

Code of Conduct



December 2007

FOREWORD

The vision of Queensland Corrective Services is to be *Leaders in corrections: Partners in criminal and social justice*. As a strategic partner in criminal and social justice for the Queensland Government, Queensland Corrective Services' purpose is *community safety and crime prevention through an integrated correctional services system delivering humane containment, supervision and rehabilitation of offenders*.

The Agency achieves this by recognising:

- that an offender's entitlements other than those that are necessarily diminished because of imprisonment or court sentence, should be safeguarded;
- the need to respect an offender's dignity;
- the special needs of some offenders; and
- the culturally specific needs of Aboriginal and Torres Strait Islander offenders.

In working to achieve this, you may deal with difficult and complex matters. Your decisions, actions and personal conduct can have a significant impact on offenders, their families, victims of crime and the community.

This Code of Conduct is designed to provide guidance about what is expected of you in your daily work and your dealings with offenders, the public and colleagues.

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

- respect for the law and system of government
- respect for persons
- integrity
- diligence
- economy and efficiency

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

F P Rockett
Director-General

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INTRODUCTION

Queensland Corrective Services (QCS) operates with public sector responsibilities to work with offenders, their families, support networks, service providers, the community and all levels of government to achieve community safety and crime prevention.

As a QCS employee, you are involved in complex issues that may arise out of the management of offenders and the Agency's role in implementing the policies and programs of the Government of the day. The manner in which you carry out your duties must promote and maintain public confidence and trust in the work of the Agency.

Views of what is right and appropriate often vary depending upon individual backgrounds and experiences. The employees who make up Queensland Corrective Services come from a variety of backgrounds and hold a variety of expectations. You may have loyalty to a particular section of the community because of your background. This loyalty may exert a powerful influence on your decisions and actions. You may also deal with difficult and complex human circumstances and social issues on which there may be no common community view.

Although there is no single set of rules that can answer all ethical questions, the Agency's Code of Conduct provides an ethical framework for the decisions, actions and behaviour of your work as a public official. If you may find yourself in a situation where there is no clear agreement on what is 'the right thing to do', you can:

- refer to this Code of Conduct and any applicable guidelines, directives, policies and procedures
- discuss the situation with your line manager and use the Quick Guide to work through the issues
- contact Human Resource Services Branch or Ethical Standards Branch for assistance
- contact the Ethics and Integrity Branch within the Office of Public Sector Merit and Equity for advice.

The Code of Conduct applies to all employees, including the Director-General, contractual, permanent, temporary and casual employees, volunteers and people under educational work experience placements. The Code is supported by:

- QCS guidelines in the form of policies, procedures, administrative directions and other guidelines
- strategies such as induction, training and education to help apply the five fundamental ethics principles and the Code of Conduct
- advice and assistance on ethics and the Code of Conduct from relevant staff.

All QCS employees must be familiar with the Code of Conduct. If you have management responsibilities, you need to ensure that staff reporting to you, have access to the Code and are given opportunities for training in ethics and conduct obligations.

The Public Sector Ethics Act 1994 and the Code of Conduct

The *Public Sector Ethics Act 1994* (the Act) outlines five fundamental ethics principles and obligations for your work as a public official. The Agency's Code of Conduct builds upon these principles and provides more detail on work in the Agency. The five ethics principles are fundamental to your role as a public official and to good public sector practice.

- Principle 1: Respect for the law and the system of Government**
- Principle 2: Respect for persons**
- Principle 3: Integrity**
- Principle 4: Diligence**
- Principle 5: Economy and efficiency**

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The ethics principles and obligations outlined in the Act are not allocated in any order of priority. In any given situation they may overlap and interact with each other. You may be required to make judgements in balancing competing interests or duties. This Code of Conduct will:

- help you to understand how you can fulfil the ethics obligations in carrying out your role;
- set clear expectations for your conduct as a QCS public employee
- provide guidance to help you deal properly with ethics issues you may encounter in your work.

Using the Code of Conduct

This Code of Conduct is set out according to the five ethics principles. Each principle is explained in the following way:

Obligations – flowing from the five ethics principles in the Act are outlined.

Standards of Conduct – contain key expectations and guidelines for areas of decision making, action and personal conduct.

Examples – shown in shaded boxes, illustrate how the obligations and standards might apply to a range of work situations within the Agency. **The examples are illustrations only and are not exhaustive.**

Legislation, Policies, Guidelines and Procedures – the Code of Conduct does not replace statutory provisions, policies and procedures etc. that define what you do in your job. Wherever possible, the Code of Conduct refers to existing directives and procedures which apply specifically to the work issue addressed by the Standard of Conduct. **Legislation is amended from time to time. A reference within the Code of Conduct to a specific Act, or section of an Act or subordinate legislation (including Regulations), will be read as a reference to an equivalent Act, or section of an Act or subordinate legislation (including Regulations), in any replacement legislation.**

The Code of Conduct and other rights and obligations

Disciplinary action

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

If in your decisions, actions or conduct you wilfully fail to comply with the standards outlined in the Code of Conduct, you may be subject to disciplinary action under section 24 of the Act and section 87 of the *Public Service Act 1996*. All breaches of the Code of Conduct must be reported to your line manager or other appropriate manager as soon as possible.

The Performance Management and Disciplinary Action procedures are available from QCS Intranet, the Human Resource Services Branch and your manager.

Whistleblowers Protection Act 1994

The *Whistleblowers Protection Act 1994* can provide safeguards for public officials who disclose unlawful and improper conduct including breaches of this Code. Disclosures might be about:

- official misconduct

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- maladministration
- negligent or improper management affecting public funds.

Public interest disclosures should be made directly to the Ethical Standards Branch where possible, or alternatively to your line manager who should immediately refer it to the Ethical Standards Branch. Disclosures can also be made to other appropriate authorities. You should refer to the *Whistleblowers Protection Act 1994* and QCS procedures for more details.

Official misconduct

Some situations may constitute official misconduct under the provisions of the *Crime and Misconduct Act 2001*. Under this legislation official misconduct can generally be described as conduct by a public official that involves:

- carrying out the duties or exercising the powers of the public official in a manner that is dishonest or lacks impartiality
- a breach of trust placed in the person by reason of their official position
- a breach of confidentiality

that could amount to a criminal offence or a disciplinary breach that provides reasonable grounds for terminating the person's employment.

Examples of official misconduct include:

- abuse of an offender or co-worker or otherwise placing an offender or co-worker in danger
- stealing property
- misuse of official information for private gain or for an improper purpose
- improperly influencing the outcomes of a selection process (e.g. unfairly favouring one applicant over another by providing pre-interview access to interview questions or by "rigging" scores)
- making a false claim for remuneration with the knowledge that the claimant is not entitled to that remuneration
- accepting a bribe or other benefit to award a tender to a particular person or company.

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

Maladministration

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

Some examples of maladministration are:

- failing to report a reportable offence/event because of wanting to avoid unfavourable comment/attention
- refusing to give proper regard to cultural or religious customs when approving staff leave
- refusing to supply requested information to an offender because of a personal view that it is not in the offender's best interest to know.

The Act requires all staff to report instances of maladministration to the appropriate authority.

Grievance and Appeal Rights

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QCS grievance procedures exist to resolve complaints from staff. In the first instance you should contact your line manager or an appropriate person in the Agency. Any employee who submits a grievance in good faith will not suffer any adverse consequences as a result of submitting a grievance.

If you are involved in a process to assess your behaviour or conduct, improve your performance, or a formal disciplinary process, you can expect to be treated fairly. The principles of natural justice will apply.

If you believe on reasonable grounds that you have not been treated fairly, you may communicate your concerns to your manager or other appropriate person in the Agency. If you are not able to resolve the situation, you may consider utilising the grievance process as outlined in the Grievance Resolution procedure.

If a discipline process against you has been finalised, you will be advised in writing and provided with information regarding appeal processes.

MAKING AN ETHICAL DECISION – A QUICK GUIDE

Not every ethical dilemma can be detailed in a Code of Conduct. This is because every situation is different. To assist you in assessing a situation, a useful 'rule' is – **when in doubt, talk about it**. You can talk with your manager, a colleague, or an adviser from the Human Resources Services Branch or the Ethical Standards Branch. It is important to analyse all the relevant facts and circumstances before deciding what is the 'ethical thing to do'.

1. What is the problem? – describe the situation

- What is happening and who is involved?
- Who is affected?
- What are the job expectations?
- What are the actual or foreseeable consequences and impacts?
- What guidance is there in legislation and the Code of Conduct?
- Which QCS policy or procedure applies?
- *Why do I feel uncomfortable with this?*

2. Is it an ethical problem? – apply the Code of Conduct

- What ethics obligations and standards apply?
- Would the public see the proposed conduct, decision or advice as fair, honest and appropriate?
- Is the public's confidence in the Agency or government at risk?
- Are the values of natural justice, accountability and reasonableness met?
- Has the Agency's duty of care been compromised?
- Are my personal and professional beliefs and values compromised?

3. What action should be taken? – identify options

- Do I have the power or authority to deal with the issue?
- Who else should I talk to?
- What options are available that uphold the relevant ethics principles?
- What is consistent with current policy and practice?
- What are the pros/cons of each option?
- How would the public view these options?
- What feels 'right' to me as a professional public official?

4. What is the most ethical option? – choose a course of action

- Is the decision fair and equitable as outlined in the ethics principles?
- Does it provide a reasonable balance between competing interests and values?
- Is it consistent with relevant legislation, policy and practice?
- Can the decision be justified to Parliament, the Director-General and the public?
- Can the decision be easily explained?
- Is it easy to document the key issues and explain the reasons for the decision?
- Do I feel comfortable?

5. What changes may need to occur? – follow up

- Is this ethical issue an isolated event or does it represent a wider QCS issue?
- Who needs to be advised and how?
- What do I need to do to prevent the situation occurring again?

PRINCIPLE 1: Respect for the Law and the System of Government

Obligations

The obligations flowing from this principle assume a system of responsible parliamentary government, the convention of ministerial responsibility and the rule of law. In practice the obligations require that employees should:

- uphold the laws of the State and Commonwealth
- impartially implement the policy and decisions of the Government of the day
- exercise powers lawfully
- ensure actions support legislation and government policy and processes
- carry out and comply with any relevant legislative, industrial and administrative requirements such as QCS policies and procedures.

Standards of Conduct

1.1 Employment obligations

As a public sector employee, you should understand that you hold a position of trust. You are employed at public expense to ensure "*community safety and crime prevention through the humane containment, supervision and rehabilitation of offenders*" (section 3 of the *Corrective Services Act 2006*).

You owe a duty of service to your employer and should implement, without favour, the policy intentions of the elected government.

You should, for example:

- carry out lawful and reasonable instructions
- make decisions and take actions consistent with the strategic direction and principles of Queensland Corrective Services.

1.2 Following instructions

You:

- are expected to follow all reasonable and lawful instructions related to your work given by a person with the authority to issue such instructions
- should accept that you may not personally agree with all decisions made by your manager
- may refuse to comply with an instruction that appears to be unlawful and report the matter to an appropriate senior officer
- should tell the person giving an unreasonable instruction that the instruction is, in your view, unreasonable and allow them the opportunity to respond. In the interim, you are generally required to carry out the instruction unless:
 - there is a danger to a person's health and safety
 - a conflict of interest may exist;
 - it does not comply with QCS policy and practice.

Managers and supervisors should ensure that they are able to reasonably justify their instructions and decisions in line with their delegations, authority, and QCS policies and procedures, and be open and respond promptly to constructive questions.

1.3 Criminal charges and convictions

Section 9A of the *Criminal Law (Rehabilitation of Offenders) Act 1986* requires applicants for corrective services officer positions to disclose all contraventions of or failures to comply with any provisions of law, whether committed in Queensland or elsewhere, notwithstanding other provisions that exempt the obligation to disclose some offences if the rehabilitation period has expired. Accordingly, criminal history checks are conducted on all successful applicants for positions in the Agency. All selection panels are required to follow the procedures for checking criminal history.

Once you are an employee, section 13 of the *Public Service Regulation 1997* requires you to notify the Agency in writing, if you are convicted by a court of any offence. If you are charged with an indictable offence, the notice must be given immediately after you are charged. If you are convicted by a court of any offence, the notification must be given immediately after you are convicted. It should be noted that for the purposes of section 13 of the *Public Service Regulation 1997*, the term "conviction" includes a finding of guilt, regardless of whether or not a conviction is recorded. Failure to notify QCS in either case will constitute grounds for disciplinary action.

1.4 Parliamentary committees and commissions of inquiry

Parliamentary committees are able to investigate aspects of Government administration.

If you are called to provide information to a Parliamentary Committee or Commission of Inquiry, you should advise the Director-General through your line manager. The Queensland Cabinet Handbook contains information on what QCS employees should know if they are called to appear before a parliamentary committee.

PRINCIPLE 2: Respect for Persons

Obligations

The obligations flowing from this principle cover the conduct of staff in their dealings with members of the public, colleagues, offenders and other public officials.

You should:

- deal fairly and equitably with other officials, the public and offenders
- avoid patronage and favouritism in employment matters
- perform your duties in a professional and responsible manner
- ensure that your decisions and actions are reasonable, fair and appropriate in the circumstances, based on a consideration of all the relevant facts and supported by adequate documentation.

Standards of Conduct

2.1 Workplace behaviour and personal conduct

You should treat colleagues, offenders and members of the public with dignity and respect. This includes being tolerant of the views held by others which may differ from your own.

You should:

- ensure that your conduct is not discriminatory or harassing to others
- ensure your behaviour and performance meets workplace standards at any time that you are representing the Agency or are likely to be identified or associated with your role as a public official (whether or not you are “on duty” at the time)
- make sure you are familiar with and follow the Agency’s policies on Equal Employment Opportunity and the prevention and management of discrimination and harassment.
- make reasonable efforts to develop and maintain appropriate skills in “valuing diversity”.

For example:

- offensive, abusive, belittling or threatening behaviour directed at an individual or group is unacceptable conduct
- it is not acceptable to restrict access to training or promotional opportunities on the basis of sex; relationship status; pregnancy; parental status; breastfeeding; age; race; impairment; religion; political belief or activity; trade union activity; lawful sexual activity; gender identity; sexuality; family responsibilities; association with, or relation to a person identified on the basis of any of the above attributes
- you should make any reasonable adjustment to enable a person with a disability to perform a job
- when dealing with aggressive or agitated offenders or co-workers you should deal with the person without aggression or bias
- you must not engage in any behaviour of a sexual nature that is unwelcome is unacceptable and unlawful conduct, for example leers, suggestive notes or e-mails, innuendo, requests for sexual favours or touching.

2.2 Working with Offenders

You should ensure that your interactions with offenders, their associates and families at all times remain on the professional level, and that they do not cross the “professional boundary”.

You should always be mindful that your conduct in this regard is being observed and will be subjected to the scrutiny of either management, other staff, other offenders, relatives or friends of offenders, or

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members of the public. What may appear to be an innocent interaction to you, may not be viewed as such by others and in this regard you should always check your understanding of what is acceptable with other staff, or your manager/supervisor.

You should always ensure that your interactions with offenders are respectful of their entitlements and dignity, and consistent with the required duty of care.

For example:

- you should use language and terms of address that are courteous and respectful and which do not promote negative social stereotypes
- any abuse of offenders constitutes official misconduct
- sexual relationships with offenders are unacceptable and may be unlawful
- any personal or emotional relationship with an offender is unacceptable (excluding some pre-existing relationships, e.g. if a close relative becomes an offender, you may be permitted to pursue your existing relationship with that person, providing that you disclose such information to your supervisor/manager and are not involved in the management/supervision of the offender
- you should never discuss your personal affairs, or the personal affairs of others with offenders, their associates, or their families.

You should ensure that all offenders have fair, reasonable and equitable access to available services and information provided by the Government.

For example:

- you should avoid unnecessary delays in responding to requests from offenders or other officials for information or advice
- if a requested service cannot be provided because of ineligibility or unavailability, you should make all reasonable attempts to provide the person with advice and information about other sources of assistance, if applicable.

You are expected to understand and respond to the legitimate needs and aspirations of offenders and actively seek to provide, or assist with access to, services that meet those needs.

For example, subject to the security and good order of a corrective services facility, you should:

- ensure that offenders in secure and open custody facilities have access to services they may require such as health, educational, cultural, religious, recreational, psychological, legal, social, physical and vocational services
- work cooperatively with service providers from other agencies to meet the needs of offenders.

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

For example:

- fair, consistent culturally appropriate care and supervision;
- encouraging the development of positive self esteem and rewarding appropriate behaviour consistent with QCS requirements
- strict procedural guidelines apply to some duties, for example, before conducting strip searches or substance testing you must be familiar with the relevant legislative provisions and QCS procedures.

Ensure that the entitlements and dignity of offenders are safeguarded and upheld.

For example:

- reporting to the appropriate authority (e.g. line manager) when you honestly and on reasonable grounds believe that an offender has been subjected to any kind of abuse etc.

2.3 Dress standards

Your dress style must reflect appropriate workplace health, safety and security considerations applicable to your job and work environment.

You are expected to refer to reasonable community standards for dress style that ensures a professional image for the Agency especially if you are dressed in a way that identifies you as a QCS representative, for example wearing a uniform or a corporate wardrobe.

2.4 Workplace Health and Safety

A worker or anyone else at a workplace has the following obligations at the workplace.

For example, you must:

- comply with the instructions given for workplace health and safety at the workplace by the Agency
- use personal protective equipment if the equipment is provided and you have been properly instructed in its use
- not wilfully or recklessly interfere with or misuse anything provided for workplace health and safety at the workplace
- not wilfully place at risk the workplace health and safety of any person at the workplace
- not wilfully injure yourself
- report any workplace hazards that can not be immediately rectified to your supervisor;
- ensure that you comply in practice with any guidelines given for performing manual handling tasks
- take all reasonable steps to ensure that staff you supervise are following guidelines and have access to job-specific training.

PRINCIPLE 3: Integrity

Obligations

The obligations flowing from this principle require employees to recognise that working in the public service involves a position of trust. Public confidence in the public sector is put at risk when the conduct of an officer is, or appears to be, dishonest or lacking impartiality or objectivity.

You should:

- promote confidence in the integrity of the Agency
- not engage in activities at, or outside, work that would bring the Agency into disrepute
- exercise powers and use resources for the purpose they were intended
- comply with the provisions of the *Corrective Services Act 2006* pertaining to confidential information
- always act in the public interest and not your personal interests (including values/views)
- act honestly and disclose to appropriate persons fraud, corruption and maladministration of which you are aware.

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3.1 Use of authority

You should not use your official position, status, powers or authority to seek to improperly influence a decision or action.

For example, you should not:

- use your status or position to obtain a transfer, promotion, advancement or appointment for yourself or another person or to improperly influence a selection process
- falsify or improperly edit or destroy official records
- seek to obtain a more favoured status for a funding application or for services to a particular stakeholder
- instruct a staff member to do any of the above.

You are expected to provide honest, impartial and comprehensive advice regardless of your personal assessment on a matter.

If your personal views conflict with the performance of your official duties or you believe you cannot act impartially, you should contact your line manager and attempt to resolve the conflict. Refer to 1.3 – Following Instructions

When required, you are expected to provide the Minister, the Director-General, line managers or co-workers with advice which is frank, independent, based on an accurate representation of the facts and as comprehensive as possible. This includes setting out the advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a course of action.

You should make decisions, take actions and distribute resources consistent with QCS/program goals and in direct support of service delivery.

When exercising a discretionary power you should ensure that the power is being used properly, impartially, equitably and is consistent with relevant legislation, delegations, procedures or guidelines. In exercising any power associated with your employment you must ensure that you are either statutorily authorised to do so or that you have been delegated the power by a person with the necessary authority to issue the delegation.

The chief executive of the Agency and persons in charge of corrective services facilities are the only QCS officers who may delegate statutory powers (section 57 of the *Public Service Act 1996* and section 200 of the *Corrective Services Act 2006*).

Timeliness and a proper balance between adverse effects and the intended purpose of the power are important considerations. Proper consideration of adverse effects does not include avoiding consequences because they might be unpleasant for a friend.

3.2 Conflict of Interest

If a conflict occurs between your private interests and public duties you must resolve the conflict in favour of the public interest. You can refer to QCS procedures or guidelines for advice in analysing, declaring and registering conflicts of interest.

Senior officers and members of the Senior Executive Service are encouraged to seek advice from the Integrity Commissioner about the identification and resolution of a potential or actual conflict of interest in accordance with the provisions, including the provisions of Part 7, of the Act.

You should advise your manager in writing of any personal or immediate family private interests that may give rise to a conflict of interest with your official duties, particularly if you are involved in making decisions affecting contracting, tendering or regulatory functions.

The Director-General has an obligation to provide a statement of personal interests under legislative and policy provisions. You should comply with any reasonable request from the Director-General to provide information relating to your personal interests or the interests of a dependent or spouse.

Examples of conflicts (or perceived conflicts) between personal interests and public duties that should be declared and in some cases avoided include:

- staff or their families being landlords of a offender's family;
- relatives or friends of staff being employed to provide a service paid for by a offender
- staff member supervising or being involved in the management of an offender who is also a relative or close associate
- staff member who is/was the subject of an investigation following a complaint from an offender on the basis that the staff member believes that the complaint is/was frivolous or vexatious;
- staff in positions that could influence or be perceived to influence, funding allocations, accepting appointments to executive or management positions in organisations that receive or seek to receive funding from the Agency
- as a purchasing officer liaising with a supplier who employs one of your close relatives
- staff member being contracted to provide services to the Agency outside of their paid employment
- generating work which involves travel to provide an opportunity to visit friends
- a supervisor who is in a position to approve higher duties or provide other benefits to a subordinate where a close personal relationship exists (such as a partner or family member or close personal friend)
- involvement on a selection panel when a relationship exists with one of the applicants.

3.3 Gifts and benefits

The giving or receipt of any gift or benefit must occur in compliance with relevant QCS procedures.

Staff must be mindful at all times of their obligations to maintain and enhance public confidence in the integrity of public administration, and to avoid and/or prevent actual or perceived conflicts of interest. Accordingly, the giving or receipt of any gift or benefit in connection with a staff member's duties must:

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- not influence or have the potential to influence, a QCS employee in such a way as to compromise or appear to compromise the employee's integrity and impartiality, or to create a conflict of interest or perception of a conflict of interest;
- be in the interests of, or benefit to the Queensland Government or the Queensland community;
- not involve a person or entity that is dealing with the Agency in a commercial context now or in the foreseeable future;
- not be related to advice or decisions about the management of an offender;
- not be given to or received from an offender, or an offender's relative, personal friend or close associate;
- not be alcohol or cash or anything readily convertible into cash, unless otherwise approved by the Director-General; and
- not involve the purchase or receipt of any item of artwork from an offender, other than artworks purchased publicly, without the express authority of the Director-General or relevant Deputy Director-General.

In addition, staff must not offer or give gifts or benefits that affect or may be likely to influence the performance of another person's duties.

A public official who accepts a personal benefit from a person or organisation in return for favourable treatment of the donor may be guilty of official misconduct or a criminal offence. The *Crime and Misconduct Act 2001* and the *Criminal Code* detail provisions which relate to official misconduct and abuse of office.

As a general rule, staff should politely decline any gifts or benefits that are offered or given to them in connection with their duties. Strict reporting requirements exist in respect of gifts that are given or received, and in this regard, staff should consult the relevant QCSI procedure or seek advice from their manager/supervisor.

Refer to QCS' Gifts Given and Received Procedure, the *Financial and Administration Audit Act 1997* and the Government's Financial Management Standard 1997 as the key sources of information on benefits.

3.4 Outside employment

Employees shall not, unless otherwise approved, engage in employment other than the performance of duties and responsibilities of the QCS position to which they are appointed. This includes employment whilst on leave from the Agency of Corrective Services; both leave with full pay and leave without pay, including suspension.

Prior to undertaking any Outside Employment approval must be sought from the delegated authority, consistent with the QCS procedure on "Outside Employment".

You should be aware that in assessing applications the Agency will, in accordance with the QCS procedure, pay specific attention to ensuring that:

- no conflict of interest exists, or has the potential to develop, between outside employment and your official duties with the Agency
- your outside employment has no adverse effect on the performance of your official duties with the Agency.

A conflict of interest could occur where the proposed outside employment is in areas related to your work in the Agency, or where there is a financial, contractual or regulatory relationship between the proposed employer and the Agency.

Staff must ensure that QCS time and/or resources are not utilised in connection with their outside employment.

For example, you should:

- seek approval before undertaking the concurrent private practice of a profession related to your official role, for example, a QCS psychologist or therapist undertaking a private commercial counselling service
- not carry out any activities related to private employment while in your official role: this includes not using public resources, or personal resources during working hours or to carry out any income producing activity
- ensure that private employment does not affect your ability to work the roster or spread of hours of duty normally required in your position, or place you at risk of workplace health and safety concerns
- seek approval before agreeing to present at a commercially run conference, seminar or workshop for payment.

When you leave your employment with the Agency you must still respect the confidentiality of official information that may have been available to you in the course of your duties and not use this information for private or commercial gain. Section 243 of the *Corrective Services Act 2006* provides further information regarding this issue.

3.5 Political, professional and trade union activity

You should ensure that your right to engage in political, professional and trade union activities does not result in an actual or perceived conflict of interest with your official duties with the Agency. You should ensure that you are able, and be seen to be able, to remain unbiased in the performance of those duties.

If you are a member of a profession, you are expected to uphold the standards of performance and conduct set by the relevant professional association and this Code of Conduct. However, it is noted that there can be exceptions to this where there is legislative authority to do so (such as provided for under the *Child Protection Act 1999*, section 159Q).

If you believe a conflict exists between your official role and the standards of your profession your concerns must be raised with your line manager.

If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Agency.

You should not improperly use the influence of any professional, political or union associations to obtain an advantage, either personally or on someone else's behalf.

Examples of Improper Political Activity, you should not:

- attempt to influence the outcome of an election by the unauthorised provision of confidential information to other persons
- wear or display political material where it may give the impression that the Agency endorses the material
- attempt to use your political, professional or union connections to gain improper favourable treatment.

3.6 Public Comment on Government Policy and Administration

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“Public comment” in this section includes public speaking engagements, comments on radio and television, letters to newspapers, and expressing views in books, journals or notices if it is expected that the comments will spread to the community at large.

All media requests for information and inquiries that relate to policy and procedures or operational activities must be referred to the QCS Director, Media and Communications for consideration and approval by the Director-General. The QCS procedure relating to Media Access should be followed in these instances.

Public comment in an official capacity is only permitted when authorised by the Director-General in accordance with the relevant QCS procedure. When authorised and making public comment in an official capacity, you must:

- ensure it is part of your official role;
- not misrepresent the facts concerning government policy or administration;
- comply with the confidential information provisions of the *Corrective Services Act 2000*; and
- respect the confidentiality of information that has not been approved for release either by the Minister or through official QCS channels.

In your capacity as a private citizen you have the same rights as any other member of the public to openly discuss or comment on community and social issues. However, there are some circumstances where it may be still be necessary for care to be taken in making such comments. For example, a situation could arise when public comment, although made in a private capacity, may appear to be an official comment on behalf of the Agency. In such circumstances you should indicate clearly that your comment is made in a private capacity and does not represent the official view of the Agency.

It is your responsibility to take all reasonable steps to ensure that any comment will be understood as representing your personal views as a private citizen. If you are a workplace representative of a trade union or professional association, you should ensure that when you make public comment, it is clear that comment is made on behalf of the union or association you represent and not the Agency.

If you are in any doubt as to the propriety of a proposed public comment, you should consult a supervisor and/or contact the Director, Media and Communications. Further information about the Agency’s Media Access procedure can be obtained from the Agency’s intranet site or by contacting the Media and Communications Unit.

3.7 Communication with Senior Officials and Parliamentarians

When required, you are expected to provide the Minister, the Director-General or line managers with advice that is frank, independent, based on accurate and comprehensive representation of the facts. This includes setting out the advantages, disadvantages, costs and consequences of the available options and where appropriate, recommending a course of action.

You should follow correct QCS procedures (as in the preparation of Ministerial and Executive Correspondence and Briefs) when communicating with the Minister, Members of Parliament and the Director-General on matters related to your work.

When communicating directly with the Minister or another Member of Parliament on issues affecting you as a private citizen, you should ensure your actions comply with the obligations relating to public comment.

As a private citizen you have the right to communicate directly with a Member of Parliament on any issue affecting you as a private citizen.

3.8 Official Information

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

Subject to section 189 of the *Corrective Services Act 2006*, members of the public generally may have access to the finalised policy documents of the Agency. However, you may have access to information that is not available to the general public, for example, documents prepared for the consideration of Cabinet, information of commercial sensitivity or of a personal nature about offenders and employees. In accordance with section 243 of the *Corrective Services Act 2006* and Information Standard 42, you should keep this information and knowledge confidential and documentation in secure locations.

3.9 Confidentiality

Section 243 of the *Corrective Services Act 2006* places an obligation on staff to ensure that they do not disclose confidential information, unless authorised.

Staff are expected to safeguard the privacy and confidentiality of information obtained in the course of their official duties. This includes information in relation to offenders, other staff and the activities of the QCS.

Staff are not prohibited from disclosing official information which would normally be released to members of the public. However, information that is confidential, personal or privileged must not be released without the authorisation of the Director-General or delegate, in accordance with the *Corrective Services Act 2006* and, where applicable, the *Freedom of Information Act 1992* and the Information Privacy Principals (IPPs) contained within Information Standard 42.

In general, personal information should not be used or disclosed without legal authority or the consent of the individual about whom the information relates. Where it is necessary to record personal information, you should ensure that the need to record the information is legitimate and that it is factual. You should ensure that information of a personal nature about offenders, staff or other persons is kept secure and not discussed with anyone who does not have a legitimate right to know.

Only certain officers specifically delegated by the Director-General can provide access to information requested under the provisions of the *Freedom of Information Act 1992*. You should contact the Agency's Manager, FOI and Privacy if you receive requests for access to QCS documents.

To protect the privacy and personal safety of staff and offenders, you should not reveal personal information such as home addresses or telephone numbers to enquirers, even when they claim to be a relative or friend. In the case of a staff member, you should offer to take the enquirer's details and pass them on to the person concerned.

For example:

- speech notes for official functions should not include sensitive offender information
- when applying for a job, it is not acceptable to illustrate your written communication skills by including copies of cabinet briefing papers with your application.

3.10 Intellectual property

Ownership of intellectual property is determined by the consideration of the circumstances in which it was conceived and developed. The State owns the copyright in material made by, or under the direction or control of the State. Whether you are an employee or a contractor, copyright in material you produce in the course of your work belongs to the State, unless otherwise explicitly provided for in your contract of employment.

You are required to obtain permission from the Director-General or delegate before the publication or disclosure of any articles, processes or materials that you have produced as part of your employment as per QCS guidelines on Approval of Papers or Speech Notes Presented to Public Forums.

You must ensure that consultants and contractors engaged to provide a service for the Agency are aware that this work is the intellectual property of the Agency.

For example:

The State owns the copyright of any training course, resource kit or computer software application you have developed as part of your employment.

3.11 Copyright

You should be aware of copyright restrictions placed on documents, publications, audiovisual materials and computer software in use in the Agency. You must seek permission to reproduce material from the author or responsible authority.

You must seek permission from the Director-General before entering into any arrangements regarding the publication or disclosure of the Agency's intellectual property, which is copyright in the name of the Crown.

For example:

Cartoons or graphics should not be used in QCS publications without the appropriate authorisation from the copyright owner.

3.12 Use of QCS Information and Communication Technology Facilities and Devices

While limited personal use of QCS ICT facilities and devices is permitted, you should ensure that your use:

- is in accordance with relevant QCS policies and procedures
- does not impact on the performance of your duties and tasks
- does not constitute unacceptable or unlawful use
- is not related to any private work or income producing activity
- does not erode public confidence in the integrity of the Agency.

You should make sure that you do not deliberately access, store or forward information that might reasonably be anticipated to be contrary to:

- the provisions of State and Commonwealth legislation and policies
- QCS policies and procedures
- this Code of Conduct.

While incidental personal use of QCS networks and public information services networks in work time is permitted, you should ensure that your use:

- does not impact on the performance of your duties and tasks
- is not used for any unacceptable or unlawful use
- is not related to any private work or income producing activity
- does not erode public confidence in integrity of the Agency.

For example:

- acceptable incidental use of e-mail would include responding to an e-mail from your partner asking if you could pick up your child from after school care

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- unacceptable use of e-mail includes on-forwarding messages that are discriminatory or which show pornographic and/or sexually explicit material images, jokes or information
- the use of any ICT facility (e.g. the internet) to access sexually explicit, pornographic or other material considered to be offensive is strictly prohibited
- using ICT facilities excessively for private purposes is not acceptable
- Using confidential information databases (e.g.IOMS) outside of the course of your duties, for example to look up a publicly famous offender or other persons known to you, is not acceptable
- Deliberate distribution of a software 'virus' which may adversely affect the QCS computer system is unacceptable
- it is unacceptable to use QCS e-mail or software facilities for private commercial purposes
- you should not use Agencyal facilities to store "private" material that does not relate to your work, such as Mpeg or Jpeg files, video files, photo or slide show files, or music files.

You should ensure that your use of the Internet in a private capacity is not identified with your position as a public official, particularly if those activities could be reasonably viewed as adverse to the reputation and activities undertaken by the Agency.

3.13 Official Misconduct and Maladministration

You have an obligation to disclose any fraud, corrupt conduct (including official misconduct) or maladministration of which you are aware. You must also report any conduct of which you are aware that breaches the standards contained in this Code of Conduct.

If you are aware of or have information about misconduct you must report this to your line manager, Director or to the Ethical Standards Unit. Your report must be made promptly upon your becoming aware of the matter.

Where you may be the subject of an allegation, you must not make any unauthorised contact with the person who reported the matter to discuss any allegation or act in any way towards that person which might otherwise be in breach of this Code of Conduct.

For example, you should report:

- abuse or neglect of an offender by an officer;
- stealing money or property belonging to the Agency, another staff member or an offender;
- claims for reimbursement of expenses, which have not been incurred, or allowances to which an officer is not entitled
- use of QCS property, for example, mobile phones, cars or funds for improper or unauthorised purposes
- evidence of officers' private interests improperly influencing the awarding of consultancies, contracts, appointments, grants, funding etc
- fraudulent recording, alteration or destruction of official documents
- discrimination, harassment or intimidation by another officer.

PRINCIPLE 4: Diligence

Obligations

The obligations flowing from the principle of diligence require employees to recognise their duty to perform “a fair day’s work”, to carry out their duties effectively to the best of their ability, and to maintain standards of conduct reasonably expected of QCS staff.

In addition, employees have a duty to exercise due care, particularly where members of the public may rely on information or advice provided by them, or where employees provide direct services to offenders who are vulnerable.

The obligation also requires employees to strive for high standards in public administration. You should:

- know and understand your job and your individual and team work goals
- develop your skills and undertake your duties to the very best of your ability
- provide high standards of service to offenders and staff
- ensure that the Agency’s “duty of care” obligations are met where you are involved
- develop leadership skills, particularly if you have supervisory or managerial responsibilities.

Standards

4.1 Job Requirements

You have a duty to perform “a fair day’s work” and to perform your duties to the best of your ability. You should ensure that you:

- know and understand the duties of your job as outlined in your job description
- work toward the attainment of the agreed objectives and outcomes established with your manager through performance management
- carry out tasks according to agreed timeframes
- fulfil your conditions of employment with regard to hours of duty and leave provisions.

You should be thoroughly familiar with operations manuals, QCS or local procedures, guidelines and practice frameworks that apply to your area of work, and ensure that you follow these in performing your duties.

You should ensure your performance and conduct supports and enhances your colleagues’ abilities to achieve high standards of workplace performance.

For example, you:

- are required to meet administrative standards for accuracy and timeliness in keeping a timesheet where applicable;
- should obtain prior approval before being absent from work; in emergencies or unplanned illness, you should obtain approval as soon as possible; and
- should follow through on all the tasks required during your initial induction in order to familiarise yourself with the Agency and your job.

4.2 Knowledge of legislation and QCS policies and procedures

To ensure that you make consistent decisions, you have a responsibility to maintain a good working knowledge of the legislation, policies, procedures, directions, guidelines and administrative requirements relating to your role.

Managers should ensure that copies of this information are available and accessible to all employees in their work.

You should, for example:

- when managing the performance and conduct of an employee, refer to the guidelines outlined in the Performance Management policy and guidelines
- when approving expenditure, use the Financial Management Practice Manual
- have knowledge of the relevant legislation including the Corrective Services Act 2006 and other relevant legislation that affects the functions of the Agency.

4.3 Professional Registration

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

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

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

4.4 Learning and development

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

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

4.5 Duty of Care

You:

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

4.6 Alcohol and Drugs

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

If you are a supervisor or manager, you will need to consider the options available for assisting public officials who are required to take legally prescribed drugs and whose level of performance has been impaired.

For example, if you are:

- on call, you should not consume alcohol in the event that you are recalled to work

- taking prescribed medication, you should ensure you are well aware of any side effects that may impair your ability to do your job.

4.7 Managerial Roles and Responsibilities

As a manager, you have a responsibility to set a good example for staff through your own behaviour, attitudes, especially in relation to upholding the ethics principles, obligations and standards as set in this Code of Conduct.

You should ensure that you understand your responsibilities under relevant financial, technological, information, human, knowledge/intellectual and physical asset management legislation, policies and procedures, maintaining the principles of accountability, continuous improvement, offender service, fairness, flexibility and equity in the workplace.

You should ensure that staff understand performance standards expected of them and objectively assess their performance against these standards.

You are required to ensure that relevant legislation, delegations, and QCS policies and procedures are accessible to all staff in your workgroup.

You should ensure that all staff who report to you are familiar with the requirements and objectives of their job, and have access to the information, training, supervision, feedback and work conditions needed to achieve these.

You should be honest and objective in reporting the skills and qualities of staff in testimonials, references and performance reports, ensuring your decisions can be substantiated against objective standards and indicators.

You are required to act promptly, thoroughly and fairly when responding to, or investigating, grievances and reports of breaches of the Code of Conduct.

You should ensure your leadership and management style:

- is based on open, honest and thorough communication
- provides for optimum working conditions within the resources available to you
- supports positive performance management processes, including access to related learning and development opportunities for staff;
- supports the right of staff to engage in open dialogue with you, and to pursue relevant conflict and grievance management options when issues arise.

For example, you should:

- ensure that staff in offender contact positions are adequately trained in both offender management skills and the specific requirements of the work area
- ensure that staff are not under real or perceived pressure to work extended hours without balancing with accrued time off
- provide legitimate comment and advice (including areas for improvement) on work performance;
- select staff based upon criteria which are objective and specific to the job through a process which is open, fair and equitable
- ensure that staff are aware of the Employee Assistance Service and how they can access the service.

PRINCIPLE 5: Economy and Efficiency

Obligations

The principle of economy and efficiency requires a public official to ensure that all resources are used economically for the purpose for which they were provided, treated with appropriate care, and secured against theft or misuse. The obligations require that officials avoid waste and extravagance in the use of resources for the legitimate activities of the Agency.

“Public resources” includes material and financial resources, human skills and knowledge, intellectual property and official information. Further, intangible assets such as corporate learning, public support and positive staff morale and commitment should be regarded as valuable resources.

You should:

- manage all forms of public resources in accordance with QCS procedure and purchasing guidelines
- use or manage offenders money or property in their best interest and in accordance with procedures
- ensure terms of any grants and funding agreements are complied with
- allocate resources consistent with Government policy and QCS requirements.

Standards

5.1 Public Resources

Public resources should only be used for official purposes and for the purposes for which they were provided and intended.

You should act to conserve and safeguard public resources in order to enhance the activities of the Agency. You should notify your line manager or, if appropriate, another senior officer of any suspected official misconduct in the use of public resources.

Managers should apply the provisions of the *Public Service Act 1996*, sections 23 and 25(a), regarding the efficient and effective uses and deployment of resources and should refer to the *Financial and Administration and Audit Act 1977*, which sets out the relevant requirements about avoiding waste and extravagance in the expenditure of public resources.

5.2 Personal use of public resources

Permission should be sought from the relevant manager for any non-official use of public resources including Government property and facilities.

While use of public resources for non-official purposes may be permitted under relevant QCS guidelines, managers should ensure that the use:

- does not impact on the performance of duties and tasks
- is not for any unacceptable or unlawful purpose
- is not related to any private commercial work or income producing activity
- does not erode public confidence in the Agency
- does not hinder the work of the Agency
- does not expose the Agency to unintended legal liabilities
- is approved by the Director-General or delegate if any cost from the use of property or facilities is incurred, or income derived.

For example:

- a decision may be made to permit a professional association or community organisation to use a Agencyal facility to run a training course
- Agencyal publications may include an article publicising an event run by a community organisation
- a social event for employees may be held on Agencyal property.

You may have reasonable use of telephones for private local calls that cannot conveniently be made outside of hours and where public phones are not easily accessible. The use of telephones designated for offender use is not permitted except in exceptional circumstances. In this event the call must be paid for. QCS resources such as phones including mobile phones or office equipment are not to be used in connection with any private work or income producing activity.

For example, you may not use QCS resources for:

- a private consultancy business
- advertising the sale of goods
- production of graphic design work, computer software or information products for private use.

5.3 Government vehicles

You should only use Government vehicles for official purposes as permitted by QCS procedures on Motor Vehicle Home Garaging and Instructions for Individual Officer Use of Government Owned Vehicles. When home-garaging a motor vehicle you are required to provide first priority access to the business-related needs of QCS officials. You should follow current administrative processes regarding maintenance of Government vehicle logbooks, purchasing fuel and reporting damage.

5.4 Purchasing Goods and Services

If you are authorised to approve the purchase of goods and services or to enter into contracts on behalf of the Agency, you should ensure that:

- the product or service is linked to achieving QCS goals;
- the purchase represents 'value for money'; and
- you comply with your purchasing responsibilities as outlined in the Government's State Purchasing Policy and related standards while maintaining your obligations under this Code of Conduct.

For example:

- you should purchase office equipment based on a balance between a) the features required to do the job and b) the most reasonably priced to undertake the required functions
- if officers in the workgroup are suitably skilled to perform a particular function and have the capacity to do so, a consultant should not be engaged to perform the function.