

PUBLIC INTEREST DISCLOSURE FORM

Name of Subject Officer:	
Internal Reference #:	
Date disclosure received:	
Gender of discloser:	<input type="checkbox"/> N/A <input type="checkbox"/> Male <input type="checkbox"/> Female
Discloser status:	<input type="checkbox"/> Employee of Agency <input type="checkbox"/> Employee of another Public Sector Agency <input type="checkbox"/> Member of General Public <input type="checkbox"/> Anonymous
Anonymous:	<input type="checkbox"/> Employee <input type="checkbox"/> Member of the General Public <input type="checkbox"/> Unknown
Gender of subject officer:	<input type="checkbox"/> N/A <input type="checkbox"/> Male <input type="checkbox"/> Female
Subject Officer status:	<input type="checkbox"/> Employee <input type="checkbox"/> Non Employee
Subject Officer relationship with discloser:	<input type="checkbox"/> Subordinate within work unit <input type="checkbox"/> Supervisor / Manager with work unit <input type="checkbox"/> Colleague within work unit <input type="checkbox"/> No direct work relationship
Location of subject officer:	
Type of disclosure:	<input type="checkbox"/> Disability – s.12(1)(a)
	<input type="checkbox"/> Environment (breach of conditions) – s.12(1)(b); s.12(1)(c)
	<input type="checkbox"/> Environment – s.13(1)(d); s.18(1)(a)(iv)
	<input type="checkbox"/> Maladministration – s.13(1)(a)(ii); s.18(1)(a)(i)
	<input type="checkbox"/> Misuse of public resources – s.13(1)(b); s.18(1)(a)(ii)
	<input type="checkbox"/> Official misconduct – s.13(1)(a)(i); s.18(1)(b); s.19(1)(a)
	<input type="checkbox"/> Public health or safety – s.13(1)(c); s.18(1)(a)(iii)
	<input type="checkbox"/> Reprisal – s.12(1)(d); s.18(1)(c); s.19(1)(b)
Type of previous PID:	<input type="checkbox"/> N/A
	<input type="checkbox"/> Disability – s.12(1)(a)
	<input type="checkbox"/> Environment (breach of conditions) – s.12(1)(b); s.12(1)(c)
	<input type="checkbox"/> Environment – s.13(1)(d); s.18(1)(a)(iv)
	<input type="checkbox"/> Maladministration – s.13(1)(a)(ii); s.18(1)(a)(i)
	<input type="checkbox"/> Misuse of public resources – s.13(1)(b); s.18(1)(a)(ii)
	<input type="checkbox"/> Official misconduct – s.13(1)(a)(i); s.18(1)(b); s.19(1)(a)
	<input type="checkbox"/> Public health or safety – s.13(1)(c); s.18(1)(a)(iii)

When was previous PID made:	<input type="checkbox"/> Within 3 months <input type="checkbox"/> 3 – 6 months <input type="checkbox"/> 6 – 12 months <input type="checkbox"/> More than 12 months
Reference number for previous PID:	
Summary of allegation/information received:	
Where was PID received from:	<input type="checkbox"/> Internal <input type="checkbox"/> External
Internal:	<input type="checkbox"/> Manager / Supervisor <input type="checkbox"/> Chief Executive Officer / Director-General <input type="checkbox"/> Specialist Ethics / Integrity Unit <input type="checkbox"/> HR Unit <input type="checkbox"/> Minister
External:	<input type="checkbox"/> Member of Parliament <input type="checkbox"/> Another Public Sector Entity
External Source:	

RISK ASSESSMENT

Reprisal Risk Mitigation Strategy:	<input type="checkbox"/> Additional Security
	<input type="checkbox"/> Discloser declined support / protection
	<input type="checkbox"/> Existing strategies considered sufficient
	<input type="checkbox"/> Monitoring / management of staff who may engage in reprisal
	<input type="checkbox"/> Other (please provide comment below):
	<input type="checkbox"/> Protection of identity or existence of discloser
	<input type="checkbox"/> Provision of tailored support for discloser
	<input type="checkbox"/> Suspension of staff who may engage in reprisal
	<input type="checkbox"/> Transfer of discloser
	<input type="checkbox"/> Transfer of staff who may engage in reprisal
Any change to level of risk during inquiry/investigation:	<input type="checkbox"/> Yes <input type="checkbox"/> No
Change to level of risk:	<input type="checkbox"/> N/A <input type="checkbox"/> Risk increased <input type="checkbox"/> Risk decreased

ACTION TAKEN

Date PID assessment completed:	
Result of assessment:	<input type="checkbox"/> N/A <input type="checkbox"/> Commence inquiry / investigation (includes preliminary & formal) <input type="checkbox"/> Decided no action to be taken
Request for internal review of decision to take no action:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No

Result of Internal Review:	<input type="checkbox"/> N/A <input type="checkbox"/> Decision Upheld <input type="checkbox"/> Decision Changed
Date inquiry/investigation commenced:	
Date inquiry/investigation completed:	
Is an external agency/party Involved in the PID:	<input type="checkbox"/> N/A <input type="checkbox"/> Yes <input type="checkbox"/> No
External agency/party type:	<input type="checkbox"/> Audit Office <input type="checkbox"/> CMC <input type="checkbox"/> HQCC <input type="checkbox"/> Ombudsman <input type="checkbox"/> Police <input type="checkbox"/> Professional Registration Body <input type="checkbox"/> Solicitor / Lawyer <input type="checkbox"/> Union

RESOLUTION

Substantiation of PID:	<input type="checkbox"/> N/A <input type="checkbox"/> Substantiated <input type="checkbox"/> Partially Substantiated <input type="checkbox"/> Not Substantiated
Date disclosure resolved:	
Action Taken:	<input type="checkbox"/> Mitigation of an action that has already occurred <input type="checkbox"/> Prevention of an impact that has not yet occurred <input type="checkbox"/> Change to control environment <input type="checkbox"/> Training <input type="checkbox"/> Management action <input type="checkbox"/> Disciplinary action <input type="checkbox"/> Mediation <input type="checkbox"/> Transfer of employee <input type="checkbox"/> Ex gratia payment <input type="checkbox"/> Apology <input type="checkbox"/> Other (please comment below):

If PID has taken 6 months or more to resolve, reasons why:	<input type="checkbox"/> Awaiting decision from CCC
	<input type="checkbox"/> Awaiting decision from Police / DPP
	<input type="checkbox"/> Awaiting decision from professional registration body
	<input type="checkbox"/> Awaiting decision of other independent third party
	<input type="checkbox"/> Investigation hindered by unavailability of one or more
	<input type="checkbox"/> Involvement of legal representatives
Notes/further information:	

Other LEGAL PROCESSES

Does this PID involve any other legal processes available under the PIDA:	<input type="checkbox"/> Criminal proceedings for reprisal (s.41)
	<input type="checkbox"/> Damages claim in the District Court (s.42)
	<input type="checkbox"/> Damages claim in the Supreme Court (s.42)
	<input type="checkbox"/> Complaint under the Anti-Discrimination Act (s.44)
	<input type="checkbox"/> Public officer appeal / review (s.46)
	<input type="checkbox"/> Relocation of public service employee (s.47)
	<input type="checkbox"/> Injunction from industrial commission (s.48)
	<input type="checkbox"/> Injunction from Supreme Court (s.49)
	<input type="checkbox"/> Confidentiality offence (s.65)
	<input type="checkbox"/> False or misleading information offence (s.66)
Outcome of criminal proceedings:	<input type="checkbox"/> Criminal charges laid
	<input type="checkbox"/> No charges laid – not sufficient evidence
	<input type="checkbox"/> No charges laid – not in public interest
	<input type="checkbox"/> District Court damages claim – damages awarded
	<input type="checkbox"/> District Court damages claim – claim dismissed
	<input type="checkbox"/> District Court damages claim – matter resolved before
	<input type="checkbox"/> Supreme Court damages claim – damages awarded
	<input type="checkbox"/> Supreme Court damages claim – claim dismissed
	<input type="checkbox"/> Supreme Court damages claim – matter resolved before hearing
	<input type="checkbox"/> Resolved at ADCQ – financial resolution
	<input type="checkbox"/> Resolved at ADCQ – non-financial resolution
	<input type="checkbox"/> Resolved at QCAT before hearing
	<input type="checkbox"/> QCAT ordered damages
	<input type="checkbox"/> QCAT dismissed complaint
	<input type="checkbox"/> Injunction granted
<input type="checkbox"/> Application for injunction dismissed	

Outcome of criminal proceedings (Con't):	<input type="checkbox"/> PSC appeal – appeal upheld
	<input type="checkbox"/> PSC appeal – appeal dismissed
	<input type="checkbox"/> Other appeal – appeal upheld (Comment below)
	<input type="checkbox"/> Other appeal – appeal dismissed (Comment below)
	<input type="checkbox"/> Appeal upheld – employee relocated
	<input type="checkbox"/> Appeal dismissed
	<input type="checkbox"/> Application to QIRC – interim injunction granted
	<input type="checkbox"/> Application to QIRC – injunction granted
	<input type="checkbox"/> Application to QIRC – application dismissed
	<input type="checkbox"/> Application to Supreme Court – interim injunction granted
	<input type="checkbox"/> Application to Supreme Court – injunction granted
	<input type="checkbox"/> Application to Supreme Court – application dismissed
	<input type="checkbox"/> Charges Laid
	<input type="checkbox"/> Conviction
	<input type="checkbox"/> No Conviction
	<input type="checkbox"/> No Charges Laid
	<input type="checkbox"/> Insufficient Evidence
<input type="checkbox"/> Not in Public Interest	

Chapter 3 Sexual harassment prohibited by this Act (complaint)

Part 1 Act's freedom from sexual harassment purpose

117 Act's freedom from sexual harassment purpose and how it is to be achieved

- (1) One of the purposes of the Act is to promote equality of opportunity for everyone by protecting them from sexual harassment.
- (2) This purpose is to be achieved by—
 - (a) prohibiting sexual harassment; and
 - (b) allowing a complaint to be made under chapter 7 against a person who has sexually harassed; and
 - (c) using the agencies and procedures established under chapter 7 to deal with the complaint.

Part 2 Prohibition of sexual harassment

118 Sexual harassment

A person must not sexually harass another person.

119 Meaning of sexual harassment

Sexual harassment happens if a person—

-
- (a) subjects another person to an unsolicited act of physical intimacy; or
 - (b) makes an unsolicited demand or request (whether directly or by implication) for sexual favours from the other person; or
 - (c) makes a remark with sexual connotations relating to the other person; or
 - (d) engages in any other unwelcome conduct of a sexual nature in relation to the other person;

and the person engaging in the conduct described in paragraphs (a), (b), (c) or (d) does so—

- (e) with the intention of offending, humiliating or intimidating the other person; or
- (f) in circumstances where a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct.

Examples of subsection (1)(a)—

- physical contact such as patting, pinching or touching in a sexual way
- unnecessary familiarity such as deliberately brushing against a person

Example of subsection (1)(b)—

sexual propositions

Examples of subsection (1)(c)—

- unwelcome and uncalled for remarks or insinuations about a person's sex or private life
- suggestive comments about a person's appearance or body

Examples of subsection (1)(d)—

- offensive telephone calls
- indecent exposure

[s 120]

120 Meaning of relevant circumstances

The circumstances that are relevant in determining whether a reasonable person would have anticipated the possibility that the other person would be offended, humiliated or intimidated by the conduct include—

- (a) the sex of the other person; and
- (b) the age of the other person; and
- (c) the race of the other person; and
- (d) any impairment that the other person has; and
- (e) the relationship between the other person and the person engaging in the conduct; and
- (f) any other circumstance of the other person.

Chapter 4 Associated objectionable conduct (complaint)

Part 1 Act's freedom from associated objectionable conduct purpose

121 Act's freedom from associated objectionable conduct purpose and how it is to be achieved

- (1) One of the purposes of the Act is to promote equality of opportunity for everyone by prohibiting certain objectionable conduct that is inconsistent with the other purposes of the Act.
- (2) This purpose is to be achieved by—
 - (a) prohibiting certain conduct; and
 - (b) allowing a complaint to be made under chapter 7 against a person who has engaged in that conduct; and

- (b) must not take action or further action relating to a matter that is, or may be, affected by the conflict unless authorised by the chief executive.
- (2) The chief executive of a department may direct a public service employee employed in the department to resolve a conflict or possible conflict between an interest of the employee and the employee's duties.
- (3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).

Chapter 6 **Disciplinary action for public service employees and former public service employees**

Part 1 **Preliminary**

186A **Definitions for ch 6**

In this chapter—

changes employment includes changes employment by promotion, transfer, redeployment or secondment.

employing chief executive, of a public service employee, means the chief executive of a department in which the employee holds an appointment or is employed after the employee changes from one department to another department.

former public service employee means a public service employee whose employment ends for any reason after a disciplinary ground arises.

previous chief executive, for a public service employee, means the chief executive of the department in which the employee holds an appointment or is employed before—

- (a) the employee changes employment from the department to another department; or
- (b) the employment of the employee as a public service employee ends for any reason.

Part 2 Disciplinary action

187 Grounds for discipline

- (1) A public service employee's chief executive may discipline the employee if the chief executive is reasonably satisfied the employee has—
 - (a) performed the employee's duties carelessly, incompetently or inefficiently; or
 - (b) been guilty of misconduct; or
 - (c) been absent from duty without approved leave and without reasonable excuse; or
 - (d) contravened, without reasonable excuse, a direction given to the employee as a public service employee by a responsible person; or
 - (e) used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the employee's duties; or
 - (ea) contravened, without reasonable excuse, a requirement of the chief executive under section 179A(1) in relation to the employee's appointment, secondment or employment by, in response to the requirement—
 - (i) failing to disclose a serious disciplinary action; or

- (ii) giving false or misleading information; or
 - (f) contravened, without reasonable excuse—
 - (i) a provision of this Act; or
 - (ii) a standard of conduct applying to the employee under an approved code of conduct under the *Public Sector Ethics Act 1994*; or
 - (iii) a standard of conduct, if any, applying to the employee under an approved standard of practice under the *Public Sector Ethics Act 1994*.
 - (2) A disciplinary ground arises when the act or omission constituting the ground is done or made.
 - (3) Also, a chief executive may discipline, on the same grounds mentioned in subsection (1)—
 - (a) a public service employee under section 187A; or
 - (b) a former public service employee under section 188A.
 - (4) In this section—
- misconduct*** means—
- (a) inappropriate or improper conduct in an official capacity; or
 - (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Example of misconduct—

victimising another public service employee in the course of the other employee's employment in the public service

responsible person, for a direction, means a person with authority to give the direction, whether the authority derives from this Act or otherwise.

187A How disciplinary action may be taken against a public service employee after the employee changes employment

- (1) This section applies if—
 - (a) a public service employee holds an appointment with, or is employed by, a department and a disciplinary ground arises in relation to the employee; and
 - (b) after the disciplinary ground arises the employee changes employment from the department to another department.
- (2) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the employee holds an appointment with, or is employed by, the other department.
- (3) The previous chief executive may not take disciplinary action about the disciplinary ground other than to the extent provided under subsection (4).
- (4) If—
 - (a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and
 - (b) the previous chief executive and the employing chief executive agree that disciplinary action against the employee is reasonable in the circumstances;the employing chief executive may take disciplinary action against the employee under section 188.
- (5) Despite subsection (2) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the employee.
- (6) If—
 - (a) the previous chief executive delegates to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the employee; and

(b) the employing chief executive makes a disciplinary finding about the employee;

the employing chief executive may take disciplinary action against the employee under section 188 without the agreement of the previous chief executive.

(7) The previous chief executive may give to the employing chief executive any information about a public service employee or a disciplinary ground relating to the employee to help the employing chief executive to perform a function under subsection (4) or (5) in relation to the employee.

188 Disciplinary action that may be taken against a public service employee

(1) In disciplining a public service employee, the employee's chief executive may take the action, or order the action be taken, (*disciplinary action*) that the chief executive considers reasonable in the circumstances.

Examples of disciplinary action—

- termination of employment
 - reduction of classification level and a consequential change of duties
 - transfer or redeployment to other public service employment
 - forfeiture or deferment of a remuneration increment or increase
 - reduction of remuneration level
 - imposition of a monetary penalty
 - if a penalty is imposed, a direction that the amount of the penalty be deducted from the employee's periodic remuneration payments
 - a reprimand
- (2) If the disciplinary action is taken following an agreement under section 187A(4) between the previous chief executive and the employing chief executive mentioned in the section, the chief executives must agree on the disciplinary action.
- (3) However, a monetary penalty can not be more than the total of 2 of the employee's periodic remuneration payments.

- (4) Also, an amount directed to be deducted from any particular periodic remuneration payment of the employee—
 - (a) must not be more than half of the amount payable to or for the employee in relation to the payment; and
 - (b) must not reduce the amount of salary payable to the employee in relation to the period to less than—
 - (i) if the employee has a dependant—the guaranteed minimum wage for each week of the period; or
 - (ii) otherwise—two-thirds of the guaranteed minimum wage for each week of the period.
- (5) In acting under subsection (1), the chief executive must comply with this Act and any relevant directive of the commission chief executive.
- (6) An order under subsection (1) is binding on anyone affected by it.

188A Disciplinary action that may be taken against a former public service employee

- (1) This section applies if—
 - (a) a disciplinary ground arises in relation to a public service employee; and
 - (b) after the disciplinary ground arises the employee's employment as a public service employee ends for any reason.
- (2) However, this section does not apply if—
 - (a) the former public service employee is an ambulance service officer and the ambulance service chief executive has taken, is taking, or intends to take disciplinary action against the employee in relation to the disciplinary ground under the *Ambulance Service Act 1991*, part 2, division 4, subdivision 2; or
 - (b) the former public service employee is a fire service officer and the fire service chief executive has taken, is

taking, or intends to take disciplinary action against the employee in relation to the disciplinary ground under the *Fire and Emergency Services Act 1990*, chapter 3.

- (3) The previous chief executive may make a disciplinary finding or take or continue to take disciplinary action against the former public service employee in relation to the disciplinary ground.
- (4) The disciplinary finding or disciplinary action must be made or taken within a period of 2 years after the end of the employee's employment.
- (5) However, subsection (4) does not stop disciplinary action being taken following an appeal or review.
- (6) Subsection (4) does not affect—
 - (a) an investigation of a suspected criminal offence; or
 - (b) an investigation of a matter for the purpose of notifying the Crime and Corruption Commission of suspected corrupt conduct under the *Crime and Corruption Act 2001*.
- (7) In disciplining the former public service employee, the previous chief executive may make a disciplinary declaration and may not take any other disciplinary action.
- (8) The previous chief executive may only make a disciplinary declaration if the disciplinary action that would have been taken against the employee if the employee's employment had not ended would have been—
 - (a) termination of employment; or
 - (b) reduction of classification level.
- (9) The making of the disciplinary declaration does not affect the way in which the employee's employment ended, or any benefits, rights or liabilities arising because the employment ended.
- (10) In this section—

disciplinary declaration means a declaration of—

- (a) the disciplinary finding against the former public service employee; and
- (b) the disciplinary action that would have been taken against the employee if the employee's employment had not ended.

188AB Disciplinary action that may be taken against a former ambulance service officer or former fire service officer

- (1) This section applies if—
 - (a) a disciplinary ground arises in relation to an ambulance service officer or fire service officer (the *former service officer*); and
 - (b) after the disciplinary ground arises, the officer's employment as an ambulance service officer or fire service officer ends for any reason; and
 - (c) the officer is a public service employee in a department.
- (2) However, this section does not apply in relation to a former service officer if—
 - (a) the officer was an ambulance service officer and the previous or employing chief executive has taken, is taking, or intends to take action against the officer under the *Ambulance Service Act 1991*, part 2, division 4, subdivision 3; or
 - (b) the officer was a fire service officer and the previous or employing chief executive has taken, is taking, or intends to take action against the officer under the *Fire and Emergency Services Act 1990*, chapter 3.
- (3) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the former service officer is no longer employed in the service for which the previous chief executive is the chief executive.
- (4) Despite subsection (3) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive

the authority under subsection (3) to make a disciplinary finding about the former service officer.

- (5) If—
- (a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and
 - (b) the previous chief executive and the person's employing chief executive agree that disciplinary action against the former service officer is reasonable in the circumstances;

the employing chief executive may take disciplinary action against the officer under section 188 as if a disciplinary ground exists.

- (6) If—
- (a) the previous chief executive delegates to the employing chief executive the authority under subsection (4) to make a disciplinary finding about the former service officer; and
 - (b) the employing chief executive makes a disciplinary finding about the former service officer;

the employing chief executive may take disciplinary action against the officer under section 188 without the agreement of the previous chief executive.

- (7) The previous chief executive may give to the employing chief executive any information about the person or a disciplinary ground relating to the person to help the employing chief executive to perform a function under subsection (5) or (6) in relation to the person.
- (8) If, in relation to a person who was an ambulance service officer or fire service officer, a chief executive is both the previous chief executive and employing chief executive, this section applies with necessary changes to allow the chief executive to take disciplinary action against the person as provided under this section.
- (9) In this section—

employing chief executive, for a person, means the chief executive of the department in which the person is employed.

previous chief executive means—

- (a) for a person who was an ambulance service officer—the ambulance service chief executive; or
- (b) for a person who was a fire service officer—the fire service chief executive.

188B Information about disciplinary action to be given by chief executive

- (1) This section applies if—
 - (a) the chief executive of a department asks the chief executive of another department (the *other chief executive*) for disciplinary information that the other chief executive has about a person who is or was a public service employee; and
 - (b) the information is reasonably necessary for the chief executive to make a decision about—
 - (i) an appointment or employment, or continued appointment or employment, of the person to the chief executive's department; or
 - (ii) a disciplinary finding, disciplinary action or disciplinary declaration the chief executive is considering in relation to the person.
- (2) The other chief executive must give the disciplinary information to the chief executive unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.
- (3) In this section—

disciplinary information, in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public

sector disciplinary law by the chief executive or another entity—

- (a) a current investigation into whether the person should be disciplined;
- (b) a finding that the person should be disciplined;
- (c) possible disciplinary action under consideration;
- (d) disciplinary action, including a disciplinary declaration.

189 Suspension of public service employee liable to discipline

- (1) The chief executive may suspend a public service employee from duty if the chief executive reasonably believes the employee is liable to discipline under a disciplinary law.
- (2) However, before suspending the employee, the chief executive must consider all alternative duties that may be available for the employee to perform.
- (3) The chief executive may cancel the suspension at any time.

190 Procedure for disciplinary action

- (1) In disciplining a public service employee or former public service employee or suspending a public service employee, a chief executive must comply with this Act, any relevant directive of the commission chief executive, and the principles of natural justice.
- (2) However, natural justice is not required if the suspension is on normal remuneration.

191 Effect of suspension from duty

- (1) This section applies to a public service employee suspended from duty under this chapter unless the employee's chief executive decides otherwise.

- (2) During the period of the suspension the employee is entitled to normal remuneration, less any amount earned by the employee from alternative employment that the employee engages in during the period.
- (3) For subsection (2), alternative employment does not include employment if—
 - (a) the employee was engaged in the employment at the time of the suspension; and
 - (b) the employee's engaging in the employment was not in contravention of—
 - (i) this Act; or
 - (ii) a standard of conduct applying to the employee under an approved code of conduct under the *Public Sector Ethics Act 1994*; or
 - (c) a standard of conduct, if any, applying to the employee under an approved standard of practice under the *Public Sector Ethics Act 1994*.
- (4) The deduction under subsection (2) must not be more than the amount of the employee's normal remuneration during the period of the suspension.
- (5) The continuity of a public service employee's service as a public service officer is taken not to have been broken only because of a suspension under this chapter.
- (6) The continuity of a general or temporary employee's employment as a general or temporary employee is taken not to have been broken only because of a suspension under this chapter.

192 Additional procedures for suspension or termination

- (1) If a chief executive decides to suspend or terminate the employment of a public service employee, the chief executive must give the employee notice of the suspension or termination.

-
- (2) The notice must state—
- (a) for a suspension—
 - (i) when the suspension starts and ends; and
 - (ii) the remuneration to which the employee is entitled for the period of the suspension, under a decision mentioned in section 191(1) or, if no decision has been made under section 191(1), under section 191(2); and
 - (iii) the effect that alternative employment may, under section 191, have on the entitlement; or
 - (b) for a termination—the day when it takes effect.

Chapter 7 Appeals and reviews

Part 1 Appeals

Division 1 Right of appeal

193 Appeals

A person may appeal against a decision if—

- (a) an appeal may be made against the decision, under section 194; and
- (b) the person is entitled to appeal against the decision under section 196.

194 Decisions against which appeals may be made

- (1) An appeal may be made against the following decisions—

- (b) must not take action or further action relating to a matter that is, or may be, affected by the conflict unless authorised by the chief executive.
- (2) The chief executive of a department may direct a public service employee employed in the department to resolve a conflict or possible conflict between an interest of the employee and the employee's duties.
- (3) For the interpretation of a reference to an interest or a conflict of interest, see section 65(4).

Chapter 6 Disciplinary action for public service employees and former public service employees

Part 1 Preliminary

186A Definitions for ch 6

In this chapter—

changes employment includes changes employment by promotion, transfer, redeployment or secondment.

employing chief executive, of a public service employee, means the chief executive of a department in which the employee holds an appointment or is employed after the employee changes from one department to another department.

former public service employee means a public service employee whose employment ends for any reason after a disciplinary ground arises.

previous chief executive, for a public service employee, means the chief executive of the department in which the employee holds an appointment or is employed before—

- (a) the employee changes employment from the department to another department; or
- (b) the employment of the employee as a public service employee ends for any reason.

Part 2 Disciplinary action

187 Grounds for discipline

- (1) A public service employee's chief executive may discipline the employee if the chief executive is reasonably satisfied the employee has—
 - (a) performed the employee's duties carelessly, incompetently or inefficiently; or
 - (b) been guilty of misconduct; or
 - (c) been absent from duty without approved leave and without reasonable excuse; or
 - (d) contravened, without reasonable excuse, a direction given to the employee as a public service employee by a responsible person; or
 - (e) used, without reasonable excuse, a substance to an extent that has adversely affected the competent performance of the employee's duties; or
 - (ea) contravened, without reasonable excuse, a requirement of the chief executive under section 179A(1) in relation to the employee's appointment, secondment or employment by, in response to the requirement—
 - (i) failing to disclose a serious disciplinary action; or

- (ii) giving false or misleading information; or
- (f) contravened, without reasonable excuse—
 - (i) a provision of this Act; or
 - (ii) a standard of conduct applying to the employee under an approved code of conduct under the *Public Sector Ethics Act 1994*; or
 - (iii) a standard of conduct, if any, applying to the employee under an approved standard of practice under the *Public Sector Ethics Act 1994*.
- (2) A disciplinary ground arises when the act or omission constituting the ground is done or made.
- (3) Also, a chief executive may discipline, on the same grounds mentioned in subsection (1)—
 - (a) a public service employee under section 187A; or
 - (b) a former public service employee under section 188A.
- (4) In this section—

misconduct means—

 - (a) inappropriate or improper conduct in an official capacity; or
 - (b) inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Example of misconduct—

victimising another public service employee in the course of the other employee's employment in the public service

responsible person, for a direction, means a person with authority to give the direction, whether the authority derives from this Act or otherwise.

187A How disciplinary action may be taken against a public service employee after the employee changes employment

- (1) This section applies if—
 - (a) a public service employee holds an appointment with, or is employed by, a department and a disciplinary ground arises in relation to the employee; and
 - (b) after the disciplinary ground arises the employee changes employment from the department to another department.
- (2) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the employee holds an appointment with, or is employed by, the other department.
- (3) The previous chief executive may not take disciplinary action about the disciplinary ground other than to the extent provided under subsection (4).
- (4) If—
 - (a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and
 - (b) the previous chief executive and the employing chief executive agree that disciplinary action against the employee is reasonable in the circumstances;the employing chief executive may take disciplinary action against the employee under section 188.
- (5) Despite subsection (2) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the employee.
- (6) If—
 - (a) the previous chief executive delegates to the employing chief executive the authority under subsection (2) to make a disciplinary finding about the employee; and

(b) the employing chief executive makes a disciplinary finding about the employee;

the employing chief executive may take disciplinary action against the employee under section 188 without the agreement of the previous chief executive.

(7) The previous chief executive may give to the employing chief executive any information about a public service employee or a disciplinary ground relating to the employee to help the employing chief executive to perform a function under subsection (4) or (5) in relation to the employee.

188 Disciplinary action that may be taken against a public service employee

(1) In disciplining a public service employee, the employee's chief executive may take the action, or order the action be taken, (*disciplinary action*) that the chief executive considers reasonable in the circumstances.

Examples of disciplinary action—

- termination of employment
- reduction of classification level and a consequential change of duties
- transfer or redeployment to other public service employment
- forfeiture or deferment of a remuneration increment or increase
- reduction of remuneration level
- imposition of a monetary penalty
- if a penalty is imposed, a direction that the amount of the penalty be deducted from the employee's periodic remuneration payments
- a reprimand

(2) If the disciplinary action is taken following an agreement under section 187A(4) between the previous chief executive and the employing chief executive mentioned in the section, the chief executives must agree on the disciplinary action.

(3) However, a monetary penalty can not be more than the total of 2 of the employee's periodic remuneration payments.

- (4) Also, an amount directed to be deducted from any particular periodic remuneration payment of the employee—
 - (a) must not be more than half of the amount payable to or for the employee in relation to the payment; and
 - (b) must not reduce the amount of salary payable to the employee in relation to the period to less than—
 - (i) if the employee has a dependant—the guaranteed minimum wage for each week of the period; or
 - (ii) otherwise—two-thirds of the guaranteed minimum wage for each week of the period.
- (5) In acting under subsection (1), the chief executive must comply with this Act and any relevant directive of the commission chief executive.
- (6) An order under subsection (1) is binding on anyone affected by it.

188A Disciplinary action that may be taken against a former public service employee

- (1) This section applies if—
 - (a) a disciplinary ground arises in relation to a public service employee; and
 - (b) after the disciplinary ground arises the employee's employment as a public service employee ends for any reason.
- (2) However, this section does not apply if—
 - (a) the former public service employee is an ambulance service officer and the ambulance service chief executive has taken, is taking, or intends to take disciplinary action against the employee in relation to the disciplinary ground under the *Ambulance Service Act 1991*, part 2, division 4, subdivision 2; or
 - (b) the former public service employee is a fire service officer and the fire service chief executive has taken, is

taking, or intends to take disciplinary action against the employee in relation to the disciplinary ground under the *Fire and Rescue Service Act 1990*, part 4, division 3, subdivision 2.

- (3) The previous chief executive may make a disciplinary finding or take or continue to take disciplinary action against the former public service employee in relation to the disciplinary ground.
- (4) The disciplinary finding or disciplinary action must be made or taken within a period of 2 years after the end of the employee's employment.
- (5) However, subsection (4) does not stop disciplinary action being taken following an appeal or review.
- (6) Subsection (4) does not affect—
 - (a) an investigation of a suspected criminal offence; or
 - (b) an investigation of a matter for the purpose of notifying the Crime and Misconduct Commission of suspected official misconduct under the *Crime and Misconduct Act 2001*.
- (7) In disciplining the former public service employee, the previous chief executive may make a disciplinary declaration and may not take any other disciplinary action.
- (8) The previous chief executive may only make a disciplinary declaration if the disciplinary action that would have been taken against the employee if the employee's employment had not ended would have been—
 - (a) termination of employment; or
 - (b) reduction of classification level.
- (9) The making of the disciplinary declaration does not affect the way in which the employee's employment ended, or any benefits, rights or liabilities arising because the employment ended.
- (10) In this section—

disciplinary declaration means a declaration of—

- (a) the disciplinary finding against the former public service employee; and
- (b) the disciplinary action that would have been taken against the employee if the employee's employment had not ended.

188AB Disciplinary action that may be taken against a former ambulance service officer or former fire service officer

- (1) This section applies if—
 - (a) a disciplinary ground arises in relation to an ambulance service officer or fire service officer (the *former service officer*); and
 - (b) after the disciplinary ground arises, the officer's employment as an ambulance service officer or fire service officer ends for any reason; and
 - (c) the officer is a public service employee in a department.
- (2) However, this section does not apply in relation to a former service officer if—
 - (a) the officer was an ambulance service officer and the previous or employing chief executive has taken, is taking, or intends to take action against the officer under the *Ambulance Service Act 1991*, part 2, division 4, subdivision 3; or
 - (b) the officer was a fire service officer and the previous or employing chief executive has taken, is taking, or intends to take action against the officer under the *Fire and Rescue Service Act 1990*, part 4, division 3, subdivision 3.
- (3) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the former service officer is no longer employed in the service for which the previous chief executive is the chief executive.

(4) Despite subsection (3) and without limiting or being limited by any other power of delegation under any Act, the previous chief executive may delegate to the employing chief executive the authority under subsection (3) to make a disciplinary finding about the former service officer.

(5) If—

(a) the previous chief executive makes a disciplinary finding about the disciplinary ground; and

(b) the previous chief executive and the person's employing chief executive agree that disciplinary action against the former service officer is reasonable in the circumstances;

the employing chief executive may take disciplinary action against the officer under section 188 as if a disciplinary ground exists.

(6) If—

(a) the previous chief executive delegates to the employing chief executive the authority under subsection (4) to make a disciplinary finding about the former service officer; and

(b) the employing chief executive makes a disciplinary finding about the former service officer;

the employing chief executive may take disciplinary action against the officer under section 188 without the agreement of the previous chief executive.

(7) The previous chief executive may give to the employing chief executive any information about the person or a disciplinary ground relating to the person to help the employing chief executive to perform a function under subsection (5) or (6) in relation to the person.

(8) If, in relation to a person who was an ambulance service officer or fire service officer, a chief executive is both the previous chief executive and employing chief executive, this section applies with necessary changes to allow the chief

executive to take disciplinary action against the person as provided under this section.

(9) In this section—

employing chief executive, for a person, means the chief executive of the department in which the person is employed.

previous chief executive means—

- (a) for a person who was an ambulance service officer—the ambulance service chief executive; or
- (b) for a person who was a fire service officer—the fire service chief executive.

188B Information about disciplinary action to be given by chief executive

(1) This section applies if—

- (a) the chief executive of a department asks the chief executive of another department (the *other chief executive*) for disciplinary information that the other chief executive has about a person who is or was a public service employee; and
- (b) the information is reasonably necessary for the chief executive to make a decision about—
 - (i) an appointment or employment, or continued appointment or employment, of the person to the chief executive's department; or
 - (ii) a disciplinary finding, disciplinary action or disciplinary declaration the chief executive is considering in relation to the person.

(2) The other chief executive must give the disciplinary information to the chief executive unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.

(3) In this section—

disciplinary information, in relation to a request made of a chief executive about a person, means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity—

- (a) a current investigation into whether the person should be disciplined;
- (b) a finding that the person should be disciplined;
- (c) possible disciplinary action under consideration;
- (d) disciplinary action, including a disciplinary declaration.

189 Suspension of public service employee liable to discipline

- (1) The chief executive may suspend a public service employee from duty if the chief executive reasonably believes the employee is liable to discipline under a disciplinary law.
- (2) However, before suspending the employee, the chief executive must consider all alternative duties that may be available for the employee to perform.
- (3) The chief executive may cancel the suspension at any time.

190 Procedure for disciplinary action

- (1) In disciplining a public service employee or former public service employee or suspending a public service employee, a chief executive must comply with this Act, any relevant directive of the commission chief executive, and the principles of natural justice.
- (2) However, natural justice is not required if the suspension is on normal remuneration.

191 Effect of suspension from duty

- (1) This section applies to a public service employee suspended from duty under this chapter unless the employee's chief executive decides otherwise.
- (2) During the period of the suspension the employee is entitled to normal remuneration, less any amount earned by the employee from alternative employment that the employee engages in during the period.
- (3) For subsection (2), alternative employment does not include employment if—
 - (a) the employee was engaged in the employment at the time of the suspension; and
 - (b) the employee's engaging in the employment was not in contravention of—
 - (i) this Act; or
 - (ii) a standard of conduct applying to the employee under an approved code of conduct under the *Public Sector Ethics Act 1994*; or
 - (c) a standard of conduct, if any, applying to the employee under an approved standard of practice under the *Public Sector Ethics Act 1994*.
- (4) The deduction under subsection (2) must not be more than the amount of the employee's normal remuneration during the period of the suspension.
- (5) The continuity of a public service employee's service as a public service officer is taken not to have been broken only because of a suspension under this chapter.
- (6) The continuity of a general or temporary employee's employment as a general or temporary employee is taken not to have been broken only because of a suspension under this chapter.

[s 192]

192 Additional procedures for suspension or termination

- (1) If a chief executive decides to suspend or terminate the employment of a public service employee, the chief executive must give the employee notice of the suspension or termination.
- (2) The notice must state—
 - (a) for a suspension—
 - (i) when the suspension starts and ends; and
 - (ii) the remuneration to which the employee is entitled for the period of the suspension, under a decision mentioned in section 191(1) or, if no decision has been made under section 191(1), under section 191(2); and
 - (iii) the effect that alternative employment may, under section 191, have on the entitlement; or
 - (b) for a termination—the day when it takes effect.

Chapter 7 Appeals and reviews

Part 1 Appeals

Division 1 Right of appeal

193 Appeals

A person may appeal against a decision if—

- (a) an appeal may be made against the decision, under section 194; and



Code of Conduct

For the Queensland Public Service

1 January 2011

© The State of Queensland (Public Service Commission) 2010.

Published by the Public Service Commission, December 2010, 53 Albert Street, Brisbane Qld 4000. The Queensland Government supports and encourages the dissemination and exchange of information. However, copyright protects this document.

The State of Queensland has no objection to this material being reproduced, made available online or electronically but only if it is recognised as the owner of the copyright and this material remains unaltered. Copyright enquiries about this publication should be directed to the Public Service Commission, by email to feedback@psc.qld.gov.au or in writing to PO Box 15190, City East Qld 4002.

Table of contents

Application	2
How this Code works	3
Using this Code	4
All employees	4
Chief Executive and Senior Executive Service Officers	4
Managers and supervisors	4
Upholding this Code	4
Principle and values	5
1. Integrity and impartiality	5
1.1 Commit to the highest ethical standards	5
1.2 Manage conflicts of interest	5
1.3 Contribute to public discussion in an appropriate manner	6
1.4 Manage participation in external organisations	6
1.5 Demonstrate a high standard of workplace behaviour and personal conduct	7
2. Promoting the public good	8
2.1 Commit to excellence in service delivery	8
2.2 Ensure appropriate community engagement	9
2.3 Work as an integrated service	9
3. Commitment to the system of government	10
3.1 Commit to our roles in public service	10
3.2 Maintain appropriate relationships with Ministerial staff	11
3.3 Ensure proper communication with Members of Parliament	11
4. Accountability and transparency	12
4.1 Ensure diligence in public administration	12
4.2 Ensure transparency in our business dealings	13
4.3 Ensure appropriate use of official resources, public property and facilities	13
4.4 Ensure appropriate use and disclosure of official information	13
4.5 Commit to innovation and continuous performance improvement	14
More information	14

Application

This Code applies to employees of Queensland public service agencies.

Public service agencies are defined under the *Public Sector Ethics Act 1994* as:

- a department
- a TAFE institute or statutory TAFE institute
- the administrative office of a court or tribunal, and
- an entity prescribed by regulation.

For the purposes of this document only, employees (other than judicial officials), are defined as:

- any Queensland public service agency employee whether permanent, temporary, full-time, part-time or casual, and
- any volunteer, student, contractor, consultant or anyone who works in any other capacity for a Queensland public service agency.

The Code applies at all times when we are performing official duties including when we are representing the Queensland Government at conferences, training events, on business trips and attending work-related social events.

How this Code works

The Code contains the ethics principles and their associated set of values prescribed in the *Public Sector Ethics Act 1994*. It also contains standards of conduct for each ethics principle. The ethics principles are:

- | | |
|---|--|
| 1 Integrity and impartiality | 2 Promoting the public good |
| 3 Commitment to the system of government | 4 Accountability and transparency |

These are the fundamental principles of ethical behaviour essential to robust public sector integrity and accountability and which public sector entities¹ must promote in their internal and external relationships.

Each principle is strengthened by the set of values describing the behaviour that will demonstrate that principle. The principles and associated values are equally important.

The standards of conduct, contained in the Code under each set of principles and values, help us as individuals to understand how we put these principles and values into practice. The standards are not intended to cover every possible scenario, therefore in adhering to the Code, we are committed to upholding the intention and spirit of the principles and values.

Agency-specific Standards of Practice, as approved by the Public Service Commission Chief Executive can supplement this Code. An approved Standard of Practice will apply to that agency's employees in the same way as this Code.

As well as upholding the principles, values and complying with standards of conduct set out in this Code, we will also comply with all relevant legislation, awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards. We will also adhere to the policies, organisational values and organisational documents of our employing agency.

Principles

- Contained in Section 4 of the Public Sector Ethics Act 1994.
- Basis of good administration.

Values

- Contained in Part 3, Division 2 of the Public Sector Ethics Act 1994.
- Provides a detailed explanation of the principles.

Standards of Conduct

- Statements that reflect and support the values and principles.

¹ The *Public Sector Ethics Act 1994* applies to public sector entities, including public service departments, agencies and offices, local government organisations and other public sector organisations such as universities.

Using this Code

The Code describes how we will conduct ourselves in delivering services to the Queensland community. An ethical culture in public service agencies starts with our Chief Executive Officers and is demonstrated through our senior leaders and all employees.

All employees

We take personal responsibility to uphold this Code and demonstrate the principles and values of the *Public Sector Ethics Act 1994* by the way we perform our duties.

This Code recognises that we can all demonstrate ethical leadership in how we perform our role, and is a statement of our commitment to the people of Queensland, their elected representatives and our colleagues.

Chief Executive and Senior Executive Service Officers

As our senior leaders, Chief Executive and Senior Executive Service (SES) Officers have a responsibility to visibly demonstrate and uphold the principles and values of the *Public Sector Ethics Act 1994*. Chief Executive and SES officers' roles are to promote an organisational culture that values high ethical standards and behaviour.

Chief Executive and SES officers openly demonstrate their conscious commitment to ethics by communicating the importance of ethical decision-making in the workplace, and promoting ethical behaviour in day-to-day actions.

Chief Executive and SES officers also ensure employees have access to training in the operation of this Code and in ethical decision-making more broadly, making the Code meaningful for all employees.

Managers and supervisors

Managerial behaviour sets the tone for the conduct of all employees. Managers and supervisors have a responsibility to model and promote this Code.

Managers have the ability to influence others by fostering an ethical environment and demonstrate this awareness in performing their duties and in making decisions.

Managers ensure public service employees understand the Code, and any other relevant legislation, delegations, policies or other information required to satisfactorily perform our duties. Managers also ensure that appropriate development and training is provided allow us to perform our duties.

Upholding this Code

As part of demonstrating our commitment to uphold this Code, we need to identify and report conduct that is not consistent with this Code.

Managers have a responsibility to make fair, transparent and consistent decisions regarding any allegations of behaviour that does not uphold this Code.

We will support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.

Principle and values

1 Integrity and impartiality

The *Public Sector Ethics Act 1994* states:

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

- a. are committed to the highest ethical standards;
- b. accept and value their duty to provide advice which is objective, independent, apolitical and impartial;
- c. show respect towards all persons, including employees, clients and the general public;
- d. acknowledge the primacy of the public interest and undertake that any conflict of interest issue will be resolved or appropriately managed in favour of the public interest; and
- e. are committed to honest, fair and respectful engagement with the community.

Standards of conduct

1.1 Commit to the highest ethical standards

As public service employees we are required to ensure that our conduct meets the highest ethical standards when we are fulfilling our responsibilities.

We will:

- a. ensure any advice that we provide is objective, independent, apolitical and impartial
- b. ensure our decision making is ethical
- c. engage with the community in a manner that is consultative, respectful and fair, and
- d. meet our obligations to report suspected wrongdoing, including conduct not consistent with this Code.

1.2 Manage conflicts of interest

A conflict of interest involves a conflict between our duty, as public service employees, to serve the public interest and our personal interests. The conflict may arise from a range of factors including our personal relationships, our employment outside the public service, our membership of special interest groups, or our ownership of shares, companies, or property.

As public service employees we may also experience conflicts of interest between our public service ethics and our professional codes of ethics (for example as health care professionals or as lawyers), or with our personal beliefs or opinions.

Having a conflict of interest is not unusual and it is not wrongdoing in itself. However failing to disclose and manage the conflict appropriately is likely to be wrongdoing.

As public service employees we are committed to demonstrating our impartiality and integrity in fulfilling our responsibilities and as such we will:

- a. always disclose a personal interest that could, now or in the future, be seen as influencing the performance of our duties. This will be done in accordance with our agency policies and procedures
- b. actively participate with our agency in developing and implementing resolution strategies for any conflict of interest, and
- c. ensure that any conflict of interest is resolved in the public interest.

1.3 Contribute to public discussion in an appropriate manner

Commenting on government policy is a matter for Ministers, not employees. Unless prior authorisation has been given, we will not comment to the media on government policy.

Where providing factual information to the public on government policy is a part of our official duties and responsibilities, we will ensure that information is appropriately authorised, and that we properly represent government policy and administration in its intended manner and spirit.

Like any other citizen, we have the right to contribute to public discussions on community and social issues in our private capacity.

In doing so, we will:

- a. take reasonable steps to ensure that any comment we make will be understood as representing our personal views, not those of government
- b. maintain the confidentiality of information we have access to due to our roles, that is not publicly available, and
- c. be aware that personal comments about a public issue may compromise our capacity to perform the duties of our role in an independent, unbiased manner.

1.4 Manage participation in external organisations

Our work as a public service employee does not remove our right to be active privately in a political party, professional organisation or trade union.

As a member of a political party, however, we are aware that participating in activities in the public arena, where we may be identified as a public service employee, can give rise to a perception of conflict of interest (see section 1.2). Where this situation arises, we will declare and manage our activities in accordance with our agency's policies.

If we are elected as workplace representatives or officials of a trade union or professional association, we are not required to seek permission from our workplace before speaking publicly in that capacity, and we will make it clear that our comments are made only on behalf of that organisation.

In all instances, we will comply with the appropriate laws of privacy, confidentiality and information management.

1.5 Demonstrate a high standard of workplace behaviour and personal conduct

We have a responsibility to always conduct and present ourselves in a professional manner, and demonstrate respect for all persons, whether fellow employees, clients or members of the public.

We will:

- a. treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own
- b. ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment
- c. ensure our fitness for duty, and the safety, health and welfare of ourselves and others in the workplace, whether co-workers or clients
- d. ensure our private conduct maintains the integrity of the public service and our ability to perform our duties, and
- e. comply with legislative and/or policy obligations to report employee criminal charges and convictions.

Principle and values

2 Promoting the public good

The *Public Sector Ethics Act 1994* states:

In recognition that the public sector is the mechanism through which the elected representatives deliver programs and services for the benefit of the people of Queensland, public service agencies, public sector entities and public officials -

- a. accept and value their duty to be responsive to both the requirements of government and to the public interest;
- b. accept and value their duty to engage the community in developing and effecting official public sector priorities, policies and decisions;
- c. accept and value their duty to manage public resources effectively, efficiently and economically;
- d. value and seek to achieve excellence in service delivery; and
- e. value and seek to achieve enhanced integration of services to better service clients.

Standards of conduct

2.1 Commit to excellence in service delivery

Public service agencies are entrusted with public funds to develop and deliver services to the community on behalf of government.

We have a responsibility to:

- a. deliver services fairly, courteously, effectively, and ensure we use resources efficiently and economically
- b. assist all members of the community, particularly people with disabilities, those who speak languages other than English, and those who may find it difficult to access government services, and
- c. treat complaints from clients and the community seriously and respond to constructive feedback as an opportunity for improvement.

2.2 Ensure appropriate community engagement

Community participation is crucial to the development of quality government planning and decision-making processes.

We have a responsibility, where appropriate and in accordance with our official duties, to:

- a. listen and respond to issues and concerns raised by individuals or communities
- b. consult with the public to assist in the development of public policy, and
- c. assist in raising community awareness about public issues and policies.

2.3 Work as an integrated service

In order to deliver excellence in customer service, we will work together to address complex issues and provide integrated services to the community.

We have a responsibility, where appropriate and in accordance with our official duties, to:

- a. share information across Queensland public service agencies, where permitted by law, to enhance the seamless delivery of services
- b. share common-use assets, accommodation, and infrastructure within Queensland public service agencies to generate economies and efficiencies
- c. collectively plan and deliver related programs and services within Queensland public service agencies, and
- d. work cohesively at the local, regional, state and national levels to provide integrated services.

Principle and values

3 Commitment to the system of government

The *Public Sector Ethics Act 1994* states:

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

- a. accept and value their duty to uphold the system of government and the laws of the State, the Commonwealth and local government;
- b. are committed to effecting official public sector priorities, policies and decisions professionally and impartially; and
- c. accept and value their duty to operate within the framework of Ministerial responsibility to government, the Parliament and the community.

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

Standards of conduct

3.1 Commit to our roles in public service

Our role is to undertake our duties, and to give effect to the policies of the elected government, regardless of its political complexion.

We will:

- a. accept that the elected government has the right to determine policy and priorities
- b. be responsive to the government of the day and implement decisions and policies professionally and impartially
- c. comply with the laws of State, Australian and local governments
- d. comply with all relevant awards, certified agreements, subsidiary agreements, directives, whole-of-government policies and standards, and
- e. adhere to the policies, organisational values and organisational documents of our employing agency.

3.2 Maintain appropriate relationships with Ministerial staff

Ministerial advisors and the public service share a common commitment to serving the government of the day. Central to good government, and the ability to carry out the designated role of the public service, are positive and productive interactions between the administrative and political arms of government.

If providing advice to Ministers is a part of our role, we will ensure our interactions are positive and productive when engaging with ministerial staff.

Ministerial staff are not empowered to direct public service employees in their own right. If this occurs, we will bring this to the attention of our agency's senior management.

3.3 Ensure proper communication with Members of Parliament

We have the right to communicate directly with a Member of Parliament on any issue affecting us as a private citizen. In communicating with Members as private citizens, we will maintain the confidentiality of information that is not publicly available, and we have access to due to our roles.

Principle and values

4 Accountability and transparency

The *Public Sector Ethics Act 1994* states:

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

- a. are committed to exercising proper diligence, care and attention;
- b. are committed to using public resources in an effective and accountable way;
- c. are committed to managing information as openly as practicable within the legal framework;
- d. value and seek to achieve high standards of public administration;
- e. value and seek to innovate and continuously improve performance; and
- f. value and seek to operate within a framework of mutual obligation and shared responsibility between public service agencies, public sector entities and public officials.

Standards of conduct

4.1 Ensure diligence in public administration

We have an obligation to seek to achieve high standards of public administration and perform our duties to the best of our abilities.

We will:

- a. apply due care in our work, and provide accurate and impartial advice to all clients whether members of the public, public service agencies, or any level of government
- b. treat all people equitably and consistently, and demonstrate the principles of procedural fairness and natural justice when making decisions
- c. exercise our lawful powers and authority with care and for the purpose for which these were granted, and
- d. comply with all reasonable and lawful instructions, whether or not we personally agree with a given policy direction.

4.2 Ensure transparency in our business dealings

In order to ensure all government dealings with private industry are conducted with the highest level of integrity we will ensure:

- a. our business meetings with persons who were formerly Ministers, Parliamentary Secretaries or senior government representatives are not on matters those persons had official dealings with in their recent previous employment in accordance with government policy
- b. any engagement we have with lobbyists is properly recorded, and
- c. we manage gifts, benefits or hospitality in accordance with our agency policies.

4.3 Ensure appropriate use of official resources, public property and facilities

We are accountable for all resources that we use in the course of our duties.

We will:

- a. be economical, and avoid waste and extravagance in the use of public resources for proper purposes
- b. use any public resource in accordance with official policies
- c. purchase, manage and care for public resources in accordance with official policies, and
- d. responsibly utilise human assets such as corporate knowledge and intellectual property, as public resources.

4.4 Ensure appropriate use and disclosure of official information

The public has a right to know the information that is created and used by the government on their behalf. This right is balanced by necessary protections for certain information, including personal information.

Information privacy legislation protects against the misuse of personal information and we have an obligation to ensure the lawful collection and handling of personal information.

In addition, we will :

- a. treat official information with care and use it only for the purpose for which it was collected or authorised
- b. store official information securely, and limit access to those persons requiring it for legitimate purposes, and
- c. not use confidential or privileged information to further personal interests.

We will continue to respect the confidentiality of official information when we leave public service employment.

4.5 Commit to innovation and continuous performance improvement

The capacity of the public service to deliver services to the community depends on an innovative and creative workforce, and a commitment to continuously improve the performance of our agency and ourselves.

We each have a responsibility, having regard to our own roles, to:

- a. maintain and develop our professional skills and knowledge
- b. in consultation with our managers, take reasonable steps to identify and apply for development opportunities relevant to our current roles and responsibilities
- c. actively participate in employee performance management processes, including induction, performance planning and development, and
- d. actively contribute to developing and improving business planning and processes, including innovative ways of delivering services.

For more information

If you need assistance about how this Code relates to you, please contact your agency's Ethical Standards or Human Resources area.

For further advice about the operation of this Code, you may wish to contact the Public Service Commission (PSC) Advisory Service on 1300 038 472.

Copies of this Code of Conduct for the Queensland Public Service, plus additional supporting information can be accessed at www.ethics.qld.gov.au.

www.ethics.qld.gov.au

1 Title: Post-separation discipline

2 Purpose:

To establish directions in relation to disciplinary action against former public service employees and public service employee who change employment and to specify the requirements for disclosure of previous disciplinary action.

3 Application:

Application of **Part A**:

- (a) Part A of this directive applies to current and former public service officers, including senior executive and senior officers, unless otherwise stated.
- (b) Part A of this directive applies to temporary employees engaged under section 148 or general employees engaged under section 147 of the *Public Service Act 2008* (**the Act**) provided the disciplinary grounds arose on or after 1 November 2010¹.

Application of **Part B**:

- (a) Part B of this directive applies to any person who is or was a public service employee, including senior executives, senior officers, temporary employees engaged under section 148 and general employees engaged under section 147 of the Act.

4 Legislative Provision:

Public Service Act 2008– sections 53, 98, 179A, Chapters 6 and 7

5 Effective date: 1 November 2010

6 Definitions:

For the purposes of this directive:

changes employment includes employment changes by promotion, transfer, redeployment or secondment.

disciplinary declaration means

- (a) the disciplinary finding against a former public service employee and the disciplinary action that would have been taken against the employee if the employee's employment had not ended ("disciplinary declaration"), made under the *Public Service Act 2008*, the *Police Service Administration Act 1990*, or the *Misconduct Tribunals Act 1997*, or

¹ Refer Clause 7.4 for Commencement Provisions.

- (b) a declaration under another public sector disciplinary law that states the disciplinary action that would have been taken against the person if the person's employment had not ended.

disciplinary finding means a finding that a disciplinary ground exists.

disciplinary ground means a ground for disciplining a public service employee under section 187 of the *Public Service Act 2008*. A disciplinary ground arises when the act or omission constituting the ground is done or made.

disciplinary information means information about the following made or taken against the person under a public sector disciplinary law by the chief executive or another entity:

- (a) a current investigation into whether the person should be disciplined
- (b) a finding that the person should be disciplined
- (c) possible disciplinary action under consideration, or
- (d) disciplinary action, including a disciplinary declaration.

employ means to appoint, second or otherwise engage an person under the *Public Service Act 2008*.

employing chief executive means the chief executive of the department in which the employee holds an appointment or is employed, after the employee changes employment from one department to another.

former public service employee means a public service employee whose employment ends for any reason after a disciplinary ground arises.

other chief executive, for the purposes of section 7.5, means the chief executive who receives a request for disciplinary information about a person who is or was a public service employee.

previous chief executive means the chief executive of the department in which the public service employee holds an appointment or was employed before the employee changes employment from the department to another department, or the employment of the employee as a public service employee ends for any reason.

public sector disciplinary law means:

- (a) the *Public Service Act 2008*
- (b) the *Police Service Administration Act 1990*
- (c) the *Misconduct Tribunals Act 1997*
- (d) a disciplinary provision of an award or industrial agreement, or
- (e) another Act prescribed under a regulation.

serious disciplinary action means disciplinary action under a public sector disciplinary law involving:

- (a) termination of employment
- (b) reduction of classification level or rank
- (c) transfer or redeployment to other employment
- (d) reduction of remuneration level, or
- (e) a disciplinary declaration under a public sector disciplinary law of termination of employment or reduction of classification level or rank.

7 Directive:

PART A

7.1 *Disciplinary action after an employee changes employment*

- (a) This section applies if a disciplinary ground arises in relation to a public service employee and after the disciplinary ground arises², the employee changes employment from one department to another department.
- (b) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the employee holds an appointment with or is employed by another department.
- (c) Alternatively, the previous chief executive may delegate to the employing chief executive the authority to make a disciplinary finding about the employee. In deciding whether it is appropriate to delegate this authority, the previous chief executive should take into account:
 - (i) whether an investigation has already commenced and if so, how far it has progressed
 - (ii) the availability of witnesses and other evidence within the previous department
 - (iii) whether the public service employee has changed employment on a permanent or temporary basis, and
 - (iv) any other considerations the previous chief executive believes are relevant.
- (d) If the previous chief executive makes a disciplinary finding under (b) and the previous chief executive and the employing chief executive agree that disciplinary action against the employee is reasonable in the circumstances, the employing chief executive may take disciplinary action against the employee under section 188 of the Act.
- (e) If the previous chief executive delegates to the employing chief executive under (c) and the employing chief executive makes a disciplinary finding about the employee, the employing chief executive may take disciplinary action against the employee under section 188 of the Act without the agreement of the previous chief executive.
- (f) The previous chief executive may give to the employing chief executive any information about a public service employee or a disciplinary ground relating to the employee to help the employing chief executive perform a function under (d) or (e) in relation to the employee.

² See the definition of “disciplinary ground” in section 6 for when a disciplinary ground arises.

7.2 Disciplinary action against a former public service employee³

- (a) A previous chief executive may make a disciplinary finding or take or continue to take disciplinary action against a former public service employee.
- (b) When making a decision on whether to proceed with a disciplinary matter against a former public service employee, the previous chief executive must consider the following issues:
 - (i) the seriousness and nature of the allegations and the likelihood that, if substantiated, a serious penalty, such as dismissal or demotion, would be incurred
 - (ii) the estimated cost of proceeding or continuing with the matter compared with the benefits to be gained by completing the investigation
 - (iii) whether the matter is being considered by another authority, such as a professional standards or registration body, the Crime and Misconduct Commission or the Queensland Police Service
 - (iv) whether there are any on-going impacts within the organisation that require resolution
 - (v) whether it is impractical to gain access to the former employee
 - (vi) whether the former employee's previous disciplinary history is relevant or shows a pattern of escalating or repeated behaviour, and
 - (vii) any other consideration the previous chief executive believes is relevant.
- (c) A disciplinary finding or disciplinary action must be made or taken within two years of the end of the former employee's employment. This time limit does not apply to investigations of a suspected criminal offence or an investigation of a matter of suspected official misconduct under the *Crime and Misconduct Act 2001*.
- (d) Notwithstanding the time limit in (c), a previous chief executive must ensure that disciplinary matters are finalised in a timely manner.
- (e) If the consideration of a disciplinary matter is delayed due to a Queensland Police Service (QPS) investigation or a Crime and Misconduct Commission (CMC) investigation, a previous chief executive must ensure that any disciplinary finding or disciplinary action is taken within 6 months of the completion of the QPS or CMC investigation, wherever possible.
- (f) Principles of natural justice must be observed in a disciplinary process for a former public service employee. A previous chief executive must ensure that appropriate show cause notices are provided to a former public service employee and an opportunity for the employee to comment on the proposed action.

³ This section does not apply to:

- a former employee if the employee is an ambulance service officer and the ambulance service chief executive is or intends to take disciplinary action against the employee for a discipline ground under the *Ambulance Service Act 1991*, or
- a former employee if the employee is a fire service officer and the fire service chief executive is or intends to take disciplinary action against the employee for a discipline ground under the *Fire and Rescue Service Act 1990*.

- (g) However, if a former public service employee does not provide a response to a properly served show cause notice within the stated time period, the disciplinary process can continue.
- (h) In disciplining a former public service employee, a previous chief executive may make a disciplinary declaration and may not take any other disciplinary action.
- (i) A previous chief executive may only make a disciplinary declaration if the disciplinary action that would have been taken against the employee if the employee's employment had not ended would have been:
 - (i) termination of employment, or
 - (ii) reduction of classification level.
- (j) A disciplinary declaration does not affect the way in which the employee's employment ended, or any benefits, rights or liability arising because the employment ended.

7.3 Disciplinary action against a former ambulance service officer or former fire service officer⁴

- (a) Disciplinary action may be taken against a former ambulance service officer or former fire service officer (former service officer) if a disciplinary ground arises in relation to the former service and after the disciplinary ground arises, the former service officer's employment with the ambulance or fire service ends for any reason, *and* the former service officer is a public service employee in a department.
- (b) The previous chief executive may make a disciplinary finding about the disciplinary ground even though the former service officer is not longer employed by that service.
- (c) Alternatively, the previous chief executive may delegate to the employing chief executive the authority to make a disciplinary finding about the officer. In deciding whether it is appropriate to delegate this authority, the previous chief executive should take into account:
 - (i) whether an investigation has already commenced and if so, how far it has progressed
 - (ii) the availability of witnesses and other evidence within the previous department
 - (iii) whether the public service employee has changed employment on a permanent or temporary basis, and
 - (iv) any other considerations the previous chief executive believes are relevant.
- (d) If the previous chief executive makes a disciplinary finding under (b) and the previous chief executive and the employing chief executive agree that disciplinary action against the employee is reasonable in the circumstances, the employing chief

⁴ This section does not apply to:

- a former employee if the employee is an ambulance service officer and the ambulance service chief executive is or intends to take disciplinary action against the employee for a discipline ground under the *Ambulance Service Act 1991*, or
- a former employee if the employee is a fire service officer and the fire service chief executive is or intends to take disciplinary action against the employee for a discipline ground under the *Fire and Rescue Service Act 1990*.

executive may take disciplinary action against the officer under section 188 of the Act.

- (e) If the previous chief executive delegates to the employing chief executive under (c) and the employing chief executive makes a disciplinary finding about the employee, the employing chief executive may take disciplinary action against the employee under section 188 of the Act without the agreement of the previous chief executive.
- (f) The previous chief executive may give to the employing chief executive any information about a public service employee or a disciplinary ground relating to the officer to help the employing chief executive perform a function under (d) or (e) in relation to the employee.

7.4 Commencement

- (a) Section 7.1 only applies to a public service officer who changed employment from a department to another department after 2 November 2009. Section 7.1 only applies to a temporary or general employee where the discipline ground occurs or is alleged to have occurred on or after 1 November 2010 and who changes employment on or after this date.
- (b) For section 7.2, a person is a former public service officer only if the person's employment as a public service officer ended after 2 November 2009. Section 7.2 only applies to a temporary or general employee where the discipline ground occurs or is alleged to have occurred on or after 1 November 2010 and whose employment ends on or after this date.

PART B:

7.5 Requirement to disclose previous history of serious disciplinary action

- (a) If a chief executive proposes to employ a person, the chief executive may require applicants to disclose particulars of any previous serious disciplinary action taken against them.
- (b) The requirement to disclose previous serious disciplinary action must be included in a role description.
- (c) In deciding whether to require a disclosure of serious disciplinary action, chief executives should consider the nature of the particular duties to be performed and whether it is necessary to have regard to any serious disciplinary history as part of a selection process.
- (d) The person must comply with the requirement to disclose before the a employment takes effect.
- (e) The disclosure must be made:
 - (i) in writing, and
 - (ii) within seven days of the request.
- (f) If a person fails to comply with the requirement or gives false or misleading information in response to the requirement, the chief executive is not required to further consider the person for employment.

- (g) If a public service employee fails to disclose a serious disciplinary action or gives false or misleading information, without reasonable excuse, this constitutes a ground for discipline under section 187 of the Act.
- (h) When considering any disclosure of previous serious disciplinary action, a chief executive must take into account:
 - (i) the duties and responsibilities of the position
 - (ii) the seriousness and nature of any disciplinary history
 - (iii) when any disciplinary breaches were committed
 - (iv) the penalty imposed
 - (v) whether the disciplinary history shows a pattern of behaviour, and
 - (vi) any other relevant discipline and, if appropriate, criminal history.

7.6 Information exchange

- (a) This section applies if:
 - (i) the chief executive of a department asks the chief executive of another department (**other chief executive**) for disciplinary information that the other chief executive has about a person who is or was a public service employee; and
 - (ii) The information is reasonably necessary for the chief executive to make a decision about:
 - a. employment or continued employment of the person to the chief executive's department, or
 - b. a disciplinary finding, disciplinary action or disciplinary declaration, the chief executive is considering in relation to the person.
- (b) The other chief executive must give the disciplinary information to the chief executive unless the other chief executive is reasonably satisfied that giving the information may prejudice the investigation of a suspected contravention of the law in a particular case.

7.7 Decisions based on disciplinary information

- (a) Chief executives must ensure that any decisions made under section 7.4 that may be detrimental to a current public service employee's interests, are made in compliance with section 12 of the *Public Service Regulation 2008* (Dealing with employee record if detrimental to employee's interests).
- (b) Applicants must be given a reasonable opportunity to make a written submission about the information used to inform the decision, before an adverse decision about the person is made.
- (c) The applicant must be given a copy of all information used to inform the decision.

7.8 Appeals

- (a) Employee appeals are to be lodged in accordance with the provisions of relevant directives issued by the commission chief executive.

Workplace Policy

1 January 2011

Introduction

The purpose of this policy is to provide you with a clear understanding of the standard of behaviour required to be achieved in performing your role as an employee of the Department of Justice and Attorney-General. You have an obligation to familiarise yourself, and act in accordance with, this policy. See [Queensland Public Service Code of Conduct](#) (QPS Code), standard of conduct 3.1.e which states we will adhere to the policies, organisational values and organisational documents of our employing agency.

Given the diverse range of activities that each of you are involved in on a day-to-day basis, this policy does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework for ethical behaviour.

This policy places an obligation on all of us to take responsibility for our own behaviour. It also provides the basis for disciplinary action for those who fail to meet their obligations; to maintain public trust and confidence in the integrity and professionalism of the Department and the Queensland Public Service.

If there is any doubt about the intended meaning of this policy, seek advice from your manager, the Ethical Standards Unit or refer directly to the relevant legislation. You may also contact other departmental professionals in your discipline or the relevant professional organisation to seek their cooperation in resolving any matters in the public interest.

While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Department.

We are all responsible for implementing this policy in our workplace, building a positive workplace culture and ensuring that our behaviour reflects the standards of conduct referenced in the QPS Code. Managers/supervisors have a special responsibility to support employees in achieving these goals, by leading by example and assisting employees to understand this policy.

Our Values

Commitment to purpose –

We focus our efforts on achieving results that make a significant difference to the wellbeing of Queenslanders.

Commitment to people –

We invest in the development of our staff and encourage work/life balance. We celebrate diversity and equity in our workforce.

Commitment to partnership –

We work together in collaborative teams and partnerships with a strong focus on shared purpose and clear goals, respect and open communication.

Commitment to performance –

We are accountable for delivering effective, efficient, timely and responsive services that contribute to the achievement of our vision. We use innovation and initiative to improve our performance.

1. Showing Respect for the Dignity, Rights and Views of Others

The QPS Code standard 1.5 states that “we will treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own”. This means:

- treating all people with respect, courtesy, and honesty and give everyone a fair hearing;
- respecting the dignity, rights and views of others, including different values, beliefs, cultures and religions;
- being aware of the inherent power imbalance in client relationships. Take special care to maintain a professional relationship that does not cross professional boundaries;
- ensuring that your relationships with clients and other colleagues are professional and respectful of their rights and dignity;
- treating others fairly and equitably when making decisions, taking actions and treating others without favouritism;
- responding to the reasonable demands of all clients in a helpful, courteous and timely manner;
- seeking to ensure that clients, within and outside the Department, are made aware of their proper rights and entitlements;
- recognising that other officials are also bound by obligations in their public duties;
- avoiding offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation; and
- not inducing employees to breach their industrial entitlements e.g. work unpaid overtime, restricting or limiting access to meal or toilet breaks.

You are obligated to maintain impartiality and not allow personal beliefs to influence your judgments and decisions on work-related matters. People who come into contact with the justice and industrial relations and safety systems are sometimes anxious, upset and unfamiliar with the procedures of the Department and the courts. By being courteous, helpful and sensitive to their needs, these stresses can be minimised.

2. Workplace Harassment

Workplace harassment is where a person is subjected to behaviour, other than sexual harassment that:

- is repeated, unwelcome and unsolicited, and
- the person considers to be offensive, intimidating, humiliating or threatening, and
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

Sexual Harassment is unwelcome conduct of a sexual nature. It occurs when a reasonable person would expect that a person would feel offended, humiliated or intimidated by the conduct. The law that prohibits sexual harassment is the *Queensland Anti-Discrimination Act 1991*. Sexual harassment doesn't have to be deliberate or repeated to be illegal. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

The QPS Code (1.5.b) states that we will ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment. Therefore we will not discriminate against, harass (including sexually harass), bully or mistreat employees, clients or members of the public. Managers are required to provide leadership in eliminating bullying and other aggressive or coercive behaviours and support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner (QPS Code).

3. Safety, Health and Welfare

Employers, employees and other persons in a workplace have specific obligations under the [Workplace Health and Safety Act 1995](#). In essence, you have an obligation to:

- take all reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients;
- report any workplace injury, illness, incident or risk to other employees or clients to your supervisor or manager, or workplace health and safety officer or representative;
- familiarise yourself with the workplace health and safety obligations that are applicable to your work role and environment; and
- consider that the obligations above that apply at the workplace also include work related activities and overnight stays related to work performed.

In accordance with government policy, smoking is prohibited in Queensland Government buildings, offices, grounds and motor vehicles. There maybe exceptions where a designated smoking areas is available for use during your meal break and rest pause entitlements. For further information, refer to [Queensland Government Smoking Policy – March 2003](#).

4. Violent and Aggressive Behaviour

The Department has zero tolerance for any form of aggressive, threatening, violent or abusive behaviour towards clients, employees or members of the public. You are not required to tolerate

unacceptable behaviour and have the right to work in a safe and healthy work environment. Such behaviour should never be accepted “as part of the job”.

If you believe that your or anyone else’s personal safety is at risk, you are entitled to discontinue your dealings with the person, or member of the public, immediately and notify your supervisor or manager. You are required to report incidents of violent or aggressive behaviour and managers will investigate any incidents with a view to preventing or minimising the aggression and violence in the future. The Department will ensure that appropriate security infrastructure is provided and that the system of work does not put any staff member at risk.

5. Reprisal

Under the [Public Interest Disclosure Act 2010](#), it is unlawful and a criminal offence to take reprisal action against individuals involved in making a Public Interest Disclosure (e.g. disclosing information about official misconduct, criminal activity and maladministration). The Department has a strong commitment to supporting any person who makes a public interest disclosure.

You have an obligation not to take reprisal action against any person whom you believe has made or will make a Public Interest Disclosure or against any person who assists others in making a Public Interest Disclosure (e.g. witnesses or investigating officials).

If an allegation of reprisal involving a public official is substantiated, such action will be considered a serious breach of the legislation and the official may be subject to disciplinary action and possibly criminal prosecution. The person who is the subject of the reprisal may also take civil action and seek compensation for detriment caused by a reprisal.

6. Procedural Fairness

Procedural fairness (or **natural justice**) is considered fundamental to decision-making in the public sector. It is concerned with ensuring that a fair decision is reached by an objective decision-maker. You should also ensure that when making decisions that affect staff and clients that you have the appropriate workforce or financial delegation.

In making a decision, you should:

- ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager/supervisor so that someone else can be appointed the task of making the decision);
- provide people with an opportunity to put their case to the decision-maker, whether it is an oral hearing or otherwise;
- hear all parties and consider all arguments and competing interests;
- act fairly and without bias;
- inform the person affected of relevant factors prior to the decision or action being taken;
- if requested, be able to provide a statement of reasons for the decision; and
- in notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, supervisors, subordinates and anybody else affected by the decision.

7. Supervisor/Manager Behaviour

If you manage or supervise other staff, you have a responsibility to:

- lead by example;
- make fair, transparent and consistent decisions;
- encourage teamwork;
- treat all staff fairly, equitably, with consistency and respect, avoiding bias or favouritism;
- address inappropriate behaviour promptly to avoid its escalation;
- promote a culture of honesty, openness and direct face-to-face communication with all staff;
- positively provide equitable opportunity and support for employees to improve their skills and performance;
- ensure employees understand performance expectations and that their performance is objectively assessed against these standards;
- provide clear and constructive feedback to employees and welcome employees' feedback;
- take employee concerns seriously and where necessary act without delay;
- identify and resolve workplace conflict at the earliest possible opportunity;
- ensure that all staff are made aware of their responsibilities under the QPS Code, this policy and any legislation and policies relevant to their duties;
- ensure that the demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support);
- allocate meaningful duties with regard for the staff member's skills and experience, relevant to the role they are undertaking;
- monitor your own performance as a manager or supervisor to ensure you are making a positive contribution to the organisation and the work environment;
- ensure that the Department's policy and procedural requirements are met; and
- deal justly with employees when mistakes are made.

Equal Employment Opportunity requires managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion and consultative processes.

8. Confidentiality of Personal Information

Due to the sensitive nature of personal information, you have an obligation to:

- maintain confidentiality and adhere to any relevant legislation such as the [Right To Information Act 2009](#), the [Information Privacy Act 2009](#) and or policy provisions relating to the treatment of personal information;
- access and use the information only for the purpose for which it was originally gathered or subsequently authorised; and
- avoid providing even seemingly innocuous information to callers e.g. about whether an officer is on duty.

9. Conflicts of Interest

As a public official, you must ensure that your use of official powers or position does not give rise to a real or apparent conflict of interests.

The QPS Code standard 1.2 provides the standard of conduct you are held to in managing conflicts of interest. You have an obligation to avoid any conduct which would undermine public confidence in the Department or its functions and services.

This obligation requires that you ensure that your actions, conduct and relationships do not raise questions about your willingness and ability to:

- serve the Government of the day, through the responsible Minister, regardless of your personal political or ideological preferences;
- use official powers, influence, resources and information properly;
- maintain proper confidentiality of official information; and
- avoid using the powers or influence of public office, official resources, or official information for personal or other improper advantage.

To identify whether or not a situation involves a real or apparent conflict between your public duty and a private interest, ask yourself:

- could I or my family or friend/s benefit or appear to benefit directly or indirectly from this situation;
- is my action, decision or recommendation one that a fair and reasonable person in a similar situation might make;
- have all options been considered on an equal basis;
- would my actions withstand public scrutiny, in particular, would a reasonable person consider that I was in a position to use my knowledge, access to resources, or influence to gain a benefit; and
- what is my duty as a public official?

If you are uncertain about whether the situation represents a conflict of interest, you are to approach your manager for assistance. If that person may be involved, approach the next level manager in the Department who is independent of the situation. Ethical Standards Unit (ethicalstandards@justice.qld.gov.au) can also advise you. Senior Executives and Senior Officers are able to obtain advice from the Integrity Commissioner with the Chief Executive's consent.

If you have a private interest, which could influence or appear to influence a decision, recommendation or action in carrying out your public duty, you have an obligation to:

- disclose the relevant information in writing by completing the [Conflict of Interest](#) declaration form accessible from the Intranet; and
- take no further action that may be affected by the conflict, unless authorised by the Director-General or delegate or, in the case of the Director-General, by the Minister.

The Director-General or delegate is responsible for resolving conflicts of interest (i.e. real or apparent) in a manner which protects the Department's integrity and is consistent with the QPS Code, the [Public Service Act 2008](#) and relevant legislation.

When considering suitable courses of action to avoid or minimise the conflict, either real or apparent, the Director-General or delegate may decide to:

- re-arrange the public official's duties;
- request the public official to discontinue the private association or interest; or
- authorise the public official to continue with normal duties, subject to certain conditions.

Delegates are **required** to consult with the Ethical Standards Unit at before finalising a decision on a conflict of interests (ethicalstandards@justice.qld.gov.au).

Once the matter is resolved, your written declaration will be kept confidential and held in the office of the Director-General or delegate. Declarations of conflicts of interest are to be updated on a regular basis.

Employees, who have been nominated by the Director-General as being required to declare personal interests, are to do so in accordance with the [Public Service Act 2008](#) and any relevant directive. Information about the employees' personal interests is to be treated as confidential and be held in a secure manner by the Director-General or delegate responsible for determining conflicts of interest. Access to the information may only be obtained on an official, need-to-know basis with the Director-General's or delegate's written authorisation.

10. Secondary Employment

It is important that you recognise that concurrent employment in both the public and private sector may give rise to a real or apparent conflict of interests. This is particularly the case when the private work is in areas related to your official duties (e.g. working for a competing service provider or consultancy work). Depending on the circumstances, your ability to perform your duties efficiently and the Department's credibility may be adversely affected.

The Department does not prohibit concurrent employment. However, you have an obligation to comply with the provisions of the QPS Code, particularly those that relate to conflicts of interest (1.2) and use of official information (4.4) and resources (4.3). You are to ensure that any concurrent employment does not adversely impact on your ability, health or well-being to safely and effectively perform your public duties or compromise the integrity of the Department. For more information please access the QPS Directive - [Public Service Employees Engaging in Other Employment](#) and the JAG policy [Other Employment](#).

Secondary employment includes paid employment, operating your own business, paid consultancy services, part-time partnerships and directorships.

Generally speaking if you are employed in a regulatory role with the Department you will have a conflict of interests in working in any capacity, in any aspect of the industries which you regulate.

Existing employees are required to notify their manager within 14 calendar days of undertaking other employment. [Notification of other employment](#) form is at the back of the policy.

11. Benefits (including Gifts)

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

You are not to directly or indirectly ask for, or encourage the giving of, any benefit or form of gift in connection with the performance of your official duties.

You are not to accept benefits which may give rise to a real or apparent conflict of interests or that are likely to affect the performance of your duties.

If an offer of a benefit is made to you, you are to report this to your manager if you consider that the circumstances involve an attempt to gain favoured treatment, regardless of whether you accepted or rejected the offer.

Any gift accepted by a public service employee becomes the property of the Department. The gift may be retained by the Department or the Department may allow the employee to retain the gift in accordance with the QPS [Gifts and Benefits Directive](#) and [Gifts and Benefits Guideline](#).

A gift by way of a token of minimal value such as flowers, a book etc given publicly to a speaker at a conference or workshop is not intended to gain favour and is acceptable.

All gifts of cultural or historical value remain the property of the State and gifts of money should not be accepted under any circumstance.

It is common practice for the private sector to use hospitality as a way to make contacts and win business. Some common practices in business include; offers of lunch, entertainment, gifts, prizes or "a golfing day out". However participation in these practices may not be appropriate in your role as a public official. This does not mean you cannot accept some hospitality but the decision whether to accept or not is to be made on the same basis as accepting benefits described above. If there is no benefit to the State of Queensland from giving or accepting a gift or benefit, it should not be given or accepted.

12. Reporting Official Misconduct

The QPS Code (1.1) states that we will meet our obligations to report suspected wrongdoing, including conduct not consistent with the Code. This includes any fraud, corruption, maladministration and official misconduct that you become aware of at work. All cases of suspected official misconduct must be reported to the Crime and Misconduct Commission (CMC) by the CMC Liaison Officer (Director of Ethical Standards Unit) at ethicalstandards@justice.qld.gov.au. There is no requirement for preliminary inquiries, nor is it necessary to have evidence reaching a particular standard.

The [Public Interest Disclosure Act 2010](#) provides the legislative basis for protection of persons who make public interest disclosures in accordance with *the Act*. A Public Interest Disclosure occurs when a person discloses information to an appropriate entity about official misconduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons or the environment in the public interest.

For more information on how to make a public interest disclosure read [Thinking About Blowing the Whistle](#): a guide for individuals working in the public sector. This guide describes how to make and receive public interest disclosures so that you are protected against reprisal.

If you are a supervisor or manager, you are required to ensure support, protection and fair treatment for whistleblowers. [Has One of Your Staff Blown the Whistle](#) is a guide for supervisors and managers.

You must not cause, or arrange for detriment to be caused, because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or the QPS Code. Employees who make a public interest disclosure are afforded protection under the [Public Interest Disclosure Act 2010](#).

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department. Failure to do so without a reasonable excuse may be grounds for disciplinary action.

See 17. *Vexatious Complaints* for information on litigious complaints.

13. Disclosure of Official Information

See the QPS Code standard 4.4 - Ensure appropriate use and disclosure of official information. As a public official, you may have access to certain knowledge and information (both hard copy and electronic) that must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet).

You do not need specific permission to disclose information;

- that is part of your work duties;
- where the release is authorised by statute, regulation or as required by law;
- that would normally be given to a member of the public; and

- where it is already available in the public arena (e.g. legislation, publications, Internet, policies, press releases).

You have a duty to keep official information confidential, even when you have ceased employment as a public official.

You are not to release information to the media unless you are expressly authorised to do so. For more information contact your manager or the Right to Information and Privacy Unit.

14. Ethical Research and Intellectual Property (Including Copyright)

Government information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the State's intellectual property. The State is the owner of the property unless there is an agreement stating otherwise. Therefore you have an obligation not to use the State's intellectual property for private purposes. For more information consult the [Queensland Public Sector Intellectual Property Principles and Guidelines](#).

The Department may have discretion to use State intellectual property for commercial purposes. When deciding who may benefit from the commercial use of State intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Also consider the question of whether commercial or private use of the State's intellectual property may involve a conflict of interests.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by the Department, or by you or others as part of your official duties, you are to first obtain the approval of the Director-General or delegate.

Staff conducting research activities should consult and comply with relevant research guidelines and professional ethical standards.

15. Use of Communication and Information Devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, E-mail, etc.)

Networks such as the Departmental and Government Intranet and their connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access to and use of confidential information can severely damage the reputation of the Department and its officials, undermine the personal privacy of citizens and expose the Department to costly litigation. In addition, unauthorised access and use of information can expose areas within the Department that engage in commercial activity to commercial and business risks.

Limited personal use of communication and information devices is permissible. This is in keeping with the Queensland Government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within the Department.

- Communication and information devices are provided for officially approved purposes only.

- You may use these communication and information devices for limited personal use, so long as it does not interfere with the ethical and efficient discharge of your daily duties.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile transactions, and electronic files are subject to record keeping, archiving, freedom-of-information (FOI) requests, and audit and integrity requirements. Do not access or send material that you wouldn't be comfortable having to justify the appropriateness of which to the Director-General.
- The Department monitors the use of these networks and devices, and you may be called upon to explain your use of them which must be able to withstand public scrutiny and/or disclosure, and must comply with applicable laws, regulations, and departmental policy.
- The Department will not tolerate communication and information devices being used for accessing, creating, sending, receiving, and/or copying inappropriate material. "Inappropriate material" includes chain letters, indecent, obscene and pornographic material, discriminatory or defamatory material, and/or other potentially offensive material. Nor will it tolerate images and text that are considered inappropriate in the workplace and that could be seen as discrimination or harassment under the [Anti-Discrimination Act 1991](#) or the this policy.
- Inappropriate use of these communication and information devices will result in potential breaches of the law being referred to the relevant law enforcement authority and suspected official misconduct will be reported to the Crime and Misconduct Commission (CMC).

For more information on the use of communication and information devices, see the Department's [Internet and Email Usage Standards](#), [Use of ICT Devices Policy](#) and the Whole-of-Government [Use of Internet and Electronic Mail Policy and Principles Statement](#).

Trade union delegates have additional entitlements to use communication facilities. It is expected that management and union delegates will take a reasonable approach to the responsible use of departmental facilities for information and communication purposes and ensure service delivery and work requirements are not unduly affected. Such facilities include telephones, computers, email, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards.

16. Testimonials, Referee Reports and Performance Reports

When preparing testimonials, references or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments, that cannot be substantiated, including exaggerating an individual's level of competence or achievements. Staff assessments must be accurate and without bias. There is a requirement to allow an employee to respond to any negative assessment that is made via referee reports.

You may provide testimonial and referee reports using official stationery only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former Queensland public sector employee with whose work you are familiar). You can reveal your public service position/title in a private reference, the nature of which is not provided on official stationery.

17. Vexatious Complaints

You must not knowingly or carelessly make false or misleading statements/allegations concerning the conduct of staff or clients of the Department. Vexatious and litigious complaints where proven will result in the disciplinary process being initiated.

18. Knowing the Laws and Policies that Apply to Your Work

You have an obligation to have a working knowledge of the laws, directives, policies, industrial instruments and delegations (if any) that apply to your work. Managers and Supervisors have an obligation to ensure that all staff have access to the relevant policies, and that new employees have adequate induction.

19. Lawful and Unlawful Official Instructions/Decisions

You have an obligation to exercise your official powers lawfully and comply with all reasonable, lawful instructions and decisions related to your work. You have the right to question a direction or decision if it appears to be unlawful or unreasonable. Managers should be open to positive and constructive questions about their directions.

Anyone giving directions should ensure that they are lawful and consistent with the Department's policies, standards and values. You must not pressure other departmental staff to act contrary to laws, standards and procedures.

20. Procedure for Challenging an Official Instruction/Decision

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. Having done that to no avail, if you still believe it unreasonable you can ask for advice at a higher level.

If you are waiting for a higher authority to consider your objection, you should generally carry out the instruction unless you believe the instruction is obviously unlawful or unreasonable or could endanger a person's health or safety.

If you object to a lawful and reasonable instruction or decision on the basis of a sincerely held belief (e.g. religious, cultural or personal belief), you have an obligation to negotiate with the person giving the instruction/making the decision to resolve the situation, as this may constitute a conflict of interests. Generally, you should not be forced to perform duties that you have a genuine and significant objection to, especially where there is considerable division in the community about the issue.

If you reasonably believe the instruction or decision involves criminal activity, official misconduct or maladministration, you are to immediately notify the Director of Ethical Standards Unit, who is the Department's CMC Liaison Officer and Public Interest Disclosure Contact Officer. For further details, read [Thinking about Blowing the Whistle](#), [Public Interest Disclosure Policy](#) or the [Public Interest Disclosure Act 2010](#).

21. Criminal Offences

The [Public Service Act 2008](#) enables the Department to conduct criminal history checks on new appointees in certain circumstances. The Act also requires that should you be charged with or convicted of any indictable offence, you are required to notify the Director-General in writing immediately.

22. Diligence, Care and Attention

QPS Code states (4.1) That we have an obligation to achieve high standards of public administration and perform our duties to the best of our abilities. This includes:

- performing your duties to the best of your ability with care, competence and efficiency and in a manner which bears public scrutiny;
- giving priority to your official duties over personal activities, while at work;
- applying your knowledge and skills to the best of your ability in performing your official duties;
- helping the Department to achieve its mission and goals by sharing information and taking action to continuously improve organisational systems and practices;
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. that are relevant to the performance of your duties;
- making all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services you provide;
- exercising your obligations in relation to the health and safety of yourself and others;
- taking responsibility for any actions or decisions for which you are accountable, and being open and up front about reporting mistakes; and
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

If you are responsible for managing or supervising others, you have an obligation to ensure that:

- your work and the work of others for whom you are responsible contributes to the achievement of the Department's mission and goals;
- the work performance of staff is monitored and that staff are given constructive and regular feedback on their performance in accordance with performance management standards, policy and procedures;
- workloads are equitably distributed among staff members;
- staff are given opportunities to develop and maintain the knowledge and skills required to perform their official duties competently;
- appropriate action is taken where breaches of the QPS Code have occurred; and

- you establish an open, honest, trusting environment to encourage high morale and job satisfaction.

23. Acting Professionally

You have an obligation to act professionally and abide by the QPS Code of Conduct, this policy and any code or set of standards governing the practice of your duties and profession. This includes:

- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity;
- dealing justly with colleagues when mistakes are made;
- maintaining where it is a requirement of your position, registration and providing evidence of it on an annual basis or when asked to do so;
- informing your manager immediately if there are any changes or restrictions placed on your registration or professional practice;
- avoiding situations where your behaviour could reflect badly on the Department or impact on your workplace; and
- keeping your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

24. Leave and Attendance

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your supervisor/manager about the options available. A medical certificate must be produced for absences of more than 3 days (in cases of ill health) but can be requested by your manager for shorter periods if you are subject to a process for monitoring performance or conduct. You are required to adhere to departmental arrangements and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority and accurate recording of your work attendance and leave periods).

You are not permitted to take smoking breaks, other than in your own time.

25. Use of Alcohol and Other Drugs

You have an obligation to ensure that the personal use of alcohol, drugs, prescription medication or other substances does not adversely affect the work performance and safety of yourself and others, or the integrity of the Department.

Alcohol may not be consumed in any departmental workplace, including social activities, without authorisation from the supervisor or manager.

Abuse of alcohol and drugs which impacts on work attendance and or performance may provide grounds for diminished performance assessment and management.

If you are concerned that the medication you are taking may affect your work performance, alert your manager as alternative duties may need to be considered for the duration of the course of treatment. If you are a supervisor or manager, you will need to consider the options available for assisting staff who are required to take legally prescribed drugs and whose level of performance has been or may be impaired.

If you are affected by alcohol or illicit drugs and are involved in a workplace or motor vehicle accident, you are likely to be personally responsible for the injury and damage caused.

26. Self Development

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and apply for development opportunities. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so, whenever possible.

27. Using Public Resources for Official Purposes

It is an important expectation of the community that public officials use public resources efficiently, appropriately and with regard to relevant policies.

Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may constitute official misconduct or maladministration.

You have an obligation to ensure that public resources of all kinds are:

- used economically;
- used for the purpose for which they were provided;
- treated and maintained with appropriate care; and
- secured against theft or misuse.

28. Private Use of Work Resources

Private use of departmental equipment and resources is acceptable so long as it does not affect your work, the work of others, or the reputation of the Department.

The parameters are:

- occasional and brief use of landline telephones, mobile phones, scanners, fax machines, computers, photocopiers, email and internet systems;
- minimal additional expense to the Department is incurred otherwise costs are reimbursed (e.g. phone charges);

- primarily during the employee's non-work hours;
- does not disrupt the operation of the Department; and
- does not violate the QPS Code of Conduct, [Public Sector Ethics Act 1994](#), [Public Service Act 2008](#) or related State and federal legislation and regulations.

You are not to use public resources for the purpose of private employment, profit or benefit. Using public resources in this way represents a conflict of interests and also may involve official misconduct.

If you are a supervisor or manager who has responsibility for staff and other resources, consider the following questions to help you decide, in particular cases, whether public resources may be used for non-official purposes:

- Do you have authority to make this decision, and if not, who has?
- Is the use of the resources consistent with the Department's interests (e.g. applicability of relevant policies, directives, administrative instructions, the QPS Code's ethics principles)?
- Would a reasonable person consider the use of resources to be acceptable in the circumstances?
- Are there potential negative implications for the Department (e.g. legal liability, cost, public confidence in the Department's integrity)?

Using departmental resources to create, download, store, access or distribute pornography, obscene, indecent or offensive material is strictly prohibited. Under Queensland Government policy employees found to have used Queensland government communication or information devices to create, download, store, access or distribute pornography will be disciplined and are liable to dismissal. See 15. *Use of Communication and Information Devices* for more information.

29. Financial Decisions

Employees who make decisions involving the Department's financial resources should ensure that they are doing so within the scope of their delegated authority (see [Financial Delegations](#)) and in accordance with departmental policies and procedures, including purchase, use and disposal of resources.

The Department's funds are for legitimate activities only and you should seek prior approval for their disbursement in particular case if you are unsure.

A guide for Ethical Decision-Making

When you are confronted with an issue, it is important to consider all the options and talk to the right people. The guide below is in the form of a series of questions, which you may consider in light of your obligations under the QPS Code of Conduct and this policy. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

Define the problem.

- What are the facts and circumstances of the situation?
- Who is involved and what are their points of views on the matter?
- Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does it break the rules, the law or go against government policy?
- Which of the four ethical principles in the QPS Code applies to the situation?

Which guidelines/rules already exist?

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

Identify and consider the options.

- List all options that you think are reasonable given the situation.
- 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 people able to take the course of action in a safe manner?
- Consider the options in light of the QPS Code's four ethical principles, the related values and standards of conduct.

Test the options.

- Would clients and the general community of Queensland see your actions or decisions as honest or impartial and would you be happy if this action was done to you?
- Get another opinion (Supervisor, Manager, Human Resources, Ethical Standards Unit)

Choose your course of action.

Make sure you choose a course of action which is:

- within your authority to make;
- legal and in line with this policy;
- fair and able to be justified to your manager and the public; and
- able to be documented, so that a statement of reasons could be supplied if required.

Upholding this policy

Making judgements involving ethics about “what is the right thing to do” is a difficult task at times and opinions often vary on the same issue. It is unlikely that disciplinary action will be taken against employees who have acted responsibly and have made reasonable efforts to comply with their obligations, but have made a genuine mistake. Rather, disciplinary action will apply to irresponsible, unethical conduct.

Breaches of the QPS Code of Conduct are dealt with in accordance with the [Public Service Act 2008](#). Whether or not the disciplinary process is initiated and a penalty is imposed will depend on the facts and circumstances of each case. The Department will consider the seriousness of the breach and whether or not there are mitigating circumstances or other factors in deciding the extent of disciplinary action to be taken (if any). Counselling or managerial guidance, including a period of closer management may be appropriate.

Managers must seek to avoid escalation of inappropriate behaviour and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. Official misconduct is to be dealt with in accordance with the Department's obligations under the [Crime and Misconduct Act 2001](#). Breaches of the QPS Code involving conflicts of interest may constitute official misconduct.

Complaints and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a complaint in accordance with the Directive No.8/10 – Managing employee complaints.

If you are aggrieved by an administrative decision or action, you may choose to request a full statement of reasons under the [Judicial Review Act 1991](#), which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.

Further information

If after reading this policy you are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager in the first instance. If you have concerns about approaching your direct manager or supervisor contact the next senior person in your area, your human resource area, Ethical Standards Unit or your union representative.

If you are unsure about reporting incidents of suspected official misconduct, seek advice from the Director, Ethical Standards Unit, who is the Crime and Misconduct Commission Liaison Officer and Public Interest Disclosure Contact Officer for the Department, ethicalstandards@justice.qld.gov.au.

INDEX

Introduction	1
Our Values	1
1. Showing Respect for the Dignity, Rights and Views of Others.....	2
2. Workplace Harassment.....	3
3. Safety, Health and Welfare	3
4. Violent and Aggressive Behaviour.....	3
5. Reprisal.....	4
6. Procedural Fairness.....	4
7. Supervisor/Manager Behaviour	5
8. Confidentiality of Personal Information.....	6
9. Conflicts of Interest	6
10. Secondary Employment.....	7
11. Benefits (including Gifts).....	8
12. Reporting Official Misconduct.....	9
13. Disclosure of Official Information	9
14. Ethical Research and Intellectual Property (Including Copyright)	10
15. Use of Communication and Information Devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, E-mail, etc.)	10
16. Testimonials, Referee Reports and Performance Reports.....	11
17. Vexatious Complaints	12
18. Knowing the Laws and Policies that Apply to Your Work.....	12
19. Lawful and Unlawful Official Instructions/Decisions	12
20. Procedure for Challenging an Official Instruction/Decision	12
21. Criminal Offences	13
22. Diligence, Care and Attention	13
23. Acting Professionally.....	14
24. Leave and Attendance.....	14
25. Use of Alcohol and Other Drugs.....	14
26. Self Development.....	15
27. Using Public Resources for Official Purposes	15
28. Private Use of Work Resources.....	15
29. Financial Decisions.....	16
A guide for Ethical Decision-Making	17
Upholding this policy	19
Complaints and appeal rights	19
Further information	19

Version	Comments/Notes	Date	
1.0	Initial draft	3 December 2010	Director, Ethical Standards Unit
1.1	Second Draft	3 December 2010	Director, Ethical Standards Unit

Workplace Policy

Introduction

The purpose of this policy is to provide you with a clear understanding of the standard of behaviour required to be achieved in performing your role as an employee of the Department of Justice and Attorney-General. You have an obligation to familiarise yourself, and act in accordance with, this policy. See [Queensland Public Service Code of Conduct](#) (QPS Code), standard of conduct 3.1.e which states we will adhere to the policies, organisational values and organisational documents of our employing agency.

Given the diverse range of activities that each of you are involved in on a day-to-day basis, this policy does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework for ethical behaviour.

This policy places an obligation on all of us to take responsibility for our own behaviour. It also provides the basis for disciplinary action for those who fail to meet their obligations; to maintain public trust and confidence in the integrity and professionalism of the Department and the Queensland Public Service.

If there is any doubt about the intended meaning of this policy, seek advice from your manager, the Ethical Standards Unit or refer directly to the relevant legislation. You may also contact other departmental professionals in your discipline or the relevant professional organisation to seek their cooperation in resolving any matters in the public interest.

While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Department.

We are all responsible for implementing this policy in our workplace, building a positive workplace culture and ensuring that our behaviour reflects the standards of conduct referenced in the QPS Code. Managers/supervisors have a special responsibility to support employees in achieving these goals, by leading by example and assisting employees to understand this policy.

Our Values

Commitment to purpose –

We focus our efforts on achieving results that make a significant difference to the wellbeing of Queenslanders.

Commitment to people –

We invest in the development of our staff and encourage work/life balance. We celebrate diversity and equity in our workforce.

Commitment to partnership –

We work together in collaborative teams and partnerships with a strong focus on shared purpose and clear goals, respect and open communication.

Commitment to performance –

We are accountable for delivering effective, efficient, timely and responsive services that contribute to the achievement of our vision. We use innovation and initiative to improve our performance.

1. Showing Respect for the Dignity, Rights and Views of Others

The QPS Code standard 1.5 states that “we will treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own”. This means:

- treating all people with respect, courtesy, and honesty and give everyone a fair hearing;
- respecting the dignity, rights and views of others, including different values, beliefs, cultures and religions;
- being aware of the inherent power imbalance in client relationships. Take special care to maintain a professional relationship that does not cross professional boundaries;
- ensuring that your relationships with clients and other colleagues are professional and respectful of their rights and dignity;
- treating others fairly and equitably when making decisions, taking actions and treating others without favouritism;
- responding to the reasonable demands of all clients in a helpful, courteous and timely manner;
- seeking to ensure that clients, within and outside the Department, are made aware of their proper rights and entitlements;
- recognising that other officials are also bound by obligations in their public duties;
- avoiding offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation; and
- not inducing employees to breach their industrial entitlements e.g. work unpaid overtime, restricting or limiting access to meal or toilet breaks.

You are obligated to maintain impartiality and not allow personal beliefs to influence your judgments and decisions on work-related matters. People who come into contact with the justice and industrial relations and safety systems are sometimes anxious, upset and unfamiliar with the procedures of the Department and the courts. By being courteous, helpful and sensitive to their needs, these stresses can be minimised.

2. Workplace Harassment

Workplace harassment is where a person is subjected to behaviour, other than sexual harassment that:

- is repeated, unwelcome and unsolicited, and
- the person considers to be offensive, intimidating, humiliating or threatening, and
- a reasonable person would consider to be offensive, humiliating, intimidating or threatening.

For more information on Workplace Harassment please access the JAG Employee Complaints policy.

Sexual Harassment is unwelcome conduct of a sexual nature. It occurs when a reasonable person would expect that a person would feel offended, humiliated or intimidated by the conduct. The law that prohibits sexual harassment is the Queensland *Anti-Discrimination Act 1991*. Sexual harassment doesn't have to be deliberate or repeated to be illegal. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

The QPS Code (1.5.b) states that we will ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment. Therefore we will not discriminate against, harass (including sexually harass), bully or mistreat employees, clients or members of the public. Managers are required to provide leadership in eliminating bullying and other aggressive or coercive behaviours and support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner (QPS Code).

3. Safety, Health and Welfare

Employers, employees and other persons in a workplace have specific obligations under the [Workplace Health and Safety Act 1995](#). In essence, you have an obligation to:

- take all reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients;
- report any workplace injury, illness, incident or risk to other employees or clients to your supervisor or manager, or workplace health and safety officer or representative;
- familiarise yourself with the workplace health and safety obligations that are applicable to your work role and environment; and
- consider that the obligations above that apply at the workplace also include work related activities and overnight stays related to work performed.

In accordance with government policy, smoking is prohibited in Queensland Government buildings, offices, grounds and motor vehicles. There maybe exceptions where a designated smoking areas is available for use during your meal break and rest pause entitlements. For further information, refer to [Queensland Government Smoking Policy – March 2003](#).

4. Violent and Aggressive Behaviour

The Department has zero tolerance for any form of aggressive, threatening, violent or abusive behaviour towards clients, employees or members of the public. You are not required to tolerate unacceptable behaviour and have the right to work in a safe and healthy work environment. Such behaviour should never be accepted “as part of the job”.

If you believe that your or anyone else's personal safety is at risk, you are entitled to discontinue your dealings with the person, or member of the public, immediately and notify your supervisor or manager. You are required to report incidents of violent or aggressive behaviour and managers will investigate any incidents with a view to preventing or minimising the aggression and violence in the future. The Department will ensure that appropriate security infrastructure is provided and that the system of work does not put any staff member at risk.

5. Reprisal

Under the [Public Interest Disclosure Act 2010](#), it is unlawful and a criminal offence to take reprisal action against individuals involved in making a Public Interest Disclosure (e.g. disclosing information about official misconduct, criminal activity and maladministration). The Department has a strong commitment to supporting any person who makes a public interest disclosure.

You have an obligation not to take reprisal action against any person whom you believe has made or will make a Public Interest Disclosure or against any person who assists others in making a Public Interest Disclosure (e.g. witnesses or investigating officials).

If an allegation of reprisal involving a public official is substantiated, such action will be considered a serious breach of the legislation and the official may be subject to disciplinary action and possibly criminal prosecution. The person who is the subject of the reprisal may also take civil action and seek compensation for detriment caused by a reprisal.

6. Procedural Fairness

Procedural fairness (or **natural justice**) is considered fundamental to decision-making in the public sector. It is concerned with ensuring that a fair decision is reached by an objective decision-maker. You should also ensure that when making decisions that affect staff and clients that you have the appropriate workforce or financial delegation.

In making a decision, you should:

- ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager/supervisor so that someone else can be appointed the task of making the decision);
- provide people with an opportunity to put their case to the decision-maker, whether it is an oral hearing or otherwise;
- hear all parties and consider all arguments and competing interests;
- act fairly and without bias;
- inform the person affected of relevant factors prior to the decision or action being taken;

- if requested, be able to provide a statement of reasons for the decision; and
- in notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, supervisors, subordinates and anybody else affected by the decision.

7. Supervisor/Manager Behaviour

If you manage or supervise other staff, you have a responsibility to:

- lead by example;
- make fair, transparent and consistent decisions;
- encourage teamwork;
- treat all staff fairly, equitably, with consistency and respect, avoiding bias or favouritism;
- address inappropriate behaviour promptly to avoid its escalation;
- promote a culture of honesty, openness and direct face-to-face communication with all staff;
- positively provide equitable opportunity and support for employees to improve their skills and performance;
- ensure employees understand performance expectations and that their performance is objectively assessed against these standards;
- provide clear and constructive feedback to employees and welcome employees' feedback;
- take employee concerns seriously and where necessary act without delay;
- identify and resolve workplace conflict at the earliest possible opportunity;
- ensure that all staff are made aware of their responsibilities under the QPS Code, this policy and any legislation and policies relevant to their duties;
- ensure that the demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support);
- allocate meaningful duties with regard for the staff member's skills and experience, relevant to the role they are undertaking;
- monitor your own performance as a manager or supervisor to ensure you are making a positive contribution to the organisation and the work environment;
- ensure that the Department's policy and procedural requirements are met; and

- deal justly with employees when mistakes are made.

Equal Employment Opportunity requires managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion and consultative processes.

8. Confidentiality of Personal Information

Due to the sensitive nature of personal information, you have an obligation to:

- maintain confidentiality and adhere to any relevant legislation such as the [Right To Information Act 2009](#), the [Information Privacy Act 2009](#) and or policy provisions relating to the treatment of personal information;
- access and use the information only for the purpose for which it was originally gathered or subsequently authorised; and
- avoid providing even seemingly innocuous information to callers e.g. about whether an officer is on duty.

9. Conflicts of Interest

As a public official, you must ensure that your use of official powers or position does not give rise to a real or apparent conflict of interests.

The QPS Code standard 1.2 provides the standard of conduct you are held to in managing conflicts of interest. You have an obligation to avoid any conduct which would undermine public confidence in the Department or its functions and services.

This obligation requires that you ensure that your actions, conduct and relationships do not raise questions about your willingness and ability to:

- serve the Government of the day, through the responsible Minister, regardless of your personal political or ideological preferences;
- use official powers, influence, resources and information properly;
- maintain proper confidentiality of official information; and
- avoid using the powers or influence of public office, official resources, or official information for personal or other improper advantage.

To identify whether or not a situation involves a real or apparent conflict between your public duty and a private interest, ask yourself:

- could I or my family or friend/s benefit or appear to benefit directly or indirectly from this situation;
- is my action, decision or recommendation one that a fair and reasonable person in a similar situation might make;

- have all options been considered on an equal basis;
- would my actions withstand public scrutiny, in particular, would a reasonable person consider that I was in a position to use my knowledge, access to resources, or influence to gain a benefit; and
- what is my duty as a public official?

If you are uncertain about whether the situation represents a conflict of interest, you are to approach your manager for assistance. If that person may be involved, approach the next level manager in the Department who is independent of the situation. Ethical Standards Unit (ethicalstandards@justice.qld.gov.au) can also advise you. Senior Executives and Senior Officers are able to obtain advice from the Integrity Commissioner with the Chief Executive's consent.

If you have a private interest, which could influence or appear to influence a decision, recommendation or action in carrying out your public duty, you have an obligation to:

- disclose the relevant information in writing by completing the [Conflict of Interest](#) declaration form accessible from the Intranet; and
- take no further action that may be affected by the conflict, unless authorised by the Director-General or delegate or, in the case of the Director-General, by the Minister.

The Director-General or delegate is responsible for resolving conflicts of interest (i.e. real or apparent) in a manner which protects the Department's integrity and is consistent with the QPS Code, the [Public Service Act 2008](#) and relevant legislation.

When considering suitable courses of action to avoid or minimise the conflict, either real or apparent, the Director-General or delegate may decide to:

- re-arrange the public official's duties;
- request the public official to discontinue the private association or interest; or
- authorise the public official to continue with normal duties, subject to certain conditions.

Delegates are **required** to consult with the Ethical Standards Unit before finalising a decision on a conflict of interests (ethicalstandards@justice.qld.gov.au).

Once the matter is resolved, your written declaration will be kept confidential and held in the office of the Director-General or delegate. Declarations of conflicts of interest are to be updated on a regular basis.

Employees, who have been nominated by the Director-General as being required to declare personal interests, are to do so in accordance with the [Public Service Act 2008](#) and any relevant directive. Information about the employees' personal interests is to be treated as confidential and be held in a secure manner by the Director-General or delegate responsible for determining conflicts of interest. Access to the information may only be obtained on an official, need-to-know basis with the Director-General's or delegate's written authorisation.

10. Other Employment

It is important that you recognise that concurrent employment in both the public and private sector may give rise to a real or apparent conflict of interests. This is particularly the case when the private work is in areas related to your official duties (e.g. working for a competing service provider or consultancy work). Depending on the circumstances, your ability to perform your duties efficiently and the Department's credibility may be adversely affected.

The Department does not prohibit other employment. However, you have an obligation to comply with the provisions of the QPS Code, particularly those that relate to conflicts of interest (1.2) and use of official information (4.4) and resources (4.3). You are to ensure that any concurrent employment does not adversely impact on your ability, health or well-being to safely and effectively perform your public duties or compromise the integrity of the Department. For more information please access the JAG policy [Other Employment](#).

Other employment includes paid employment, operating your own business, paid consultancy services, part-time partnerships and directorships.

Generally speaking if you are employed in a regulatory role with the Department you will have a conflict of interests in working in any capacity, in any aspect of the industries which you regulate.

11. Benefits (including Gifts)

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

You are not to directly or indirectly ask for, or encourage the giving of, any benefit or form of gift in connection with the performance of your official duties.

You are not to accept benefits which may give rise to a real or apparent conflict of interests or that are likely to affect the performance of your duties.

If an offer of a benefit is made to you, you are to report this to your manager if you consider that the circumstances involve an attempt to gain favoured treatment, regardless of whether you accepted or rejected the offer.

Any gift accepted by a public service employee becomes the property of the Department. The gift may be retained by the Department or the Department may allow the employee to retain the gift in accordance with the QPS [Gifts and Benefits Directive](#) and [Gifts and Benefits Guideline](#).

A gift by way of a token of minimal value such as flowers, a book etc given publicly to a speaker at a conference or workshop is not intended to gain favour and is acceptable.

All gifts of cultural or historical value remain the property of the State and gifts of money should not be accepted under any circumstance.

It is common practice for the private sector to use hospitality as a way to make contacts and win business. Some common practices in business include; offers of lunch, entertainment, gifts, prizes or "a golfing day out". However participation in these practices may not be appropriate in your role as a public official. This does not mean you cannot accept some hospitality but the decision whether

to accept or not is to be made on the same basis as accepting benefits described above. If there is no benefit to the State of Queensland from giving or accepting a gift or benefit, it should not be given or accepted.

12. Reporting Official Misconduct

The QPS Code (1.1) states that we will meet our obligations to report suspected wrongdoing, including conduct not consistent with the Code. This includes any fraud, corruption, maladministration and official misconduct that you become aware of at work. All cases of suspected official misconduct must be reported to the Crime and Misconduct Commission (CMC) by the CMC Liaison Officer (Director of Ethical Standards Unit) at ethicalstandards@justice.qld.gov.au. There is no requirement for preliminary inquiries, nor is it necessary to have evidence reaching a particular standard.

The [Public Interest Disclosure Act 2010](#) provides the legislative basis for protection of persons who make public interest disclosures in accordance with *the Act*. A Public Interest Disclosure occurs when a person discloses information to an appropriate entity about official misconduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons or the environment in the public interest.

For more information on how to make a public interest disclosure read Thinking About Blowing the Whistle: a guide for individuals working in the public sector. This guide describes how to make and receive public interest disclosures so that you are protected against reprisal.

If you are a supervisor or manager, you are required to ensure support, protection and fair treatment for whistleblowers. [Has One of Your Staff Blown the Whistle](#) is a guide for supervisors and managers.

You must not cause, or arrange for detriment to be caused, because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or the QPS Code. Employees who make a public interest disclosure are afforded protection under the [Public Interest Disclosure Act 2010](#).

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department. Failure to do so without a reasonable excuse may be grounds for disciplinary action.

See 17. *Vexatious Complaints* for information on litigious complaints.

13. Disclosure of Official Information

See the QPS Code standard 4.4 - Ensure appropriate use and disclosure of official information. As a public official, you may have access to certain knowledge and information (both hard copy and electronic) that must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet).

You do not need specific permission to disclose information;

- that is part of your work duties;

- where the release is authorised by statute, regulation or as required by law;
- that would normally be given to a member of the public; and
- where it is already available in the public arena (e.g. legislation, publications, Internet, policies, press releases).

You have a duty to keep official information confidential, even when you have ceased employment as a public official.

You are not to release information to the media unless you are expressly authorised to do so. For more information contact your manager or the Right to Information and Privacy Unit.

14. Ethical Research and Intellectual Property (Including Copyright)

Government information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the State's intellectual property. The State is the owner of the property unless there is an agreement stating otherwise. Therefore you have an obligation not to use the State's intellectual property for private purposes. For more information consult the [Queensland Public Sector Intellectual Property Principles and Guidelines](#).

The Department may have discretion to use State intellectual property for commercial purposes. When deciding who may benefit from the commercial use of State intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Also consider the question of whether commercial or private use of the State's intellectual property may involve a conflict of interests.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by the Department, or by you or others as part of your official duties, you are to first obtain the approval of the Director-General or delegate.

Staff conducting research activities should consult and comply with relevant research guidelines and professional ethical standards.

15. Use of Communication and Information Devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, E-mail, etc.)

Networks such as the Departmental and Government Intranet and their connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access to and use of confidential information can severely damage the reputation of the Department and its officials, undermine the personal privacy of citizens and expose the Department to costly litigation. In addition, unauthorised access and use of information can expose areas within the Department that engage in commercial activity to commercial and business risks.

Limited personal use of communication and information devices is permissible. This is in keeping with the Queensland Government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within the Department.

- Communication and information devices are provided for officially approved purposes only.
- You may use these communication and information devices for limited personal use, so long as it does not interfere with the ethical and efficient discharge of your daily duties.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile transactions, and electronic files are subject to record keeping, archiving, Right to Information (RTI) requests, and audit and integrity requirements. Do not access or send material that you wouldn't be comfortable having to justify the appropriateness of which to the Director-General.
- The Department monitors the use of these networks and devices, and you may be called upon to explain your use of them which must be able to withstand public scrutiny and/or disclosure, and must comply with applicable laws, regulations, and departmental policy.
- The Department will not tolerate communication and information devices being used for accessing, creating, sending, receiving, and/or copying inappropriate material. "Inappropriate material" includes chain letters, indecent, obscene and pornographic material, discriminatory or defamatory material, and/or other potentially offensive material. Nor will it tolerate images and text that are considered inappropriate in the workplace and that could be seen as discrimination or harassment under the [Anti-Discrimination Act 1991](#) or the this policy.
- Inappropriate use of these communication and information devices will result in potential breaches of the law being referred to the relevant law enforcement authority and suspected official misconduct will be reported to the Crime and Misconduct Commission (CMC).

For more information on the use of communication and information devices, see the Department's [Internet and Email Usage Standards](#), [Use of ICT Devices Policy](#) and the Whole-of-Government [Use of Internet and Electronic Mail Policy and Principles Statement](#).

Trade union delegates have additional entitlements to use communication facilities. It is expected that management and union delegates will take a reasonable approach to the responsible use of departmental facilities for information and communication purposes and ensure service delivery and work requirements are not unduly affected. Such facilities include telephones, computers, email, photocopiers, facsimile machines, storage facilities, meeting rooms and notice boards.

16. Testimonials, Referee Reports and Performance Reports

When preparing testimonials, references or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments, that cannot be substantiated, including exaggerating an individual's level of competence or achievements. Staff assessments must be accurate and without bias. There is a requirement to allow an employee to respond to any negative assessment that is made via referee reports.

You may provide testimonial and referee reports using official stationery only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former Queensland public sector employee with whose work you are familiar). You can reveal your public service position/title in a private reference, the nature of which is not provided on official stationery.

17. Vexatious Complaints

You must not knowingly or carelessly make false or misleading statements/allegations concerning the conduct of staff or clients of the Department. Vexatious and litigious complaints where proven will result in the disciplinary process being initiated.

18. Knowing the Laws and Policies that Apply to Your Work

You have an obligation to have a working knowledge of the laws, directives, policies, industrial instruments and delegations (if any) that apply to your work. Managers and Supervisors have an obligation to ensure that all staff have access to the relevant policies, and that new employees have adequate induction.

19. Lawful and Unlawful Official Instructions/Decisions

You have an obligation to exercise your official powers lawfully and comply with all reasonable, lawful instructions and decisions related to your work. You have the right to question a direction or decision if it appears to be unlawful or unreasonable. Managers should be open to positive and constructive questions about their directions.

Anyone giving directions should ensure that they are lawful and consistent with the Department's policies, standards and values. You must not pressure other departmental staff to act contrary to laws, standards and procedures.

20. Procedure for Challenging an Official Instruction/Decision

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. Having done that to no avail, if you still believe it unreasonable you can ask for advice at a higher level.

If you are waiting for a higher authority to consider your objection, you should generally carry out the instruction unless you believe the instruction is obviously unlawful or unreasonable or could endanger a person's health or safety.

If you object to a lawful and reasonable instruction or decision on the basis of a sincerely held belief (e.g. religious, cultural or personal belief), you have an obligation to negotiate with the person giving the instruction/making the decision to resolve the situation, as this may constitute a conflict of interests. Generally, you should not be forced to perform duties that you have a genuine and significant objection to, especially where there is considerable division in the community about the issue.

If you reasonably believe the instruction or decision involves criminal activity, official misconduct or maladministration, you are to immediately notify the Director of Ethical Standards Unit, who is the Department's CMC Liaison Officer and Public Interest Disclosure Contact Officer. For further details, read [Thinking about Blowing the Whistle](#), [Public Interest Disclosure Policy](#) or the [Public Interest Disclosure Act 2010](#).

21. Criminal Offences

The [Public Service Act 2008](#) enables the Department to conduct criminal history checks on new appointees in certain circumstances. The Act also requires that should you be charged with or convicted of any indictable offence, you are required to notify the Director-General in writing immediately.

22. Diligence, Care and Attention

QPS Code states (4.1) That we have an obligation to achieve high standards of public administration and perform our duties to the best of our abilities. This includes:

- performing your duties to the best of your ability with care, competence and efficiency and in a manner which bears public scrutiny;
- giving priority to your official duties over personal activities, while at work;
- applying your knowledge and skills to the best of your ability in performing your official duties;
- helping the Department to achieve its mission and goals by sharing information and taking action to continuously improve organisational systems and practices;
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. that are relevant to the performance of your duties;
- making all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services you provide;
- exercising your obligations in relation to the health and safety of yourself and others;
- taking responsibility for any actions or decisions for which you are accountable, and being open and up front about reporting mistakes; and
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

If you are responsible for managing or supervising others, you have an obligation to ensure that:

- your work and the work of others for whom you are responsible contributes to the achievement of the Department's mission and goals;
- the work performance of staff is monitored and that staff are given constructive and regular feedback on their performance in accordance with performance management standards, policy and procedures;
- workloads are equitably distributed among staff members;
- staff are given opportunities to develop and maintain the knowledge and skills required to perform their official duties competently;
- appropriate action is taken where breaches of the QPS Code have occurred; and

- you establish an open, honest, trusting environment to encourage high morale and job satisfaction.

23. Acting Professionally

You have an obligation to act professionally and abide by the QPS Code of Conduct, this policy and any code or set of standards governing the practice of your duties and profession. This includes:

- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity;
- dealing justly with colleagues when mistakes are made;
- maintaining where it is a requirement of your position, registration and providing evidence of it on an annual basis or when asked to do so;
- informing your manager immediately if there are any changes or restrictions placed on your registration or professional practice;
- avoiding situations where your behaviour could reflect badly on the Department or impact on your workplace; and
- keeping your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

24. Leave and Attendance

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your supervisor/manager about the options available. A medical certificate must be produced for absences of more than 3 days (in cases of ill health) but can be requested by your manager for shorter periods if you are subject to a process for monitoring performance or conduct. You are required to adhere to departmental arrangements and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority and accurate recording of your work attendance and leave periods).

You are not permitted to take smoking breaks, other than in your own time.

25. Use of Alcohol and Other Drugs

You have an obligation to ensure that the personal use of alcohol, drugs, prescription medication or other substances does not adversely affect the work performance and safety of yourself and others, or the integrity of the Department.

Alcohol may not be consumed in any departmental workplace, including social activities, without authorisation from the supervisor or manager.

Abuse of alcohol and drugs which impacts on work attendance and or performance may provide grounds for diminished performance assessment and management.

If you are concerned that the medication you are taking may affect your work performance, alert your manager as alternative duties may need to be considered for the duration of the course of treatment. If you are a supervisor or manager, you will need to consider the options available for assisting staff who are required to take legally prescribed drugs and whose level of performance has been or may be impaired.

If you are affected by alcohol or illicit drugs and are involved in a workplace or motor vehicle accident, you are likely to be personally responsible for the injury and damage caused.

26. Self Development

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and apply for development opportunities. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so, whenever possible.

27. Using Public Resources for Official Purposes

It is an important expectation of the community that public officials use public resources efficiently, appropriately and with regard to relevant policies.

Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may constitute official misconduct or maladministration.

You have an obligation to ensure that public resources of all kinds are:

- used economically;
- used for the purpose for which they were provided;
- treated and maintained with appropriate care; and
- secured against theft or misuse.

28. Private Use of Work Resources

Private use of departmental equipment and resources is acceptable so long as it does not affect your work, the work of others, or the reputation of the Department.

The parameters are:

- occasional and brief use of landline telephones, mobile phones, scanners, fax machines, computers, photocopiers, email and internet systems;
- minimal additional expense to the Department is incurred otherwise costs are reimbursed (e.g. phone charges);

- primarily during the employee's non-work hours;
- does not disrupt the operation of the Department; and
- does not violate the QPS Code of Conduct, [Public Sector Ethics Act 1994](#), [Public Service Act 2008](#) or related State and federal legislation and regulations.

You are not to use public resources for the purpose of private employment, profit or benefit. Using public resources in this way represents a conflict of interests and also may involve official misconduct.

If you are a supervisor or manager who has responsibility for staff and other resources, consider the following questions to help you decide, in particular cases, whether public resources may be used for non-official purposes:

- Do you have authority to make this decision, and if not, who has?
- Is the use of the resources consistent with the Department's interests (e.g. applicability of relevant policies, directives, administrative instructions, the QPS Code's ethics principles)?
- Would a reasonable person consider the use of resources to be acceptable in the circumstances?
- Are there potential negative implications for the Department (e.g. legal liability, cost, public confidence in the Department's integrity)?

Using departmental resources to create, download, store, access or distribute pornography, obscene, indecent or offensive material is strictly prohibited. Under Queensland Government policy employees found to have used Queensland government communication or information devices to create, download, store, access or distribute pornography will be disciplined and are liable to dismissal. See 15. *Use of Communication and Information Devices* for more information.

29. Financial Decisions

Employees who make decisions involving the Department's financial resources should ensure that they are doing so within the scope of their delegated authority (see [Financial Delegations](#)) and in accordance with departmental policies and procedures, including purchase, use and disposal of resources.

The Department's funds are for legitimate activities only and you should seek prior approval for their disbursement if you are unsure.

A guide for Ethical Decision-Making

When you are confronted with an issue, it is important to consider all the options and talk to the right people. The guide below is in the form of a series of questions, which you may consider in light of your obligations under the QPS Code of Conduct and this policy. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

Define the problem.

- What are the facts and circumstances of the situation?
- Who is involved and what are their points of views on the matter?
- Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does it break the rules, the law or go against government policy?
- Which of the four ethical principles in the QPS Code applies to the situation?

Which guidelines/rules already exist?

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

Identify and consider the options.

- List all options that you think are reasonable given the situation.
- 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 people able to take the course of action in a safe manner?
- Consider the options in light of the QPS Code's four ethical principles, the related values and standards of conduct.

Test the options.

- Would clients and the general community of Queensland see your actions or decisions as honest or impartial and would you be happy if this action was done to you?
- Get another opinion (Supervisor, Manager, Human Resources, Ethical Standards Unit)

Choose your course of action.

Make sure you choose a course of action which is:

- within your authority to make;
- legal and in line with this policy;
- fair and able to be justified to your manager and the public; and
- able to be documented, so that a statement of reasons could be supplied if required.

Upholding this policy

Making judgements involving ethics about “what is the right thing to do” is a difficult task at times and opinions often vary on the same issue. It is unlikely that disciplinary action will be taken against employees who have acted responsibly and have made reasonable efforts to comply with their obligations, but have made a genuine mistake. Rather, disciplinary action will apply to irresponsible, unethical conduct.

Breaches of the QPS Code of Conduct are dealt with in accordance with the [Public Service Act 2008](#). Whether or not the disciplinary process is initiated and a penalty is imposed will depend on the facts and circumstances of each case. The Department will consider the seriousness of the breach and whether or not there are mitigating circumstances or other factors in deciding the extent of disciplinary action to be taken (if any). Counselling or managerial guidance, including a period of closer management may be appropriate.

Managers must seek to avoid escalation of inappropriate behaviour and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. Official misconduct is to be dealt with in accordance with the Department's obligations under the [Crime and Misconduct Act 2001](#). Breaches of the QPS Code involving conflicts of interest may constitute official misconduct.

Complaints and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a complaint in accordance with the Directive No.8/10 – Managing employee complaints.

If you are aggrieved by an administrative decision or action, you may choose to request a full statement of reasons under the [Judicial Review Act 1991](#), which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.

Further information

If after reading this policy you are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager in the first instance. If you have concerns about approaching your direct manager or supervisor contact the next senior person in your area, your human resource area, Ethical Standards Unit or your union representative.

If you are unsure about reporting incidents of suspected official misconduct, seek advice from the Director, Ethical Standards Unit, who is the Crime and Misconduct Commission Liaison Officer and Public Interest Disclosure Contact Officer for the Department, ethicalstandards@justice.qld.gov.au.

INDEX

Introduction	1
Our Values	1
1. Showing Respect for the Dignity, Rights and Views of Others.....	2
2. Workplace Harassment.....	3
3. Safety, Health and Welfare	3
4. Violent and Aggressive Behaviour	4
5. Reprisal.....	4
6. Procedural Fairness.....	4
7. Supervisor/Manager Behaviour	5
8. Confidentiality of Personal Information.....	6
9. Conflicts of Interest	6
10. Other Employment.....	8
11. Benefits (including Gifts).....	8
12. Reporting Official Misconduct.....	9
13. Disclosure of Official Information	9
14. Ethical Research and Intellectual Property (Including Copyright)	10
15. Use of Communication and Information Devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, E-mail, etc.)	10
16. Testimonials, Referee Reports and Performance Reports.....	11
17. Vexatious Complaints	12
18. Knowing the Laws and Policies that Apply to Your Work.....	12
19. Lawful and Unlawful Official Instructions/Decisions	12
20. Procedure for Challenging an Official Instruction/Decision	12
21. Criminal Offences	13
22. Diligence, Care and Attention	13
23. Acting Professionally.....	14
24. Leave and Attendance.....	14
25. Use of Alcohol and Other Drugs.....	14
26. Self Development.....	15
27. Using Public Resources for Official Purposes	15
28. Private Use of Work Resources.....	15
29. Financial Decisions.....	16
A guide for Ethical Decision-Making	17
Upholding this policy	19
Complaints and appeal rights	19
Further information	19

Version	Comments/Notes	Date	
1.0	Initial draft	3 December 2010	Director, Ethical Standards Unit
1.1	Second Draft - Approved	3 December 2010	Director, Ethical Standards Unit
1.3	Approved	13 August 2013	Director-General, DJAG

Workplace Policy

Introduction

The purpose of this policy is to provide you with a clear understanding of the standard of behaviour required of you in performing your role as an employee of the Department of Justice and Attorney-General. You have an obligation to familiarise yourself and act in accordance with this policy. See: **Code of Conduct for the Queensland Public Service** (QPS Code of Conduct), standard of conduct 3.1.e which states we will adhere to the policies, organisational values and organisational documents of our employing agency.

Given the diverse range of activities that each of you are involved in on a day-to-day basis, this policy does not attempt to provide a detailed and exhaustive list of what to do in every aspect of your work. Instead, it represents a broad framework for ethical behaviour.

This policy places an obligation on all of us to take responsibility for our own behaviour. It also provides the basis for disciplinary action for those who fail to meet their obligations to maintain public trust and confidence in the integrity and professionalism of the Department and the Queensland Public Service.

If there is any doubt about the intended meaning of this policy, seek advice from your manager, the Ethical Standards Unit, or refer directly to the relevant legislation. You may also contact other departmental professionals in your discipline or the relevant professional organisation to seek their cooperation in resolving any matters in the public interest.

While you are on leave or in your own personal time, you have the same rights as other citizens. However, as you are also a public official and perceived as such by the community, you have a responsibility to conduct yourself in a manner that will not undermine public confidence in the integrity of the Department.

We are all responsible for implementing this policy in our workplace, building a positive workplace culture and ensuring that our behaviour reflects the standards of conduct referenced in the QPS Code of Conduct. Managers/supervisors have a special responsibility to support employees in achieving these goals by:

- leading by example;
- assisting employees to understand this policy;
- pro-actively managing the work performance and personal conduct of public service employees under their management; and
- taking prompt and appropriate action to address cases of unacceptable work performance or personal conduct.

Our Organisational Values

Customers First

- Know your customers
- Deliver what matters
- Make decisions with empathy

Ideas Into Action

- Challenge the norm and suggest solutions
- Encourage and embrace new ideas
- Work across boundaries

Unleash Potential

- Expect greatness
- Lead and set clear expectations
- Seek, provide and act on feedback

Be Courageous

- Own your actions, successes and mistakes
- Take calculated risks
- Act with transparency

Empower People

- Lead, empower and trust
- Play to everyone's strengths
- Develop yourself and those around you

Our Ethical Principles

1. Integrity and impartiality
2. Promoting the public good
3. Commitment to the system of government
4. Accountability and transparency

Our Standards Of Behaviour

1. Showing respect for the dignity, rights and views of others

The QPS Code of Conduct standard 1.5 states that *“we will treat co-workers, clients and members of the public with courtesy and respect, be appropriate in our relationships with them, and recognise that others have the right to hold views which may differ from our own”*. This means:

- treating all people with respect, courtesy, and honesty and give everyone a fair hearing;
- respecting the dignity, rights and views of others, including different values, beliefs, cultures and religions;
- being aware of the inherent power imbalance in client relationships. Take special care to maintain a professional relationship that does not cross professional boundaries;
- ensuring that your relationships with clients and other colleagues are professional and respectful of their rights and dignity;

- treating others fairly and equitably when making decisions, taking actions and treating others without favouritism;
- responding to the reasonable demands of all clients in a helpful, courteous and timely manner;
- seeking to ensure that clients, within and outside the Department, are made aware of their proper rights and entitlements;
- recognising that other officials are also bound by obligations in their public duties;
- avoiding offensive, abusive and discriminatory language and behaviour, workplace harassment and other forms of intimidation; and
- not inducing employees to breach their industrial entitlements e.g. work unpaid overtime, restricting or limiting access to meal or toilet breaks.

You are obligated to maintain impartiality and not allow personal beliefs to influence your judgments and decisions on work-related matters. People who come into contact with the justice, regulatory, custodial and inspection functions of the Department are sometimes anxious, upset and unfamiliar with the procedures of the Department. By being courteous, helpful and sensitive to their needs, these stresses can be minimised.

Where your identity as a departmental employee can be discerned from information published or communicated (eg via newspapers, blogs or social media) commentary about your workplace or colleagues must withstand public scrutiny and not potentially bring them into disrepute.

2. Workplace bullying

The national *Guide for preventing and responding to workplace bullying* specifies that:

Workplace bullying is defined as *repeated and unreasonable behaviour* directed towards a worker or a group of workers that *creates a risk to health and safety*.

- Repeated behaviour refers to the persistent nature of the behaviour and can involve a range of behaviours over time.
- Unreasonable behaviour means behaviour that a reasonable person, having considered the circumstances, would see as unreasonable, including behaviour that is victimising, humiliating, intimidating or threatening.
- A single incident of unreasonable behaviour is not considered to be workplace bullying, however it may have the potential to escalate and should not be ignored.
- If workplace bullying behaviour involves violence, for example physical assault or the threat of physical assault, it should be reported to the police.

- Reasonable management action taken in a reasonable way is not considered to be workplace bullying. It is reasonable for managers and supervisors to direct and control the way work is carried out and to allocate work and give feedback on a worker's performance. These actions are not considered to be workplace bullying if they are carried out lawfully and in a reasonable manner, taking the particular circumstances into account.

For more information on Workplace Bullying please access the *Guide for preventing and responding to workplace bullying*, Safe Work Australia, November 2013, which is available at intranet.justice.govnet.qld.gov.au/__data/assets/pdf_file/0016/133225/FF-New-workplace-bullying-guides.pdf

Discrimination and sexual harassment

Unreasonable behaviour may involve discrimination or sexual harassment which in isolation is not considered to be bullying.

Discrimination occurs when someone is treated less favourably than others because they have a particular characteristic or belong to a particular group of people. For example, it would be discriminatory not to hire or promote a woman because she is pregnant or may become pregnant.

Sexual harassment is associated with unwelcome sexual advances, requests for sexual favours or other unwelcome conduct of a sexual nature. It occurs when a reasonable person would expect that a person would feel offended, humiliated or intimidated by the conduct. The law that prohibits sexual harassment is the Queensland *Anti-Discrimination Act 1991*. Sexual harassment doesn't have to be deliberate or repeated to be illegal. Some sexual harassment, such as sexual assault, indecent exposure and stalking is also a criminal offence.

It is possible for a person to be bullied, sexually harassed and discriminated against at the same time.

Workplace conflict

Differences of opinion and disagreements are generally not considered to be workplace bullying. People can have differences and disagreements in the workplace without engaging in repeated, unreasonable behaviour that creates a risk to health and safety. However, in some cases conflict that is not managed may escalate to the point where it meets the definition of workplace bullying.

The QPS Code of Conduct (1.5.b) states that we will “*ensure our conduct reflects our commitment to a workplace that is inclusive and free from harassment*”. Therefore we will not discriminate against, harass (including sexually harass), bully or mistreat employees, clients or members of the public. Managers are required to provide leadership in eliminating bullying and other aggressive or coercive behaviours and support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.

3. Safety, health and welfare

Employers, employees and other persons in a workplace have specific obligations under the *Work Health and Safety Act 2011*. In essence, you have an obligation to:

- take all reasonable steps to ensure the safety, health and welfare in the workplace of yourself as well as your co-workers and clients;

- report any workplace injury, illness, incident or risk to other employees or clients to your supervisor or manager, or workplace health and safety officer or representative;
- familiarise yourself with the workplace health and safety obligations that are applicable to your work role and environment; and
- consider that the obligations above that apply at the workplace also include work related activities and overnight stays related to work performed.

4. Violent and aggressive behaviour

The Department has zero tolerance for any form of aggressive, threatening, violent or abusive behaviour towards clients, employees or members of the public. You are not required to tolerate unacceptable behaviour and have the right to work in a safe and healthy work environment. Such behaviour should never be accepted “as part of the job”.

If you believe that your or anyone else’s personal safety is at risk, you are entitled to discontinue your dealings with the person, or member of the public, immediately and notify your supervisor or manager. You are required to report incidents of violent or aggressive behaviour and managers will investigate any incidents with a view to preventing or minimising the aggression and violence in the future. The Department will ensure that appropriate security infrastructure is provided and that the system of work does not put any staff member at risk.

Staff working in custodial settings must observe the legislation, policies and practices relevant to dealing with violent and aggressive behaviour in such settings.

5. Reprisal

Under the [Public Interest Disclosure Act 2010](#), it is unlawful and a criminal offence to take reprisal action against individuals involved in making a Public Interest Disclosure (e.g. disclosing information about alleged corrupt conduct, criminal activity and maladministration). The Department has a strong commitment to supporting any person who makes a public interest disclosure.

You have an obligation not to take reprisal action against any person whom you believe has made or will make a Public Interest Disclosure or against any person who assists others in making a Public Interest Disclosure (e.g. witnesses or investigating officials).

If an allegation of reprisal involving a public official is substantiated, such action will be considered a serious breach of the legislation and the official may be subject to disciplinary action and possibly criminal prosecution. The person who is the subject of the reprisal may also take civil action and seek compensation for detriment caused by a reprisal.

6. Procedural fairness

Procedural fairness (or **natural justice**) is considered fundamental to decision-making in the public sector. It is concerned with ensuring that a fair decision is reached by an objective decision maker. You should also ensure that when making decisions that affect staff and clients that you have the appropriate human resources or financial delegation.

In making a decision, you should:

- ensure that you do not have a direct or personal interest in the outcome of the decision (if you do, advise your manager/supervisor so that someone else can be appointed the task of making the decision);
- provide people with an opportunity to put their case to the decision maker, whether it is an oral hearing or otherwise;
- hear all parties and consider all arguments and competing interests;
- act fairly and without bias;
- inform the person affected of relevant factors prior to the decision or action being taken;
- if requested, be able to provide a statement of reasons for the decision; and
- in notifying a decision, inform the client of any rights of appeal or action that can be taken, as well as the limitations of that action.

Ultimately, we must ensure that where any discretionary power is used, our decisions can be justified to our clients, supervisors, subordinates and anybody else affected by the decision.

7. Supervisor/Manager behaviour

If you manage or supervise other staff, you have a responsibility to:

- lead by example;
- make fair, transparent and consistent decisions;
- encourage teamwork;
- treat all staff fairly, equitably, with consistency and respect, avoiding bias or favouritism;
- address inappropriate behaviour promptly to avoid its escalation;
- promote a culture of honesty, openness and direct face-to-face communication with all staff;
- positively provide equitable opportunity and support for employees to improve their skills and performance;
- ensure employees understand performance expectations and that their performance is objectively assessed against these standards;
- provide clear and constructive feedback to employees and welcome employees' feedback;
- take employee concerns seriously and where necessary act without delay;
- identify and resolve workplace conflict at the earliest possible opportunity;
- ensure that all staff are made aware of their responsibilities under the QPS Code of Conduct, this policy and any legislation and policies relevant to their duties;

- ensure that the demands placed on staff are reasonable in the circumstances (e.g. staff have sufficient resources, assistance and/or skills to perform the work, and are given appropriate support);
- allocate meaningful duties with regard for the staff member's skills and experience, relevant to the role they are undertaking;
- monitor your own performance as a manager or supervisor to ensure you are making a positive contribution to the organisation and the work environment;
- ensure that the Department's policy and procedural requirements are met; and
- deal justly with employees when mistakes are made.

Under s 26(2) of the *Public Service Act 2008*, a manager **must** take all reasonable steps to ensure each public service employee under the manager's management is aware of the following:

- (a) the work performance and personal conduct expected of the employee;
- (b) the values of the public service and of the department or public service office in which the employee is employed; and
- (c) what constitutes corrupt conduct under the *Crime and Corruption Act 2001*.

Further, a manager **must**:

- (a) pro-actively manage the work performance and personal conduct of public service employees under the manager's management; and
- (b) if a case of unacceptable work performance or personal conduct arises, take prompt and appropriate action to address the matter.

Equal Employment Opportunity requires managers to ensure that all employees have equitable access to resources, training and development opportunities, promotion and consultative processes.

8. Confidentiality of personal information

Due to the sensitive nature of personal information, you have an obligation to:

- maintain confidentiality and adhere to any relevant legislation such as the [Right To Information Act 2009](#), the [Information Privacy Act 2009](#) and or policy provisions relating to the treatment of personal information;
- access and use the information only for the purpose for which it was originally gathered or subsequently authorised; and
- avoid providing even seemingly innocuous information to callers e.g. about whether an officer is on duty.

9. Conflicts of interests

As a public official, you must ensure that your use of official powers or position does not give rise to an actual, potential or perceived conflict of interests.

The QPS Code of Conduct standard 1.2 provides the standard of conduct you are held to in managing conflicts of interests. You have an obligation to avoid any conduct which would undermine public confidence in the Department or its functions and services.

This obligation requires that you ensure that your actions, conduct and relationships do not raise questions about your willingness and ability to:

- serve the Government of the day, through the responsible Minister, regardless of your personal political or ideological preferences;
- use official powers, influence, resources and information properly;
- maintain proper confidentiality of official information; and
- avoid using the powers or influence of public office, official resources, or official information for personal or other improper advantage.

To identify whether or not a situation involves an actual, potential or perceived conflict between your public duties and a private interest, ask yourself:

- could I or my family or friend/s benefit or appear to benefit directly or indirectly from this situation;
- is my action, decision or recommendation one that a fair and reasonable person in a similar situation might make;
- have all options been considered on an equal basis;
- would my actions withstand public scrutiny, in particular, would a reasonable person consider that I was in a position to use my knowledge, access to resources, or influence to gain a benefit; and
- what is my duty as a public official?

If you are uncertain about whether the situation represents a conflict of interests, you are to approach your manager for assistance. If that person may be involved, approach the next level manager in the Department alternatively the Ethical Standards Unit (ethicalstandards@justice.qld.gov.au) can also advise you. Senior Executives and Senior Officers are able to obtain advice from the Integrity Commissioner with the Director-General's consent.

If you have a private interest, which could influence or appear to influence a decision, recommendation or action in carrying out your public duty, you have an obligation to:

- disclose the relevant information in writing by completing the [Conflict of Interests](#) declaration form accessible from the Department Intranet; and
- take no further action that may be affected by the conflict, unless authorised by the Director-General or delegate or, in the case of the Director-General, by the Minister.

The Director-General or delegate is responsible for resolving conflicts of interests (ie. real or apparent) in a manner which protects the Department's integrity and is consistent with the QPS Code of Conduct, the [Public Service Act 2008](#) and relevant legislation.

When considering suitable courses of action to avoid or minimise the conflict, either real or apparent, the Director-General or delegate may decide to:

- re-arrange the public official's duties;
- request the public official to discontinue the private association or interest; or
- authorise the public official to continue with normal duties, subject to certain conditions.

Delegates are **required** to consult with the Executive Director, Ethical Standards Unit, before finalising a decision on a conflict of interests declaration (ethicalstandards@justice.qld.gov.au).

Once the matter is resolved, your written declaration will be kept confidential and held in the office of the Director-General or delegate. Declarations of conflicts of interests are to be updated on a regular basis.

Employees, who have been nominated by the Director-General as being required to declare personal interests, are to do so in accordance with the [Public Service Act 2008](#) and any relevant directive. Information about the employee's personal interests is to be treated as confidential and be held in a secure manner by the Director-General or delegate responsible for determining conflicts of interests. Access to the information may only be obtained on an official, need-to-know basis with the Director-General's or delegate's written authorisation.

10. Other employment

It is important that you recognise that concurrent employment in both the public and private or community (not for profit) sector may give rise to a real or apparent conflict of interests. This is particularly the case when the private or community work is in areas related to your official duties (e.g. working for a competing service provider or consultancy work). Depending on the circumstances, your ability to perform your duties efficiently and the Department's credibility or integrity may be adversely affected.

The Department does not prohibit other employment. However, you have an obligation to comply with the provisions of the QPS Code of Conduct, particularly those that relate to conflicts of interests (1.2) and use of official information (4.4) and resources (4.3). You are to ensure that any concurrent employment does not adversely impact on your ability, health or well-being to safely and effectively perform your public duties or compromise the integrity of the Department. For more information please access the JAG policy [Other Employment](#).

Other employment includes paid employment, operating your own business, paid consultancy services, part-time partnerships and directorships.

Generally speaking if you are employed in a regulatory role with the Department you will have a conflict of interests in working in any capacity, in any aspect of the industries which you regulate.

11. Benefits (including Gifts)

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

You are not to directly or indirectly ask for, or encourage the giving of, any benefit or form of gift in connection with the performance of your official duties.

You are not to accept benefits which may give rise to a real or apparent conflict of interests or that are likely to affect the performance of your duties.

If an offer of a benefit is made to you, you are to report this to your manager if you consider that the circumstances involve an attempt to gain favoured treatment, regardless of whether you accepted or rejected the offer.

Any gift accepted by a public service employee becomes the property of the Department. The gift may be retained by the Department or the Department may allow the employee to retain the gift in accordance with the Public Service Commission's [Gifts and Benefits Directive](#) and [Gifts and Benefits Guideline](#) and DJAG's [Giving and Receiving of Gifts Process](#).

A gift by way of a token of minimal value such as flowers, a book etc given publicly to a speaker at a conference or workshop is not intended to gain favour and is acceptable.

All gifts of cultural or historical value become and remain the property of the State of Queensland and gifts of money should not be accepted under any circumstances.

It is common practice for the private sector to use hospitality as a way to make contacts and win business. Some common practices in business include offers of lunch, entertainment, gifts, prizes or 'a golfing day out'. However participation in these practices may not be appropriate in your role as a public official. This does not mean you cannot accept some hospitality but the decision whether to accept or not is to be made on the same basis as accepting benefits described above. If there is no benefit to the State of Queensland from giving or accepting a gift or benefit, it should not be given or accepted.

12. Reporting corrupt conduct and other suspected wrongdoing

The QPS Code of Conduct (1.1) states that we will meet our obligations to report suspected wrongdoing, including conduct not consistent with the Code. This includes any fraud, corruption, maladministration and corrupt conduct that you become aware of at work. All cases of suspected corrupt conduct, as defined in the [Crime and Corruption Act 2001](#), must be reported to the Crime and Corruption Commission (CCC) Liaison Officer who is the Executive Director, Ethical Standards Unit, at ethicalstandards@justice.qld.gov.au or to the CCC itself. There is no requirement for preliminary inquiries, nor is it necessary to have evidence reaching a particular standard.

The [Public Interest Disclosure Act 2010](#) provides the legislative basis for protection of persons who make public interest disclosures in accordance with *the Act*. A Public Interest Disclosure occurs when a person discloses information to an appropriate entity about corrupt conduct, maladministration, negligent or improper management of public funds, reprisal, or danger to persons or the environment in the public interest.

For more information on how to make a public interest disclosure read [Thinking About Blowing the Whistle: a guide for individuals working in the public sector](#). This guide describes how to make and receive public interest disclosures so that you are protected against reprisal. A copy of the guide is available at the Crime and Corruption Commission's website, www.ccc.qld.gov.au.

If you are a supervisor or manager, you are required to ensure support, protection and fair treatment for whistleblowers. [Has One of Your Staff Blown the Whistle](#) is a guide for supervisors and managers.

Additional information about public interest disclosures is available in DJAG's *Public Interest Disclosure Policy*, available on the Intranet. The Queensland Ombudsman's website also has information and fact sheets about public interest disclosures (www.ombudsman.qld.gov.au).

You must not cause, or arrange for detriment to be caused, because an employee has properly reported a matter in accordance with the law, departmental policy, public service directives, or the QPS Code of Conduct. Employees who make a public interest disclosure are afforded protection under the [Public Interest Disclosure Act 2010](#).

You must co-operate with an investigation being conducted in connection with the administration, management and operation of the Department. Failure to do so without a reasonable excuse may be grounds for disciplinary action.

See 17. *Vexatious Complaints* for information on litigious complaints.

13. Disclosure of official information

See the QPS Code of Conduct standard 4.4 - Ensure appropriate use and disclosure of official information. As a public official, you may have access to certain knowledge and information (both hard copy and electronic) that must be treated as confidential, especially where it concerns the personal affairs of individuals, commercially sensitive business information, and privileged government information (e.g. matters to be considered by Cabinet).

You do not need specific permission to disclose information;

- that is part of your work duties;
- where the release is authorised by statute, regulation or as required by law;
- that would normally be given to a member of the public; and
- where it is already available in the public arena (e.g. legislation, publications, Internet, policies, press releases).

You have a duty to keep official information confidential, even when you have ceased employment as a public official.

You are not to release information to the media unless you are expressly authorised to do so. For more information contact your manager or the Right to Information and Privacy Unit.

14. Ethical research and Intellectual Property (Including Copyright)

Government information, which you generate as part of your official duties, whether produced in work or personal time, is deemed to be produced in the course of your employment. As such, this information is regarded as the State's intellectual property. The State is the owner of the property unless there is an agreement stating otherwise. Therefore you have an obligation not to use the State's intellectual property for private purposes. For more information consult the [Queensland Public Sector Intellectual Property Principles](#).

The Department may have discretion to use State intellectual property for commercial purposes. When deciding who may benefit from the commercial use of State intellectual property, you are to consider the circumstances in which it was conceived, researched and developed. Also consider the question of whether commercial or private use of the State's intellectual property may involve a conflict of interests.

If you are seeking to enter into an agreement regarding the publication or disclosure of any articles or materials which have been produced by the Department, or by you or others as part of your official duties, you are to first obtain the approval of the Director-General or delegate.

Staff conducting research activities should consult and comply with relevant research guidelines and professional ethical standards.

15. Use of information and communication technology (ICT) systems and devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, Email, etc.)

Networks such as the Department's and Government's Intranets and their connections to the Internet represent a potential risk to the integrity of the Department and the security of its computer systems. For example, unauthorised access to and use of confidential information can severely damage the reputation of the Department and its officials, undermine the personal privacy of citizens, and expose the Department to costly litigation. In addition, unauthorised access and use of information can expose areas within the Department that engage in commercial activity to commercial and business risks.

Limited personal use of communication and information systems and devices is permissible. This is in keeping with the Queensland Government's commitment to the development of a responsive and flexible public sector in which there is recognition of family and community responsibilities and their impact on work.

The following principles apply to the use of communication and information networks and devices within the Department.

- Communication and information devices are provided for officially approved purposes only.
- You may use these communication and information devices for limited personal use, so long as it does not interfere with the ethical and efficient discharge of your daily duties.
- You may only transmit information via communication and information networks and devices if you are authorised to do so and in accordance with the relevant departmental protocols.
- You may not share your password/s with another person, share another person's password/s, or record password/s where they may be found by others.
- Electronic messages, telephone and facsimile transactions, and electronic files are subject to record keeping, archiving, Right to Information (RTI) requests, and audit and integrity requirements. Do not access or send material if you wouldn't be comfortable in justifying its appropriateness to the Director-General.

- The Department monitors the use of ICT networks and devices, and you may be called upon to explain your use of them. Your use must be able to withstand public scrutiny and/or disclosure, and must comply with applicable laws, regulations, and departmental policy.
- The Department will not tolerate communication and information systems or devices being used for accessing, creating, sending, receiving, and/or copying inappropriate material. "Inappropriate material" includes chain letters, indecent, obscene and pornographic material, discriminatory or defamatory material, and/or other potentially offensive material. Nor will it tolerate images and text that are considered inappropriate in the workplace and that could be seen as discrimination or harassment under the [Anti-Discrimination Act 1991](#) or this policy.
- Inappropriate use of these communication and information devices will result in potential breaches of the law being referred to the relevant law enforcement authority and suspected corrupt conduct will be reported to the Crime and Corruption Commission.

For more information on the use of communication and information devices, see the Department's [Internet and Email Usage Standards](#), [Use of ICT Devices Policy](#) and the Whole-of-Government [Use of Internet and Electronic Mail Policy and Principles Statement](#).

The **Official Use of Social Media Policy** establishes a clear set of requirements for agencies electing to use social media tools so they may do so within an authorised and accountable environment. Social media is a general term used to describe the tools and forms of publishing which are based on an interaction or conversation online between an author and active readers, in contrast with traditional broadcast media, where the 'audience' is a passive consumer of content.

The policy applies to all departments and covers officially established, publicly available and departmentally-managed social media accounts, but does not require the establishment of the accounts. It does not apply to use of social media on a personal or professional basis or cover use of social media for political or internal government purposes.

This policy forms part of the Government's commitment to open and transparent government; however, does not extend to the release of open data or other aspects of eGovernment.

Read the [Official use of Social Media Policy](http://www.qld.gov.au/web/social-media/policy-guidelines/policy/) (<http://www.qld.gov.au/web/social-media/policy-guidelines/policy/>).

16. Testimonials, Referee Reports and Performance Reports

When preparing testimonials, references or performance reports, you are to take care not to make false or derogatory statements about an individual, or make assessments, that cannot be substantiated, including exaggerating an individual's level of competence or achievements. Staff assessments must be accurate and without bias. There is a requirement to allow an employee to respond to any negative assessment that is made via referee reports.

You may provide testimonial and referee reports using official stationery only when you are acting in an official capacity (i.e. commenting on the work performance of a current or former Queensland public sector employee with whose work you are familiar). You can reveal your public service position/title in a private reference, the nature of which is not provided on official stationery.

17. Vexatious and false complaints

You must not knowingly or carelessly make false or misleading statements/allegations concerning the conduct of staff or clients of the Department. Complaints, if found to be vexatious and or knowingly false or misleading, will result in the disciplinary process being initiated.

18. Knowing the laws and policies that apply to your work

You have an obligation to have a working knowledge of the laws, directives, policies, industrial instruments and delegations (if any) that apply to your work. Managers and Supervisors have an obligation to ensure that all staff have access to the relevant policies, and that new employees have adequate induction.

19. Lawful and unlawful official instructions/decisions

You have an obligation to exercise your official powers lawfully and comply with all reasonable, lawful instructions and decisions related to your work. You have the right to question a direction or decision if it appears to be unlawful or unreasonable. Managers should be open to positive and constructive questions about their directions.

Anyone giving directions should ensure that they are lawful and consistent with the Department's policies, standards and values. You must not pressure other departmental staff to act contrary to laws, standards and procedures.

20. Procedure for challenging an official instruction/decision

If you believe a direction is unreasonable, outline your concerns and ask for clarification from the person giving the instruction. Having done that to no avail, if you still believe it unreasonable you can ask for advice at a higher level.

If you are waiting for a higher authority to consider your objection, you should generally carry out the instruction unless you believe the instruction is obviously unlawful or unreasonable or could endanger a person's health or safety.

If you object to a lawful and reasonable instruction or decision on the basis of a sincerely held belief (e.g. religious, cultural or personal belief), you have an obligation to negotiate with the person giving the instruction/making the decision to resolve the situation, as this may constitute a conflict of interests. Generally, you should not be forced to perform duties that you have a genuine and significant objection to, especially where there is considerable division in the community about the issue.

If you reasonably believe the instruction or decision involves criminal activity, corrupt conduct or maladministration, you are to immediately notify the Executive Director, Ethical Standards Unit, who is the Department's CCC Liaison Officer and Public Interest Disclosure Contact Officer. For further details, read [Thinking about Blowing the Whistle](#), [Public Interest Disclosure Policy](#) or the [Public Interest Disclosure Act 2010](#).

21. Criminal offences

The [Public Service Act 2008](#) enables the Department to conduct criminal history checks on new appointees in certain circumstances. The Act also requires that should you be charged with or convicted of any indictable offence, you are required to notify the Director-General in writing immediately.

22. Diligence, care and attention

QPS Code of Conduct states (4.1) that we have an obligation to achieve high standards of public administration and perform our duties to the best of our abilities. This includes:

- performing your duties to the best of your ability with care, competence and efficiency and in a manner which bears public scrutiny;
- giving priority to your official duties over personal activities, while at work;
- applying your knowledge and skills to the best of your ability in performing your official duties;
- helping the Department to achieve its mission and goals by sharing information and taking action to continuously improve organisational systems and practices;
- being familiar with and following all the legislation, directives, guidelines, standards, policies, and procedures etc. that are relevant to the performance of your duties;
- making all reasonable efforts to provide high standards of service to clients by exercising due care, particularly with members of the public who may rely upon the services you provide;
- exercising your obligations in relation to the health and safety of yourself and others;
- taking responsibility for any actions or decisions for which you are accountable, and being open and up front about reporting mistakes; and
- not allowing your own conduct to distract or prevent other officials from performing their duties diligently.

If you are responsible for managing or supervising others, you have an obligation to ensure that:

- your work and the work of others for whom you are responsible is consistent with the Department's values;
- the work performance of staff is monitored and that staff are given constructive and regular feedback on their performance in accordance with performance management standards, policy and procedures;
- workloads are equitably distributed among staff members;
- staff are given opportunities to develop and maintain the knowledge and skills required to perform their official duties competently;
- appropriate action is taken where breaches of the QPS Code of Conduct have occurred; and

- you establish an open, honest, trusting environment to encourage high morale and job satisfaction.

23. Acting professionally

You have an obligation to act professionally and abide by the QPS Code of Conduct, this policy and any code or set of standards governing the practice of your duties and profession. This includes:

- adhering to any relevant professional standards of conduct that are consistent with your official duties and professional capacity;
- dealing justly with colleagues when mistakes are made;
- maintaining where it is a requirement of your position, registration and providing evidence of it on an annual basis or when asked to do so;
- informing your manager immediately if there are any changes or restrictions placed on your registration or professional practice;
- avoiding situations where your behaviour could reflect badly on the Department or impact on your workplace; and
- keeping your appearance and presentation clean, tidy and appropriate for your work role, and in line with occupational health and safety requirements.

24. Leave and attendance

Leave should only be taken for the purposes for which it is intended. If you need leave for a personal reason, talk to your supervisor/manager about the options available. A medical certificate must be produced for absences of more than 3 days (in cases of ill health) but can be requested by your manager for shorter periods if you are subject to a process for monitoring performance or conduct. You are required to adhere to departmental arrangements and industrial agreements/awards regarding attendance at work and leave (e.g. not being absent without authority and accurate recording of your work attendance and leave periods).

You are not permitted to take smoking breaks, other than in your own time.

25. Use of alcohol and other drugs

You have an obligation to ensure that the personal use of alcohol, drugs, prescription medication or other substances does not adversely affect the work performance and safety of yourself and others, or the integrity of the Department.

Alcohol may not be consumed in any departmental workplace, including social activities, without authorisation from the supervisor or manager.

Abuse of alcohol and drugs which impacts on work attendance and or performance may provide grounds for diminished performance assessment and management.

If you are concerned that the medication you are taking may affect your work performance, alert your manager as alternative duties may need to be considered for the duration of the course of treatment. If you are a supervisor or manager, you will need to consider the options available for assisting staff who are required to take legally prescribed drugs and whose level of performance has been or may be impaired.

If you are affected by alcohol or illicit drugs and are involved in a workplace or motor vehicle accident, you are likely to be held personally responsible for any injury or damage caused.

26. Self development

You have an obligation to develop your knowledge and skills, and to keep up-to-date with the latest changes related to your official duties. To achieve this, you are to take reasonable steps to identify and acquire the latest relevant information and knowledge. On occasions this may warrant applying for development opportunities. Your manager has a responsibility to support any reasonable and appropriate requests for you doing so, whenever possible.

27. Using public resources for official purposes

It is an important expectation of the community that public officials use public resources efficiently, appropriately and with regard to relevant policies.

Public resources include not only material and financial resources, but also people skills and knowledge, work time, intellectual property, and official information. Intangible assets such as corporate learning, public support, positive staff morale, and professional commitment are also regarded as valuable assets.

The misuse or wasteful use of public resources is considered to be a serious matter and may constitute official misconduct or maladministration.

You have an obligation to ensure that public resources of all kinds are:

- used economically;
- used for the purpose for which they were provided;
- treated and maintained with appropriate care; and
- secured against theft or misuse.

28. Private use of work resources

Private use of departmental equipment and resources is acceptable so long as it does not affect your work, the work of others, or the reputation of the Department.

The parameters are:

- occasional and brief use of information and communication technology systems and devices;

- minimal additional expense to the Department is incurred otherwise costs are reimbursed (e.g. phone charges);
- primarily during the employee's non-work hours;
- does not disrupt the operation of the Department; and
- does not violate the QPS Code of Conduct, [Public Sector Ethics Act 1994](#), [Public Service Act 2008](#) or related State and federal legislation and regulations.

You are not to use public resources for the purpose of private employment, profit or benefit. Using public resources in this way represents a conflict of interests and also may involve official misconduct.

If you are a supervisor or manager who has responsibility for staff and other resources, consider the following questions to help you decide, in particular cases, whether public resources may be used for non-official purposes:

- Do you have authority to make this decision, and if not, who has?
- Is the use of the resources consistent with the Department's interests (e.g. applicability of relevant policies, directives, administrative instructions, or the QPS Code of Conduct's ethics principles)?
- Would a reasonable person consider the use of resources to be acceptable in the circumstances?
- Are there potential negative implications for the Department (e.g. legal liability, cost, public confidence in the Department's integrity)?

Using departmental resources to create, download, store, access or distribute pornography, obscene, indecent or offensive material is strictly prohibited. Under Queensland Government policy employees found to have used Queensland government communication or information devices to create, download, store, access or distribute pornography will be disciplined and are liable to dismissal. See 15. *Use of information and communication technology (ICT) systems and devices* for more information.

29. Financial decisions

Employees who make decisions involving the Department's financial resources should ensure that they are doing so within the scope of their delegated authority (see [Financial Delegations](#)) and in accordance with departmental policies and procedures, including purchase, use and disposal of resources.

The Department's funds are for legitimate activities only and you should seek prior approval for their disbursement if you are unsure.

A guide for ethical decision making

When you are confronted with an issue, it is important to consider all the options and talk to the right people. The guide below is in the form of a series of questions, which you may consider in light of your obligations under the QPS Code of Conduct and this policy. It will not make the decision for you, but it will help you to analyse all the relevant facts and circumstances of a situation to reach a decision.

Define the problem.

- What are the facts and circumstances of the situation?
- Who is involved and what are their points of views on the matter?
- Is there a need to work cooperatively to find a solution?
- Who is affected and are people's rights involved?
- Does it break the rules, the law or go against government policy?
- Which of the four ethical principles in the QPS Code of Conduct applies to the situation?

Which guidelines/rules already exist?

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

Identify and consider the options.

- List all options that you think are reasonable given the situation.
- 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 people able to take the course of action in a safe manner?
- Consider the options in light of the QPS Code of Conduct's four ethical principles, the related values and standards of conduct.

Test the options.

- Would clients and the general community of Queensland see your actions or decisions as honest or impartial and would you be happy if this action was done to you?
- Get another opinion (Supervisor, Manager, Human Resources, Ethical Standards Unit)

Choose your course of action.

Make sure you choose a course of action which is:

- within your authority to make;
- legal and in line with this policy;
- fair and able to be justified to your manager and the public; and
- able to be documented, so that a statement of reasons could be supplied if required.

Upholding this policy

Making judgements involving ethics about “what is the right thing to do” is a difficult task at times and opinions often vary on the same issue. It is unlikely that disciplinary action will be taken against employees who have acted responsibly and have made reasonable efforts to comply with their obligations, but have made a genuine mistake. Rather, disciplinary action will apply to irresponsible, unethical conduct.

Breaches of the QPS Code of Conduct are dealt with in accordance with the [Public Service Act 2008](#). Whether or not the disciplinary process is initiated and a penalty is imposed will depend on the facts and circumstances of each case. The Department will consider the seriousness of the breach and whether or not there are mitigating circumstances or other factors in deciding the extent of disciplinary action to be taken (if any). Counselling or managerial guidance, including a period of closer management may be appropriate.

Managers must seek to avoid escalation of inappropriate behaviour and deal with workplace conflict through timely and direct face to face communication that immediately addresses the behaviour in a constructive way. Alleged corrupt conduct is to be dealt with in accordance with the Department's obligations under the [Crime and Corruption Act 2001](#). Breaches of the QPS Code of Conduct involving conflicts of interest may constitute corrupt conduct.

Complaints and appeal rights

If you have challenged an instruction or decision and have not been able to successfully resolve the situation, or you believe that you have not been fairly treated, you may lodge a complaint in accordance with the Department's [Employee Complaints Policy](#).

If you are aggrieved by an administrative decision or action, you may choose to request a full statement of reasons under the [Judicial Review Act 1991](#), which sets out the grounds upon which a decision or action may be challenged in the Supreme Court.

Further information

If after reading this policy you are still unsure of how it applies to you, it is important that you discuss this with your supervisor or manager in the first instance. If you have concerns about approaching your direct manager or supervisor contact the next senior person in your area, your human resource area, Ethical Standards Unit, or your union representative.

If you are unsure about reporting incidents of suspected corrupt conduct, seek advice from the Executive Director, Ethical Standards Unit, who is the Crime and Corruption Commission Liaison Officer and Public Interest Disclosure Contact Officer for the Department, and who can be contacted at ethicalstandards@justice.qld.gov.au.

INDEX

Introduction	1
1. Showing respect for the dignity, rights and views of others.....	2
2. Workplace bullying.....	3
3. Safety, health and welfare	4
4. Violent and aggressive behaviour.....	5
5. Reprisal.....	5
6. Procedural fairness.....	5
7. Supervisor/Manager behaviour.....	6
8. Confidentiality of personal information.....	7
9. Conflicts of interests.....	7
10. Other employment	9
11. Benefits (including Gifts).....	9
12. Reporting corrupt conduct and other suspected wrongdoing.....	10
13. Disclosure of official information	11
14. Ethical research and Intellectual Property (Including Copyright).....	11
15. Use of information and communication technology (ICT) systems and devices (e.g. Telephone, Scanner, Photocopier, Facsimile, Computers, Internet, Intranet, Email, etc.).....	12
16. Testimonials, Referee Reports and Performance Reports.....	13
17. Vexatious and false complaints	14
18. Knowing the laws and policies that apply to your work	14
19. Lawful and unlawful official instructions/decisions.....	14
20. Procedure for challenging an official instruction/decision.....	14
21. Criminal offences	15
22. Diligence, care and attention	15
23. Acting professionally	16
24. Leave and attendance	16
25. Use of alcohol and other drugs.....	16
26. Self development	17
27. Using public resources for official purposes	17
28. Private use of work resources	17
29. Financial decisions.....	18
A guide for ethical decision making	19
Upholding this policy	20
Complaints and appeal rights	20
Further information	21

Version	Comments/Notes	Date	
1.0	Initial draft	3 December 2010	Director, Ethical Standards Unit
1.1	Second Draft	3 December 2010	Director, Ethical Standards Unit
1.2	Approved	13 August 2013	Director-General, DJAG
2.0	Draft	10 November 2014	Executive Director, Ethical Standards Unit
2.1	Approved	8 December 2014	Director-General, DJAG

detainee means a person in the custody of the chief executive under this Act.

Part 9 Confidentiality

Division 1 Preliminary

Confidential information to which this part applies

This part applies to confidential information relating to a child who is being, or has been, dealt with under this Act.

The ways that a child may be dealt with under this Act include—

being investigated for an offence; and

being detained; and

participating in a conference; and

being cautioned, prosecuted or sentenced for an offence.

This part continues to apply to the information after the child becomes an adult.

This part also applies to confidential information relating to an adult who is being, or has been, dealt with under this Act for a child offence, as if he or she were still a child.

Definitions for pt 9

In this part—

child offence means an offence committed, or alleged to have been committed, by a person when he or she was a child.

confidential information, relating to a child, includes—

identifying information about the child; and

- a report made for the purposes of a court proceeding relating to the child; and
- a report about the child made for the department or another government department; and
- a report about the child given to an agency for the purpose of carrying out the objects of this Act; and
- information about the child gained by a convenor or coordinator in relation to the convening of a conference; and
- a record or transcription of a court proceeding relating to the child.

disclose see section 286.

When does someone gain information through involvement in the administration of this Act

Anyone who at any time has been or is any of the following persons is taken to have been, or to be, involved in the administration of this Act—

- an officer of the department;
- a member of the police service;
- a person investigating a matter under this Act;
- a coordinator;
- a convenor convening a conference;
- a person performing a function in relation to a record or transcription, made under the *Recording of Evidence Act 1962*, of a proceeding relating to a child;
- a member of the community justice group in a child's community;
- anyone else performing a function under or for a purpose of this Act.

A person has gained, gains, or has access to, information through involvement in the administration of this Act if the

person has gained, gains, or has access to, the information in the course of the involvement or because of opportunity provided by the involvement.

Meaning of *disclose* for pt 9

For this part, a person *discloses* information to someone else if the person—

- orally discloses the information to the other person; or
- produces to the other person, or gives the other person access to, a document containing the information; or
- discloses the information to the other person in another way.

Division 2 Preservation of confidentiality generally

Application

This division applies to a person who has gained, gains, or has access to, confidential information relating to a child through involvement in the administration of this Act.

Preservation of confidentiality

The person must not—

- record or use the information, or intentionally disclose it to anyone, other than under this division; or
- recklessly disclose the information to anyone.

Maximum penalty (subject to part 7)—100 penalty units or 2 years imprisonment.

Recording, use or disclosure for authorised purpose

The person may record, use or disclose the information—

for a purpose of this Act; or

if the person is a member of the police service, for the purpose of the functions of the police service not involving publishing the information; or

if the person is a member of the community justice group in a child's community, as part of making submissions about the child to—

- a court or police officer under section 48(3)(da); or
- a court under section 150(1)(g); or

for the purpose of the *Police Powers and Responsibilities Act 2000*, section 379; or

for statistical purposes, without revealing, or being likely to reveal, the identity of the child; or

when authorised by a court under section 234; or

in compliance with lawful process requiring production of documents or giving of evidence before a court or tribunal; or

as expressly permitted or required under another Act; or

when authorised under the regulations.

289AA Disclosure to the commissioner of the police service

The chief executive may disclose the information to the commissioner of the police service, for the purpose of the functions of the police service not involving publishing the information, if the chief executive is satisfied the disclosure is in the public interest.

This section does not apply to a disclosure that the department may make under the *Justice and Other Information Disclosure Act 2008*, part 2.

[s 289A]

289A Disclosure to another member of the community justice group in a child's community

This section applies if the person is a member of the community justice group in a child's community.

The person may disclose the information to another member of the community justice group.

Disclosure to the child or with the child's consent

The person may disclose the information to the child.

The person may disclose the information to someone else if the child consents to the disclosure after being told—

- the information to be disclosed; and
- to whom it is to be disclosed; and
- the reason for the disclosure.

Disclosure to Commissioner for Children and Young People and Child Guardian

The person may disclose the information to the Commissioner for Children and Young People and Child Guardian if a complaint is made to the commissioner under the *Commission for Children and Young People and Child Guardian Act 2000* and—

- the disclosure is made in compliance with a notice from the commissioner requiring the disclosure; or
- the commissioner refers the complaint to the department and the disclosure is made in giving the commissioner a report about an investigation of the complaint or other information relating to the complaint; or
- the disclosure is made in response to a notice from the commissioner inviting the department to make a written submission about the complaint.

Disclosure to ensure someone's safety

The chief executive may give written authority to a person to disclose confidential information if the chief executive is satisfied the disclosure is necessary to ensure a person's safety.

The authorised person may disclose the information under the authority.

Disclosure by chief executive to approved carers and others

If the child has been, or is being, placed in care under the *Child Protection Act 1999*, section 82, the chief executive may disclose the information to—

for a placement in the care of a licensee—a person conducting the licensed care service; or

for a placement in the care of an entity conducting a departmental care service—a person conducting the service; or

for a placement in the care of an approved carer or other person—the approved carer or other person, or a person coordinating the placement.

Disclosure to law enforcement entity in another jurisdiction

The person may disclose the information to an officer of a department of another State responsible for the administration or enforcement of a law about child offenders.

Subsection (1) does not apply to the disclosure, by a member of the police service, of information mentioned in section 295(1).

Disclosure by police of information about cautions and youth justice conferences and agreements

This section applies if the confidential information is information that identifies a child, or is likely to lead to the identification of a child, as a child who—

- is to be or has been cautioned for an offence; or
- has been referred to a conference; or
- has made a conference agreement.

A member of the police service may disclose the information to—

- a parent of the child; or
- a complainant for the offence; or
- the chief executive; or
- a member of a police service of the Commonwealth or another State dealing with the child; or
- a lawyer acting for the child; or
- a person who has the function of investigating offences under an Act and who is dealing with the child; or
- a coordinator.

Subsection (2)(d) applies to information that is inadmissible in a proceeding against the child in Queensland only if the information is also inadmissible in a proceeding against the child in the Commonwealth or other State.

Also, a member of the police service may disclose the information to a person undertaking research if—

- the research has been approved by the commissioner of the police service for the purpose of the disclosure; and
- the person gives a written undertaking to preserve the confidentiality of the information and the anonymity of the person to whom the information relates.

A person to whom information is disclosed under subsection (4) must not contravene the undertaking.

Maximum penalty (subject to part 7)—100 penalty units or 2 years imprisonment.

The commissioner of the police service may approve research for subsection (4) if the commissioner is satisfied the research is genuine.

Disclosure by coordinator or convenor of information about conference agreements

This section applies if the confidential information is information gained by a coordinator or convenor in the convening of a conference.

The coordinator or convenor may record, disclose or use the information—

for a report to a referring police officer or court under section 35(7); or

with the agreement of all the parties to the conference; or

for this or another Act; or

for statistical purposes without revealing, or being likely to reveal, the identity of a person to whom the information relates; or

for an inquiry or proceeding about an offence happening in the conduct of the conference.

Disclosure by chief executive of information for research purposes

The chief executive may disclose the information to a person undertaking research if—

the chief executive is satisfied the research is genuine; and

the person gives a written undertaking to preserve the confidentiality of the information and the anonymity of the person to whom the information relates.

[s 297A]

The person must not contravene the undertaking.

Maximum penalty for subsection (2) (subject to part 7)—100 penalty units or 2 years imprisonment.

297A Making information available for Child Protection Act 1999

The chief executive may, under arrangements made with the chief executive (child safety), make information, including confidential information, relating to a person, gained in the administration of this Act, available to officers of the department (child safety) for the purposes of the *Child Protection Act 1999*.

However, subsection (1) does not apply to information about the identity of a detention centre employee who makes a report to the chief executive under section 268.

In this section—

chief executive (child safety) means the chief executive of the department (child safety).

department (child safety) means the department in which the *Child Protection Act 1999* is administered.

Note—

The *Child Protection Act 1999*, chapter 6, part 6, restricts the use or disclosure of stated information and access to stated documents.

Division 3 Confidentiality in relation to proceedings

Disclosure of information to court or tribunal

A person is not required to disclose confidential information relating to a child, or the identity of a detention centre employee who has made a report to the chief executive under section 268, to a court or tribunal unless the court or tribunal orders the disclosure.

A court or tribunal may order the disclosure only if it considers the disclosure—

- is necessary for a purpose of this Act; or
- would be in the interests of justice.

Production of department's records

This section applies if a party to a proceeding in a court or tribunal requires, under applicable rules—

- the chief executive to produce to the court, tribunal or party a document in the department's records under this Act in relation to a child; or
- a government entity to produce to the court, tribunal or party a document mentioned in paragraph (a) that has been given to the entity under division 2.

The requirement must describe the document to be produced—

- by reference to the person or persons to whom it relates; and
- by general reference to the circumstances to which it relates; and
- by stating the period to which the requirement relates.

For subsection (2)(b), the requirement must show the circumstances to be relevant to the proceeding.

A person must not, directly or indirectly, disclose or make use of information obtained under the requirement other than for a purpose connected with the proceeding.

Maximum penalty (subject to part 7)—100 penalty units or 2 years imprisonment.

Despite any Act to the contrary, if a document in the department's records under this Act about a child is produced in a proceeding in a court, an officer of the court must not make the document available for inspection to any person

[s 300]

other than a party to the proceeding or a party's legal representative.

Maximum penalty for subsection (5) (subject to part 7)—50 penalty units or 1 year's imprisonment.

Division 4 Other matters relating to confidential information

Identity of officer making a report under s 268

This section applies if a detention centre employee makes a report to the chief executive under section 268.

The person who receives the report, or a person who becomes aware of the officer's identity, must not disclose the officer's identity to another person unless—

the disclosure is made in the course of performing functions under this Act; or

the disclosure is expressly permitted or required under an Act.

Maximum penalty for subsection (2) (subject to part 7)—40 penalty units.

Prohibition of publication of identifying information about a child

A person must not publish identifying information about a child.

Maximum penalty (subject to part 7)—

for an individual—100 penalty units or 2 years imprisonment; or

for a corporation—1000 penalty units.

Subsection (1) does not apply to—

publication in a way permitted by a court order; or

publication under written authority given under subsection (3).

The chief executive may give written authority to a person to publish identifying information about a child if the chief executive is satisfied the publication is necessary to ensure a person's safety.

301A Protection from liability

This section applies to a person who—

is a member of the community justice group in a child's community; and

is responsible for the making of a submission about the child to—

a court or a police officer under section 48(3)(da);
or

a court under section 150(1)(g).

For subsection (1)(b), it does not matter that the person did not personally make the submission to the court or the police officer.

The person is not civilly liable for an act done, or an omission made, honestly and without negligence in relation to the making of the submission.

Part 10 General

Programs and services for children

The chief executive must establish—

programs and services necessary to give effect to any order or direction under this Act; and

OUTCOME ADVICE FORM
YOUTH DETENTION DEVOLVED MATTERS



Department of
Justice and Attorney-General

This part to be completed by the Ethical Standards Unit

Allocated Case Number:		MI Number:	MI-
-------------------------------	--	-------------------	-----

Youth Detention Centre: CYDC/BYDC (<i>delete not applicable</i>)	Date Matter sent to Detention Centre: / /
--	---

Concerned Party Details: Name of Person: Occupation: Employee Number (<i>if applicable</i>): Date of Birth: Contact Telephone:

Subject Officer/s Details: Name of Person: Occupation: Employee Number: Date of Birth: Contact Telephone:
--

Summary of Matter:

Summary of Allegations:

Contact Details for ESU:	Name: Position: Phone:
---------------------------------	---

This part to be completed by the Detention Centre

Contact details of officer completing form:	Name: Position: Phone:
--	---

Detention Centre Reference Number:

Findings: <input type="checkbox"/> Substantiated <input type="checkbox"/> Not Substantiated	Action Taken (if substantiated):
--	---

Details of Witnesses interviewed: Name of Person: Occupation: Employee Number (if applicable): Date of Birth: Contact Telephone: Date/Time of Interview: Place of Interview: Support Person:

Details of Subject Officer/s interviewed: Name of Person:
--