

Workplace Ethics

What we expect from you at the Department of Justice and Attorney-General



Tomorrow's Queensland:
strong, green, smart, healthy and fair

Toward **2**
Tomorrow's Queensland



**Queensland
Government**

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Code of Conduct For the Queensland Public Service



1 January 2011



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Premier's foreword



The Queensland Government is working hard to ensure that our system of integrity and accountability is the strongest and most stringent in the country.

We already have a strong integrity and accountability framework in place, but the breadth and complexity of the challenges we face as a state are constantly growing and changing. We have undertaken a significant review to ensure our framework is robust enough to keep pace with these changes. The review process benefited from the contributions of hundreds of Queenslanders, and is driving change and continuous improvement through a comprehensive suite of reforms.

This single Code of Conduct for the Queensland Public Service is one element of the reform process, and replaces all previous codes of ethics or conduct issued by Queensland public service agencies. A single Code of Conduct for all Queensland public service agencies and employees assists in supporting ethical standards of behaviour and expectations across government.

We have the opportunity to make a difference to the lives of Queenslanders. In return, the people of Queensland ask for and deserve our best efforts in meeting our professional duty, which you can do by taking responsibility to uphold this Code of Conduct.

Our roles range from being health care professionals, teachers, police officers, park rangers to policy officers. Whether we are front-line staff or behind the scenes supporting service delivery, we are all serving the best interests of the Queensland people.

The public has a right to expect the same high ethical behaviours from all of us, no matter what job we perform.

This Code of Conduct will ensure the public service embodies the highest ethical standards and helps achieve greater awareness of the positive values underpinning the public service.

I have every confidence public service employees will continue to show Queenslanders our commitment to demonstrating integrity and accountability by working together to adhere to the single Code of Conduct.

Anna Bligh MP
Premier of Queensland

“
The Queensland Government is working hard to ensure our system of integrity and accountability is the strongest and most stringent in the country.”

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.

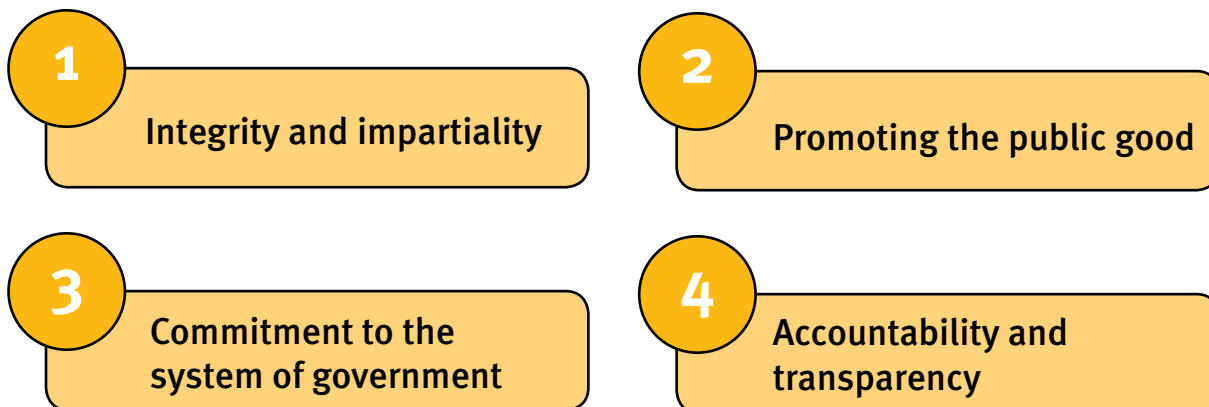
For the purposes of this document only, employees (other than judicial officials), are defined as:

- 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:



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:

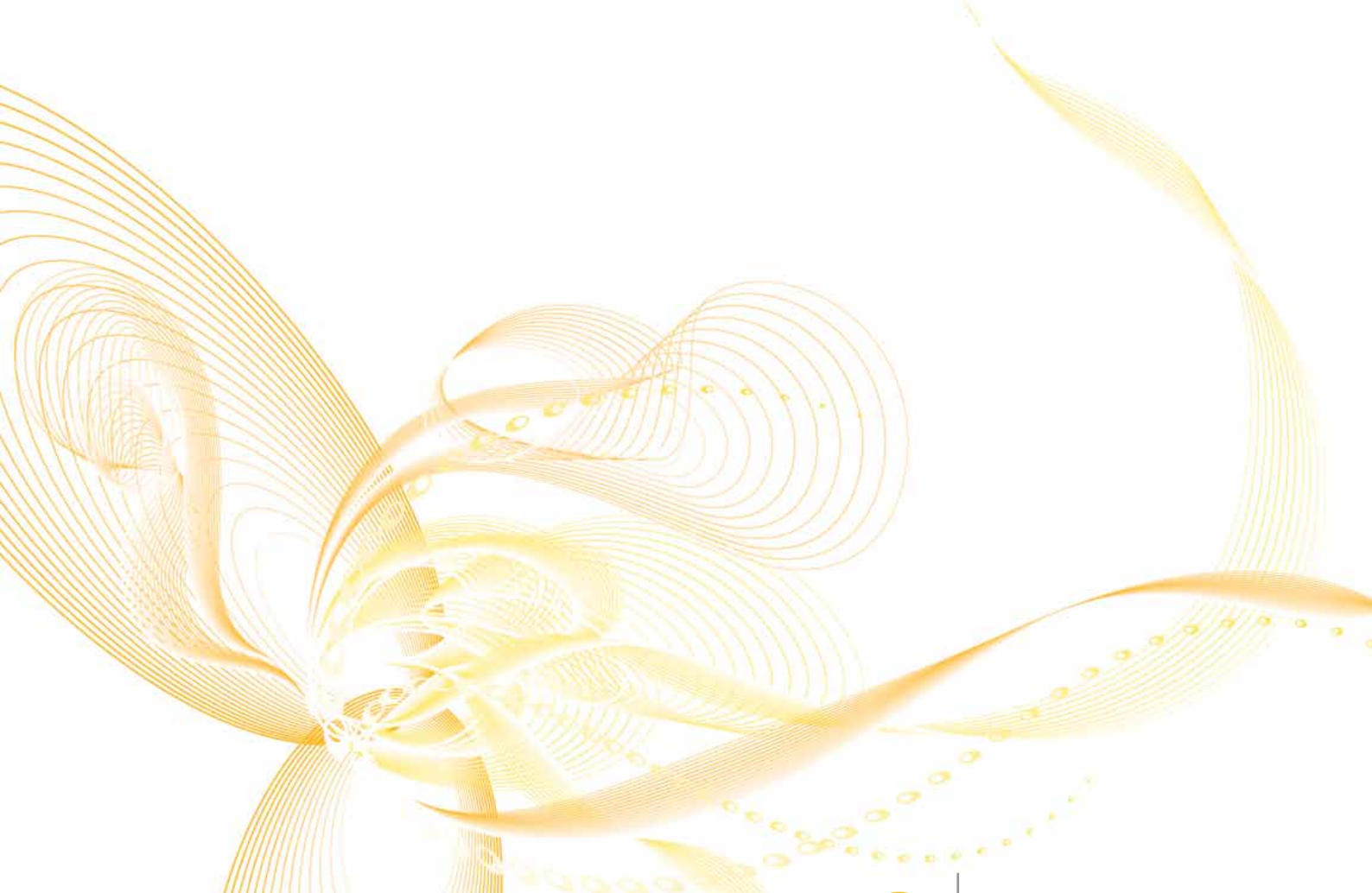
- a. maintain and develop our professional skills and knowledge
- b. in consultation with our managers, take reasonable steps to identify and apply for development opportunities relevant to our current roles and responsibilities
- c. actively participate in employee performance management processes, 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.



Workplace Policy

1 January 2011

Workplace Policy for the Department of Justice and Attorney-General

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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 may be exceptions where a designated smoking area 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. 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 accessible from the Intranet.

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.

Public Interest Disclosure Policy January 2011

Statement of commitment

The reporting of suspected misconduct within the Queensland public sector is fundamental to its ongoing integrity and health. (Brown et al. 2004)

The most effective protection for a person making a public interest disclosure is the right organisational culture. The department, in line with its values, is committed to creating and sustaining a positive ethical climate with accountable behaviour. This comes from leadership that openly recognises the significant contribution staff make to our success and strongly encourages disclosure of unethical and fraudulent behaviour.

The department aims to provide clear guidance to staff on how to handle and deal with the complex issues associated with an ethical dilemma and when faced with potential wrongdoing.

Principles:

- Every employee of the Queensland public service has an ethical responsibility to report suspected misconduct, maladministration, wasting of public funds, substantial and specific danger to public health and safety, the environment or a person with a disability, and reprisal action.
- The principle of natural justice (procedural fairness) will apply to all investigations of matters the subject of public interest disclosures (PID's). The department is committed to treating the PID appropriately and making the process fair for both the discloser and the person who is subject to the disclosure.
- The rights of any person who is subject to, or is in some way associated with, a disclosure will be safeguarded.
- Managers and supervisors are to ensure employees are aware of their responsibilities in making a PID and are able to advise other persons of the appropriate reporting process.

Legislation:

- *Public Interest Disclosure Act 2010*
- *Public Sector Ethics Act 1994*
- *Crime and Misconduct Act 2001*
- *Disability Services Act 1992*

The *Public Sector Ethics Act 1994* and the *Public Interest Disclosure Act 2010* provide the ethical framework and spell out the protection principles. The *Crime and Misconduct Act 2001* provides an external reporting mechanism and an independent investigative and enforcement body.

What constitutes a public interest disclosure (PID)?

What constitutes a PID depends on who is making the disclosure, with the *Public Interest Disclosure Act 2010* distinguishing between disclosures made by a public officer and those made by anyone else.

PIDs made by public officers

- Official misconduct, as defined in the *Crime and Misconduct Act 2001*
- Maladministration that adversely affects anyone's interest in a substantial and specific way
- Negligent or improper management by a public officer, public sector entity or a government contractor resulting or likely to result in a substantial waste of public funds; or
- Conduct by another person causing a substantial and specific danger to public health or safety or to the environment.

PIDs made by any person

- A substantial and specific danger to the health or safety of a person with a 'disability' as defined in the *Disability Services Act 1992*
- A substantial and specific danger to the environment.
- A reprisal taken against anybody as a result of a PID.

A person has information about the conduct of another person or another matter if the person honestly believes on reasonable grounds that the information tends to show the conduct or other matter (subjective test) or the information tends to show the conduct or other matter regardless of whether the person honestly believes the information tends to show the conduct or other matter (objective test). The disclosure is still a PID and covered by the *Public Interest Disclosure Act 2010* even if it proves not to contain this type of information.

Some disclosures are not protected by the *Public Interest Disclosure Act 2010*, including disclosures made to the media (except in special circumstances outlined in Part 4 section 20); those made frivolously or vexatiously; those which primarily question the relative merits of government or agency policy; and those that are made substantially to avoid disciplinary action. Disclosures that are wilfully false constitute an offence under the *Public Interest Disclosure Act 2010*.

The disclosure cannot be based on a mere disagreement over policy that may properly be adopted about amounts, purposes and priorities of expenditure.

Who should I make the disclosure to?

If you wish to make a PID or anyone makes a PID to you, the department's preferred approach is that you contact the Director, Ethical Standards Unit immediately. Alternately, you can make your disclosure to the Crime and Misconduct Commission if it concerns misconduct, the Ombudsman if it concerns maladministration or a waste of public funds or a member of Parliament.

You should disclose anything you think may be a PID. You do not need proof, as long as you have reasonable grounds to believe that it has occurred. If in any doubt, ask the Director, Ethical Standards Unit for advice.

Where possible, be prepared to give information on:

- the name, job title and workplace address of the person the subject of your disclosure
- details of relevant events, dates and places
- the names of people who may be able to back up what you say

- any other evidence that supports your view.

How do I make a disclosure?

Your disclosure can be made in writing or orally and anonymously if you desire.

Where an employee receives an oral PID they should request the discloser to put the details in writing. If they are unable or unwilling to do so the employee receiving the PID should document it and ask the discloser to confirm the contents before signing it. If circumstances (eg telephone caller who remains anonymous) prevent this occurring, the officer receiving the PID should record the date, time and circumstances of the PID. It should then be forwarded to the Director, Ethical Standards Unit.

Where do I make a disclosure?

If you wish to make a disclosure to the **department** please use the following details:

By email: ethicalstandards@justice.qld.gov.au

By letter: Director, Ethical Standards Unit
Department of Justice and Attorney-General
GPO Box 69
Brisbane Qld 4001
Australia

By phone: 07 3225 2045

In person: Ethical Standards Unit

If you wish to make a complaint in person, please phone first for an appointment

If you wish to make a disclosure to the **CMC direct**, please use the following details.

By email: mailbox@cmc.qld.gov.au

By letter: Director, Complaints Section
Crime and Misconduct Commission
GPO Box 3123
Brisbane Qld 4001
Australia

By phone: 07 3360 6060
1800 061 611 (toll free outside Brisbane)

In person: Level 2, North Tower Green Square
515 St Pauls Terrace
Fortitude Valley
Brisbane

If you wish to make a complaint in person, please phone first for an appointment

What support and protection is available to me if I make a public interest disclosure?

The department will treat all PID's appropriately. The Director, Ethical Standards Unit will take your concerns seriously and ensure your privacy and confidentiality (as far as possible) throughout the appropriate process. You can also be confident of protection against reprisal and bullying and that you will be provided with assistance in contacting the Employee Assistance Service if you wish to do so.

The Crime and Misconduct Commission operates a support program for people who are considering making, or have made a PID about official misconduct or for people experiencing difficulties as a result of making a PID about official misconduct. The services include provision of confidential counselling, advice and referral information. Consultative advice and education seminars on making a PID are also offered upon request. 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](#). Which is available on the Department's intranet as well as the CMC, Queensland Ombudsman and Public Service Commission websites.

For those making a PID, Section 36 of the *Public Interest Disclosure Act 2010* states that a person is not liable civilly, criminally or under an administrative process for making a PID. Under Section 73 (2)(f) of the *Industrial Relations Act 1999*, it constitutes an unfair dismissal if an employee is dismissed on the basis of making a PID or because of a belief that an employee has made or may make a PID in accordance with the *Public Interest Disclosure Act 2010*.

If you make a disclosure, you are reminded that the matters surrounding the investigation will be confidential and you are requested to maintain the integrity of the process by not discussing it with your work colleagues or others unconnected with this matter. All statements and correspondence in regard to the matter should be regarded as strictly confidential. Please note that the confidentiality provision will not preclude you from sharing this information with your Union representative/support person.

Where required, interpreters or other assistance will be provided to employees or other persons wanting to report misconduct, official misconduct or make a PID.

What support and protection is available to me if someone makes a public interest disclosure against me?

The department is determined to treat disclosures appropriately. The rights of any person who is the subject of, or is in some way associated with a disclosure are important, and as a person against whom a PID is made, you are entitled to confidentiality and the presumption of innocence.

Employees who are the subject of an allegation may seek assistance from their legal representative or union and may utilise the services of the Employee Assistance Service for advice and counselling (phone 07 3225 2172 or toll free 1800 808 374). This service provides confidential counselling and support to staff through stressful times.

Protection exists for those against whom an intentionally false PID is made. It is an offence under Section 66 of the *Public Interest Disclosure Act 2010*, punishable by up to two years imprisonment, to intentionally make a false or misleading statement intending it to be acted upon as a PID.

However, you are also reminded of your responsibilities under the Queensland Public Service Code of Conduct, 'we will support employees who report genuine concerns of wrongdoing and manage any reports of suspected wrongdoing in a fair, transparent and consistent manner.' You are requested to remember that staff will have performed their duty by participating in the investigation. They should not be treated adversely because of their involvement in this process and any substantiated allegations of adverse treatment on these grounds may result in disciplinary action being taken against you.

The assessment and investigation process

1. The PID is made to the Director, Ethical Standards Unit who will make an assessment as to whether it is to be referred to the CMC or another agency for review or investigation or whether the department is able to investigate the matter or deal with it in some other manner.
2. If the matter is required to be investigated by the department, the Director, Ethical Standards Unit will be responsible for the investigation which will usually be completed by an independent investigator.
3. Once the investigation is completed and relevant agencies consulted, corrective or disciplinary action will be taken by the department where necessary.

4. The person making the PID will be informed of progress and the outcome by the Director, Ethical Standards Unit.

Staff and management responsibilities

All staff, especially managers and supervisors should make themselves familiar with this policy and their obligations under the Code of Conduct. They must provide clear guidance to staff on how to handle the complex issues and how to deal with an ethical dilemma when faced with potential wrongdoing.

Managers must ensure staff are provided with information about making a disclosure and are familiar with the process of making a public interest disclosure. All staff should also be able to identify potential situations where behaviour may be unethical or fraudulent and know how to report it.

Agencies must resolve the apparently conflicting demands of disclosure and confidentiality through management and supervisors being forthright in stating that they want people to denounce unethical and fraudulent behaviour.

Confidentiality

Section 65 of the *Public Interest Disclosure Act 2010* makes it an offence for a person to make a record of, or intentionally or recklessly disclose confidential information received in the administration of the Act to anyone, except where authorised to do so by the Act.

Strict confidentiality is to be maintained at all times in relation to reporting and investigation of PIDs. All departmental records of PIDs will be held and securely filed by the Ethical Standards Unit.

Reprisal

If a person making a PID has concerns about reprisal being taken against them because of the disclosure, under the *Public Interest Disclosure Act 2010*, the person can be given special protection to prevent this occurring.

If you feel as though you have been disadvantaged or subjected to a reprisal for making a disclosure, you should raise the issue with the Director, Ethical Standards Unit.

Section 40 of the *Public Interest Disclosure Act 2010* makes it an offence for an employee to take a reprisal because of a belief that another person has made, or intends to make a Public Interest Disclosure.

Responsibilities for this policy

The Director, Ethical Standards Unit is responsible for the preparation, review and maintenance of the policy.

- | | | | |
|---|---|----|---------------------------------|
| A | We shall respect culture and custom. | 1 | U.S. Fighting Force |
| B | If you are unfortunate enough to become a prisoner of war, you may rest assured that your government will care for your dependents and will never forget you. Furthermore, the government will use every practical means to contact, support and gain release for you and for all other prisoners of war. | 2 | University of Washington |
| C | Never to do deliberate harm to anyone for anyone else's interest. | 3 | Mafiosi |
| D | No inappropriate and deliberate physical contact between players during play. | 4 | Cowboy Code |
| E | No striking one another on board, but very man's quarrels to be ended on shore, at sword and pistol. | 5 | Aust. Veterinary Ass. |
| F | Practicing high standards of academic and professional honesty and integrity. | 6 | ICC Cricket |
| G | He must keep himself clean in thought, speech, action, and personal habits | 7 | Hippocratic Oath |
| H | You may not impersonate any person or entity or otherwise misrepresent yourself, your age or your affiliation with any person or entity. | 8 | The Pirate's Code |
| I | Foster and endeavour to strengthen relationships with your professional colleagues, utilising their skills where appropriate. | 9 | Facebook |
| J | Never look at the wives of friends. | 10 | International Red Cross |

Workplace Ethics - BINGO

1. On what page of the Workplace policy would I find the **Procedure for Challenging an Official Instruction/Decision** and what would be an acceptable reason for not following a lawful and reasonable instruction?

2. Can I use the photocopier to make a copy of a sports certificate for home and where in the Code and the Workplace policy would I find advice on this? *[List the principle, standard of conduct and page number in the Code. List page and paragraph number in the Workforce Policy]*

3. I have been offered the opportunity to do some paid weekend work. Where would I find information on this? *[List the principle, standard of conduct and page number in the Code. List page and paragraph number in the Workplace Policy and you will find more information on this issue in your booklet]*


4. I am offered two \$65 tickets to the cricket. Where do I get advice about accepting these? *[List page and paragraph number in the Workplace Policy and name what documents the QPS suggests you consult?]*

5. The Code states that we have an obligation to report suspected wrongdoing. Under what standard? *[Hint: see principle Integrity and Impartiality but under what standard of conduct (e.g. 1.?.?)]*


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Workplace Ethics

Ethical Standards Unit



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Purpose

The purpose of today's session is to get a better understanding of what is expected of you.

- Your accountabilities.
- Equipping you with the tools to do your job.
- What does our Code mean for me?
- Legislation update.



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Housekeeping



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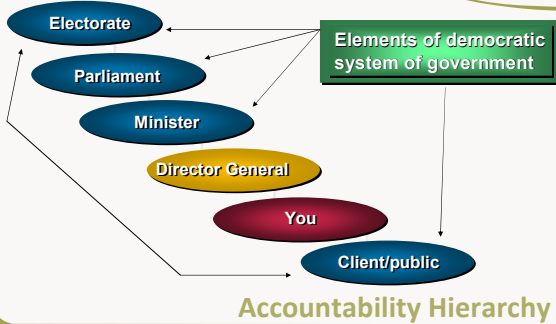
Accountability

You are employed at public expense to provide services for the community.



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Accountability Hierarchy

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What are your accountabilities?



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What makes a public servant different?

"In recognition that public service employment involves a public trust, a public service employee's work performance and personal conduct must be directed towards –

1. Achieving excellence in service delivery.
2. Ensuring the effective, efficient, economical and appropriate use of public resources.
3. Giving effect to Government policies and priorities.
4. Providing sound and impartial advice to the Government.
5. Improving all aspects of the employee's work performance.
6. Carrying out duties impartially and with integrity.
7. Choosing the least bad alternative.
8. Observing all laws relevant to employment.
9. Ensuring that the employee's personal conduct does not reflect adversely in the reputation of the public service.
10. Improving the 'bottom line' at any cost.

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Queensland Government

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Framework

- Anti-discrimination Act 1991
- Judicial Review Act 1991
- Public Sector Ethics Act 1994
- Workplace Health and Safety Act 1995
- Industrial Relations Act 1999
- Crime and Misconduct Act 2001
- Electrical Safety Act 2002
- Public Service Act 2008
- Right to Information Act 2009
- Information Privacy Act 2009
- Criminal Code and Other Legislation Amendment Act 2009
- Financial Accountability Act 2009
- Financial and Performance Management Standard 2009
- Public Interest Disclosure Act 2010

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Framework cont.

- Code of Conduct for the Queensland Public Service
- Financial (inc Administrative and purchasing) and Human Resource Delegations
- Public Service Commission; Directives, Guidelines & Policies
- Privacy requirements
- Grievance and/or appeal rights of individuals
- Natural Justice principles
- Departmental and government policies/guidelines
- Information Policy Standards



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Code of Conduct –
Public Sector Ethics Act 1994


Breaches of the Code –
Public Service Act 2008

Criminal Code and Other Legislation (Misconduct, Breaches of Discipline and Public Sector Ethics) Amendment Act 2009



What event/incident in Queensland's history led to the creation of the Public Sector Ethics Act?

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Review of Integrity and Accountability Framework

<p>Strong Rules</p> <ul style="list-style-type: none"> • Single public service code of conduct • Gifts and Benefits policy • Regulating the lobbyist industry 	<p>Strong Scrutiny</p> <ul style="list-style-type: none"> • Integrity Commissioner role expanded • Requirement to publish departmental gifts registers • Reform of State Procurement Policy
<p>Strong Culture</p> <ul style="list-style-type: none"> • Ethical leadership • Mandatory ethics training • Queensland Public Sector Ethics Network 	<p>Strong Enforcement</p> <ul style="list-style-type: none"> • Crime and Misconduct Commission • Public Service Commission • Effective Public Interest Disclosure regime

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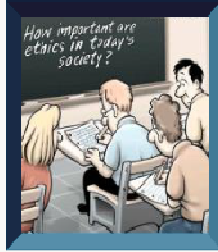
What are the four principles?

Integrity & impartiality

Promoting the public good

Commitment to the system of government

Accountability & transparency



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Integrity and Impartiality

In recognition that public office involves a public trust and that we need to promote public confidence in the integrity of the public service. We will:

1. Commit to the highest ethical standards.
2. Manage conflicts of interest.
3. Contribute to public discussion in an appropriate manner.
4. Manage participation in external organisations.
5. Demonstrate a high standard of workplace behaviour and personal conduct.

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Promoting the Public Good

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.

We will:

1. Commit to excellence in service delivery.
2. Ensure appropriate community engagement.
3. Work as an integrated service.

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Commitment to the System of Government

In recognition that public sector has a duty to uphold the system of government and laws of the State. We will:

1. Commit to our roles in public service.
2. Maintain appropriate relationships with Ministerial staff.
3. Ensure proper communication with Members of Parliament.

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Accountability and Transparency

In recognition that public trust in public office requires high standards of public administration... We will:

1. Ensure diligence in public administration.
2. Ensure transparency in our business dealings.
3. Ensure appropriate use of our official resources, public property and facilities.
4. Ensure appropriate use and disclosure of official information.
5. Commit to innovation and continuous performance improvement.

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What is the purpose of the Code?

Having a Code of Conduct provides:

- How I and others are expected to behave.
- As well as what to do when faced with a dilemma or a conflict of interest.



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To whom does the code apply?

The Code applies to all employees whether full-time, part-time, casual, voluntary/work experience or engaged under a contract of service. (Not Judicial Officers)

The Code also applies when we are on leave and identifiable as Departmental staff.



Exercise 1 Codes of Conduct




Ethical Standards has four policies that work in conjunction with the Code.

- **Workplace Policy**
- Conflict of Interests Declaration (and Policy)
- Other Employment Policy (and Declaration)
- Public Interest Disclosure Policy


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What does this all mean to me?

Explaining the Workplace Ethics booklet and how to use it.


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Exercise 2

Bingo


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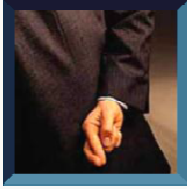
Ethical Decision making

Ask yourself these questions:

- Is my action legal and consistent with the government's policies and Code of Conduct?
- Is my action in line with the department's goals and policies (including the Workplace Policy)?
- Is it the appropriate thing to do?
- What will be the outcome of my action for the department, my colleagues, others and Me?
- Can I justify my action?
- Would the action stand up to public scrutiny?

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Watch for the warning signs ...



- Well, maybe just this once
- No-one will ever know
- It sounds too good to be true
- Everyone does it
- Audit will never catch it
- We've always done it this way

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What is a conflict of interests?

A conflict of interests is when a public servant has a private interest that may influence, or that may appear to influence, how they carry out their job.

A conflict of interests can compromise, or appear to compromise, impartial and objective decision-making by public servants



Put simply, a public servant should derive no other benefit other than their wage/salary (and of course immense job satisfaction).

See the department's Conflict of Interests policy.

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Secondary Employment

Departmental employees have both a legal and ethical responsibility to declare other employment.



Should the other employment:

- Be or have the potential to be, a real or apparent conflict of interests in relation to the employees employment in the public service.
- Have the potential to impact adversely on the employee's ability, health or well-being to safely and effectively carry out official duties in their public service employment.
- Have the potential to compromise the integrity of the employing department or to reflect seriously and adversely on their public service employment.
- Result in or have the potential to result in the misuse of information, intellectual property, physical or other public resources.

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Gifts & Benefits



There are very limited circumstances in which a public servant can accept a gift – see policy.

However as a general guide no gifts should be sought or accepted.

No = No risk and no reporting.

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Information Security

Keeping sensitive information confidential

What is sensitive information?

- It is defined as such by legislation and policy.
- It is personal information covered by the *Privacy Act 1988* (Cwth).
- It may cause harm or give an unfair advantage if it is accessed or released without authorisation.
- It has an embargo against its release.



"Information is a powerful tool. Improper, illegal, unethical or immoral use or concealment of information can wreck careers, cost lives, or destroy organisations". (CMC – Building capacity No7)

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Internet & Email Usage

If you access, download, store, create, view or distribute obscene, indecent, offensive or sexually explicit material (e.g. pornography) you will be dismissed.

Abide by the Department's policies (Internet and Email Usage Standards and Use of Information, Communication, Technology Devices) and only use internet and email for the purposes approved.

Limited personal use must be able to withstand full disclosure and public scrutiny.

During an investigation into misconduct or official misconduct, your email and website visits maybe accessed.



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Workplace Harassment

Should not be tolerated and must be dealt with immediately!

A definition – Repeated behaviour that:

- Is directed at an individual worker or a group of workers; and
- Is offensive, intimidating, humiliating or threatening; and
- Is unwelcome and unsolicited; and
- A reasonable person would consider to be offensive, intimidating, humiliating or threatening for the individual worker or group of workers.



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Workplace Harassment

Examples

- Yelling, screaming, abuse, offensive language, insults
- Isolating workers from normal work interaction, training and development opportunities
- Intimidation
- Assigning meaningless tasks unrelated to the job
- Giving employees impossible assignments
- Deliberately withholding information that is vital for effective work performance
- Tampering with your personal effects or work equipment
- Deliberately changing work rosters to inconvenience particular employees
- Unreasonable "administrative sanctions"



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Anti-Discrimination Act 1991

Discrimination in the workplace occurs when someone is treated unfairly or badly in certain respects. Not all discrimination is against the law, even if it is unfair.

It is unlawful to discriminate against someone for;

gender (whether male or female), marital or parental status (whether married, single, widowed, divorced, separated or living with someone as if married (de facto) and whether there are children or not), race, age (whether young or old), impairment (whether there is a physical, intellectual, psychiatric or mental disability, injury or illness, including HIV status, use of a guide dog, wheelchair or some other remedial device), religion (whether there are particular religious or spiritual beliefs), political belief or activity, trade union activity, lawful sexual activity (whether gay, lesbian, heterosexual or bisexual), pregnancy, association with or relation to someone who has any of these listed attributes or personal characteristics...at work.

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Video – case study

'Sexual harassment'

Group discussion



Courtesy of the Anti-Discrimination Commission Queensland

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Fraud & Corruption

Fraud is dishonestly obtaining a benefit by deception or other means. Action or inaction, as well as spoken words, contributing to obtaining financial advantage.

Corruption includes all kinds of behaviour whereby one person obtains an advantage over another by cheating, trickery or abuse of power or trust.

Examples:


- Taking departmental property for personal use without permission.
- Using a cab charge card for personal use.
- Using a government credit card to purchase lunch when claiming a travel allowance for the same meal.
- Falsifying time on a time sheet.
- Others?




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Public Interest Disclosure Act 2010



The principal purpose of this Act is to promote public interest by protecting people who disclose information relating to inappropriate or harmful practices.

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What is a PID?

A public interest disclosure (PID) can relate to:

- **official misconduct**, including fraud & corruption; or
- **maladministration** that adversely affects anybody's interests in a substantial and specific way; or
- A substantial **misuse** of public resources (includes public funds); or
- a substantial and specific **danger** to public health or safety or environment.



Whistleblower is:

- a **Departmental employee**, whether full-time, part-time, casual, temporary or voluntary, who makes a **public interest disclosure to an appropriate entity**.

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PID Policy

Alternately the Act provides protection from reprisals:

"A person must not cause, or attempt or conspire to cause, detriment to another person because, or in the belief that, the other person or someone else has made or intends to make, a public interest disclosure." (section 40 of the PID Act)

The most effective protection for a person making a public interest disclosure is the right organisational culture.

See the department's PID policy for more information.

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Misconduct is ...

Inappropriate or improper conduct in an official capacity; or

Inappropriate or improper conduct in a private capacity that reflects seriously and adversely on the public service.

Examples

- Failing to declare a conflict of interest.
- Using alcohol, drugs or other substances in a way that adversely affects performance.
- Excessive use of internet for personal amusement or other unauthorised purposes.
- Insulting or swearing at clients, customers or colleagues.
- Victimising another public service employee.



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Official Misconduct is.....

Any inappropriate conduct by a public official that is: related to the performance of their duties and amounts to a criminal offence or would warrant dismissal.

Examples

- Accessing inappropriate material on the internet (e.g. pornography) emailing or storing it.
- Stealing money or equipment.
- Unauthorised personal use of departmental cars, fuel cards, taxi vouchers or information.
- Compromising a selection process.
- Cheating on travel allowances.
- Using authority of a role for personal gain.



Criminal Code & Other Legislation Amendment Act 2009

It is now an offence "misconduct in public office"

- for public officers to abuse their office to gain a benefit or cause a detriment; and
- for former public officers to use information gained in their position to dishonestly gain a benefit or cause a detriment.

The maximum penalty is seven years imprisonment (s.92A Criminal Code Act 1889).

Criminal Code & Other Legislation Amendment Act 2009

It is now possible for:

- job applicants to be obliged to disclose previous serious disciplinary action taken against them;
- chief executives to obtain and consider disciplinary information from previous public service employment in considering an applicant's suitability for appointment;
- disciplinary matters to be continued where officers move to another department; and
- serious disciplinary matters to be continued to their conclusion after the resignation of the officer concerned. (Public Service Act 2008).

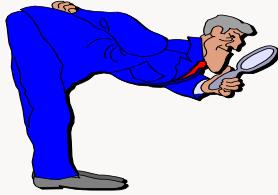
Disciplinary action

Under the *Public Service Act 2008* examples of disciplinary action include:

- Termination of employment
- Reduction in classification
- Re-assignment of duties
- Reduction in salary
- Deduction of salary, by way of a fine
- Reprimand



Case Studies



Case Study 1

Tim is a good friend of yours. However he is currently under some scrutiny for allegedly falsifying his leave and timesheets. You are aware that Tim doesn't have a good relationship with his supervisor and Tim says "they are out to get him".

Tim asks you to return a laptop to the storeroom cupboard for him. He says he had approval to take it home but under the current cloud, it would look better if you returned it to the cupboard.

Case Study 2

Peter, asks you to participate on a selection panel.

After completing short listing, interviews and referee checks, the panel has agreed to recommend Mark as the most meritorious applicant.

Before signing the documentation, Peter (the chairperson) comments to you about how his prior working relationship with Mark (this is the first you have heard of it) had no influence on the process and he was glad to see Mark get ahead.

You now feel that Peter was not 'up front' but you believe Mark was the best applicant.

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Case Study 3

Bryan asks if you've heard about Patricia Lane., a departmental admin officer you both went to school with. Patricia was mentioned in the paper last week having appeared in Court.

You are very aware of the circumstances around Patricia's court case. You are seated in a crowded café. Bryan also works in the Department but in an area that does not have the same access you do. You can trust Bryan absolutely as he was the Manager that hired you.

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Case Study 4

Tom has been inspecting a building site and notices that good quality timber and material thrown on the disposal pile. As he is making his way back to the car with the building site Manager, Tom remarks on the value of the discarded material and that he is building a shed at home.

The building site Manager says "Take whatever you like it is rubbish to us."

The Manager mentions that they have an extra air conditioning unit too if Tom wants it for his shed.

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Case Study 5

George as an inspector is required to make a site inspection of the Agricultural show equipment. The show manager is pleased with George's prompt service and pleasant manner and invites George to return with his family to enjoy the show.

On Sunday George and his family arrive at the gates but he is surprised that he is asked to pay after showing his identification to the gatekeeper. George asks to see the manager and says that it is regarding official business.

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Case Study 6

You are new to the division and you observe certain practices that you believe could amount to official misconduct. For example, long-term borrowing of office equipment, use of cab vouchers for personal reasons, borrowing petty cash, fudging timesheets, widespread private use of computers, stationery and government vehicles.

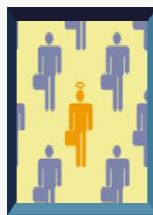
You make discreet inquiries of other staff members, all of whom say that this is always the way it has been, everyone does it and besides, 'this is just a little bit of give and take'.

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Contact...

If you need advice or guidance on your authority or responsibilities, or just assistance in understanding the Department's requirements, legislation etc. you should contact the relevant area of expertise in the first instance e.g. Finance, HR, Legal, RTI or Ethical Standards if it relates to misconduct or ethical dilemmas.

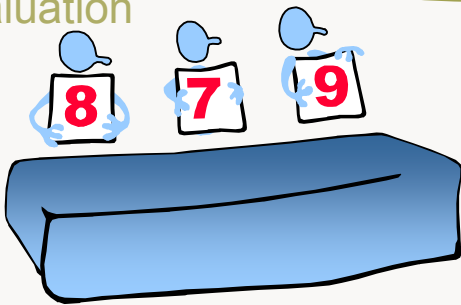


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Evaluation




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Thank You

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Ethical Standards Unit

Neil Boyd, Director, Ethical Standards Unit
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GPO Box 69, Brisbane Qld 4001

Or email
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Department of Justice and Attorney-General



ACKNOWLEDGEMENT

1. I,, acknowledge that I have accessed a copy of the Code of Conduct for the Queensland Public Service and the Department of Justice and Attorney-General's Workplace Policy.
2. I understand that acting in accordance with the Code of Conduct for the Queensland Public Service and the Department of Justice and Attorney-General's Workplace Policy is a condition of my continuing employment / engagement.
3. I note that the Department of Justice and Attorney-General's Workplace Policy provides that, should I require further assistance on any matter contained in the Workplace Policy or the Code of Conduct, I can contact the Director of Ethical Standards Unit on 322 52059 or ethicalstandards@justice.qld.gov.au.

.....
Signed

.....
Date

This form is to be signed by all Departmental employees.

JAG is collecting your personal information on this form for the purpose of verifying your attendance at Ethics Awareness training, including Code of Conduct training, in accordance with the Public Sector Ethics Act 1994 and Public Service Act 2008. The personal information collected may be used for the purposes of misconduct and related investigations and may be disclosed to the Crime and Misconduct Commission in the course of such investigations. The personal information may also be used for internal statistical analysis.