



**WUJAL WUJAL ABORIGINAL SHIRE COUNCIL
CODE OF CONDUCT**

Responsible Manager: Director Finance & Corporate Services

Head of Power: Human Resources Policy

Authorised by: Chief Executive Officer

Authorised on: 21 May 2020

Implemented from: 21 May 2020

To be reviewed on: 30 June 2021

1. POLICY STATEMENT

- (a) Council is committed to be an employer of choice by maintaining industry parity in relation to the development, management and support of human resources.
- (b) Employees, Councillors, contractors, consultants, work experience students, volunteers and agents of Council shall conduct themselves strictly in accordance with the *Local Government Principles* set out in section 4(2) of the *Local Government Act 2009* (Qld) and the *Ethics Principles* set out in section 4(2) of the *Public Sector Ethics Act 1994* (Qld), namely:
 - (i) transparent and effective processes and decision-making in the public interest;
 - (ii) sustainable development and management of assets and infrastructure and delivery of effective services;
 - (iii) democratic representation, social inclusion and meaningful community engagement;
 - (iv) good governance of and by, local government;
 - (v) ethical and legal behaviour of Councillors and local government employees;
 - (vi) integrity and impartiality;
 - (vii) promoting the public good;
 - (viii) commitment to the system of government; and
 - (ix) accountability and transparency.
- (c) Council shall maintain open and transparent internal and external complaints management processes, enabling continuous review of the conduct of Council, its employees, contractors and agents.
- (d) A failure of a local government employee, Councillor, contractor, consultant, work experience student, volunteer or agent to conduct oneself strictly in accordance with the *Local Government Principles* and *Ethics Principles* shall be thoroughly investigated by Council and if proven, met with appropriate disciplinary action as available under Council Policy, Procedure and/or Regulation, including but not limited to mandatory reporting to regulatory bodies (e.g. the Queensland Crime and Corruption Commission or the Department of Local Government, Racing and Multicultural Affairs).

2. SCOPE

This Code applies to all employees, Councillors, contractors, consultants, work experience students, volunteers or agents of Wujal Wujal Aboriginal Shire Council. For Mayor & Councillors, the requirements of mandatory Councillor code of conduct will take precedence over this code.

3. DEFINITIONS

CCC means Crime and Corruption Commission

CEO means Chief Executive Officer of Wujal Wujal Aboriginal Shire Council

Code means this Code of Conduct

Council means Wujal Wujal Aboriginal Shire Council

Functional Manager means:

- a) for all employees, contractors, consultants, work experience students, volunteers or agents- Manager responsible for each functional area as identified in Council's organisational structure
- b) for Councillors- Chief Executive Officer

Officers mean all employees, Councillors, contractors, consultants or agents of Council or engaged by Council to perform duties

4. IMPLEMENTATION

- a) Matters relating to the interpretation of this Procedure should be raised with the Functional Manager in the first instance.
- b) The Chief Executive Officer may review any interpretation as relevant.

5. PURPOSE

The object of this Code is to assist officers to:

- a) Ensure high standards of workplace behaviour that support a safe working environment and positive working relationships with all parties.
- b) Meet Council's objectives and legal requirements.
- c) Comply with their statutory duty to act honestly and exercise due diligence and a high degree of care.
- d) Provide a guide to identifying and resolving situations which could result in:
 - (i) conflicts of interest – material personal interests
 - (ii) impropriety
 - (iii) improper use of their positions
 - (iv) improper use of resources of Council
 - (v) acting in ways which diminish both public perception and confidence in the administration and system of Local Government

6. CONFLICT OF INTEREST

A Conflict of Interest (including Material Personal Interest) occurs when an officer's personal interests are, or are perceived by others reasonably to be, in conflict with the Council's and community's interests. When there is a conflict, it may influence the outcome of the decisions they are required to make.

a. CONFLICT OF INTEREST PROCEDURE

- a) Council is required to manage the processes of resolving all conflicts of interest, including those conflicts of interest that should have been, but have not been disclosed.
- b) The processes used by Council for managing conflicts of interest must be transparent, open to scrutiny and accountable.
- c) Council will ensure that all its officers are made aware of the Conflict of Interest Procedure.
- d) If an officer believes they have a potential, perceived, apparent and/or actual conflict of interest they are obliged to declare the conflict of interest. Conflicts of Interest should be declared or recorded in writing to the Functional Manager.
- e) When a Councillor or employee declares an actual, potential, perceived and/or apparent Conflict of Interest at a Council Meeting, the disclosure should be recorded in the meeting minutes.
- f) If an officer is of the understanding that another officer may have a conflict of interest, they may raise it directly with the officer or with the CEO.
- g) Council must maintain records of conflicts of interest that detail:
 - (i) all notifications of conflicts of interest;
 - (ii) any reported cases of failure to disclose;
 - (iii) disclosure by others (e.g. officer or member of the public);
 - (iv) vexatious or trivial claims;
 - (v) assessment of the matter;
 - (vi) any action taken; and
 - (vii) any reviews of the assessment process.
- h) The notification for conflicts of interest should include:
 - (i) the person's name, position, phone number and address;
 - (ii) details of the nature of the Conflict of Interest (perceived, apparent, potential or actual);
 - (iii) date of notification; and
 - (iv) suggested course of action to deal with and resolve the conflict of interest.
- i) When Council is determining the best option to address the conflict of interest, Council will ensure the process includes impartiality, fairness and protection of Council's interests.

- j) Actions taken by Council may include:
- (i) limiting the person's involvement in the matter (e.g. participation in discussion but not decision-making);
 - (ii) the person having no involvement in the decision-making or participation in discussion in the matter (e.g. excluding the person from receiving communications in any form or from taking part in discussions and decisions); and
 - (iii) removing the source of conflict.
- k) Councillors declaring a Conflict of Interest may refer decisions for recommendation, endorsement or approval to other decision-makers:

Conflicted Party	Alternative Approver
Mayor	Deputy Mayor/ CEO
Councillor	Mayor

7. ETHICS

The following ethics principles must be observed by all officers:

- a) **Respect for the Law and the System of Government** - Officers shall uphold the laws of Queensland and Australia and shall not, without just cause, be a party to their breach, evasion or subversion.

Officers shall act with respect towards the institutions of both Parliament and Local Government. Officers shall ensure that their conduct, whether in a personal or official capacity, does not bring the Parliament or Local Government into disrepute or damage public confidence in the System of Government.

Responsibility	Standards of conduct
<i>Respect for the Law and the System of Government</i>	<ul style="list-style-type: none"> • Officers shall always abide by the Law and the System of Government. • Officers will not engage in negative comment or behaviour that will bring disrepute or damage to the Law and the System of Government to internal or external parties. Officers shall proactively support and implement any policy or decision adopted by Council. • Officers shall not engage in negative comment regarding any policy or decisions adopted by Council other than through the internal feedback mechanisms.

- b) **Respect for persons** - Officers shall treat other officers, Council representatives, other officials and members of the public honestly and fairly and with proper regard for their rights, entitlements, duties and obligations.

Officers shall at all times act responsibly in the performance of their public duties.

Officers shall adopt an exemplary standard of conduct in respect to form and manner of communication with clients of Council irrespective of whether they are representatives of Government, the public or private sector or other Council officers.

Responsibility	Standards of conduct
<i>Respect for persons</i>	<ul style="list-style-type: none"> • Officers shall always respect other parties engaged internally or externally with Council including members of the public. • Officers shall not engage in negative or defamatory comment about the behaviour, actions or activities of other parties engaged with Council or members of the public. • Officers shall support and be helpful to other parties in their efforts to achieve Council objectives. • Officers will not comment on the decisions or activities of other personnel in other departments to other officers other than their Functional Manager. • Officers are not to interrupt other officers performing their duties through gossiping.

- c) **Integrity** - Officers shall at all times seek to advance the common good of the community which they serve, in recognition that public office involves a public trust.

In particular, officers shall ensure that their official powers or position are not used improperly for personal advantage. Officers shall ensure that any conflict between personal interests and public duty which may arise is resolved in favour of the public interest.

Responsibility	Standards of conduct
<i>Integrity</i>	<ul style="list-style-type: none"> • Officers shall declare any conflict of interest that may affect the interactions or the decision-making of Council. • Officers shall maintain the highest standard of work performance at all times. • Officers shall not use their power within their role or at Council to disadvantage another party or for their own personal gain. • Officers shall not use their role or political power to incorrectly intimidate, discriminate or harass another person.
<i>Bribes, gifts and benefits</i>	<ul style="list-style-type: none"> • Officers will not seek or accept a bribe or other improper inducement. • Officers will not use their official position to gain advantage or to improperly influence Councillors, other officers or delegates in the performance of either their public or professional duties for the purpose of private gain or personal benefit. • Officers will not accept gifts or services other than minor incidental items in the course of their duties. • Officers will not, by virtue of their official positions, accept or acquire a personal profit or advantage of a personal material value (except of a token nature) other than permitted by this Code or any statute or Council procedure now or in the future.

<i>Use of Council resources</i>	<ul style="list-style-type: none"> • Officers must not use public resources for private purposes (except when supplied as part of a contract of employment) unless such use is lawfully authorised and/or proper payment is made where appropriate. • Officers must not use or convert to their own use any property of Council. • Officers must be scrupulously honest in the use of Council resources of all kinds, both physical and human and in accordance with any Council policy, award or other recognised work practice.
<i>Use of information</i>	<ul style="list-style-type: none"> • Officers will not advance a private interest by the use of confidential information gained in the course of public or professional duty. • Officers will only conduct their duties in a manner that allows Council members, other officers, delegates and the public to remain informed about Local Government, activity and practices. • Officers will treat confidential reports and confidential discussions of committees and Council with the strictest confidence. • Officers receiving confidential personnel actions or information shall treat this information with the strictest confidence.

- d) **Diligence** - Officers shall exercise due diligence, care and attention and shall at all times seek to achieve the highest standards practicable in relation to their duties and responsibilities in their official capacity as officers of Local Government.

Responsibility	Standards of conduct
<i>Diligence</i>	<ul style="list-style-type: none"> • Officers shall maintain the highest standard of work performance at all times. • Officers are to aim for continuous improvement within their own duties and within the organisation.

- e) **Economy and efficiency** - Officers shall avoid waste, abuse and extravagance in the provision or use of public resources and shall expose fraud and corruption of which the officer is aware.

Responsibility	Standards of conduct
<i>Economy and Efficiency</i>	<ul style="list-style-type: none"> • Officers shall only exercise decision-making, supervision and financial activities as delegated within their position by their department Manager and as outlined in their position descriptions. • Officers shall manage their duties in order to maximise productivity and minimise downtime and reliance on other officers to complete departmental goals (within the responsibilities of their position descriptions). • Officers shall report any wastage and abuse of resources to their Functional Manager. • Officers shall report any fraud or corruption to the Chief Executive Officer in accordance with Council's Fraud and Corruption Prevention Procedure.
<i>Use of Council resources</i>	<ul style="list-style-type: none"> • Officers must avoid waste or extravagance in the use of public resources.

8. BREACHES AND NON-COMPLIANCE

Alleged breaches or failure to comply with the Code of Conduct will be dealt with in accordance with the Council policies (or under Regulation for Councillors) and within the following guidelines:

- a) Questions of compliance raised by Council members, other officers or the community regarding the Code will be considered by the CEO or CEO's nominee.
- b) Officers are entitled to representation in the consideration of a question of non-compliance against them. Investigation and management of the matter will have regard to the principles of fairness, equity and natural justice.
- c) Investigations undertaken regarding compliance with the Code will be kept confidential. The CEO has responsibility for ensuring that compliance with the Code occurs.
- d) If a question of compliance with the Code is raised by the CEO, the Mayor will determine with Council the manner in which to address the matter.
- e) Where Council or the Mayor or a committee of Council addresses the matter, principles of fairness, equity and natural justice will apply, and the matter will be handled confidentially.
- f) If the CEO reasonably suspects that a matter involves, or may involve, corrupt conduct, the Chief Executive Officer has an obligation to notify the Crime and Corruption Commission.

9. AUTHORISATION

This page and the previous bearing my signature were duly authorised by me as the **Wujal Wujal Aboriginal Shire Council Code of Conduct** on 21 May 2020 and shall hereby supersede any previous procedure of the same intent.

A handwritten signature in black ink, appearing to read 'Stephen Wilton', written over a horizontal line.

Stephen Wilton
Chief Executive Officer

Date: 21 May 2020