2 Principle 2 – Respect for people

Employees and volunteers of the Department of Community Safety must treat members of the public, other employees and volunteers honestly and fairly, and with proper regard for their rights and obligations. Employees and volunteers must also act responsibly in performing official duties. Employees must always ensure that interactions with offenders are respectful of their entitlements and dignity, and consistent with the required duty of care.

3 Principle 3 – Integrity

Recognising that public office involves a public trust, each employee and volunteer of the Department of Community Safety must seek to maintain and enhance public confidence in the integrity of public administration, and to advance the common good of the community. Employees and volunteers must:

- not improperly use their official powers or position, or allow them to be improperly used
- ensure that any conflict that may arise between their personal interests and official duties is resolved in favour of the public interest
- disclose any instances of fraud, corruption, official misconduct, or maladministration of which they become aware.

4 Principle 4 – Diligence

In performing official duties, each employee and volunteer of the Department of Community Safety must exercise proper diligence, care and attention, and seek to achieve the highest standards of public administration.

5 Principle 5 – Economy and efficiency

In performing official duties, each employee and volunteer of the Department of Community Safety must ensure that public resources are not wasted, abused or used improperly or extravagantly.

Safety
Accountability
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Applying the Code of Conduct

The Code of Conduct applies to:

- all Department of Community Safety employees, whether permanent, temporary, full-time, part-time or casual
- every volunteer, contractor, consultant, or anyone who exercises power, controls resources for or on behalf of the Department of Community Safety.

The Code continues to apply at all times to people while they are employed, or engaged by, the Department of Community Safety.

Responsibilities under the Code

We are all responsible for implementing and complying with the Code in our workplace.

All employees, volunteers, contractors or consultants, are responsible for ensuring that their behaviour is reflective of the conduct standards outlined in the Code, and contributes to a positive workplace culture.

Managers have a particular responsibility to support employees and volunteers in achieving these goals, leading by example and assisting employees and volunteers to understand the Code. A manager is any employee with supervisory responsibilities.

What happens if there is a breach of the Code?

Managers must seek to avoid escalation of inappropriate behaviour that may result in a breach of the Code, and deal with workplace conflict through timely and direct communication that immediately addresses the behaviour in a constructive way.

Managers must make fair, transparent and consistent decisions in response to an allegation of a breach of the Code. In

determining the action to be taken, the nature and seriousness of the breach will be considered.

Some possible consequences of a breach include:

- informal or formal counselling
- performance improvement processes
- disciplinary processes
- referral to the Crime and Misconduct Commission
- referral to the police (in cases of suspected criminal activity).

What should you do if you are concerned about a breach of the Code?

If you are concerned about a possible breach of the Code, your manager will be able to help you.

If you are concerned about approaching your manager to discuss a problem, you can also speak to:

- your local Human Resources (HR) unit or representative, who can provide information regarding the Code, and what your options or obligations are
- your local Workplace Health and Safety (WHS) unit or representative with regard to workplace health and safety concerns
- the Ethical Standards Branch (ESB), if your concern involves suspected Official Misconduct, or suspected criminal activity
- an alternative work unit manager
- your Divisional head or Commissioner
- your registered industrial organisation, which represents employees.

In some circumstances, an employee or volunteer who makes a disclosure about Official Misconduct may be regarded as a “whistleblower”, under the *Whistleblower's Protection Act 1994*. This Act makes it a criminal offence to take a reprisal against a whistleblower.

Five-Step ethical decision making model

At times, you will need to make decisions or take actions that are not specifically covered in this Code of Conduct. The following five-step model will help you decide on the right thing to do when faced with an ethical problem.

1. Define the problem

- What are the facts and circumstances of the situation?
- Who is involved, and what are their points of view on the matter?
Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does a proposed action break the rules, the law, or go against Government policy?
- Which of the five ethical principles in the Code apply to the situation at hand?

2. What guidelines/rules already exist?

- Are there existing policies/guidelines/instructions that can give you guidance on what to do?
- Are there any legal implications?
- Is expert advice needed?

3. Identify and consider the options

- List all options that you think are reasonable given the situation at hand.
- What are the costs and long term consequences?
- What are the legal implications?
- What impact will it have on different stakeholders?
- Are you, or other persons, able to take the course of action in a healthy and safe manner?

- Consider the options in light of the five ethical obligations outlined in this Code.
- Do you have the required level of delegation, or does the matter need to be referred to a higher authority?

4. Test the options

- Would clients and the general community of Queensland see your actions as being honest and impartial?
- Would you be happy if this action was done to you?

5. Choose your course of action

Make sure you choose a course of action which is:

- Within your authority to make.
- Legal, and in accordance with this Code.
- Fair and able to be justified to your manager and the public.
- Documented, so that a statement of reasons could be supplied if required.

The Code and your obligations

1 Obligation 1 – Respect for the law and system of government

Have a working knowledge of, and abide by the laws and policies that apply to your work, including this Code.

1.1 Know the laws and policies that apply to your work

You must have a working knowledge of, and abide by the laws, policies and industrial entitlements that apply to your work, including this Code of Conduct.

Managers have a particular responsibility to assist employees and volunteers to understand relevant legislation or policies, including specific legal requirements. The Department's induction policy provides a mechanism to allow this to occur.

Our Department provides varied services to the community. Each Division within the Department will utilise policies, procedures and business instructions to enable effective services to be provided. You should be aware of, and comply with, each of these instruments operating within your Division, and ensure that decisions are made within the scope of your delegated level of authority.

All employees are entitled to have access to legislation, policies and industrial instruments such as Awards that apply to their work.

1.2 Carry out lawful directions

You must carry out any lawful and reasonable directions you are given and implement policies and practices that apply to your work, and your employment.

Anyone giving directions must ensure that they are lawful and consistent with the Department of Community Safety's policies and standards.

You must not pressure other Departmental employees or volunteers to act contrary to laws, policies, standards or procedures.

For example: activities that are unreasonably outside the scope of their duties, or activities that they do not have the appropriate safety equipment for, or training to perform.

You have the right to question a direction or a policy if you believe it is unreasonable or unlawful, or may result in your physical harm. Managers should be open to positive and constructive questions about their decisions.

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. If you still believe it is unreasonable, you can ask for advice at a higher level, or in some cases lodge a grievance.

Due to the unique nature of the Department's services, in certain circumstances, a Command and Control methodology is utilised. This methodology ensures the skills, competencies, qualifications and experience of all personnel involved with the incident are recognised and utilised in the total management of the incident. The effectiveness of this methodology requires all responding personnel to have due regard and mutual respect for rank, experience, specialist expertise and local knowledge that will assist in the management of the incident.

1.3 Criminal offences

All employees and volunteers of the Department of Community Safety are placed in a position of trust by the community of Queensland. To maintain trust and confidence in the services we provide, the Department shall conduct criminal history checks on staff in certain circumstances.

Further, you are required to immediately notify your manager if you are charged with an indictable offence, a drink driving offence, or if you are convicted by a Court of any offence. This includes losing your licence through a loss of demerit points. When a manager receives such advice, they are to immediately forward that information to the Ethical Standards Branch (ESB).

Under the provisions of the *Corrective Services Act 2006*, any employee performing a function under that Act must notify their manager if they are **charged with any offence**, or of any other changes to their criminal history.

2 Obligation 2 – Respect for people

The Department of Community Safety is committed to creating and maintaining workplaces that are free from harassment, discrimination and where diversity is welcomed, and people are respected.

2.1 Showing respect for others

Treat all people with respect, courtesy, and honesty and give others a fair hearing.

Respect the dignity, rights and views of others, including those with different beliefs, cultures and religions.

Be aware of the inherent power imbalance that may exist in client or offender relationships. Take special care to maintain a professional relationship that does not cross professional boundaries or cause harm to clients or offenders.

2.2 Working together

Effective teamwork is an essential part of a productive workplace. You should contribute to your team by:

- valuing the people you work with
- working cooperatively and encouraging contributions from all members of your team.

Seek guidance and assistance if you are concerned that personal relationships could have an impact on your work performance or attendance.

2.3 Managing your employees and volunteers responsibly

Managers have an added responsibility for creating positive workplaces. Managers are expected to:

- lead by example
- encourage teamwork
- avoid bias or favouritism towards employees or volunteers
- positively support employees and volunteers to improve their skills or performance
- ensure employees and volunteers understand performance expectations and that their performance is objectively assessed against these standards
- make fair, transparent and consistent decisions
- take employee and volunteer concerns seriously and act in a reasonable and timely manner
- promote a culture of openness and direct face-to-face communication
- provide clear and constructive feedback to employees and volunteers, and welcome feedback
- address inappropriate behaviour, that may result in a breach of the Code, promptly to avoid unnecessary escalation
- identify and resolve workplace conflict at the earliest possible opportunity
- deal justly with employees and volunteers when mistakes are made.

2.4 Violent and aggressive behaviour

The Department of Community Safety has a zero tolerance approach to violence in its workplaces. All employees and volunteers are expected to contribute to a safe and healthy work environment. To achieve this, violent and aggressive behaviour will not be tolerated towards clients, offenders, other employees, volunteers, or members of the public.

Where employees or volunteers are exposed to an incident involving violence or aggression, then the Department will provide the necessary support to an individual employee or volunteer, as required.

Employees and volunteers are required to report incidents of violent or aggressive behaviour. Managers will investigate any incidents and take appropriate action with a view to preventing or minimising the aggression and violence in the future.

2.5 Workplace harassment

The Department of Community Safety has a zero tolerance approach to harassment in the workplace. Do not discriminate against, harass (including sexually harass), or mistreat clients, offenders, employees, volunteers, or members of the public.

Managers are expected to provide leadership in eliminating harassment and other aggressive or coercive behaviours.

The Department has an established Harassment Policy, which details the obligations of managers, employees, and volunteers with regard to workplace harassment.

2.6 Working with offenders

The Department fosters community safety and crime prevention through humane containment, supervision and interventions for offenders. This work necessitates that all employees who perform work in relation to a function under the *Corrective Services Act 2006* must ensure that interactions with offenders, their associates and families at all times remains on a professional level, and that they do not cross the “professional boundary”.

You should always be mindful that your conduct in this regard is being observed and will be subject to the scrutiny of either management, other employees, offenders, relatives or friends of offenders, or members of the public. What may appear to be an innocent interaction to you may not be viewed as such by others and in this regard, you should always check your understanding of what is acceptable with your manager.

All employees who perform work in relation to a function under the *Corrective Services Act 2006* must disclose any relationship they may have to an offender under the care of Queensland Corrective Services (QCS).

When you work with offenders you should structure opportunities to enable them to manage their behaviour within a humane environment.

You must ensure that the entitlements and dignity of offenders are safeguarded and upheld.

Employees must know, and abide by, the policies and procedures that exist with regard to working with offenders.

3 Obligation 3 – Integrity

Working for the Department of Community Safety means that you are placed in a position of trust.

3.1 Making decisions

Your decisions must be fair and transparent.

3.2 Conflicts of interest

Conflict of Interest refers to a conflict between the private interests of a public official and the public interest.

An actual conflict of interest exists when a public official is in a position to be influenced by their private interests when doing their job.

An apparent (or perceived) conflict of interest exists when a public official is in a position to appear to be influenced by their private interests when doing their job.

A potential conflict of interest exists when a public official is in a position where they may be influenced in the future by their private interests when doing their job.

A pecuniary interest involves a situation where there is the potential to gain or lose financially from your public position. For example, receiving hospitality or travel, gaining property, having unpaid debts to others, making decisions on behalf of the Department about a business that you own or have shares in.

A non-pecuniary interest does not have a financial component. It can involve personal or family relationships or involvement in sporting, social or cultural activities that could influence your judgement or decisions, even though there is no financial benefit to you.

Observing the conflict of interest requirements is particularly important for employees who make decisions on contracting, tendering, purchasing, managing subordinate staff, or other regulatory functions.

Conflicts of interest should be avoided wherever possible. You must disclose, in writing to the appropriate manager, any actual, apparent, or potential conflicts of interest which may impact on your work performance.

Members of the Senior Executive Service and Senior Officers, or equivalents, should ensure that where required, appropriate management strategies are utilised to address any conflicts of interest of which they become aware. Further advice may be obtained from the Integrity Commissioner concerning the identification and resolution of an actual, apparent, or potential conflict of interest in accordance with the provisions of the *Public Sector Ethics Act 1994*.

3.3 Other employment

The Department of Community Safety provides unique and essential services to the community of Queensland. It is vital that these services are provided by our Department at the highest standard. Your safety and wellbeing, along with the integrity of the Department are essential requirements to ensure that we meet our obligations to the Community.

If you engage in other employment, or the circumstances of other employment, in which you are already engaged in changes, you are required to notify the Chief Executive, or authorised delegate, within 14 days where the other employment:

- has or has the potential to be, a real or apparent conflict of interest in relation to your employment with the Department, or
- has the potential to impact adversely on your ability, health or wellbeing to safely and effectively carry out official duties within the Department, or
- has the potential to compromise the integrity of the Department or to reflect seriously and adversely on the Department, or
- could result in, or has the potential to result in, the misuse of information, intellectual property, physical or other public resources.

Where directed, the employee is required to resolve any concerns identified by the Chief Executive, or authorised delegate, in relation to the above points in favour of the Department, to the satisfaction of the Chief Executive, or authorised delegate, within 14 calendar days.

3.4 Gifts and rewards

Do not use your position with the Department to gain an advantage in your private life, for example, by arranging jobs, transfers or benefits for family or friends.

Never ask others for any reward other than what the Department pays you or any other entitlements you receive as an employee or volunteer.

Gifts of money must not be accepted under any circumstances.

All gifts or benefits received must be reported to your manager who will advise on the correct course of action according to the Public Service Commission's Gifts and Benefits policy, and the Department's Gifts, Benefits and Donations Policy.

The Public Service Commission's policy may be found at the following address:

<http://www.psc.qld.gov.au/library/document/policy/gifts-and-benefits.pdf>

If a gift or benefit can be used by the Department, it may be kept to be used in an appropriate way. No gift, regardless of the monetary value, may be accepted if it could potentially cause the employee to feel an obligation to the gift giver.

It is unacceptable for QCS employees to receive any gifts from, or provide any gifts to, an offender.

3.5 Report official misconduct

You must cooperate with any investigations being conducted in connection with the administration and management of the Department of Community Safety.

Report any suspected Official Misconduct, including fraud or corruption, which you become aware of at work. Report your concerns to your line manager (who will immediately refer the matter to the Ethical Standards Branch (ESB), or directly to the ESB. The ESB will report all cases of suspected Official Misconduct to the Crime and Misconduct Commission.

3.6 Confidentiality and disclosure of information

Personal and sensitive information must be responsibly and transparently collected and managed in accordance with the privacy principles contained in the *Information Privacy Act 2009*.

You should be aware of your responsibilities regarding the use, disclosure, storage and destruction of official information in accordance with the *Public Records Act 2002*, the *Right to Information Act 2009*, and under other relevant legislation, policies and any procedures relating to particular offender groups.

Keep sensitive information out of sight and secure, and manage such information in accordance with Departmental and/or relevant Divisional protocols, and the Department's Classification of Information policy.

Employees must ensure that they only access official information for appropriate/ approved purposes. Only access information about a client, offender, volunteer, or employee, when specifically authorised to do so as a part of your job, it is lawful, or when specific consent is given.

Discussions involving client, offender, volunteer, or employee details with other employees, volunteers or members of the public must not occur unless such conversations are specifically authorised as part of your official duties.

You may only publicly release information that you have obtained through your work for the Department where:

- it is a part of your official work duties, and is consistent with this Code (i.e. the release of information will not lead to a breach of confidentiality)
- the release is authorised by statute, regulation or as required by law
- the information is endorsed to be released under "Right to Information" provisions

- the information would normally be given to a member of the public
- the information is already available in the public arena.

Unauthorised disclosure or misuse of information is inappropriate and unethical. If you use Departmental information inappropriately it could result in:

- an adverse effect on our ability to conduct our business
- damage to our reputation and public confidence in our work
- a potential breach of privacy legislation.

All employees, contractors and volunteers should be aware that some information or competitive procurement processes may be classed as confidential, and should not be disclosed without the appropriate authorisation.

If in doubt regarding issues of confidentiality, seek clarification from your manager about how to deal with, or release information.

3.7 Public comment

As a private citizen, you have the right to make public comments and make your personal views known on political and social issues. It is your responsibility to take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen.

If you make comments on matters that you are involved in as an employee, it is important that:

- you make it clear that those comments represent your personal views as a private citizen
- the comments do not raise reasonable doubt about your willingness to objectively implement Government policy
- the comments do not amount to a personal attack
- you do not make misleading statements which bring the Department into disrepute

- the comment does not lead to a breach of confidentiality or inappropriately disclose official information.

Each Division will have different expectations of its staff with regard to media liaison. Therefore, all employees and volunteers are reminded of the need for strict compliance with their respective Divisional policy on Media Liaison, and must make themselves aware of all requirements under these relevant Divisional policies or Codes of Practice. If you are concerned about making a public comment, you should seek guidance from your manager.

Employees and volunteers, who are authorised to talk to the media about operational matters within their scope of responsibility, are also subject to any statutory requirements.

Those employees and volunteers, who are authorised to provide media comment, must follow their usual chain of command if approached by the media to comment on an operational matter.

At an incident, the Officer in Charge, or the most senior available officer, is authorised to provide the following information:

- factual details such as times, action taken, the number of people involved in the incident, and if relevant, their ages and gender provided it does not identify the patient(s), or people rescued
- positively describe the efforts of emergency workers and the assisting public.

Employees and volunteers are not authorised to:

- comment about Government or Opposition policy
- make public comments or announcements prior to any planned Government or Ministerial release of information
- comment on Departmental policy matters
- speculate on the cause of an incident

- provide information that could in any way identify a patient or accident victim, or offender (name, private address, or telephone numbers)
- provide information in contradiction of the confidentiality provisions of the *Corrective Services Act 2006*, the *Ambulance Service Act 1991*, the *Fire and Rescue Service Act 1990*, or the *Information Privacy Act 2009*
- comment on incidents that involve serious injury or death of a Departmental employee or volunteer
- provide any information relating to a case involving suicide or a drug overdose.

If an employee or volunteer is in doubt about a media inquiry, the employee or volunteer must refer the journalist to the Department's Media Unit and then telephone the Media Unit immediately.

3.8 Communicating with members of parliament

In your private capacity you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen. Any communication with Members of Parliament that is a part of your official duties must be undertaken through formal communication channels.

3.9 Political or trade union activity

If you wish to stand for election in the Federal or State Parliaments or local Council, you must observe the procedures set out in the whole of Government policy on Public Sector Employees Contesting Federal, State or Local Government Elections.

See http://www.opsc.qld.gov.au/library/docs/resources/policies/Contesting_Elections.doc

Authorised union representatives who are also employees of the Department of Community Safety can undertake activities for the union as outlined in relevant industrial instruments and legislation. Union members have specific protections from adverse treatment or discrimination

under the freedom of association provisions of relevant industrial relations legislation.

Engagement as a union representative does not dissolve any responsibilities associated with confidentiality of information, and the disclosure of public information.

3.10 Intellectual property

The State owns the copyright in material made by, or under the direction or control of the State. Hence, any material or intellectual property, which you produce in the course of your work, belongs to the state, unless otherwise explicitly provided for in your contract of employment.

Further, you are required to obtain permission from the Chief Executive, or authorised delegate, before the publication or disclosure of any articles, processes or materials that you have produced as part of your employment.

Further information relating to the management of intellectual property within the Queensland Public Sector can be found in the Queensland Public Sector Intellectual Property Guidelines. All staff should read and understand these guidelines, found at the following address:

<http://www.industry.qld.gov.au/dsdweb/v4/apps/web/content.cfm?id=6775>

3.11 Electronic communications systems

These systems include, but are not limited to computer networks, email, internet, internet telephones, mobile phones, personal digital assistants, faxes, radio networks, and any other communications device or service provided by the Department.

The following activities are strictly prohibited and will attract disciplinary action, which may include penalties up to and including dismissal.

Accessing, transmitting, storing, copying, displaying, or downloading any form of:

- pornographic, sexually explicit or inappropriate material

- cruel, malicious or violent material
- material that may cause offence or intimidation, or may amount to harassment, discrimination or vilification under the *Anti-Discrimination Act 1991*
- material that threatens, harasses or defames any person or organisation;
- material that may breach this Code of Conduct
- material that may breach copyright;
- material that interferes or potentially risks the security of DCS systems
- material for personal commercial purposes whether or not for financial gain
- unsolicited and/or unauthorised bulk emails
- material which misleads or deceives
- material which is illegal or criminal in nature.

Accessing Electronic Communications Systems in a way designed to avoid or usurp restrictions of use which have been imposed by the Department is prohibited.

The inappropriate material described above is also inappropriate if displayed in paper, or hard copy.

3.12 Selection processes and performance reports

All employees providing assessments of employee performance must ensure that assessments are accurate and without bias.

4 Obligation 4 – Diligence

Work safely and to the best of your ability. The Department of Community Safety is committed to creating and maintaining a workplace, which is free from harm, and encourages a culture that has safety as an absolute priority.

4.1 Work to the best of your ability

Perform your duties responsibly and to the best of your ability with care, competence and efficiency.

Be open about reporting mistakes.

Endeavour to maintain and improve your knowledge and skills. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so wherever it is possible.

4.2 Work safely

You have a responsibility to:

- abide by the Department’s Workplace Health and Safety policy
- comply with instructions given and relevant Departmental policies, procedures and Codes of Practice for workplace health and safety
- report workplace health and safety problems, hazards and incidents
- use personal protective equipment provided.

Managers, employees and volunteers must ensure no one is exposed to unacceptable risks to their health and safety.

4.3 Act professionally

Act professionally, and abide by any Code or set of standards governing the practice of your duties or profession.

Provide prompt and high quality service when responding to clients.

Deal justly with colleagues when mistakes are made.

Avoid situations where you are recognisable as a Departmental employee or volunteer, and your behaviour could reflect negatively on the Department, or impact on your workplace, whether in a private or an official capacity.

4.4 Professional registration and qualifications

Where it is a requirement of your position, you must maintain qualifications and provide evidence of any qualifications when requested to do so.

Employees are to comply with any code or set of standards governing their activities where they are employed in an established profession. Where it is a requirement of their position, employees must maintain registration and provide evidence of it on an annual basis, or as required.

Employees must also advise the Department if their professional registering body is:

- undertaking any investigative action regarding a complaint against them
- has taken action to limit, suspend or place other restrictions on their professional registration
- has commenced a health assessment check process.

4.5 Alcohol, smoking, drugs, and fitness for work

You must ensure that any use, including any use external to your work, of alcohol or other substances does not affect or have the potential to adversely affect your work performance, or endanger the health and safety of yourself or others.

Where job requirements mandate specific alcohol, drugs and fitness for work standards, all employees and volunteers must comply with these standards.

If you are concerned that any medication you are taking may affect your work performance or endanger the health and safety of yourself or others, alert your manager as alternative duties may need to be considered for the duration of the course of treatment. The reporting is especially important in situations involving the care of clients or offenders, or the operation of equipment or machinery.

Employees and volunteers are obligated to be both aware of and compliant with any regulation governing the use of equipment or machinery, which they may be expected to operate in the course of performing their duties within the Department.

Smoking is prohibited inside Queensland Government motor vehicles, buildings, grounds and offices, except for designated smoking areas provided.

4.6 Leave

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your manager about the options available to you.

Seeking approval for planned leave in advance will help your team make the necessary arrangement to avoid disruptions to service delivery.

4.7 Duty of care

Employees and volunteers of the Department:

- have a duty of care to take reasonable care to avoid causing harm to others
- are required to exercise the degree of care that is reasonably expected from a competent and skilled person in the performance of their duties
- must exercise a high level of care, diligence and professional competence when working with vulnerable or dependent persons
- have an obligation to follow the relevant workplace health and safety requirements
- must avoid negligent conduct by giving sufficient attention to their actions and decisions, and by obtaining the direction and advice of their manager if unsure how to proceed.

4.8 Dress standards

Keep your appearance and presentation clean, tidy and appropriate for your work role, and in line with all workplace health and safety requirements. Your dress style must reflect appropriate workplace health, safety and security considerations applicable to your job and work environment.

You are expected to refer to relevant Divisional standards for dress style that ensures a professional image for the Department, especially if you are dressed in a way that identifies you as a DCS representative, for example wearing a uniform (in accordance with respective uniform codes) or a corporate wardrobe.

4.9 Learning and development

You should participate in relevant learning and development opportunities to develop the skills and knowledge necessary to perform your job and to enhance the delivery of services.

You should seek feedback on your work performance and reasonably engage in any plans for improving your work performance.

- limited, occasional and brief personal local telephone calls and faxes
- limited and occasional personal use of computers
- limited and occasional personal use of the Department's email and internet system.

You should be aware that email use is monitored, and information contained in your email is not private or confidential.

There are some cases and environments where the personal use of work resources is not acceptable. You should refer to your manager for guidance. Employees are not, without the authorisation of their manager, to utilise privately owned computers or business equipment in the workplace.

5 Obligation 5 – Economy and efficiency

Use your time, your work assets, and resources efficiently

5.1 Managing time and resources

Manage your time and resources efficiently, and with regard to relevant policies and delegations.

All equipment, resources and consumable items must be used for the work and business of the Department, unless otherwise approved by the Director-General, or authorised delegate.

Employees must not be induced to work outside their industrial entitlements, such as working unpaid overtime, or limiting access to meal breaks.

5.2 Personal Use of work resources

Personal use of Departmental equipment and resources that has been specifically authorised by your manager may be acceptable in the following circumstances; and in accordance with instructions issued so long as it does not affect your work, the work of others, or the reputation of the Department of Community Safety:

- limited and occasional use of Departmental phones and blackberries

5.3 Financial decisions

Employees who make decisions involving the Department's financial resources must ensure that they are doing so within the scope of their delegated authority, and in accordance with policies and procedures for the purchase, use and disposal of resources.

You must ensure that the spending of Departmental funds are for legitimate activities only, and in strict accordance with Departmental policy. You should seek further advice if you are unsure about the use of Departmental finances.

5.4 Government vehicles

You must only use government vehicles for official purposes as permitted by Departmental policies or procedures on "Motor Vehicle Home Garaging and Instructions for Individual Officer Use of Government Owned Vehicles". When home-garaging a motor vehicle, you are required to provide first priority access to the business-related needs of Department of Community Safety officials. You must follow current administrative processes regarding maintenance of government vehicle logbooks, purchasing fuel and reporting damage. All government vehicles must be driven lawfully, and in accordance with the appropriate transport regulations.

The Code of Conduct and other rights and obligations

Disciplinary Action

Section 18 of the *Public Sector Ethics Act 1994* requires that a public official of a public sector entity must comply with the conduct obligations stated in the entity's Code of Conduct that apply to the official. The Code of Conduct guides and assists employees and volunteers acting in good faith.

If in your decisions, actions or conduct, you fail to comply with the standards outlined in the Code of Conduct, you may be subject to disciplinary action. All breaches of the Code of Conduct must be reported to your manager, or other appropriate manager, as soon as possible.

Official Misconduct

Some situations may constitute official misconduct under the provisions of the *Crime and Misconduct Act 2001*. Under this legislation official misconduct is defined as conduct that could, if proved, be:

- A. a criminal offence
- B. a disciplinary breach providing reasonable grounds for terminating the person's services, if the person is or was the holder of an appointment.

Examples of official misconduct include, but are not limited to:

- unlawful assault (unreasonable force) of an offender or co-worker or otherwise placing an offender or co-worker in danger
- stealing property
- misuse of official information for private gain or for an improper purpose
- improperly influencing the outcomes of a selection process (e.g. unfairly favouring one applicant over another

by providing pre-interview access to interview questions or by "rigging" scores)

- making a false claim for remuneration with the knowledge that the claimant is not entitled to that remuneration
- accepting a bribe or other benefit to award a tender to a particular person or company.

The Director, Ethical Standards Branch reports all instances of alleged/suspected official misconduct to the Crime and Misconduct Commission in accordance with Sections 38 and 40 of the *Crime and Misconduct Act 2001*.

This Code requires all employees and volunteers to report any instances of official misconduct, of which they become aware, to their manager, or to the Ethical Standards Branch.

Maladministration

Maladministration is defined in the *Whistleblowers Protection Act 1994* to cover illegal, arbitrary, oppressive or improper public sector administrative action, and includes decisions of a public entity that are unlawful, arbitrary, unjust, oppressive, improperly or unlawfully discriminatory, or taken for an improper purpose.

Examples of maladministration may include, but are not limited to:

- negligent or improper management involving a substantial waste of public funds
- a substantial and specific danger to public health or safety or the environment.

The Act allows public officials to report instances of maladministration to the appropriate authority. The disclosure may be made to other agencies/bodies if it is about the Department itself. These include:

- Queensland Ombudsman
- Crime and Misconduct Commission
- Department of the Premier and Cabinet
- Public Service Commission.

Glossary

The Department

The Department of Community Safety.

Benefit

Includes gift, gratuity, remuneration (other than salary), allowance, fee, subsidy, privilege, consideration, free service, accommodation and entertainment.

Cabinet documents

Cabinet documents can broadly be described as documents which, if disclosed, would reveal any consideration or deliberation of Cabinet, or otherwise prejudice the confidentiality of Cabinet considerations, deliberations or operations.

CMC

Queensland Crime and Misconduct Commission (i.e. the Agency responsible for investigating matters involving official misconduct).

The Code

The Department of Community Safety's Code of Conduct.

Conflict of interests

Conflict of Interest refers to a conflict between the private interests of a public official and the public interest.

An actual conflict of interest exists when a public official is in a position to be influenced by their private interests when doing their job.

An apparent (or perceived) conflict of interest exists when a public official is in a position to appear to be influenced by their private interests when doing their job.

A potential conflict of interest exists when a public official is in a position where they may be influenced in the future by their private interests when doing their job.

Contractor

A person who undertakes a contract to provide materials or labour for a job.

Delegate

A person designated to act for or represent the Director-General, as prescribed in legislation and/or the Department's Financial, and Human Resource Delegations.

Directive

Directives issued under section 53 and 54 of the *Public Service Act 2008*.

Disciplinary action

Action taken as a result of the disciplinary process.

Discrimination

Discrimination on the basis of an attribute includes direct and indirect discrimination on the basis of:

- A. a characteristic that a person with any of the attributes generally has
- B. a characteristic that is often imputed to a person with any of the attributes
- C. an attribute that a person is presumed to have, or to have had at any time, by the person discriminating
- D. an attribute that a person had, even if the person did not have it at the time of the discrimination.

Due care

The degree of care that a reasonable person can be expected to exercise to avoid harm in the circumstances; or alternatively, the absence of negligence.

DCS

The Department of Community Safety

Employee

Any person who undertakes work for the Department in a paid capacity.

ESB

The Ethical Standards Branch of the Department of Community Safety.

Faithfully

Refers to how one is required to observe the common law duty of service which one owes to an employer; a responsibility to respect the employer's legitimate interest and carry out lawful directions.

RTI

Right to Information

Fraud

A deception deliberately practised in order to secure unfair or unlawful gain.

Gifts or benefits

Refer to items given or received by employees in the course of official duties. It may include gifts which are tangible (of lasting value) or intangible (of no lasting value).

Indictable offence

An indictable offence is a crime or misdemeanour under the Criminal Code (Queensland) or an offence under a Federal law where the maximum penalty is greater than 12 months imprisonment. An offence does not cease to be an indictable offence because it is dealt with summarily.

Information security

Refers to the policies, procedures and technical measures used to prevent unauthorised access, alteration, loss, theft or damage to information and prevent physical damage to information assets, be they paper-based or electronic formats. The Department controls its information technology and systems in order to protect its information. These controls are implemented to ensure that information is not corrupted or misappropriated and is accessible only to those who are authorised to view, update or add to the data.

Intellectual property

An invention, original work, the results of scientific research, or a product development which can be protected under legislation, e.g. the *Copyright Act 1968*, and by common law, depending on the type of intellectual property involved. Intellectual

property covers material both published and unpublished produced in the course of employment. Example: computer software, illustrations, issues papers, manuals. (Note: this definition does not cover Indigenous intellectual property.)

Maladministration

See page 20.

Manager

A manager is any employee with supervisory responsibilities.

Misconduct

Is defined by the *Public Service Act 2008* to mean:

Disgraceful or improper conduct in an official capacity or disgraceful or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Offender

Offender means:

- A. a prisoner
- B. a person who is subject to
 - I. a community based order
 - II. a conditional release order.

Official misconduct

See page 20.

Other employment

Means additional paid employment (either on full-time, part-time or casual basis) performed by an employee, including absences on approved leave:

- in the Queensland public service, public sector or other government jurisdictions
- in the private sector as an employee for a private company or business or as an owner or director of a company, trading trust or partnership
- working as an independent contractor
- in self-employment.

Policy

A course or principle of action adopted or proposed by the Department or Government.

Private interests

Include both financial and non-financial interests, activities, involvements and benefits. 'Non-financial' interests include employment and career interests, political and religious activities, sporting and community involvements, and trade union and ideological interests.

Procedural fairness (natural justice)

Refers to a process which aims to ensure that a fair decision is reached by a decision-maker. The elements to be observed are a fair hearing and exclusion of bias.

Professional ethics

Standards of conduct which are promulgated by established professions that apply to individuals in their professional capacity.

Public interest

For a public official / Department employee, 'acting in the public interest' means acting lawfully and/or in accordance with government policy under the direction of the Minister. In the absence of legal or policy frameworks, it means acting for the common good of the community.

Public Interest Disclosure

A public interest disclosure is made pursuant to the *Whistleblowers Protection Act 1994* with regard to:

- A. Information about official misconduct (disclosed by a public officer).
- B. Information about maladministration that adversely affects anybody's interests in a substantial and specific way (disclosure by a public officer).
- C. Information about the negligent or improper management directly or indirectly resulting, or likely to result, in a substantial waste of public funds (disclosure by a public officer).

- D. Information about a substantial and specific danger to the health or safety of a person with a disability which is made to an appropriate entity and includes all information and help given by the discloser to an appropriate entity (see *Whistleblowers Protection Act 1994* (Qld), sections 15-20).

Public official

- A. an officer or employee of a public sector entity; or
- B. a constituent member of a public sector entity, whether holding office by election or selection but does not include a judicial officer or local government councillor (see *Public Sector Ethics Act 1994*).

Public resources

Includes material and financial resources, human skills and knowledge, intellectual property, official information, time, and intangible assets such as corporate learning, public support, positive employee morale and professional commitment.

Public sector entity

For the purposes of the Code, this means:

- A. a Department
- B. a commission, authority, office, corporation or instrumentality established under an Act or under state or local government authorisation for a State or local government purpose
- C. an entity, prescribed by regulation that is assisted by public funds.

Public sector ethics

Job-related standards of conduct which arise from the duties of the employee's position and which guide decision-making and behaviour. Relevant public sector ethics are described in the *Public Sector Ethics Act 1994* and the Code.

Reportable gift

Any gift of property, travel, entertainment, hospitality or any other benefit that is not consistent with industry/country norms. Includes valuable items whether of a personal nature or otherwise (e.g. jewellery, clocks, works of art). No dollar value is specified, as this will vary depending on the situation.

Reprisal

In the terms of section 41 of the *Whistleblowers Protection Act 1994*, causing or attempting or conspiring to cause detriment to another person because, or in the belief that, somebody has made or may make a public interest disclosure.

Violence

Violence includes any unlawful, unauthorised or unacceptable use of force, or threatening behaviour towards another person.

Volunteer

Someone who performs work for the Department in an unpaid capacity.

Waste

Using public resources without useful purpose. Examples: leaving office lights on in empty rooms; ordering non-essential equipment near the end of the financial year to preserve budget allocations.

Whistleblower

A whistleblower is a person who makes a public interest disclosure in accordance with the *Whistleblowers Protection Act 1994*.



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Version 1.0 July 2009

Safety
Accountability
Community Service
Leadership
Learning
Integrity
Teamwork
Diversity

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